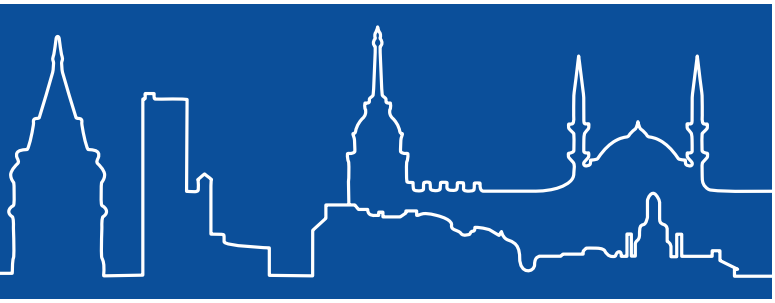
IPC–MERCATOR POLICY BRIEF



THE PROBLEMS OF RELIGIOUS EDUCATION IN TURKEY: ALEVI CITIZEN ACTION AND THE LIMITS OF ECTHR

Ayşe Ezgi Gürcan*

Executive Summary

Problems in religious education (RE) has become a topic of great interest in the last couple of years as a result of both the activities of European and Turkish interest groups and the rulings of local and international courts. This policy brief investigates the role of regional norms on religious education (or lack thereof) and the European Court of Human Rights (ECtHR) in shaping the debates and policies on religious education in Turkey by focusing on the particular issues addressed by the Alevi community in Turkey. It discusses to what extent the content and scope of RE in Turkey reflects regional frameworks on religious rights and freedoms and questions the role the courts play in (re)shaping RE policies. Particularly, it seeks to shed light on why the ECtHR has limited transformative power and elaborates short-term and long-term actions that need to be taken to overcome key issues.

September 2015

**Ayşe Ezgi Gürcan* is a Mercator-IPC Fellow at Istanbul Policy Center (IPC), Sabancı University.

The interpretations and conclusions made in this article belong solely to the author and do not reflect IPC's official position.

IPC | ISTANBUL POLICY CENTER
SABANCI UNIVERSITY
STIFTUNG MERCATOR INITIATIVE

CONTACT INFORMATION
İstanbul Policy Center
Bankalar Caddesi Minerva Han No: 2 Kat: 4
34420 Karakoy-İstanbul
T. +90 212 292 49 39
ipc@sabanciuniv.edu, ipc.sabanciuniv.edu

Gürcan, Ayşe Ezgi.

The Problems Of Religious Education In Turkey: Alevi Citizen Action And The Limits Of Ecthr. 20 p.; 30 cm. – (Sabancı University Istanbul Policy Center; Stiftung Mercator Initiative)

ISBN 978-605-9178-14-3

Cover Design: MYRA; Implementation: grafikaSU

1.Edition: 2015

Printed by: Fabrika Basım

Göztepe Mh. İnönü Cd. No:74/A

Bağcılar / İSTANBUL

ISBN: 978-605-9178-14-3

İstanbul Policy Center
Bankalar Caddesi Minerva Han No: 2 Kat: 4
34420 Karakoy–İstanbul
T. +90 212 292 49 39
ipc@sabanciuniv.edu
ipc.sabanciuniv.edu

Introduction

As the country with the greatest number of convictions in the European Court of Human Rights (ECtHR) (i.e. 3,095 judgments between 1959 and 2014),[1] Turkey is under heavy criticism for not fully reforming its rights regime.

Over the years the ECtHR rulings have led to increasing pressure on the Turkish government to change its policy in many fields, including education and religious freedoms. While the initiatives of the incumbent Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) in its second term were welcomed both in the domestic and international arena, the subsequent policy changes (or lack thereof) in its third term have been a cause for concern. Although steps have been taken to Europeanize the rights regime in Turkey, the rights of non-dominant religious communities continue to be a problematic issue area. Particularly in the field of education, the demands for reform in the structure and content of religious education (RE) are increasing.

In principle, RE policies reflect the *sui generis* understanding of laicism in the Turkish Republic, which put an emphasis on the withdrawal of religious influences from the domains of education. Yet, in practice, RE adopts a confessional and denominational characteristic (i.e. Sunni, Hanafi). All students, with the exception of those belonging to the non-Muslim minorities identified in the Lausanne Treaty, are required to attend the "Religious Culture and Moral Knowledge" (*Din Kültürü ve Ahlak Bilgisi*) courses.

In addition to the compulsory courses on religion and morals, in the 2012/13 academic year, three elective courses – i.e. "Quran" (*Kuran-ı Kerim*), "The Life of Prophet Muhammed" (*Hz. Muhammed'in Hayatı*), and "Basic Religious Knowledge" (Temel Dini Bilgiler) – were added to the curriculum. While in theory selection of these new courses was optional, some had to enrol for one or more of these courses due to unavailability of non-RE course alternatives;[2] hence creating new venues for *de facto* discrimination. The 2012/13 academic year also introduced another practice that has further complicated the issue of the right to religious education in the country. The inclusion of the 8th grade RE subject matter in nationwide "Transition from Primary to Secondary Education Exam" (*Temel Eğitimden Ortaöğretime Geçiş,* TEOG) generates a new challenge to the equal opportunity in education principle. The students who are forced to take the courses by law, such as the Alevis, face a new exclusionary practice as getting into prestigious high schools becomes harder without correctly answering the questions of a subject matter they consider discriminatory and assimilative in the first place. The students who are exempted from the courses also face a problem as there are no alternative non-RE questions in the test. Even though officials have considered preparing an alternative test for the Greek, Jewish, and Armenian students as a means to promote equality in testing, only the students of one Jewish school (i.e. *Ulus Özel Musevi Okulları*, UÖMO) have taken the test in the 2014/15 academic year.[3]

Despite the amendments made over the years and the introduction of new education reforms in 2012, the non-Sunni communities of Turkey continue to be vocal advocates for a reform of the structure of RE both in the domestic and transnational arenas. Among those groups, particularly the Alevi community's struggle for the right to religious education has turned into an interesting case. Over the years the Alevis - which constitute the largest non-Sunni religious community in Turkey[4] - have attracted national and regional attention through the activities of both the domestic and the

European Alevi interest groups and the applications of the Alevi citizens to the ECtHR. Despite growing dissatisfaction with the existing education system and increasing activism, the transformative impact of the ECtHR is questionable.

Religious Education in Europe

Europe is a region where religion is taught in public schools, with the exception of a handful of countries such as France (aside from Alsace-Moselle) and Albania, where public school education is secular. In the majority of states, RE programs are seen as a medium either for (a) promoting moral values, (b) fostering identity in multi-cultural, multi-religious societies, or (c) enhancing inter-faith dialogue and tolerance for other religions. Despite the vast number of countries providing RE in the region, there is a significant lack of uniformity as there are notable intra-state and inter-state differences.[5] The institution(s) organizing the courses, as well as financing, selecting, and monitoring the teachers, vary significantly.

