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Religion in Turkey

*Niyazi Öktem**

I. INTRODUCTION

Turkey is a secular state.¹ Among Muslim countries, only Turkey and Senegal prescribe secularism in their constitutions. Secularism focuses on human reason rather than divine inspiration to resolve political or social issues² and is one of the most important principles of the Turkish Republic.³ From the first republican Constitution of 1924,⁴ through the more liberal and democratic Constitution of 1961,⁵ and finally to the most recent and more authoritarian Constitution of 1982,⁶ the concept of secularism has always occupied an important place in Turkish legislation. But in a country with an overwhelmingly Muslim majority, secular legislation always presents

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1. See DOUGLAS A. HOWARD, *THE HISTORY OF TURKEY* 5 (2001); RODERIC H. DAVISON, *TURKEY: A SHORT HISTORY* 4–5 (2d ed. 1988).

2. See WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 2053 (1971) (defining secularism as “a view of life or any particular matter based on the premise that religion and religious considerations should be ignored or purposely excluded”).

3. See DAVID SHANKLAND, *ISLAM AND SOCIETY IN TURKEY* 22–25, 77–86 (1999) (discussing the careful contemporary blend of religion and secularism in Turkey); BERNARD LEWIS, *THE EMERGENCE OF MODERN TURKEY* 20–35, 76–80, 224–33, 244–69, 407–08 (1968); see also Patrick R. Hugg, *The Republic of Turkey in Europe: Reconsidering the Luxembourg Exclusion*, 23 *FORDHAM INT'L L.J.* 606, 629 (2000) (“Ataturk emphasized the secularization of the state in his post-World War I reforms, blaming Islamic and Ottoman institutions for the fall of the Ottoman Empire. He replaced Islamic law with European codes and the Arabic script with Latin letters, all part of reducing religious power and substituting Islam with Turkish secularism.”) (footnotes omitted). See generally NIYAZI BERKES, *THE DEVELOPMENT OF SECULARISM IN TURKEY* (1964).

4. See MEHMET YASAR GEYIKDAĞI, *POLITICAL PARTIES IN TURKEY: THE ROLE OF ISLAM* 4, 55 (1984) (noting that the 1937 amendment defined Turkey as *laïc* (secular)). After the amendment of 1937, Article 2 of the 1924 Constitution reads, “The Turkish State is republican, nationalist, statist, secular, and reformist.” *Id.* at 4.

5. See ERIK J. ZÜRCHER, *TURKEY: A MODERN HISTORY* 256–57 (rev. paperback ed. 1997).

6. See *TURK. CONST.* art. 2, reprinted in *18 CONSTITUTIONS OF THE COUNTRIES OF THE WORLD* (Albert P. Blaustein & Gisbert H. Flanz eds., 1994), available at <http://www.byegm.gov.tr/constitution.htm>; GEYIKDAĞI, *supra* note 4, at 143 (noting that Article 2 states that Turkey is based on, inter alia, secularism).

practical problems in the conduct of social life.⁷ For many Turks, general principles of Islam are not compatible with Western philosophy. Muslim fundamentalists and some Muslim intellectuals believe that the ideas of democracy and secularism are inimical to Islamic dogma.⁸

Clearly, certain Islamic traditions, interpretations, and practices are in conflict with the concept of a modern state.⁹ Nevertheless, philosophically, sociologically, and theologically, Islam is multidimensional. Historically, Turkey has not been a classically traditional Muslim society. The historical, social, and cultural situations in Turkey have always fostered a synthesis between Islam and Western political thought.¹⁰

7. For an excellent treatment of the growing rift between secularism and Islam in Turkey, see MARVINE HOWE, *TURKEY TODAY: A NATION DIVIDED OVER ISLAM'S REVIVAL* (2000).

8. See generally *id.*; SHANKLAND, *supra* note 3.

9. See generally Abdullahi A. An-Na'im, *Islam and Human Rights: Beyond the Universality Debate*, 94 AM. SOC'Y INT'L L. PROC. 95 (2000); THE RULE OF LAW IN THE MIDDLE EAST AND THE ISLAMIC WORLD: HUMAN RIGHTS AND THE JUDICIAL PROCESS (Eugene Cotran & Mai Yamani eds., 2000); Edna Boyle-Lewicki, *Need World's Collide: The Hudud Crimes of Islamic Law and International Human Rights*, 13 N.Y. INT'L L. REV. 43 (2000); DEMOCRACY, THE RULE OF LAW AND ISLAM (Eugene Cotran & Adel Omar Sherif eds., 1999); ANN ELIZABETH MAYER, *ISLAM AND HUMAN RIGHTS: TRADITION AND POLITICS* (3d ed. 1999); JUSTICE AND HUMAN RIGHTS IN ISLAMIC LAW (Gerald E. Lampe ed., 1997); Donna E. Arzt, *Religious Human Rights in Muslim States of the Middle East and North Africa*, 10 EMORY INT'L L. REV. 139 (1996); Ann Elizabeth Mayer, *Universal Versus Islamic Human Rights: A Clash of Cultures or a Clash With a Construct?*, 15 MICH. J. INT'L L. 307 (1994).

10. This "Republican approach" to religion is taught to Turkish youth early on through the primary education curricula. For example:

[a] text given to third-year students, written by Professor Fiğlali . . . contains . . . detailed justification of the Republican approach to religion, taken here from the tenth printing of the text:

Secularism is a French word. . . . In the dictionary it is defined . . . as something without religion. . . .

In the fifteenth century in the West . . . religion was separated from the affairs of state. The state, though religion no longer mixed with its affairs, itself showed respect to religion. . . . Accordingly, *secularism is certainly not unbelieving*. In secularism, religion meets the sublime with complete freedom of conscience and belief. As a matter of fact, Atatürk says on this subject:

Secularism has never been atheism but has opened the way to struggle against false faith and superstition, and has allowed the development of true religion. Those who want to confuse secularism with atheism are none other than enemies against progress and life, eastern tribal fanatics who have not let the scales fall from their eyes.

After further discussion, Fiğlali summarizes his overall argument in the form of five points, as follows:

Describing both the historical and current philosophies of Turkish Muslims and non-Muslims creates a foundation for explaining how Islamic beliefs can be reconciled with Western progressivism. Part II of this article will present the current sociological and demographic situations in Turkey. Part III will detail the historical background of various religious traditions that have influenced Turkey's demographic structure. Part IV will then discuss the current legal status of the various Islamic sects and describe the numerous problems each sect presently faces. Finally, Part V will offer a brief conclusion.

II. THE SOCIOLOGICAL AND DEMOGRAPHIC SITUATIONS IN TURKEY

Before discussing the current legislative situation in Turkey, this section will address the sociological, demographic, and historical aspects of religion in Anatolia.

A. Muslims in Turkey

The population of Turkey today is estimated to be between sixty-two and sixty-five million,¹¹ of which ninety-nine percent are at least nominally Muslim.¹² The great majority of Turkish Muslims are of the *Sunnī* branch of Islam, as are a great majority of Muslims in the world.¹³ However, in Eastern Turkey, near the Iranian border, particularly among numerous villages in Kars, reside many fervent Muslims of the *Shīa* sect. There is also an important community of Shias

In a secular country:

- The affairs of religion and state are separate.
- In it, there is freedom of worship, belief and conscience. Fanaticism is never tolerated.
- Extremist movements are avoided.
- No one makes any other person embrace a religion or sect by force.
- Those who wish to use religion for their personal gain are not permitted to do so.

SHANKLAND, *supra* note 3, at 24–25 (emphasis added).

11. See HOWARD, *supra* note 1, at 4; SHANKLAND, *supra* note 3, at 136.

12. See HOWARD, *supra* note 1, at 5–6.

13. See *id.* at 6. “Sunni” is the popular term derived from the Arabic *Ahl al-Sunna wa ‘l-Jamā’a*, meaning “‘The People of the (established) Custom and the Community’ (in the sense of a single, normative political entity).” FREDERICK MATHEWSON DENNY, AN INTRODUCTION TO ISLAM 395 (2d ed. 1994). See generally *id.* at 83, 92–93, 206–07 (reviewing the emergence of Sunni Islam).

living in Istanbul. Shia literally means “party,” “faction,” or “sect,” and denotes those Muslims who are faithful to the genealogical line of Ali,¹⁴ the cousin of Mohammed.¹⁵ Shias believe that this genealogical line (*ahl-i Beyt*)¹⁶ was inherited from Mohammed through his daughter Fatima, the wife of Ali,¹⁷ a divine light that is still transmitted through Ali’s successors. The total number of Turkish Shias is estimated to be approximately 300,000.

Another Islamic sect faithful to the genealogical line of Ali are the *Alevi*s.¹⁸ However, this common devotion to Ali and respect for his genealogical successors is the only link between Alevi and orthodox Shias.¹⁹ Alevi do not accept many of the traditions and rituals of Shias. For example, Alevi do not fast during the Holy Month of Ramadan, instead fasting for twelve days during the month of Mouharrem; they do not go on the *Haj*, or pilgrimage to Mecca; nor do they pray five times daily; and the Alevi women do not veil themselves.²⁰

Even among the poorest, most uneducated sections of the Alevi community, a certain degree of enlightenment and sophistication exists. They have always taken part in progressive activities;²¹ some

14. *See id.* at 395. *See generally id.* at 83, 92, 94–96, 101, 206–07 (reviewing the emergence of Shia Islam).

15. *See id.* at 66.

16. “‘People of the House,’ namely the family of the Prophet.” *Id.* at 387.

17. *See id.* at 66, 83.