We observe that domestic practices and policies in the field of RE are shaped by the relationship between religion and politics in a given country, as well as its institutional structure. While in some countries RE continues to be compulsory, in others it remains optional. Additionally, where education policies are centrally planned, persistence of strong state-church relations paves the way for RE to favor a particular denomination as in Southern Europe (namely Spain,[6] Italy, and Greece). In the absence of a strong religious institution/community to act as a societal veto player in policy-making processes, RE adopts a non-confessional character, as in most of the Nordic countries, England, and Whales.[7] In Germany, where education is not centrally planned, RE policies become products of federal states (*Länder*). Even though each *Länder*'s education policies differ from one another, religious authorities, administrative units, and other relevant representative institutions jointly organize and finance RE at public schools.

Is there a regional consensus on RE policies?

Even though the domestic laws and practices on organization of RE in Europe vary, European institutions provide a general framework for RE within European states. The right to religious education is entrenched in Article 2 of Protocol 1 of the Council of Europe's (CoE) *European Convention for the Protection of Human Rights and Fundamental Freedoms* (ECHR) (right to education):

> No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.[8]

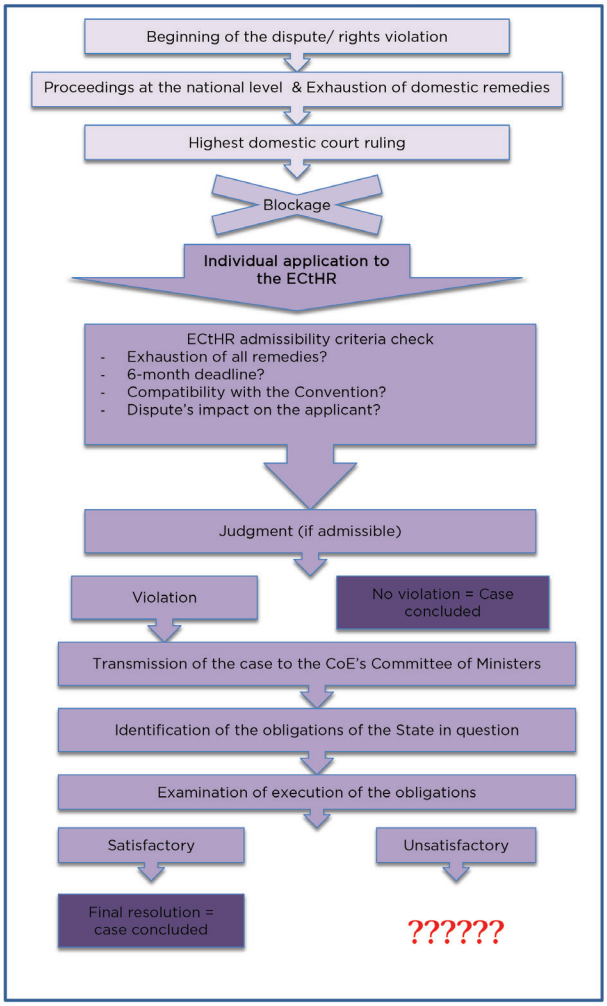
This provision is the basis of two fundamental rights: (a) the right to be exempted from RE courses, and (b) the right to establish private schools with a confessional or denominational orientation. As courts in European states have continued to be flooded with cases on the role of religion in education over the last two decades, this provision – combined with Article 9 (on the freedom of thought, conscience, and religion) and Article 14 (on discrimination) of the European Convention on Human Rights (ECHR) – provides a guideline to understand and evaluate the scope of the obligations of the states.

One Size Does Not Fit All: Strasbourg as a Transformative Actor

The treaties of the CoE on human rights provide legally enforceable judicial remedies to individuals whose rights have been violated. Both the adoption of the ECHR in 1950 and the establishment of the ECtHR in 1959 enabled the CoE to scrutinize the laws and practices of the member states that historically asserted different conceptions of rights. Consequently, in time, both the Convention and the Court became supervisory mechanisms in Europe.[9] The ECHR provides recourse to bring alleged rights violations before an international body, whereas the ECtHR through the doctrine of the "margin of appreciation" considers whether the rules and practices of a member state are compatible with the Convention or not. At first sight the CoE and the jurisprudence of the ECtHR seem to provide robust protection of fundamental rights in general. Yet, few would dispute the proposition that the judgments of the Strasbourg Court are for the most part declaratory - i.e. "creating ... obligations of result and not of conduct"[10] - hence, leaving the respondent states without effective guidance as to how to address the concerned violations.

There are not many legally binding provisions in the field of RE. Even though the right to faith-based education is acknowledged, no institution forces its member or candidate states to adopt a specific model for RE. As a result, rather than harmonization of policies regulating religious education, the CoE, along with the other European institutions (i.e. EU & OSCE), organizes a number of initiatives focusing on the recognition of religious diversity and encouragement of religious tolerance. The reforms and transformations in RE policies are mostly a product of domestic concerns and needs. Unless serious rights violations or security concerns emerge, the regional organizations do not deal with the issue of RE in legal terms.

Figure 1. Portrait of an ECtHR application



If it does not enforce a single model for "proper conduct," does that mean the Strasbourg Court has no role in transforming the legal status quo of RE within member states?

Although the Court issued a radical judgment, the slow and incremental change initiated by this mechanism continues to be a powerful medium for setting the public agenda and pushing for policy changes. Since 1959, ECtHR has rendered a number of judgments that have called for changes in state practices. However, the answer to the question of the implementation of judgments is closely linked with domestic institutional settings.

Figure 2. The CoE's Tools and Actors for the Supervision of the Execution of the ECtHR Judgments

The Committee of Ministers	• Adoption of interim resolutions • Application of Article 8 of the Statue of the CoE*: • "[a]ny member of the Council of Europe which has seriously violated Article 3 may be suspended from its rights of representation and requested by the Committee of Ministers to withdraw under Article 7. If such member does not comply with this request, the Committee may decide that it has ceased to be a member of the Council as from such date as the Committee may determine"

ECtHR	• Recommendation rather than prescription
	• "Pilot case" procedure to deal with large groups of identical cases that derive from the same underlying problem
	• Infringement proceedings (Protocol No. 14 Article 46)
	  • Referral to the Court in the event of a "problem of interpretation" concerning a judgment
	  • Referral to the Court for a state's failure to execute a judgment

The Parliamentary Assembly	• *Order No. 485* (1993) ➔ instructed its Committee on Legal Affairs and Human Rights "to report to it when problems arise on the situation of human rights in member States, including their compliance with judgments by the European Court of Human Rights".
**** No member state has been expelled for failing to execute Court decisions since 1959.***	

In the field of RE we have also seen that the ECtHR had made a number of decisions, such as *Folgerø and others v. Norway* (application no. 15472/02), *Hasan and Eylem Zengin v. Turkey* (application no. 1448/04), *Grzelak v. Poland* (application no. 7710/02), and most recently *Mansur Yalçın and Others v. Turkey* (application no. 21163/11), that were instrumental in shaping public debates and policy initiatives within the involved state.

Yet, the call for change does not always lead to policy decisions that are compatible with regional provisions. Although the ECtHR rulings put pressure on a state to implement behavioral changes, invoking the "margin of appreciation" doctrine is considered a threat to the sovereignty of member state authorities. The more the number of involved member states and judgments increase, the more the legitimacy of the judicial review of the ECtHR is called into question.[11]

Even though international and regional organizations are significant actors in the founding and the diffusion of the norms on individual and collective rights, they are mostly ineffective in their capacity to enforce states to act (Figures 1&2). While the ECtHR provides a new venue for citizens to engage in political action, the outcomes of said action may either be ignored by the governments or pave the way for the introduction of new exclusionary policies.

Religious Education in Turkey: Between Law and Politics

Education in general is highly centralized in Turkey. The Constitution, laws regulating education and instructions, government programs, development plans, and the National Education Councils shape the structure and the content of education in

Turkey. However, a brief overview of the history of RE policies in Turkey shows us that the policies change with the transformation of religion's role in Turkish politics. While the RE policies mimic those of France until the multi-party period, following the 1946 elections RE was (re)introduced as an optional/elective course. By 1949, an hour of "elective" RE course was included in the curriculum of the 4th and 5th grades. Though these RE courses became compulsory in 1950, students were given the opportunity to opt-out. The RE courses were later added to the secondary school program in 1956 and to high school programs in 1967.

In the aftermath of the 1980 coup, the state began to re-emphasize the role of religion and the significance of RE to ensure the course of secularism and to strengthen the bonds among citizens through "correct" instruction of religion (Islam).[12] To that end, the new government introduced compulsory courses on religion and morals. Article 24 of the 1982 Constitution declared that "education and instruction in religion and ethics shall be conducted under the State supervision and control. Instruction in religious culture and moral education shall be compulsory in the curriculum of primary and secondary schools." The content of the curriculum and the textbooks included information only about the Sunni interpretations of Islam with little references to other world religions. As Article 24 continues to be in effect, the compulsory nature of the course on religion and morals continues to be one of the major concerns of the non-dominant religious communities and secular opposition in Turkey.

The challenges to RE rights not only come from domestic actors but also from regional intergovernmental institutions. Since it is a member of both the OSCE and the CoE, Turkey is expected to comply with the standards framed by these organizations. Additionally, because Turkey is an EU candidate, the transfer of liberal European norms and values on rights has been reinforced through the EU membership negotiations.[13] The more Turkey seeks co-operation and dialogue with its European neighbors, the more its compliance to the international norms on individual and collective rights becomes an issue.

When Turkey ratified Article 25 of the ECHR, which resulted in the recognition of the right of individual petition to the ECtHR, two months before its formal application to the Union in 1987, ECtHR applications and decisions became a part of the negotiations between Turkey and the Union. Once Article 25 of the ECHR was ratified in Turkey, the ECtHR began to provide a supranational system of review of human rights practices in Turkey.

In the area of religious freedom, ECtHR jurisprudence has a pivotal role particularly in protecting the rights of the individuals belonging to ethnic and religious minorities. Both the number and the content of the applications from Turkish citizens, along with the compliance of the Turkish state with the decisions of the Court, are monitored by the European Commission and included in the annual progress reports. Starting with the *Regular Report on Turkey* in 1998, the EU reports on Turkey assess the situation of minorities, cultural rights, and religious freedoms.

Struggle for the Right to Religious Education

Turkey's membership to the CoE provided new opportunity structures for the individuals to communicate violations of their rights in Turkey to European institutions and seek leverage in transforming domestic practices through cases brought to the ECtHR. The more the domestic administrative courts declined the lawsuits of Alevi

citizens, the more the ECtHR emerged as a new legal opportunity structure to justify the demands of the Alevi community and put pressure on the Turkish state.

Most frequent cases brought to the attention of the court by Alevi citizens concern the violation of religious rights and freedoms. The pioneering case on the issue of religious education was *Hasan and Eylem Zengin v. Turkey*, which set the case law. In the lawsuit, Hasan Zengin accused Turkey of violating his parental rights on his daughter's education. The state representatives in their defense highlighted the "unbiased" nature of Turkish education and claimed that the syllabus "did not take into consideration the vision of members of mezhep (a branch of Islam) or *tarikat* (a religious order) represented in the country."[14]

After the assessment of the case, the ECtHR acknowledged that although 9th grade textbook included some information on Alevi religious figures, the overall content of the textbooks and the curriculum was insufficient to address the demands of Zengin. Additionally, the compulsory nature of religious education was a further violation point. The ECHR ruled, "The exemption procedure is not an appropriate method and does not provide sufficient protection" since it required citizens to declare their religious affiliation.

The decision was celebrated both by the domestic and transnational Alevi interest groups. Even though the Turkish state did not comply with the ruling, non-compliance shaped the course of the public and international debate on Alevi's rights demands. The case also found its way to the European Commission's progress reports on EU membership-seeking Turkey.

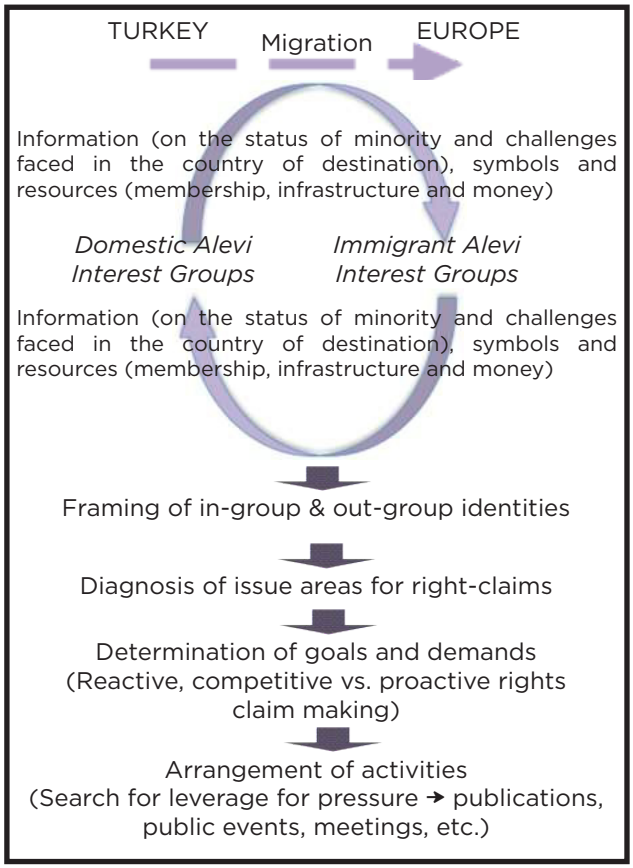
Since the EU neither has a legally binding collective rights specific jurisprudence, nor considers freedom of religion as part of the *acquis*, it has limited leverage on the candidate states to transform the institutional arrangements regarding both collective rights and religious freedoms. However, EU accession process acts as a supplement to the legally binding processes of the ECtHR, since the process contributed to expanding the impact of the CoE's jurisprudence. By doing so, it also increases the visibility of the Alevi community and keeps the Alevi issues on the public agenda.

Transnational and Domestic Linkages on the Issue of Religious Education

Existing literature on migration and transnational networks have shown that the relationship between migrant sending and receiving countries is not static and linear.[15] International migration paves the way for the establishment of intense and relatively continuous networks between the countries of origin and destination. The complex interplay between the policies and the politics of migration highlights the role of transnational communities and transnational spaces in the materialization of both the immigrant identities and their political demands.