18. For a brief essay on Alevi in Turkey, see SHANKLAND, *supra* note 3, at 132–68. *See also* David Zeidan, *The Alevi of Anatolia*, 3 MIDDLE EAST REV. INT’L AFF., Dec. 14, 1999, available at <http://meria.idc.ac.il/journal/1999/issue4/jv3n4a5.html>; John Shindeldecker, *Turkish Alevi Today*, available at http://www.isik.ch/alevi/alevi_john_English.htm.

19. *See* SHANKLAND, *supra* note 3, at 139. Interestingly, however, in the sixteenth century, the Anatolian Alevi supported the Shiite, Iranian-Turkish political thinker, Shah Ismail, an enigmatic character that possessed the contradictory characteristics of a humanist poet and cruel tribal chieftain. *See* GODFREY GOODWIN, THE JANISSARIES 120 (1994); David Zeidan, *The Alevi of Anatolia: Turkey’s Largest Minority* (1995), available at <http://www.angelfire.com/az/rescon/ALEVI.html>. Further, although the Anatolian Alevi are significantly different from other Alevi in Southeast Turkey, the Bektashi Brotherhood of the Balkan Peninsula seems to constitute an important connection between the two regions. Some people even consider the Bektashis to be the Alevi elite. *See generally* Zeidan, *supra* note 18.

20. *See generally* Zeidan, *supra* note 18; Shindeldecker, *supra* note 18.

21. A source of great pride to Alevi is their adamant claim that they were instrumental in the support of Ataturk and the foundation of the Turkish Republic. *See* SHANKLAND, *supra* note 3, at 152–54. Even today, many Alevi are staunch secularists. *See* Zeidan, *supra* note 18. Shankland concludes that Alevism, “a traditional, rural mystical tradition [has] metamorphose[d] into an urban secular philosophy.” SHANKLAND, *supra* note 3, at 165.

Alevis are even Marxists.²² This group consists of twelve to fifteen million Turks, comprising twenty to twenty-five percent of the total Anatolian population.²³

B. Non-Muslims in Turkey

1. Demographics and general problems of non-Muslims in Turkey

The numbers of non-Muslims within the Turkish State, most of whom live in Istanbul or other large cities, are estimated as follows:²⁴

- 50,000 Armenian Orthodox Christians
- 25,000 Jews
- 15,000–20,000 Syrian Orthodox Christians (Syriac)
- 5000–7000 Yezidies
- 2000–3000 Greek Orthodox Christians
- A small number of Nestorians

Religious minorities, recognized under the terms of the Lausanne Treaty of 1923,²⁵ along with their affiliated churches, monasteries, and schools, are regulated by a separate government agency, The Office of Foundations (*Vakıflar Genel Müdürlüğü*) (VGM). The VGM must approve all operations of churches, monasteries, synagogues, religious hospitals, schools, orphanages, and other similar organizations.²⁶

According to the Lausanne Treaty religious minorities cannot acquire additional property for churches or religious institutions be-

22. Zeidan, *supra* note 18, states:

The resurgence of Sunni fundamentalism that began in the 1950s and has recently grown much stronger also pushed the Alevis to the political left. Many Alevis reacted by stressing their separate identity and reinterpreting Alevism in socialist and Marxist idiom that seemed to have an affinity to Alevi ideals of equality and traditions of revolt.

Id. (footnote omitted).

23. See SHANKLAND, *supra* note 3, at 136 (estimating ten to twenty million); Zeidan, *supra* note 18 (claiming fifteen million); Shindeldecker, *supra* note 18 (citing between ten and twenty million).

24. See HOWARD, *supra* note 1, at 6.

25. Treaty of Lausanne, Jul. 24, 1923, arts. 38–40, Allies-Turk., reprinted in CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE, 2 THE TREATIES OF PEACE: 1919–1923, at 957 (1924), available at <http://www.lib.byu.edu/~rdh/wwi/1918p/lausanne.html> [hereinafter Treaty of Lausanne].

26. See U.S. DEP'T OF STATE, 2001 ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM: TURKEY, available at <http://www.state.gov/g/drl/rls/irf/2001/5694.htm> (Oct. 26, 2001) [hereinafter 2001 STATE DEP'T REPORT].

yond that held in the days before the foundation of the Republic.²⁷ If, for any reason, religious minorities are unable to support their existing property, the VGM may require that the title to such property revert back to the state.²⁸ As the Christian population in Turkey is declining, the risk of losing religious property has become a very real problem.²⁹ The theoretical right to acquire more property exists if a religious minority is able to establish a clear need; however, the VGM has never approved such a request.³⁰

Religious minorities may maintain their buildings through authorized restoration projects. The Regional Board for the Protection of Cultural and National Wealth may approve reconstruction and restoration projects if the buildings at issue are considered to be historical landmarks or to have cultural value.³¹ Unfortunately, the Regional Board reports directly to the Turkish government and is sensitive to public pressure; therefore, its decisions have a conjectural aspect. To illustrate, the Greek Orthodox Patriarchate could not get permission to restore the buildings of the Phanar for more than thirty years, finally receiving authorization only after Turgut Ozal was elected President of the Republic in 1989.³² However, Christian minorities today usually obtain permission to carry out restoration work without any complicated bureaucratic obstacles.

The Turkish government does little to officially prohibit religious activity. The Government allows religious groups to freely publish religious literature. Likewise, proselytizing and religious propaganda are not officially prohibited, but in practice missionary activities are not well received either by conservative Muslims or by the state.³³ To cite an example, in towns severely hit by the earthquakes of 1999, humanitarian relief offered by Christian missionaries was criticized both in the media and by some government bodies.³⁴

27. See Treaty of Lausanne, *supra* note 25.

28. See 2001 STATE DEP'T REPORT, *supra* note 26.

29. See *id.*; Amberin Zaman, *Orthodox Patriarch Puts His Faith in Hands of Clinton*, SUNDAY TELEGRAPH, Sept. 21, 1997, available at 1997 WL 2340037 (noting that the Greek Orthodox population has decreased from 150,000 to only 5,000).

30. See 2001 STATE DEP'T REPORT, *supra* note 26.

31. See *id.*

32. See Vedat Erdamar, *Greek Orthodox Building Reopens in Turkey After 48-Year Dispute*, ASSOCIATED PRESS, Dec. 17, 1989, available at 1989 WL 4075285.

33. See 2001 STATE DEP'T REPORT, *supra* note 26.

34. By the same token, aid offered by Islamic foundations was not well received either, as it was seen as a vehicle for the spread of fundamentalist ideas. See Lori Montgomery, *Islamic*

Historically, Christians living in the East experienced difficulty obtaining permission to teach their native languages, particularly the Syriac Christians who live in a “sensitive zone.” However, in October 1997, the Syriac Church received authorization to conduct classes in Aramaic in the monasteries of Deyrul Umur and Deyrulzefaran in Southeast Anatolia.³⁵ In general, Christians living in Istanbul, where the great majority of them are located, have not experienced similar problems.

2. *The Ecumenical Patriarchate*

According to Christian tradition, the Patriarch of the Phanar in Istanbul is considered *primus inter pares* among the five patriarchies (Alexandria, Jerusalem, Antioch, Constantinople, and Rome), although Roman Catholics and some other denominations have disputed this claim since the Middle Ages. But the Turkish government does not recognize the Patriarchate’s claimed status—something difficult to understand because this classification should remain a purely Christian matter, meaningless to a state so overwhelmingly Muslim.³⁶ Yet, the government has continually monitored the Greek Orthodox Church’s activities and remains suspicious of the Phanarites’ perceived ambition to restore the Byzantine Empire³⁷—and not without reason. The political and nationalist concept of the “Megali Idea”³⁸ has occupied a prominent place in the minds of some Greek Orthodox leaders. In fact, for many such leaders the nostalgia for a lost utopia rules their lives—even leading to the purchase of several significant buildings in Istanbul.

Similar to other Christian communities, the Greek Orthodox

Quake Aid Hampered: Secular Turkish Government Appears Uneasy, TORONTO STAR, Aug. 27, 1999, available at 1999 WL 23989629.

35. See U.S. DEPARTMENT OF STATE, 1999 ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM: TURKEY available at http://www.state.gov/www/global/human_rights/irf/irf_rpt/1999/irf_turkey99.html (Sept. 9, 1999).

36. See 2001 STATE DEP’T REPORT, *supra* note 26.

37. See Zaman, *supra* note 29. Following World War I, Greece claimed much of Western Asia Minor as its own, but ultimately gave up those claims in the settlement outlined in the Treaty of Lausanne. See generally SALAH RAMSDAN SONYEL, *TURKISH DIPLOMACY 1918–1923: MUSTAFA KEMAL AND THE TURKISH NATIONAL MOVEMENT* (1975).

38. “[T]he *Megali Idea* (Great Idea) . . . aimed at the resurrection of the Byzantine Empire with Istanbul as its capital.” SONYEL, *supra* note 37, at 6. See ERIK LANCE KNUDSEN, *GREAT BRITAIN, CONSTANTINOPLE, AND THE TURKISH PEACE TREATY 1919–1922*, 71 (1987) (citing MICHAEL LEWELLYN SMITH, *IONIAN VISION* 4 (1973)).

Church of the Phanar struggles to educate its priests. The Orthodox seminary on the island of Halki (*Heybeliada*) was closed in 1971 when the Turkish government nationalized all private institutions of higher education.³⁹ Current restrictions prevent certain religious communities from training new clergy to eventually take over their leadership.⁴⁰ However, since the visit between Patriarch Bartholomew and President Clinton in 1997⁴¹ and the acceptance of Turkey as a candidate for accession to the European Union in December 1999,⁴² the government has slightly altered its position. The University of Istanbul recently formed a Department of Christian Theology as a part of the School of Theology. Unfortunately, this “concession” will probably never satisfy the Christian communities because of the difficulties inherent in training Christian clergy at a Muslim school of theology.