In line with this, the migration to Europe (particularly to Germany) that began in the 1960s was instrumental in the establishment of a lively Alevi associational life in Europe. The exchange of information, revenues, and symbols between the domestic and transnational Alevi interest groups was pivotal in the standardization of Alevi demands, i.e. the Alevi declaration, in both realms (See Figure 3).

Figure 3. Relationship between immigrant and domestic Alevi interest groups



The networks were influential because they challenged the rights and citizenship regimes in Turkey at a time when the EU accession process was pressuring the Turkish state to comply with the regional and international human rights norms. The ECtHR trial period paved the way for the emergence of a number of joint activities between the domestic and transnational Alevi interest groups.

The Alevi interest groups campaigned during the trial period both to attract the attention of the media to the ECtHR trial and raise awareness on the issue. The main opposition party, i.e. Republican Peoples Party (*Cumhuriyet Halk Partisi*, CHP), MPs in the Turkish Grand National Assembly (*Türkiye Büyük Millet Meclisi*, TBMM) also monitored the progress of the case. By framing questions on the issue, the MPs tried to keep the issue of RE on the agenda. Yet, we have seen that in this early period, the AKP officials did not consider the lawsuit as an issue. In response to Ali Riza Gülçiçek's questions on RE policies, Hüssein Çelik, the Minister of Education at the time, legitimized the position of the government on the issue: "in accordance to our state's program for alignment with the aquis, our Ministry is organizing education initiatives, and with respect to alignment with the aquis there is no problem with the content and structure of the Religious Culture and Ethics Knowledge courses."[16]

In 2005, to put more pressure on the Turkish government Alevi Bektashi Federation (*Alevi Bektaşi Federasyonu,* ABF) submitted a petition to the EU Parliament including 1 million signatures asking for dissolution of compulsory religion courses in Turkey. The three major federations ABF, Alevi Foundations Federation (*Alevi Vakıflar Federasyonu*, AVF), and Alevi Associations Federation (*Alevi Dernekler Federasyonu*, ADF) also lobbied to include the Alevi demands and issues in the 2005 progress report. The Federation of Alevi Unions of German (*Almanya Alevi Birlikleri Federasyonu*, AABF) was also instrumental in this period.

Foundations of another ECtHR lawsuit were laid (*Mansur Yalçın and Others v. Turkey*, application no. 21163/11). On June 22, 2005, fourteen applicants submitted a petition to the Ministry of National Education, demanding a revision in the content of religious education. The applicants demanded revisions in the curriculum upon consultations with officials of the Alevi faith, and asked Alevi culture and philosophy to be incorporated into the program. The applicants also called for revisions in the training of teachers of religious education.

In its response, the Ministry emphasized the "supra-confessional approach" of the curriculum

preparation process and declined the request. Following the response letter of the Ministry, a class-action suit was filed in the same year. After exhausting all domestic options, the case was introduced to ECtHR on February 2, 2011 and communicated to Turkish government on October 26, 2012. Similar to the *Hasan and Eylem Zengin v. Turkey*[17] case, the Turkish state was accused of violating Articles 9 and 14 and Protocol 1 Article 2 of the ECHR.

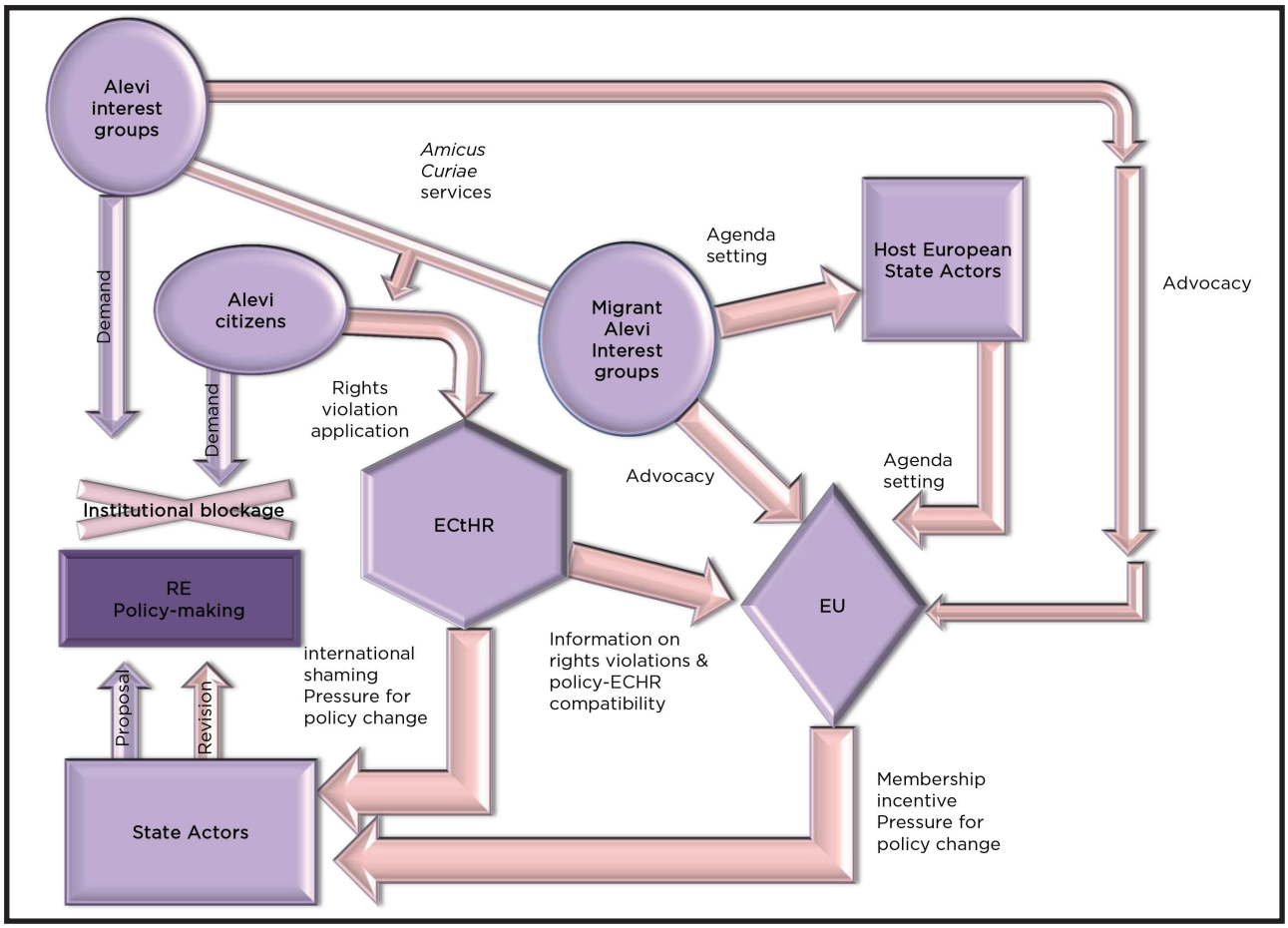
Even though the Turkish state did not comply with the ruling, non-compliance shaped the course of the public and international debate on rights demanded by the Alevis. Since it is a EU-membership seeking country, the more the debates and the issues in Turkey's rights regime got domestic and international coverage, the more it drew the attention of the EU bodies monitoring membership bid progress. Starting from 2004, the development and outcomes of the case were used by the European Commission both to determine the problems, and monitor the particular issues regarding the protection of the rights of the Alevi community. The Commission reports monitored the progress of the case between 2004 and 2007 and continue to bring the non-compliance of the Turkish state to the court's attention.

Reform, Resistance & Response

In Turkey, the struggle of religious education led to emergence of several cycles of government reforms, civil society resistance, and government response (Figure 4). Increasing pressures from below and external pressures from the EU and the ECtHR act as a catalyst for the incumbent government to officially recognize the "Alevi situation" as a problem in 2007. The constant information flow between European and Turkish Alevi interest groups, the trials in the ECtHR of Alevi citizens, the increasing references to Alevi right-claims in the EU accession reports and discussions, along with the increasing awareness of the public and the media on Alevi issues have opened the door for significant changes in AKP-Alevi relations. The nomination and election of three Alevi MPs, i.e. Reha Çamuroğlu, İbrahim Yiğit, and Hüseyin Tuğcu, in the 2007 national elections marked the beginning of a series of initiatives and symbolic gestures between the AKP elite and (some) Alevi notables.

Government promoted organization and maintenance of a dialogue between different state institutions, political parties, bureaucrats and Alevi artists, civil society organizations, interest groups and academics. The Government, represented by the Minister of State Faruk Çelik coordinated a number of workshops to discuss the problems of the Alevi community in Turkey between 2009 and 2010. The workshops particularly problematized (i) the demand for a definition of the community (hence, determining its boundaries), (ii) the status of the *cem* houses, (iii) the status and organization of the Directorate of Religious Affairs (DIB), (iv) the status and content of the compulsory lessons in religious culture and ethics, (v) along with the status of *dedes* as religious leaders, and (vi) *de facto* and *de jure* discrimination of Alevi citizens in public and state institutions. Other issues, such as the status of the Madimak Hotel as the symbol of violent discrimination against the Alevi community, were discussed. The workshops were designed to facilitate and communicate the concerns, perceptions, and recommendations of the domestic Alevi organizations to the state officials.

Figure 4. Alevis and Leverage Politics in Turkish RE Policy-making



This initiative was significant for showing the diversity of the Alevi demands on RE. Even though each group emphasized the need for equal citizenship rights in their speeches, the interpretation of the notion of "equality" differed significantly among the Alevi actors. While the groups with competitive rights claims asked for transformation in the content of religious education, the groups with reactive and proactive claims focused on the structure of religious education in Turkey. In other words, while the former groups has stressed the principles of non-discrimination, the latter has drawn the government's attention to the principles of non-assimilation.[18]

The experience of Alevis in Germany particularly has shaped the debate on the reorganization of religious courses. The participants of the third Alevi rapprochement workshop (August 19, 2009) also tried to propose solutions to the problem. By drawing lessons from the German experience, the representatives called for a solution within the existing legal framework. The main discussion revolved around the content of the courses rather than their structure. However, the workshops did not generate a consensus on the issue of Alevi RE.

In response to the criticism on the content of religious education textbooks, the Ministry of Education prepared new textbooks to be used in the 2011-2012 school year. The new material introduced the concept and issues related to Alevi faith. Detailed accounts of Alevism were a subject in the books for 7th to 12th graders. Nonetheless, the

chapters on Alevism were placed under the "Sufi interpretations within Islam" section of the books.[19]

While the inclusion of other interpretations of Islam, i.e. Alevism, Caferism, Bektashim, into the textbooks could be taken as an indicator of increasing religious pluralism in religious education, the revised text continues to put emphasis on the Sunni interpretations of Islam: The revisions are really nothing more than a cosmetic change. The content of the textbooks and curriculum continue to be an "education of a religion" rather "education *about* religions."

The limited content of religions/beliefs other than Islam and the biased language of the textbooks have continued to be an issue area in the subsequent academic years. If we look at all the textbooks for the compulsory "Religious Culture and Moral Knowledge" courses from grades 4 to 12 for the 2014-2015 academic year, we see that the notion of religious plurality is mostly ignored. Looking at the 4th grade textbook, we see that the book frequently speaks of the Sunni (Hanefi) interpretation of Islam as "our religion." Additionally, any sign of religious plurality is almost non-existent until the 7th grade textbooks.

The 112-page 4th grade textbook focuses only on Islam, and starting with its first chapter, it features frequent references and "reminders" of the Islamic canon. Similar statements on Islam and a lack of religious plurality can be found in the 5th & 6th grade textbooks (see Figure 5).[20]

It is only in the 7th grade textbooks that we begin to see the first references to religious heterogeneity with the introduction of Alevism. Yet, as no substantial revisions have been made since 2011, the Alevism-Bektashism content continues to constitute only eight of the 128-page 7th grade textbook. While information on other religions (i.e. Christianity, Judaism, Buddhism, Hinduism, and Taoism) is introduced in the 8th grade and atheism in the 9th grade, the books devote most of their content to Islam.

The confessional and denominational characteristics of the 10th, 11th, and 12th grades are not subtle either. Expressions such as "our religion" and "our prophet" assume everyone is a Muslim believer, doing little to enhance recognition of religious plurality in Turkey. As the textbooks rely on "us" vs. "them" rhetoric to communicate information on a particular religion, the course continues to promote exclusion.

In addition to the status of RE and the problems of the textbooks, other courses in the curriculum reinforce discrimination of the Alevi community. On September 2011, the new reform initiative on education was introduced with the *legislative decree no. 625.*

The new education reform, popularly known as the "4+4+4 system," introduced new elective courses in the field of religious education. The absence of changes in the organization and content of the compulsory courses and the ambiguity in the criteria for selection of the new religious elective courses drew heavy criticism from both the TBMM and the media. The Alevi interest groups feared the new electives would become *de facto* compulsory courses: hence, increasing the scope of the violation of the rights of the Alevi parents and students.

Subsequently, the 2012-2013, 2013-2014, and 2014-2015 academic years were marked by an increasing number of interest group activism. In addition to the organization of rallies to protest government policies, Alevi interest groups prepared reports, organized seminars, and held press conferences to increase awareness on the new forms discrimination introduced with the 4+4+4 reform policies.