3. *New approaches*

Recently, the Turkish State has undertaken a new, friendlier dialogue with its non-Muslim citizens. In 1998, President Suleyman Demirel invited the Cem Vakfi leadership to discuss the plight of Turkish Alevi with him.⁴³ Cem Vakfi’s aim “is to re-orientate Alevi religion towards the state in such a way that it becomes perceived as a primarily religious tradition, a legitimate, moderate form of Islam that should be recognised by the Republic.”⁴⁴ In 1999, President Demirel congratulated Christians on Christmas Eve for the first time in the history of the Republic.⁴⁵ Additionally, the head of the Presidency (or Directorate) of Religious Affairs (*Diyanet Isleri Baskanligi*) (“DIB”) instituted celebrations to mark the completion of the second millennium since the birth of Jesus Christ—a personage also revered in Islam as a holy man of God and an important predecessor of

39. See 2001 STATE DEP’T REPORT, *supra* note 26; Zaman, *supra* note 29.

40. See 2001 STATE DEP’T REPORT, *supra* note 26.

41. See Zaman, *supra* note 29.

42. See Helsinki European Council, Presidency Conclusions ¶ 12 (Dec. 10–11, 1999), available at <http://europa.eu.int/>.

43. See *id.* at 162.

44. *Id.* The efforts of Cem Vakfi are highly controversial among the Alevi themselves. Many feel that reconciliation with the decreasingly Republican, Sunni-controlled state is not possible or even desirable. Furthermore, Alevi youth are becoming more secular, thus distancing themselves from Alevi religious traditions. See *id.* at 163.

45. See *In Brief*, TURK. PROBE, Dec. 26, 1999, available at 1999 WL 7765881.

the Prophet Mohammed.⁴⁶ The Presidency of Religious Affairs also organized a conference in 2000 in Tarsus, at the town of Sain Pauvlus (Saint Paul), commemorating the birth of Jesus Christ, to which the non-Muslim, Turkish spiritual leaders were invited. The DIB also established a Department for Interreligious Dialogue. In November 1998, the Department organized the Second Council of Religion, during which several Christian leaders were able to contribute significantly to the section devoted to religious dialogue. The Greek Patriarch, Bartholomeos II, and Cardinal Arinze from the Vatican both spoke at this event. This Council was in sharp contrast to the First Council of Religion of 1993, when the proposal to enter into dialogue with other religions received a hostile reception as a means for introducing Christian missionaries into Turkey. It is encouraging that within five years the state's perspective on interreligious dialogue appears to have fundamentally changed.

III. THE HISTORICAL BACKGROUND

Although it is difficult to discover the characteristics of a nomadic people, many scholars have described the history of the Turkish tribes in Central Asia, which goes back to the fifth and sixth centuries A.D. According to some scholars, the Turks of Central Asia were shamanists,⁴⁷ so called because the preacher or holy man of such tribes, who interpreted divinity and possessed magic powers, is called a shaman by academics. But shamanism is not a religion, it is a cult. As the Turkish tribes poured into Anatolia, they belonged to naturalistic, pantheistic religions such as Buddhism, Brahmanism, and Hinduism. Thereafter, many of the tribes adopted Mazdaism, Manichean, and Nestorian Christianity depending upon the prevailing religion of the areas to which they migrated. Not surprisingly, tribes living close to Persia adopted various forms of Zoroastrianism. Missionaries from the different religions sped up the process by actively endeavoring to convert the nomadic Turks, at the same time transforming many of them into more sedentary peoples. The Turks who converted often succeeded in creating a synthesis between their new beliefs and the beliefs of their former creeds.⁴⁸

46. See, e.g., KORAN 2:87, 136, 252; 4:163; 5:110; 33:7.

47. See DENNY, *supra* note 13, at 100; GOODWIN, *supra* note 19, at 20.

48. See SHANKLAND, *supra* note 3, at 146, 194 n.19 (noting that a certain Alevi ceremony is strikingly similar to a ceremony practiced today by Greek Christians); DENNY, *supra*

This entire process of religious aggregation was repeated when Muslim Arab invaders conquered Central Asia. Thus, the faith and theology of Anatolian Muslims is based on an aggregate blend of religious traditions, or what I term a “multidimensional harmonization of faiths.” The result in modern Turkey is the existence of many diverse sects of Islam, including the Alevi, Hallaji, Babi, and Arabi traditions. This part of the article will trace the historical background of these traditions.

A. The Early Muslim Tradition

When Muslim Arab invaders originally conquered Central Asia, they forced the Turks to accept Islam. Later in that century, however, the Turks began to willingly adopt Islam, preferring sedentary life as mercenaries of the Abbasid Caliphs, which allowed them to live in cities with their families. Yet, the traditions and practices of the Turk’s ancient religions were not easily left behind. During the tenth century A.D.,⁴⁹ recently converted Turks were familiar with the two main streams of Islam—the Sunni and the Shia—and they synthesized these beliefs with those of their previous forms of worship, accepting Islam as part of a multidimensional harmonization of faiths. One of the most important of these syntheses is found in the case of the Alevis, who to this day follow some of the traditions of their ancient cults and religions.

B. The Alevi Tradition

The Alevi sect arose out of an opposition movement against the Umayyads that climaxed at the battle of Siffin in A.D. 657.⁵⁰ Thereafter, the Muslim community split into two principal branches, those

note 13, at 100 (hypothesizing that the mystical nature found in much of Turkish Islam stems from combination with the “[Turks’] aboriginal shamanic beliefs and practices”); Markus Dressler, *Bektashi Order (Bektashiye)*, available at http://alevibektasi.com/bektasi_order.htm (last visited Mar. 22, 2002) (“Concerning their rites and doctrines the Bektashiye appears extremely syncretistic. Alongside diverse influences of heterodox Muslim Mysticism it comprises and melts preislamic Turkish Shaman, as well as certain Christian elements.”).

49. Throughout this article, I employ the Gregorian calendar to mark significant dates. However, year one of the Muslim calendar began in A.D. 622, the year marking the *Hijra* (emigration) of the Muslim community from Mecca to Medina. Thus, A.D. 622 may be rendered A.H. 1 (*anno Hegirae* “in the year of [Mohammed’s] Hijra”). See DENNY, *supra* note 13, at 72–73.

50. See *id.* at 91 (describing the Battle of Siffin).

faithful to Mohammed's bloodline through Ali, and those faithful to the Sunni Caliph, Muawiya. The Alevis, who remained faithful to the bloodline and tradition of Ali and his two sons, Hassan and Hussein, still demonstrate their contempt for Muawiya during the religious ceremony of *Ayin-i Djem*.⁵¹ This ceremony commemorates the anniversary of the martyrdom of Hussein at Kerbala, Iraq on the tenth day of the month of Mouharrem in A.D. 680 and is observed by a twelve-day fast.⁵² Unlike the orthodox Shia ceremony honoring Hussein, which includes theatrical, bloody feats of self-flagellation,⁵³ Alevis prefer to demonstrate their devotion by calmly singing and dancing around allegorical images of the Kerbala incident.⁵⁴

Because of the strictness of the Umayyad dynasty, many Shias and Alevis who chose to remain faithful to Ali concealed their convictions. They often claimed to be Sunni, while in fact remaining faithful to their own religious beliefs, applying the doctrinal principle known as *taqiyye*,⁵⁵ which may be compared to the practice of Spanish Jews during the Inquisition. The sophists of the Umayyad dynasty, although they were Sunni, also had a certain sympathy for the traditions of Ali.

C. The Hallaji Tradition

Many Alevi Muslims know Islam from the viewpoint of Hallajian sufism. Hussein Ibn Mansor El Hallaj lived from A.D. 857 to 922 and was crucified in Baghdad by the Abbasid Caliph and Vizier Hamd.⁵⁶ During his life, Hallaj traveled to Transoxiana many times. "The final goal of Hallaj's longest journey was to reach and to 'evangelize' the Turkish race in its cultural center."⁵⁷ Hallaj preached at both the Nestorian Turks' cultural center at Almalig and that of the

51. Also rendered *Ayini Cem*. See Shindeldecker, *supra* note 18 (providing detailed description of the Ayini Cem ceremony).

52. See SHANKLAND, *supra* note 3, at 139 (noting that key Alevi rituals mark the martyrdom of Hussein); DENNY, *supra* note 13, at 94–95 (describing the Kerbala incident); *id.* at 313 (describing the origins of the Mouharrem fast).

53. The *ta'ziya*, or passion play. See DENNY, *supra* note 13, at 314–16.

54. See Shindeldecker, *supra* note 18.

55. See Zeidan, *supra* note 18 (describing how Alevis, Druze, and Shias opposed Sunni Ottomans during the sixteenth century and survived by developing, inter alia, "dissimulation and secrecy about their religion[s] (*taqiya*)").