Figure 5. Examples of Denominational Bias in the 4th-6th Grade RE Textbooks

4th Grade	"Our religion demands that we start our works with basmala" (Grade 4, MEB, p. 10). "We should thank Allah for our blessings. After we ate and drink something, recover from an illness, have our wish fulfilled we should say grace to Almighty Allah" (Grade 4, MEB, p. 13). "Allah created all creatures with love and care and entrusted them to us" (Grade 4, MEB, p. 78).
5th Grade	"The scope of religious worship is quite wide in our religion. According to Islam prayer [namaz], fasting [oruç], giving alms [zekat] and pilgrimage [hac] are the primary practices of worship....One worships only to Allah" (Grade 5, MEB, p.31). "Our holy book Qur'an is the basis of our religion" (Grade 5, MEB, p. 79). "It is seen that the Qur'an provides us information on Allah-man, man-man, Allah-universe, and man-universe relations, and guides us. For that reason man should believe and worship Allah" (Grade 5, MEB, p. 87).
6th Grade	"Qur'an is a holy book, which is our Prophet's greatest miracle" (Grade 6, MEB, p. 24) "There are two religious holidays in a year. One of these is Ramadan, and the other one is Feast of Sacrifice (Grade 6, MEB, p.46)

Domestic interest groups collected testimonies of "forced selection" of elective courses on religion. The reports prepared by the Alevi interest groups, by combining testimonial information with statistical information, attempted to legitimize the concerns of the Alevi activists and set/shape public agenda.

Additionally, inclusion of the 8th grade RE subject matter in the nationwide Transition from Primary to Secondary Education exam [TEOG], introduced a new form of inequality and exclusion not only for the students belonging to the Alevi community but also of the non-Muslim religious minority students, who were exempt from the courses. While the former needs to get high scores from the test to get into high-ranking high schools, the latter is given no definite alternative test to take and left with an ambiguous score calculation system. According to the Transition from Primary Education to Secondary Education System (TEOG) exam, 8th graders must take 12 exams on six subjects (i.e. Turkish, Mathematics, Science and Technology, Revolution History and Kemalism, Religious Culture and Moral Knowledge, Foreign Language) during the academic year. As the test on the "Religious Culture and Moral Knowledge" subject matter became a part of the high school placement criteria, pupils belonging to non-Sunni communities face a clear disadvantage.

The government initiatives for reform in education continue to cause problems as the government has passed a law to transform general high schools into religious vocational schools, frequently to *Imam Hatip Lisesi*, IHL. The more general schools transform into IHL, the more the likelihood of prospective students to enroll in a school with Sunni Islam dominant curriculum increased. Combined with the problems in TEOG, the increasing number of IHL is perceived as a threat. Particularly following the reports that thousands of students (including non-Muslims such as the grandson of Turkey's chief rabbi, Ishak Haleva) were placed in Islamic vocational schools against their will, in August 2014 a number of protests took place throughout the country.

In addition to high school entrance exams, the course content has also become part of the university entrance exam (YGS) questionnaire creating another dimension of inequality in education. Since 2013, students have been asked five RE questions during YGS if they took courses

on "Religious Culture and Moral Education." Yet unlike the case of the TEOG, those who were exempted from the courses were asked to answer five philosophy questions.[21]

Criticism of Turkish RE has grown since the announcement of the ECtHR verdict on *Mansur Yalçın and Others v. Turkey* (application no. 21163/11) on September 16, 2014. The ruling highlighted the ongoing structural problems in the Turkish education system. The Court concluded that Turkey continues to violate the standards of the European Convention on Human Rights (ECHR) on religious rights and freedoms, and failing to remedy the problems that were first identified in the case of *Hasan and Eylem Zengin v. Turkey*. In the aftermath of the announcement of the decision, the state officials, identifying the issue as a domestic matter, refused to acknowledge a problem in the system. Instead, officials emphasize the role of RE in strengthening the morality, identity of the pupils, and social cohesion in the country.[22] As a response, on October 12, 2014 hundreds of Alevis (as well as a number of civil society organizations) marched to Ankara to protest the country's compulsory religion courses and the problems in the educational system. The participants highlighted the ongoing reforms on RE both as a breach of non-discrimination principles and a violation of the non-assimilation principles of basic rights.

Conclusion & Recommendations

It is clear that a compulsive RE education that does not provide exemption opportunities for all students and relies on textbooks that are not neutral in language and pluralistic in content needs to be reformed. However, the scope and nature of such a reform is quite multidimensional. ECtHR cases and increasing cooperation between domestic and European Alevi organizations has been influential in attracting the attention of key European actors to the problems of Alevis in Turkey.

While the EU monitored the relationship between the Turkish state and the Alevi community through progress reports, the CoE has put pressure on the Turkish government through the legally binding rulings of the ECtHR. However, the absence of strict European standards to regulate states' behavior on religious education provided room for Turkish political actors to introduce enough reforms to counter the increasing international criticisms without making significant alterations to the existing structures.

The equality principle that dominates the regional and international provisions can impede rather than promote adoption of institutions and policies compatible with rights regimes. While both the rulings of the ECtHR and the EU progress reports monitoring the adoption and implementation of the European standards put pressure on the Turkish government for change, they do not guarantee (positive) rule adoption and implementation.

Even though the ECtHR acknowledged that religious education in Turkey did not meet the criteria of objectivity and pluralism, the rulings of the two ECtHR cases recognized only the violation of parental rights. As a result, while reform in religious education was expected and desired, the content and manner of change was left to Turkey's political actors. Similarly, while EU progress reports drew attention to the non-compliance of the Turkish state with the Court's ruling, they did not call for specific policies. In other words, although they identify problematic areas, both ECtHR and European Commission recognize the organization and instruction of religious courses as a domestic issue. In short, non-discriminatory and non-assimilationist policy adaptation in RE as in any other field requires domestic consensus building.

This does not mean that regional actors are unimportant as these actors are a crucial part of setting the agenda and shaping the debates and initiatives on RE policy-making. They can act as agents of change, and pressure the government for reform. However, expecting regional actors to take active part and provide concrete solutions the problems in RE in Turkey is futile. RE policy-making essentially is a domestic process. What is more, to seek a long-lasting solution, it is crucial to understand the scope and the nature of the problem, and the challenges each policy reform proposal will bring.

Is Religious Education simply a question between compulsory vs. elective?

Although domestic consensus is a necessary condition, the issue of RE in Turkey cannot be simplified as a choice between keeping the course compulsory by introducing opt-out option for all students from the "Religious Culture and Moral Knowledge" courses and transformation of the course into an elective one. If the courses are to remain compulsory, the parents as well as the students need to be provided with an opt-out option. While the exemption opportunity from compulsory courses can be considered as a step towards non-assimilation in education, it is a necessary, but not sufficient condition to guarantee non-discrimination.

If RE is considered to be a right, then members of non-dominant religious communities, i.e. religions other than those recognized in Lausanne, should have the means to learn about their religion and find opportunities to teach those beliefs to their children. Additionally, if education in general is a medium to recognize and learn about the religious, ethnic, and/or cultural other, then keeping the content of compulsory RE courses as they are, cannot promote a culture of living together.

Nonetheless, transforming RE courses to elective courses and the introduction of new elective courses for followers of non-dominant religions generates other potential problems. While the elective RE model seems to be in line with non-assimilation principles, by itself it is not sufficient to guarantee non-discrimination. For the elective RE model to function properly, schools needs to have a staff large enough to offer non-RE elective courses.

Once we focus on the current cases of forced enrollment to the RE elective courses, then it is not too far stretched to assume similar problems will continue once the "Religious Culture and Moral Knowledge" course becomes an elective. If RE courses are to be officially transformed into elective courses starting from the 2015-2016 academic year, it could still act as a *de facto* compulsory course as all schools would have enough staff members to give the "Islamic" RE course but not necessarily other elective courses (and no staff qualified to teach non-dominant religion courses). Even if elective courses on Alevism were to be included in the curriculum, the training of the RE teachers and the standardization of the course content would require long-term commitments.

Remember TOLEDO: It is about teaching not preaching!

An agreement on the "new model" will depend on a multitude of factors, such as the institutional design, political culture, interest group politics, and history of relations between religion and politics in Turkey. However, short-term and long-term goals need to be differentiated. More importantly, even though identifying standards on RE is problematic,

that does not mean there are no guidelines. The blueprint of a new RE policy that would enhance religious freedom while fulfilling the immediate needs of the Turkish education system can be framed on the basis of Organization for Security and Co-operation in Europe's (OSCE) *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools (2007).*[23] Even if not all of the problems of RE in Turkey can be addressed immediately, the following steps can be taken:

Short-Term Recommendations

If the RE course will remain a compulsory course, efforts should be made to provide non-discriminatory opt-out arrangements.

While Article 2 of Protocol 1 of the ECHR guarantees parents the right to object to the content and nature of education, it does not require the state to provide a system of education that is in accordance with parental beliefs. Additionally, parents have different demands and expectations from RE in Turkey. While some (be it Sunni or Alevi) would like to have their children enrolled in RE courses, others are concerned by the whole notion of RE. In the short-term, as it is unlikely that compulsory RE courses will cease to exist, extending the exemption rights of students can *guarantee not only freedom of religion but also freedom from religion in education.*

However, even though regional provisions do not necessarily highlight children's rights, we should remember opt-out arrangements are a student's right, not just the parents'. Even though the age at which a child legally becomes an adult changes from state to state and culture to culture, those who cannot be easily labeled as a "child" (such as high school students over 14) should have a say whether or not they want to enroll or opt-out from RE courses.

It is also important to note here that once withdrawal criteria is clarified and expanded, efforts should be made to prevent unequal academic competition. If the cumulative GPA of students will continue to be a part of the calculation of high school and university enrollment exams, then in order not to create an asymmetry between those who take the class and those who do not, efforts should be made to provide alternative courses to those who opt-out of RE courses. Additionally, the content of RE courses needs to be excluded from the TEOG exam. These simple steps can prevent rights violations and generate a more favorable environment for debate on new policy making in the foreseeable future.

Long-Term Recommendations

Whether compulsory or elective, both RE textbooks and curriculum need revisions!

As mentioned before transformation of "Religious Culture and Moral Knowledge" classes into elective courses does not automatically eliminate problems in RE in Turkey. Even if the courses are only offered as electives, the students still should learn about religions and beliefs in a way that is implicit and neutral. There is a difference between teaching about a sect and glorifying a sect; teaching about a holiday and celebrating a holiday.

The existing textbooks and curricula have been criticized for using neither impartial nor neutral language and for being biased in content. If RE is to be about the teaching of religions and beliefs rather than the preaching of one particular religion or denomination, students should learn about different religions and beliefs in a way that is accurate, neutral, and based on sound scholarship.

"Learning about religion" is a vital tool for promoting "a culture of living together"

Whether RE in Turkey is to remain as a compulsory course or transform into an elective one, efforts should be made to include different viewpoints in the preparation of the curricula and textbooks. Information on both (different) religious and non-religious views needs to be taken into account. Most importantly, the textbooks should drop their "us vs. others" rhetoric and distance themselves from religious stereotypes and indoctrination.

Revisions should NOT be limited to students' education. Training of teachers is also important.

While amendments in the preparation and implementation of the curriculum and revisions in textbooks are necessary, they are not sufficient. It is also crucial to revise the content of RE teacher training. Unless those who teach the course on RE already possess the knowledge, attitude, and skills to teach a more inclusive RE class, any revisions on course content will have limited impact.

The current curriculum of teacher training departments is designed to parallel the content of the existing school curriculum. Consequently, many core and elective courses of the Religious Culture and Moral Knowledge Teaching department focus on Islamic themes.

Particularly, if different elective RE courses focusing on a single religion or belief were to be introduced for primary, secondary, and high school education in the future, then finding qualified staff to teach those courses would become a major problem. In other words, even if an "Alevism" elective class were to be added to the current school curriculum and enough students were to enroll in such a class, finding a teacher specialized on the subject would be a challenge as "Alevism" is not a major subject matter in the current department's curriculum.

Whether RE remains compulsory or becomes an elective course, if the curriculum of the students were to be changed, then efforts should be made so that there would not be an asymmetry between the curriculum of students and teachers.

There is no quick fix for the problem.

To find long-lasting solutions to these problems, it is crucial to remember that RE is not only a right but also a cultural factor. RE is not about indoctrination but about helping students recognize and respect religious differences; interpret and grasp religious and secular pluralism; and facilitate tolerance. Consequently, as the above discussion repeatedly highlights, while revising RE policy in Turkey we should recognize the complexity of the problem and not limit the debate to a dichotomy of "compulsory" vs. "elective".

END NOTES

1 | ECtHR, "Violations by Article and by State – 1959-2014," http://www.echr.coe.int/Documents/Stats_violation_1959_2014_ENG.pdf.

2 | "Ders seçmeli Din zorunlu," October 2, 2014, http://www.birgun.net/haber-detay/ders-secmeli-din-zorunlu-69433.html.

3 | "Moşe, Avraam, Sara TEOG'da," November 28, 2014, http://www.aljazeera.com.tr/al-jazeera-ozel/mose-avraam-sara-teogda.

4 | Although there is no reliable statistical information available to pinpoint the exact numbers of the Alevi population in Turkey, there is a general consensus in the extant literature and the media that Alevis constitute the largest non-dominant religious community in the country. While Alevi activists declare the number of the Alevi population to be around 20 million, the latest research by KONDA (a private research company) in 2007 estimates the number to be around 4.5 million. See "'Aleviyim' diyenlerin sayısı 4.5 milyon," *Milliyet*, March 21, 2007.

5 | It is also important to note here that in addition to the variation in policies on religious instruction, states policies differ drastically across Europe on a number of other issues such as the rights of children and parents as well as teachers for the use of religious symbols and dresses at schools, the right to worship during school hours, and the status of religious schooling. See Myriam Hunter-Henin, *Law, Religious Freedoms and Education in Europe* (Surrey, Ashgate: 2011); Kath Engebretson, et al., *International Handbook of Inter-Religious Education* (London; New York: Springer, 2010); Robert Jackson, et al., *Religion and education in Europe: Developments, contexts and debates* (Münster: Waxmann, 2007).

6 | Even though there are attempts to improve the quality of education in Spain in recent years – i.e. the introduction of the controversial Organic Law on the Improvement of the Quality of Education *[Ley Orgánica de Mejora de la Calidad Educativa, LOMCE]* in 2013 – Spain has yet to introduce a policy to undermine the dominance of Catholicism in RE. See J. A. Aunión, "La Iglesia gana la reforma educative," El País, May 17, 2013, http://sociedad.elpais.com/sociedad/2013/05/17/actualidad/1368789921_570541.html.