56. See LOUIS MASSIGNON, 1 THE PASSION OF AL-HALLĀJ: MYSTIC AND MARTYR OF ISLAM 33 (Herbert Mason trans., 1982).

57. *Id.* at 182 (footnote omitted).

the Manicheans at Qocho.⁵⁸ Hallaj arrived in Qocho in A.D. 866,⁵⁹ and one of his sons even settled nearby at Nishapur.⁶⁰ “The Hallajian legend held a very high place in the Islamicization of Turkish peoples; it not only presented them with a moving literary leitmotiv, it also provided for them an ideal model of sanctity.”⁶¹

The *Diwan* and *hikam* of Ahmet Yesawi, as well as the literary works of many others, brought the philosophy of Hallaj to Turkey.⁶² The disciples of Yesawi and other mystic Hallajians of Transoxiana were the missionary precursors who infiltrated Anatolia during the eleventh and twelfth centuries and were known as the Saints or Hermits of Horosan (*Horosan Erenleri*). Among the heterodox groups to which they belonged, the Saints of Horosan were familiarly known as Father (*Baba*) or Grandfather (*Dede*). They were very close to Manichean, Mazdaist, and sometimes Buddhist-shamanist cults, and thus preached nonconformist doctrines and diffused an Islam that was simple and more accessible than that practiced and spread by the Sunni *Faqih*s.⁶³

The Hallajian influence in Turkey is still very clear and very distinct. For its adherents, the purification of the heart and spirit prevails over all other religious rites.⁶⁴ This premise underlies the distinctive character of the Alevi and the Anatolian Bektashi: they do not perform daily prayer at set times, they do not fast during Ramadan, nor do they undertake the pilgrimage to Mecca.⁶⁵ For Hallajians, the fundamental purpose of all religious rites is the purification of the human heart. They claim that this purified state is attainable without following either the Sunni or the Shia forms of worship.

D. The Babi Tradition

The infiltration of heterodox dervishes into Anatolia created a

58. *See id.* at 184.

59. *See id.* at 185.

60. *See id.* at 26, 170.

61. *See* LOUIS MASSIGNON, 2 *THE PASSION OF AL-HALLAJ: MYSTIC AND MARTYR OF ISLAM* 231 (Herbert Mason trans., 1982) (footnote omitted).

62. *See* MASSIGNON, *supra* note 56, at 162, 228, 231–74.

63. A faqih is an expert in *fiqh* (Islamic jurisprudence); a jurist. *See* DENNY, *supra* note 13, at 388.

64. *See* LOUIS MASSIGNON, 3 *THE PASSION OF AL-HALLAJ: MYSTIC AND MARTYR OF ISLAM* (Herbert Mason trans., 1982) (outlining in detail the teachings of Hallaj).

65. *See* Zeidan, *supra* note 18; Shindeldecker, *supra* note 18.

spirit of opposition against the Seljuk dynasty, under which the majority followed the inherited Umayyad and Abbasid fiqh.⁶⁶ The dervishes Baba Ressous and Baba Ishak, with the support of the masses, led a rebellion in the thirteenth century against the monarchy.⁶⁷ The Seljuk Amir, Necmuddin, with the aid of an army partly made up of Turkish, Georgian, Kurdish, and Christian mercenaries, defeated the “Rebellion of the Babas.” The Christian mercenaries were placed in the leading rank of Necmuddin’s army.

The famous Hacı Bektash Veli, founder of the Bektashi order, followed the Babi tradition.⁶⁸ The Bektashi brotherhood still has some of the characteristics of Hallajian ideology. For example, the purported Gibbet of Mansour (*Daré Mansour*) plays a structural and fundamental role in their ceremony of initiation.⁶⁹

Islam in Anatolia was established through harmonization of the Hallajian tradition with a form of Christianity, most notably found in the East, which itself retained some of the characteristics and concepts of Manichean cults. Further west, in rural and mountain districts, remnants of pagan traditions can be detected in the practice of Islam. Even today, in western Anatolian villages, some dances and religious rituals of the Alevis are analogous to certain rites associated with the Dionysian mysteries.

Occidental sources estimate the population of Anatolia during this period was 10,000,000, of which Central Asian Turks made up only 300,000. However, oriental sources indicate there were 4,000,000 native Anatolians (Greeks and Armenians) and more than 1,000,000 Turks. Whatever the true situation, Anatolia in the eleventh and twelfth centuries witnessed the meeting and synthesis of the cultures, sects, and religious practices of various diverse peoples. Because of this, I believe that the cultural aspect of the Anatolian Alevi interpretation of Islam resulted from this time period.

E. The Arabi Tradition

In the twelfth century, a new pantheism shook the foundations

66. In other words, Sunni Islam.

67. See Dressler, *supra* note 48; *Hacı Bektas Veli*, available at <http://www.turkishnews.com/DiscoverTurkey/who/hbektas/> (last visited Mar. 22, 2002) [hereinafter *Hacı Bektas Veli*].

68. See *Hacı Bektas Veli*, *supra* note 67.

69. See MASSIGNON, *supra* note 56, at 187, 619–20.

of faith in Anatolia. Mouhyiddin Ibn Arabi, a native of Spain, preached to the Muslim people of Anatolia a mystic doctrine of decidedly immanent character.⁷⁰ After leaving Spain to move further east, Arabi performed the pilgrimage to Mecca and later settled in Anatolia.⁷¹ There he attracted many disciples, and the influence of his mysticism had profound effects in Anatolia during the reign of the Seljuk Empire.

Arabi taught that Divinity imposes itself as an Aristotelian immanence expressed through a universal monism. This belief does not exclude the virtues of discursive reason; on the contrary, Arabi's mysticism considers such reason as *the* way to attain ecstatic union with God. Man integrates with Him to achieve annihilation of the soul and a loss of separate consciousness and personal ego similar to the Buddhist concept of Nirvana. Arabi is one of the most illuminative exponents of Muslim heterodox mysticism, professing that ultimate truth and perfection lie in a pantheistic synthesis.⁷² This mysticism, among orthodox Muslims, is characterized by its sobriety and austere asceticism in which the divine essence always stays concealed under a shroud of sublimity. Human reason is incapable of reaching this Transcendence. Muslim orthodoxy, faithful to the thoughts of Plato, always foresees a clear and absolute separation between the world of ideas and that of the senses.

On the other hand, in Christianity, which is faithful to the interpretation of Aristotle, creation and existence are explained by a universal monism. Transcendence in Christianity is not as completely inaccessible to the senses as it is in orthodox Islam.

F. The Christian Tradition of the Janissaries

In the faith of Anatolian Alevis, the concept of a Trinity exists that is similar to the same concept in Christianity. In the Alevi Trinity, *Hakk* (the Godhead or Ultimate Good), Mohammed, and Ali, respectively, take the places of the Christian Trinity's Father, Son, and Holy Spirit.⁷³ A definite parallel also exists between Christian devotion to the Virgin Mary and Alevi devotion to Fatima, wife of

70. See ALEXANDER D. KNYSH, *IBN 'ARABI IN THE LATER ISLAMIC TRADITION: THE MAKING OF A POLEMICAL IMAGE IN MEDIEVAL ISLAM* 6-16 (1999).

71. See *id.* at 7-8.

72. See *The Mystic Tide: Muid ad-Din ibn al-Arabi*, available at <http://www.shunya.net/Text/Islam/MysticTide.htm> (last visited Apr. 2, 2002).

73. See SHANKLAND, *supra* note 3, at 146; Shindeldecker, *supra* note 18.

votion to the Virgin Mary and Alevi devotion to Fatima, wife of Ali and daughter of Mohammed. These parallels may be attributed to the widespread and long-lasting Ottoman practice of conscripting Christian youths into the Janissary Corps.⁷⁴ The youths were usually enrolled by the state into military training between the ages of eight and eighteen.⁷⁵ And despite the intense Islamic indoctrination that was a part of Janissary training,⁷⁶ the young soldiers always retained traces of their original religious and cultural beliefs. This undoubtedly explains the tendency of Christian Janissaries to join the less rigid Bektashi-Alevi brotherhood.⁷⁷

The Janissaries' glorious advance west that took the Ottomans to the gates of Vienna did not fundamentally affect the traditions and religions of Eastern Europe. Other than some Albanian, Bosnian, and Bulgarian tribes, the Eastern Europeans generally remained faithful to Eastern Christian Orthodoxy, even at the cost of having to pay large taxes to their Turkish conquerors.⁷⁸ Those who did convert to Islam under the Ottoman Empire chose the Alevi-Bektashi interpretation of Islam.⁷⁹ Bektashi brotherhoods are still widespread in Albania, Skopje, and Kosova. The respected British writer, Rebecca West, describes her visit to Bektashi villages in Macedonia on the occasion of the Feast of St. George.⁸⁰ Many centuries ago, the local Bogomils refused to abandon this saint when they converted to Islam. They believed that St. George could mediate with the Godhead on fertility issues, and this important Christian Saint remains a part of the religious pantheon of local Bektashis to this day.

It is thought provoking to observe that these new heterodox Muslims were once equally heterodox Christians—Manichean Bogomils. Mani or Manes was born in Southeast Anatolia in A.D. 216, and his teachings became widespread on three continents, bringing

74. See GOODWIN, *supra* note 19, at 27, 148; YAHYA ARMAJANI & THOMAS M. RICKS, *MIDDLE EAST: PAST AND PRESENT* 117, 119 (2d ed. 1986).

75. See GOODWIN, *supra* note 19, at 36.

76. See *id.* at 28, 34, 47–48; ARMAJANI & RICKS, *supra* note 74, at 117, 119.

77. See GOODWIN, *supra* note 19, at 28, 148 (“[T]he janissaries were well-disposed towards [the Bektashis].”); ARMAJANI & RICKS, *supra* note 74, at 117; Zeidan, *supra* note 19 (noting that the Bektashi order was closely associated with the Janissary Corps).

78. See GOODWIN, *supra* note 19, at 55.

79. See Official Alevi-Bektashi Research Site at <http://www.alevibektasi.com/index1.html> (last visited Mar. 22, 2002).

80. See REBECCA WEST, *BLACK LAMB AND GREY FALCON: A JOURNEY THROUGH YUGOSLAVIA* 810–31 (1943).

about a harmonization between Christian and Mazdaist theologies.⁸¹ According to Manichean theology, everything sprang from two realities—light and darkness or good and evil.⁸² The heterodoxies of both Christian and Muslim deviations have their roots in this Manichean principle.

IV. THE LEGAL STATUS OF RELIGION IN TURKEY

A. Generally

Secularism, one of the basic pillars of the Turkish Republic, is enshrined in both the Constitution of 1982 and its two predecessors. Article 2 of the present Constitution describes the Republic as secular.⁸³ Article 24 articulates the principle of freedom of religion and conscience and relates secularism with a right to freedom of conviction.⁸⁴ This grants everyone “freedom of conscience, religious belief and conviction”⁸⁵ qualified only by a limitation on the abuse of the fundamental rights and freedoms of other people.⁸⁶ The Constitution permits believers to carry out rites of worship and to conduct religious services and ceremonies, but it also requires that “[n]o one shall be compelled to worship, or to participate in religious ceremonies and rites,”⁸⁷ and that “[n]o one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental, social, economic, political, and legal order of the state on religious tenets.”⁸⁸

Turkey has no official state religion. The articles of the Constitution dealing with freedom of religion reflect the philosophical approach of modern states and provide for a certain conformity with Article 18 of the Universal Declaration of Human Rights, which states, “Everyone has the right to freedom of thought, conscience

81. *But see* DMITRI OBOLENSKY, *THE BOGOMILS: A STUDY IN BALKAN NEOMANICHAISM* 15 (1972).

82. *See id.* at 5–6.

83. TURK. CONST., *supra* note 6, art. 2.

84. *Id.* art. 24.

85. *Id.*

86. *See id.* art. 14.

87. *Id.* art. 24.

88. *Id.*

and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”⁸⁹

However, the Constitution also obligates the state to provide Sunni Muslim religious education in elementary and secondary schools,⁹⁰ a regulation that conflicts with the principles of a modern, secular state. In Turkey, where ninety-nine percent of the population is Muslim, compelling Christian and Jewish children to receive a Sunni Muslim religious education cannot be reconciled with the philosophies of liberalism, human rights, or religious freedom. This poses a particular problem for Syriac Christians because the Treaty of Lausanne did not recognize them as a minority religion.⁹¹ The Treaty did recognize the other Christian denominations, Greek and Armenian, granting them minority status and thus exemption from Islamic religious instruction by law.⁹² Also affected are the fifteen to twenty percent of Turkish Muslims who are Alevi.⁹³ The state maintains its right to compel Alevi Muslims to receive Sunni Muslim instruction in school.

Another contradiction in the “secular” Turkish State is the institution known as the DIB, which is linked to one of the Ministers of State.⁹⁴ This governmental institution is charged with the regulation of the religious life of all Muslims living within the country.⁹⁵ The DI appoints religious officials, including *imams*, pays the stipends of religious officials, and directs the administration of more than 70,000 mosques. The DIB takes considerable funds from the state budget, but it offers no services to non-Muslim organizations, such as the Jewish or Christian communities who do not worship in mosques.

89. *Universal Declaration of Human Rights*, G.A. Res. 217A (III), U.N. GAOR, 3d Sess., art. 18, U.N. Doc. A/810 (1948).

90. TURK. CONST., *supra* note 6, art. 24; see SHANKLAND, *supra* note 3, at 23. See generally GEYIKDAGI, *supra* note 4, at 141.

91. See 2001 STATE DEP'T REPORT, *supra* note 26 (noting that the Lausanne Treaty recognized only Greek Orthodox, Armenian Orthodox, and Jewish religions as minorities).

92. See *id.*

93. See Shindeldecker, *supra* note 18 (“Alevi are not officially recognized as a religious minority.”).

94. See discussion *supra* Part II.B.3.

95. See generally SHANKLAND, *supra* note 3, at 28–33.

Alevi Muslims likewise do not receive state funding, because they worship in Cem Houses.⁹⁶

*B. The Status of the Various Confessions
(Brotherhoods, Denominations, and Sects)*

Islamic brotherhoods (*tarikats*)⁹⁷ have always occupied an important place in the social, economic, and political life of the Turkey, from the old Ottoman Empire to the Turkish Republic of today.⁹⁸ Throughout the history of Turkey, the convents, monasteries (*tekke*), and lodges (*zaviye*) of the brotherhoods and sects were centers of culture and education. But by the close of the eighteenth century, social corruption had destroyed their progressive role of the brotherhoods, and they became hotbeds of conspiracy.⁹⁹

After the Kemalist Revolution and the founding of the Republic in 1923, the state sequestered the funds of the brotherhoods and suppressed their institutions.¹⁰⁰ The state felt justified in its actions because most of the brotherhoods supported the Ottoman dynasty during the War of Independence and remained potential centers of unrest. However, even though suppressed, the brotherhoods continued to exist and to influence social and political life.¹⁰¹ Today, though still technically illegal organizations,¹⁰² the brotherhoods' numerous activities persist in Turkey and in Europe, especially in Germany, where more than three million Turks live.

The most important Muslim brotherhoods today include the

96. See Shindeldecker, *supra* note 18.

97. Narrowly defined as a Sufi path of enlightenment. In broader terms, a *tarikat* has been defined as follows:

[A *tarikat* is] a number of believers united by the respect that they show for a particular person or lineage, who they regard as different from other human beings by virtue of their [sic] being favoured by God. . . . [F]ollowers of a particular *tarikat* may hold strongly that the teachings of their founding figure are the appropriate path to achieve union with God.

SHANKLAND, *supra* note 3, at 64. I use the term "brotherhood" throughout this article, though today, in fact, women do play a large role in some Turkish brotherhoods.

98. See J. SPENCER TRIMINGHAM, *THE SUFI ORDERS IN ISLAM* (1998), for an excellent review of the brotherhoods in Islam. See generally SHANKLAND, *supra* note 3, at 64–86.

99. See SHANKLAND, *supra* note 3, at 65.

100. See Zeidan, *supra* note 19.

101. See *id.*

102. See SHANKLAND, *supra* note 3, at 8, 65.

Naksibendilik, Kadirlik, Rifailik, Nurculuk, Süleymancilik, Isikcilik, Mevlevilik, Bektashilik, and Alevilik.

1. Nakshibendilik

This is one of the most widespread and important Sunni brotherhoods in Turkey.¹⁰³ The mother of former President Turgut Ozal was head of a *Naksi* family; she, President Ozal, and his two brothers were always active within the Nakshibendilik. This brotherhood has continually exercised a certain power in the administration of Turkey's government, as well as in commercial and industrial life generally.¹⁰⁴

Mohammed Bahaeddine Al Bukhari (1317–1389) founded the Nakshibendilik brotherhood,¹⁰⁵ a severely disciplinarian fraternity. The fundamental purpose of coming together for this group is the inner purification of the soul, which must be realized under the direction of a shaykh or chief abbot, called the Perfect Guide (*mur-chid-i kamil*). The most important Nakshi shaykh was Dr. Mahmud Esad Cosan, former Professor of Theology at Ankara University. But he ran into problems with the state and moved to Austria, where he recently died. The exercises to which both candidates and members must submit are very hard and painful and are meant to induce the humility and blindly passive obedience necessary to purify the soul. The brothers must also practice repentance and solitude, austerity and pity.¹⁰⁶ But this brotherhood also emphasizes the importance of leading a normal life that is useful to others and that demonstrates the individual's interest in the practical problems of living.¹⁰⁷ There is a distinct parallel to be observed in the philosophy of Nakshis and that of Christian Puritans. This brotherhood attaches enormous im-

103. See *Concerning the Naqshbandiyya in Turkey*, at <http://www.stormcity.com/salam/cosan/naqshis.html> (last visited Apr. 2, 2002) [hereinafter *Concerning the Naqshbandiyya*]. See generally Serif Mardin, *The Naksibendi Order in Turkish History*, in *ISLAM IN MODERN TURKEY: RELIGION, POLITICS AND LITERATURE IN A SECULAR STATE* 121–42 (Richard Tapper ed., 1991).

104. See generally SHANKLAND, *supra* note 3, at 67–68.

105. See Mahmud, Es'ad Cosan, *Regarding the Naqshibandi*, at <http://www.stormcity.com/salam/cosan/cosnaqsh.html> (last visited Apr. 2, 2002).

106. See Mahmud, Es'ad Cosan, *A Few Words About Sufism*, at <http://www.stormcity.com/salam/cosan/cossufis.html> (last visited Apr. 2, 2002).

107. See Mahmud, Es'ad Cosan, *Comprehending the Message of Islam*, at <http://www.stormcity.com/salam/cosan/cosislam.html> (last visited Apr. 2, 2002); *Concerning the Naqshbandiyya*, *supra* note 103.

portance to the observance of the traditional Sunni Muslim law of the *shariat* and is very mindful of tradition, opposing all forms of dialogue with other religious movements, both Islamic and otherwise, and opposing modernism in all its forms.

Since the 1950s, the neighborhood of Fatih in Istanbul, around the Iskenderpasha mosque, has become a focal point for Nakshis. The disciples of this brotherhood are active in political life. For example, the former leader of the Welfare (*Refah*) Party, Necmettin Erbakan, is a Nakshi. The Nakshis own many publications and radio stations.

2. *Kadirlik*

This Sunni brotherhood was founded by Abdoul Kadir Geylani (1078–1166).¹⁰⁸ Its existence as a brotherhood dates from the seventeenth century, and by the start of the twentieth century the movement was very powerful in Turkey.

For *Kadiris* the Koran is the ultimate truth, but in order to understand it at its deepest level, it is first necessary to enter a state of ecstasy. This is because the corporal body is nothing but an envelope, a cage for the soul created much earlier than the body that must be surrendered. One must turn one's back on the tangible world of the senses and regard the interior world with the eyes of the heart alone. To reach this state, the practitioner must acquire learning and insight through many years of listening to and executing the precepts of the shaykh. During *Zikr* ceremonies (repetitive invocations toward ecstasy) the *Kadiris* come together in a room and form a circle with their hands on their neighbor's shoulders. They begin to sing, accompanied by musical instruments, and when they come to the name of God in the song, they shout together, "Hou, Hou . . ." and close their eyes as they turn their heads from left to right.