7 | Robert Jackson and Kevin O'Grady, "Religions and education in England: social plurality, civil religion and religious education pedagogy," in *Religion and education in Europe: Developments, Contexts and Debates*, Robert Jackson, et al. (eds.), 181-202 (Münster: Waxmann, 2007); Geir Skeie, "Religion and Education in Norway," in *Religion and Education in Europe: Developments, Contexts and Debates*, Robert Jackson et al. (eds.), 221-241. (Münster: Waxmann, 2007).

8 | Council of Europe, European Convention on *Human Rights*, 1952 available at http://www.echr.coe.int/Documents/Convention_ENG.pdf.

9 | Governing religious diversity and protecting the rights of the individuals and the religious communities has been a concern for the CoE since the late 1990s. In addition to the introduction of legally binding provisions, the CoE was involved in initiatives to promote tolerance for different religious groups and encourage principles of non-discrimination. In 2002 the CoE began its first project, entitled "the challenge of intercultural education today: religious diversity and dialogue in Europe," to address the issues emerging in the education system due to increasing religious diversity in Europe.

10 | See Nicholas Sitaropoulos. "Implementation of the European Court of Human Rights' judgments concerning national minorities or why declaratory adjudication does not help," *ESIL Conference Paper Series 2011*, Vol. 1 No.1: 1-28.

11 | It is important to note here that the legitimacy of the Strasbourg Court is not just questioned by member states with poor human rights records. The role of the ECtHR was called into question following the high profile *Lautsi v. Italy* (application no. 30814/06). The tension between the ECtHR and the UK is another recent example of increasing conflict between national and transnational law. Although the UK has a low rate of defeat at Strasbourg (2.96% of the total number of judgments between 1959 and 2013) (ECtHR, February 2014), the few judgments and the dismal role of the ECtHR has drawn heavy criticism from the media, civil society organizations, and the member state authorities. See "The European court of human rights' judgments that transformed British law," *The Guardian,* October 3, 2014, http://www.

theguardian.com/law/2014/oct/03/landmarks-human-rights-echr-judgments-transformed-british-law; "Why is the European court of human rights is hated by the UK right?" *The Guardian*, December 22, 2013, http://www.theguardian.com/law/2013/dec/22/britain-european-court-human-rights.

12 | "Öğrenciler dini uygulamaya zorlanmayacak," *Milliyet*, March 23, 1982, p. 8; "Ahlak Bilgisi dersinin programı belirlendi," *Milliyet*, April 12, 1982, p. 3.

13 | The EU does not include religious rights and freedoms as a part of the accession conditions *[acquis communautaire].* Nonetheless, the Union is not blind to the issue of religious diversity and the problems of religious communities in candidate states. Even though there is no internal standard on collective rights and religious freedoms within the EU, the Union urges the candidates to ratify legally binding international documents on human rights.

14 | ECtHR Judgement Hasan and Eylem Zengin v Turkey: Final January 9, 2008 , p.13.

15 | See Ludger Pries, (Grenzüberschreitende) "Migrantenorganisationen als Gegenstand der sozialwissenschaftlichen Forschung: Klassische Problemstellungen und neuere Forschungsbefunde," in *Jenseits von "Identität oder Integration"*: Grenzen überspannende Migranteorganisationen, Ludger Pries and Zeynep Sezgin (eds.), 15-60 (Wiesbaden: VS Verlag, 2010); Stephen Castles, and Mark J. Miller, The Age of *Migration: International Population Movements in the Modern World*, n.p.: (Guildford Press, 2009).

16 | TBMM Tutanak Dergisi 50 (94): 500.

17 | The announcement of the judgment of the Hasan and *Eylem Zengin vs. Turkey* case in 2007 led to a change in the way the law was interpreted in the local courts. While some courts continued to refuse to exempt students, others ruled in favor of the applicants.

18 | The standard categorization of Alevi organization based on the two dimensions of culture vs. religion and left vs. right ideologies is not enough to capture the complexity of relations and policy demands and strategies. The claims laid by Alevis vary in conjunction with (1) the manner of the interaction of the group with the other formal and informal groups especially in the struggle for resources, status, or social position, and (2) the way in which the identity of the group is framed. Like Massicard's (2013) adoption of Charles Tilly's (1978) tripartite classification of forms of collective action as proactive, competitive, or reactive, I classify and map the Alevi interest groups based on the type of claims they make and their policy strategies. While Massicard used Tilly's framework to classify the demands generated by the Alevi identity movement, the framework presented here takes both the issue area and framed identity into account.

19 | In the text-books an Alevi is defined as "a person who loves, respects, and follows St. Ali" The definition also emphasizes the intertwined nature of Islam and Alevism and claimed "Alevis are Muslims who believe the unity of God; accept Muhammed as the last prophet; accept Quran as the holy book and love Prophet Muhammed and his Ahl al-Bayt." The extension of the concept of Alevi and Alevism is so broad that it echoes the words of the President Erdoğan "If Alevism is the love of Ali, we all see ourselves as devoted Alevis".

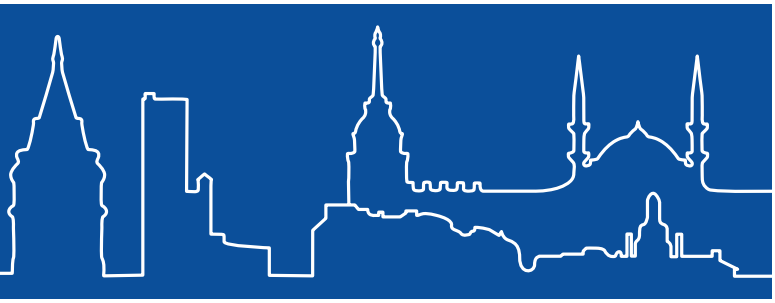
20 | While the 5th Grade textbook content includes topics such as belief in Allah, religious practice, the Prophet Mohammad's life and family, the Quran's educational features, morality, and patriotism, the 6th grade textbook chapters highlight the following topics: belief, religious practice *(namaz)*, the Quran's main topics, morality according to Islam, and Islam and Turks.

21 | OSYM Press Release on inclusion of Religion Culture and Moral Education Course questions in YGS, January 4, 2013, http://www.osym.gov.tr/belge/1-14908/basin-duyurusu-2013-ygsde-din-kulturu-ve-ahlak-bilgisi-.html.

22 | "Drugs to spread if religious courses abolished, President Erdoğan says," *Hurriyet Daily News*, September 29, 2014, http://www.hurriyet-dailynews.com/drugs-to-spread-if-religious-courses-abolished-president-erdogan-says.aspx?pageID=238&nID=72340&NewsCatID=338.

23 | Organization for Security and Co-operation in Europe, *Toledo Guiding Principles about Religion and Beliefs in Public Schools*, (2007), http://www.osce.org/odihr/29154.

IPC–MERCATOR POLICY BRIEF



ISBN 978-605-9178-14-3



IPC

ISTANBUL POLICY CENTER
SABANCI UNIVERSITY
STIFTUNG MERCATOR INITIATIVE