Previously, the *Kadiris* were convinced that they were the only real Muslims. They were opposed to any innovations in society, and it was impossible to hold a religious dialogue with them. But today they have become very open.

This brotherhood is widespread in the regions of Marmara and the Black Sea. A section of the *Kadiris* owns a newspaper named

108. See DENNY, *supra* note 13, at 247.

Yeni Mesaj, the television channel *Mesaj* and several radio stations.

3. *Rifailik*

Founded by Ahmet Rifai (1118–1181),¹⁰⁹ this brotherhood originally required total retirement from everyday life and concentration in solitude in order to achieve liberation from all sensible impressions. Rifailiks believe that God did not grant to mankind a capacity for complete understanding, so their meditation must consist of thinking entirely of God and remembering nothing but His divine attributes.¹¹⁰ When a state of ecstasy is reached, the practitioner arrives at a point where he is oblivious to physical pain, even being able to walk upon the sharp points of needles.

In modern times, this brotherhood was reformed and provided with a more modern philosophy by the intellectual Kenan Rifai Efendi, a graduate of the Lycee of Galatasaray. Today, women occupy a relatively privileged place in this brotherhood, and, thanks to Kenan Rifai, the group is still very popular. It has attracted many intellectuals, such as Mrs. Samiha Ayverdi and Mr. Agah Oktay Guner, a former minister of culture, and vice president of one of Turkey's foremost political parties—the Motherland Party.

This brotherhood is now open to dialogue with other religions.

4. *Nurculuk*

Said Nursi (1876–1960), a Kurd born in the village of Nurs, near Bitlis in Turkey, founded this religious order.¹¹¹ In his youth Nursi was very active politically, first allying himself with the Young Turks before falling out with them over policy.¹¹² Later, Nursi supported Ataturk, but was again ostracized due to Nursi's strong criticism of Ataturk.¹¹³ Nursi claimed to be a disciple of both Abdoul

109. See *Ahmed er Rifa'i (1118–1181)*, <http://www.qadiri-rifai.org/rifai.html> (last visited Mar. 22, 2002).

110. See *Zikr: The Ceremony of Remembrance*, <http://www.qadiri-rifai.org/> (last visited Mar. 22, 2002).

111. See SERIF MARDIN, *RELIGION AND SOCIAL CHANGE IN MODERN TURKEY: THE CASE OF BEDIÜZZAMAN SAID NURSI* 23, 42 (1989). Two other excellent histories are SÜKRAN VAHIDE, *BEDIÜZZAMAN SAID NURSI* (1992), available at <http://bediuzzaman.org/biography/ana/html> and MARY WELD, *BEDIÜZZAMAN SAID NURSI* (1992).

112. See MARDIN, *supra* note 111, at 78–88; HOWARD, *supra* note 1, at 95–96.

113. See *id.* at 94–95.

Kadir Geylani¹¹⁴ and of the Imam Rabbani.¹¹⁵

Nurcus do not constitute a distinct brotherhood of themselves; rather, they form an intellectual current of religious thought within other structures.¹¹⁶ They study the works of Said Nursi and are quite influential among young people who read the *Nurcus*'s many publications.¹¹⁷ Although some *Nurcu* streams are highly fanatical, others are open to dialogue with Christianity. It is known that Said Nursi himself wrote to the pope calling for collaboration with Christianity in the fight against all the forces of materialism, notably Marxism.

Said Nursi and his followers were supporters of Adnan Menderes, who was prime minister of Turkey from 1950 to 1960. Later, the *Nurcus* backed Suleyman Demirel,¹¹⁸ first as prime minister and then as president of the Republic. *Nurcus* are widespread in the Aegean region, in Sparta, and in Western Anatolia generally.

A follower of Said Nursi, Mr. Fethullah Gulen, has become a very important personality in Turkish life in recent years.¹¹⁹ He owns the TV Channel *Zamanyolu*, the newspaper *Zaman*, which has a circulation of approximately 300,000 copies, as well as many other weekly and monthly publications. Gulen is known for being an open-minded and progressive person. For example, he sees the issues surrounding the Islamic scarf as nothing but negligible trifles that should not impede the integration of the secular and religious in modern times. Gulen met and spoke with Greek Orthodox Patriarch Bartholomeos, and also visited the Holy See for an audience with the pope.¹²⁰ Gulen also established the Writers and Journalists Foundation. It encourages interreligious dialogue, has a special section to deal with other religions, and has been instrumental in the organization of many international interreligious symposia.¹²¹ He has also endowed more than 200 schools and two universities worldwide, many of them in Central Asia. Recently, several secular groups—certain

114. *See id.* at 66, 72.

115. *See* VAHIDE, *supra* note 111, ch. 9.

116. *See* MARDIN, *supra* note 111, at 158–60 (describing *Nurcu* involvement in both religious and political networks); SHANKLAND, *supra* note 3, at 68.

117. *See* SHANKLAND, *supra* note 3, at 70.

118. *See id.*

119. *See id.* at 69, 81, 84.

120. *See* Bulent Aras & Omer Caha, *Fethullah Gulen and His Liberal "Turkish Islam" Movement*, 4 MIDDLE EAST REV. INT'L AFF. (2000), available at <http://meria.idc.ac.il/journal/2000/issue4/jv4n4a4.html>.

121. *See id.*

newspapers, TV stations, and the army—criticized Gulen, but the negative campaign was unsuccessful.¹²² Despite the failure of the campaign, Gulen currently faces subversion charges in Turkey and has gone into self-imposed exile in the United States.¹²³

5. *Suleymancilik*

This denomination became popular in 1965, and in many ways the Suleymancilik is not so much a distinct brotherhood as it is a branch of the Nakshibendilik.¹²⁴ Its precursor was the twentieth-century thinker Suleyman Hilmi Tunahan, a theologian, lawyer, and founder of many important mosques in Istanbul.¹²⁵ During the course of establishing mosques, Tunahan taught courses on the Koran, and later began to institutionalize his thought on a much larger and more structured scale. Former students of these Koranic courses later formed themselves into a kind of clandestine society characterized by very tight solidarity. Their main credo is that secularism equates to atheism. The Suleymancilik are not open to religious discussion.

The Suleymancilik brotherhood is quite powerful in Turkish political and social life, controlling more than 1000 student residence halls accommodating almost 100,000 people. The treatment of these students by the Suleymancilik is distinguished by very strict disciplinary regimes, even though more than ninety percent of the students attend non-religious educational establishments. The Suleymancilik is also well established in Europe, particularly in Germany.

6. *Ishikchilik*

The name of this brotherhood comes from its twentieth century founder, Ishik, the very conservative ex-professor at the Military Kuleli College in Istanbul. His son-in-law, Dr. Enver Oren, is an important industrialist and owner of the TV station TGRT and the daily right-wing newspaper *Turkey* (*Türkiye*), which has a circulation of

122. Even the current Prime Minister and other political opponents on the left wing refuse to speak negatively of him.

123. See *Gulen: It Has Never Been My Intention to Change or Replace Secular Nature of State*, TURKISH DAILY NEWS, Dec. 28, 2001, available at http://www.turkishdailynews.com/old_editions/12_28_01/feature.htm (last visited Apr. 8, 2002).

124. See *Concerning the Naqshbandiyya*, *supra* note 103.

125. See *id.*

around 300,000. In *Turkey*, differing political viewpoints, including right wing and centralist, appear together.

Dr. Oren claims to be multidimensional in his thought, and so is open to some forms of dialogue.

7. *Mevlevilik*

The Mevlevilik brotherhood is the oldest and most influential brotherhood among Muslim intellectuals. Its founder, Mevlana Djaleddine Rumi (1207–1273), was a poet and intellectual who invited all religions and tendencies, even sinners, to visit his foyer.¹²⁶ His open philosophy was exemplified when he likened the different religions to separate houses, observing that if the walls were removed, the same heavenly light would fill them all.¹²⁷ This brotherhood enjoyed the protection of the Seljuks, Karamanlis, Ottomans, and even Republican leaders after 1950. The *Mevlani* abbots and their descendants are called by the honorific title *Celebi*, meaning “worthy man of God.”¹²⁸ The elegance and refinement of Mevlani ceremonies and rituals, which include a circling dance based on Rumi’s concept of the universe as a series of harmonious celestial spheres, has almost become part of traditional folklore, and distinguishes its disciples from those of other brotherhoods.¹²⁹

The Mevlani brotherhood exhibits an amazing openness, numbering among its adherents Christian, Jews, and Hindus. This brotherhood is extremely anxious to enter into cultural exchanges and interreligious dialogue.

8. *Bektashilik*

This brotherhood is attributed to Haci Bektash,¹³⁰ and included

126. See *Mevlana Celaleddin Rumi*, at <http://www.mevlana.net> (last visited Mar. 22, 2002). See generally DENNY, *supra* note 13, at 253–57 (providing a short introduction to Rumi, his poetry, and his legacy); ANNEMARIE SCHIMMEL, *MYSTICAL DIMENSIONS OF ISLAM* 309–28 (1975) (detailing the life, theology, and poetry of Rumi).

127. See MAULANA JALAL AL-DIN RUMI, *DISCOURSES OF RUMI* (A.J. Arberry trans., 1961), for an English translation of Rumi’s teachings.

128. See *What is a Celebi?*, at <http://www.mevlana.net/celebi.htm> (last visited Mar. 22, 2002).

129. Indeed, the “Whirling Dervishes,” as they are called, are one of the largest tourist attractions in Turkey today. See *Mevlana Celaleddin Rumi*, *supra* note 126; DENNY, *supra* note 13, at 255; SHANKLAND, *supra* note 3, at 66.

130. “Haci Bektas Veli (1248–1337?)—is pictured as a Turkish thinker, hero, saint, wise man, and miracle worker of ‘Alid descent who formed a synthesis of Turkish and Islamic civili-

among its adherents the Corps of Janissaries.¹³¹ Today, the Bektashi brotherhood is very widespread among Turkish and Albanian Alevi.¹³² Bektashism is a very tolerant movement, sometimes even cited as a model of religious tolerance. Nevertheless, this brotherhood's operations are closed to the outside world. Therefore, it is not possible to estimate the number of adherents, nor their influence on political or social life. It is understood that Bektashis support socialist democratic parties, and a significant group of Bektashis are Freemasons.¹³³ Finally, this order has retained its characteristic loyalty to Hallajian thought.

9. *Alevilik*

The theology of Anatolian Alevi is based on a multidimensional harmonization of faiths. Loyal tendency to old religious traditions is well represented in the Alevi CEM Foundation, headed by Mr. Izzetin Dogan, a professor at the University of Galatasaray. The Federation of European Associations of Alevi, which is tied to the daily newspaper *Cumhuriyet*, endeavors to harmonize the principles of social democracy with the progressive aspects of their sect, even going so far as embracing certain features of Marxist ideology.¹³⁴ In Alevi institutions like Haci Bektash Associations (*Haci Bektas Dernekleri*), and Pir Sultan Associations (Pir Sultan Abdal Demekieri), and convents like *Shakoulu-Istanbul* and *Merdivenköy*, a certain heterogeneity exists between all Alevi.

C. *The Situation Today*

From the establishment of the Turkish Republic until today, certain Muslim fundamentalists have been elements of destabilization in

sations, reforming Islam in a way suitable to his time and culture." Zeidan, *supra* note 19. See generally Shindeldecker, *supra* note 18 (providing a brief history of Haci Bektash).

131. See GOODWIN, *supra* note 19, at 148; Zeidan, *supra* note 19.

132. See Shindeldecker, *supra* note 18.

133. See Zeidan, *supra* note 19 (noting Bektashi association with Freemasons).

134. With regard to the Federation's leftist tendencies, one author stated:

The resurgence of Sunni fundamentalism that began in the 1950s and has recently grown much stronger also pushed the Alevi to the political left. Many Alevi reacted by stressing their separate identity and reinterpreting Alevism in socialist and Marxist idiom that seemed to have an affinity to Alevi ideals of equality and traditions of revolt.

Id. (footnote omitted).

the social and political life of the country. Fundamentalists, and even terrorists, have occasionally penetrated Islamist political parties, while some Islamist political leaders have openly adopted fundamentalist doctrines. But we should not be trapped into thinking that all Muslims, or even all Islamists, are fundamentalists.

The National Order Party (*Milli Nizam Partisi*), the National Salvation Party (*Mili Selamet Partisi*), the Welfare Party (*Refah Partisi*), and the Virtue Party (*Fazilet Partisi*) have successively represented Islamic ideology on the national stage.¹³⁵ All these parties have consecutively appropriated the same ideology and operated with the same permanent staff and resources. Indeed, except for the most recent Virtue Party, Professor Necmettin Erbakan has led them all.¹³⁶

In January 1998, the Turkish Constitutional Court closed the Islamist Welfare Party¹³⁷ for violating the secular nature of the Republic under Articles 68 and 69 of the Constitution and sections 101(b) and 103(1) of Law no. 2820 on the Regulation of Political Parties.¹³⁸ Six of the Party's leaders, including Erbakan, were banned from all political activity for five years.¹³⁹ Almost overnight, the Virtue Party replaced the Welfare Party.¹⁴⁰ But the attorney general subsequently filed an indictment seeking closure of the Virtue Party on

135. See Jon Gorvett, *Turkey's Professional Party Poopers*, MIDDLE EAST, Jul. 1, 2001, available at 2001 WL 11313074.

136. See SHANKLAND, *supra* note 3, at 87–131, for an excellent summary of Erbakan's political career and the aftermath of his fall.

137. See *id.* at 95–107 (reviewing the Welfare Party platform).

138. See *Refah Partisi* [The Welfare Party] v. Turkey, __ Eur. Ct. H.R. (ser. __) at 6 (2001), available at <http://www.echr.coe.int/> [hereinafter Welfare Party Case]; see also *Erbakan: A Serious Judicial Error*, TURKISH DAILY NEWS, Jan. 17, 1998, at 1, at http://www.turkishdailynews.com/old_editions/01_17_98/dom.htm#d2 (last visited Mar. 23, 2002); SHANKLAND, *supra* note 3, at 93. The five individuals banned from politics appealed the case to the European Court of Human Rights, but were disappointed when that court upheld the ruling of the Turkish Constitutional Court. See Welfare Party Case, *supra*, at 25–32; see also *Black Day for Erbakan: ECHR Rules Turkey Justified in Banning Welfare Party*, TURKISH DAILY NEWS, Aug. 1, 2001, available at 2001 WL 22005102; *Religion and Politics*, TURKISH DAILY NEWS, Aug. 1, 2001, available at 2001 WL 22005098. See generally Hugg, *supra* note 3; Edip Yuksel, *Cannibal Democracies, Theocratic Secularism: The Turkish Version*, 7 CARDOZO J. INT'L & COMP. L. 423 (1999).

139. See Welfare Party Case, *supra* note 138, at 6, 12; *Erbakan: A Serious Judicial Error*, TURKISH DAILY NEWS, Jan. 17, 1998, at 1, available at http://www.turkishdailynews.com/old_editions/01_17_98/dom.htm#d2.

140. See *Has Refah Become Fazilet or is it a Fresh Start?*, TURKISH DAILY NEWS, May 16, 1998, available at 1998 WL 9591357, available at http://www.turkishdailynews.com/old_editions/05_16_98/comment.htm.

the grounds that it promoted antiseccular activity and represented the ideologies of a formerly banned party.¹⁴¹ The state prevailed, and the Virtue Party was also banned, making its 110 seats in Parliament technically held by independents.¹⁴²

In 1997, among other measures introduced to contain fundamentalism, the Government mandated eight years of secular education for all children.¹⁴³ This prohibited attendance at Islamic *Imam-Hatip* schools, which were quite popular among Turkish Islamists and conservatives as an alternative to secular public education.¹⁴⁴ Attendance at these schools throughout Anatolia was very high, particularly among the *nouveau riche* who favor their more selective educational curricula. Under this new law, however, students may pursue their studies in these religious schools only after completing eight years of compulsory secular education. There is no restriction on private religious instruction outside of school hours.

Another measure taken against public expression of Islamist ideas was the restriction on the wearing of the Muslim headscarf by females at both schools and universities.¹⁴⁵ Around fifty professors, assistants, and university administrators were dismissed for either wearing or supporting the right of others to wear the headscarf.¹⁴⁶ In

141. See Gorvett, *supra* note 135.

142. See *id.* Personally, I felt that the Virtue Party reached a sufficient degree of subtlety and sophistication in its structure, and a consciousness of its true place in society, such that its successors will be able to adopt strategies and ideologies similar to the history of Christian Democrats in Europe and elsewhere. For a chronology of the government activity against the Welfare and Virtue parties, see *Chronology of Closure Cases Against RP and FP*, TURKISH DAILY NEWS, Dec. 12, 2000, available at 2000 WL 28228576.

143. See TURK. CONST., *supra* note 6, art. 24; 2001 STATE DEP'T REPORT, *supra* note 26.

144. See 2001 STATE DEP'T REPORT, *supra* note 26.

145. See MAZLUMDER slams IU President Over Beards, Headscarves Row, TURKISH DAILY NEWS, Feb. 27, 1998, available at 1998 WL 9590245 [hereinafter *Headscarves Row*]. See generally ELIZABETH ÖZDALGA, THE VEILING ISSUE, OFFICIAL SECULARISM AND POPULAR ISLAM IN MODERN TURKEY (1998) (discussing several pre-1998 high profile veil cases).

146. This measure was found to be in line with both human rights schemes and the Turkish Constitution by The Human Rights Coordination Supreme Council of Turkey. See *Head Scarf Ban Not Against Human Rights*, TURKISH DAILY NEWS, May 9, 1998, available at 1998 WL 9591765. Chairman of the Council, State Minister Hikmet Sami Turk, said the following

[T]he ban on wearing head scarves in government offices and universities is not against the basic human rights and freedoms because the head scarves are symbols of "political ideology," . . .

The regulations pertaining to headscarves, if evaluated according to the Constitution, are part of the Constitutional principle of secularism which

1999, Mrs. Merve Kavakchi, a newly elected Member of Parliament and member of the Virtue Party, tried to take her seat while wearing her headscarf.¹⁴⁷ Subsequently, Prime Minister Bulent Ecevit, President Suleyman Demirel, and the National Security Council loudly condemned Kavakchi. Her action was seen as an outright challenge to the principles of the secular state and its ban on headscarves on publicly owned premises. In response, and through the manipulation of an administrative decision, the government deprived Kavakchi of her Turkish citizenship simply because she already held U.S. citizenship without the consent of the Turkish government.¹⁴⁸ She was also deprived of her parliamentary privileges, although technically not of her elected seat, since Parliament did not vote to remove them from her. To regain her Turkish citizenship, Kavakchi married a Turkish man,¹⁴⁹ but the Turkish Constitutional Court still will not accept Kavakchi as a member of Parliament.

Until February 28, 1997, the President of the Welfare Party, Erbakan, was prime minister of a coalition government formed by an alliance with Mrs. Tansu Chiller's Right Way Party (*Dogruyol Partisi*), a liberal right-wing party.¹⁵⁰ When Erbakan first took power, he raised many eyebrows when he invited several Islamists, including known extremists, to visit at his official residence. On one occasion, Erbakan entertained the heads of all the brotherhoods as his guests for a Ramadan dinner.¹⁵¹ This caused a great scandal among the general Turkish public, among secularists, and particularly among the already suspicious army. Other inciteful actions taken by Erbakan include a statement he made during a public speech in which he said that Islamic revolution was the destiny of Turkey. He then indicated that he did not know whether such a revolution would be bloody or

tution, are part of the Constitutional principle of secularism which warrants the objectivity of the state in religious issues. In this context, a ban on headscarves, which are used as a symbol of political ideology, does not go against the Constitution[.]

Id.

147. See Ilnur Cevik, *It's Time We Solve the Merve Puzzle*, TURKISH DAILY NEWS, Nov. 23, 1999, available at 1999 WL 22751104; *Headscarf Controversy Dominates Agenda as the New Parliament Convenes*, TURKISH DAILY NEWS, May 2, 1999, available at 1999 WL 5567303.

148. See Cevik, *supra* note 147.

149. See *id.*

150. See Welfare Party Case, *supra* note 138, at 3; SHANKLAND, *supra* note 3, at 92.

151. See Welfare Party Case, *supra* note 138, at 3; SHANKLAND, *supra* note 3, at 107.

not.¹⁵² This and other such utterances made Erbakan highly unpopular with the army, which from the start viewed Erbakan's coalition government with great disfavor. Finally, after many frictions, the army decided to act by convening a meeting of the National Security Council.

The National Security Council was created by the Constitution and is comprised of the president, the prime minister, the ministers of defense and the interior, certain other government officials, the commander-in-chief of the armed services, and the heads of the army, navy, and air force.¹⁵³ The recommendations of the National Security Council are theoretically only advisory, but in fact have served as the foundation for military coups staged in the past.¹⁵⁴

The Council recommended stern measures to contain fundamentalism and to guard the secular nature of the state.¹⁵⁵ Erbakan could not accept the measures and resigned.¹⁵⁶ A caretaker government was formed to prepare for new elections, and, as mentioned above, the Welfare Party lost its status as the biggest single element in Parliament eight months later.

Throughout the occurrence of these events, manipulation of democratic rights and freedom of religion by Islamists was rightly condemned by the state. There were many abuses. For example, the Turkish Hezbollah was, and still is, a very serious problem.¹⁵⁷ This terrorist Islamist organization has tortured and killed more than 300 people over the years. Fortunately, the state finally organized a very wide and thorough campaign to eliminate Turkish Hezbollah.

Nevertheless, I believe that the state should limit its power within the confines of normal democratic rules and norms, especially now that Turkey has been accepted as a candidate for accession to the European Union. It is essential that the state carefully differenti-

152. See Welfare Party Case, *supra* note 138, at 3, 8, 29; *Ban on Erbakan Final*, TURKISH DAILY NEWS, Jul. 6, 2000, available at 2000 WL 22786960.

153. See TURK. CONST., *supra* note 6, art. 118 (amended 2001); see also SHANKLAND, *supra* note 3, at 111.

154. See, e.g., *Headscarves Row*, *supra* note 145.

155. See SHANKLAND, *supra* note 3, at 204–08, for the full text of the Security Council Recommendations.

156. See *In Turkey, the First Coup (Part II)*, TURKISH DAILY NEWS, Apr. 15, 1998, available at 1998 WL 9590612; see also SHANKLAND, *supra* note 3, at 93, 111.

157. See, e.g., *Turkish Hezbollah: "No state links,"* BBC NEWS ONLINE, Jan. 23, 2000, at http://news.bbc.co.uk/low/english/world/europe/newsid_615000/615785.stm (last visited Mar. 30, 2002).

ate between legitimate Islamic practices and terrorism in its crack-downs.

D. Various Problems

1. The financial aspect

a. Muslims. As mentioned before, the religious life of Muslim believers is officially organized and regulated by the DIB. This institution receives a substantial amount of funding from the annual national budget of the state, accounting for some five percent of the total budget.

The so-called illegal brotherhoods receive no state support and must obtain all their funding from within their respective communities.

b. Non-Muslims. Non-Muslims receive no financial aid from the state. The members of their communities must meet all expenses for their religious activities, including the salaries of priests and preachers.

2. The internal structures of religious bodies

a. Muslims. The DIB makes all decisions regarding the appointment of religious officials, including imams and muftis. Muftis are charged with the administration of religion within certain defined districts, such as a city, large town, or other administrative unit.

The leaders of the so-called illegal brotherhoods, generally referred to as shaykhs, are selected and confirmed by the general consent of the members of their respective brotherhoods. However, recently a new precedent was established when, before his death, Dr. Esad Cosan nominated his own son as successor shaykh of the Nakshibendis.

Within the Alevi tradition, shaykhs are referred to as “grandfathers” and are chosen from the genealogical bloodline of the Caliph Ali, son-in-law of the Prophet Mohammed.¹⁵⁸

b. Non-Muslims. Non-Muslims are allowed to observe the canonical law of their own particular denominations to determine internal structure and leadership.

158. See Shindeldecker, *supra* note 18.

3. *Religion and culture*

a. Muslims. The roles of the “illegal” sects and denominations are an important factor in the life of Turkish Muslims. I have already dealt with their activities *supra* in Part IV.B.

b. Non-Muslims. As previously mentioned, the activities of the Greek Orthodox Church of the Phanar have achieved worldwide importance since the election of the Patriarch Bartholomeos in 1991. The new Armenian Orthodox Patriarch, Mesrop II, who was elected in 1998, also took a new and important position in the cultural and social life of Turkey, while the Syriac Church’s cultural contribution is rather less important.

The Roman Catholic Church occupies a very important place in the interreligious dialogue of Turkey. The vicar of the Vatican, Mgr. Marowitch, organizes meetings and seminars among the different religious leaders. For example, he was instrumental in arranging the visit of Mr. Fethullah Gulen to the Holy See.¹⁵⁹

In 1992, the Jewish Quincentennial Foundation organized worldwide cultural activities to mark the five hundredth year since Sephardic Jews expelled from Spain were welcomed to a new homeland in Turkey.¹⁶⁰ Tolerance and humanitarianism mark the relationship between Muslims and Jews, both in the old Ottoman Empire and in Modern Turkey.¹⁶¹ In fact, the Jewish sector constitutes a very important pressure group in Turkish political and cultural life.

4. *Religious participation in public institutions (prisons, hospitals, armed forces, etc.)*

a. Muslims. In prisons and hospitals, the DIB officially nominates imams. However, in practice these imams do not fill a very important role, as their function is largely confined to conducting funeral ceremonies. In the armed services, which are secular in nature, imams have no regular religious responsibilities, either. Only during times of war are military imams allowed to offer religious assistance to their comrades, and even then it must be unstructured assistance.

b. Non-Muslims. There are no Christian or Jewish chaplains catering to the needs of their constituents in Turkish prisons or

159. See Marowitch: *Gulen Discussed Religious Issues with Pope*, TURKISH DAILY NEWS, May 31, 2001, available at 2001 WL 22002895.

160. See Quincentennial Foundation Website, <http://www.sephardichouse.org/quincentennial-foundation.html> (last visited Mar 30, 2002).

161. See generally *id.*

tering to the needs of their constituents in Turkish prisons or hospitals. However, in non-Muslim religious hospitals and other institutions, priests and rabbis are free to offer spiritual assistance to the members of their respective flocks.

5. Marriage

For all citizens of Turkey, civil marriage is prescribed by law and is the only form of marriage that carries any legal status. Nevertheless, after civil marriage, couples are free to participate in a religious marriage ceremony according to their particular rites, though Muslims are not allowed to do so in a mosque.

There is no legal bar against marriages of mixed religion in Turkey. Children of such marriages have the right to choose their own religion at the age of eighteen. Before that age, children are subject to the consensual agreement of their parents in the matter.

V. CONCLUSION

Turkey constitutes an important bridge between the East and the West, not only by virtue of its geographic position, but also because of its historical and cultural background. As a cultural and racial entity, Turkish Anatolia is an amalgam of different ethnic groups and civilizations. Having come from Central Asia, Persia, Arabia, the Mediterranean, and the Balkans, the people today called Turks have experienced and absorbed elements from many different cultures. For this reason, Turkish interpretation of Islam is multidimensional and multicolored in many of its aspects. It is not rigidly sectarian like that of many of the regimes in this geographical area.

Of course, Turkey is an old society, and so inevitably has brought with it some culture and custom incompatible with modern conceptions of human rights. The concept of natural law became part of Western philosophy during the Age of Enlightenment, but only entered the Turkish legal system much later. New ideologies cannot easily be accepted or assimilated by a collective consciousness formed by so many different conceptions of law and jurisprudence. Even the Western world has had its problems in the field of human rights in the twentieth century. Indeed, in the United States there are several Christian fundamentalist denominations that are extremely fanatical who want the "secular" U.S. Constitution amended to reflect their views. Further, the Roman Catholic Church has made considerable

progress in the field of democracy beginning with the influence of St. Thomas Aquinas. But we must never forget that according to Aquinas, a state loses legitimacy if it does not respect the *Lex Divina*. As this can only be interpreted by the clergy, the door to state theocracy in parts of the West is still open.

Religion is an enduring and important factor in the political and social life of all countries, including those that make up the Christian world. Therefore, it is incumbent on us to place the problems of religion in Turkey in their worldwide context, and to see them from an objective viewpoint.

