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# Rethinking Turkey's Laicism In Light Of The Debates About Liberal Neutrality

Omer Tasgetiren

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RETHINKING TURKEY'S LAICISM IN LIGHT OF THE DEBATES ABOUT LIBERAL  
NEUTRALITY

by

OMER TASGETIREN

Under the Direction of Peter Lindsay (PhD)

ABSTRACT

The dissertation examines in detail the concept of neutrality in political theory literature and assesses the arguments of the defenders and critics of Turkey's laicism in light of such an examination. After showing the weaknesses and problems in the arguments of various political actors in Turkey, the dissertation defends "modus vivendi liberalism" as a possible solution for the conflicts about Turkey's laicism. In that regard, the dissertation argues that certain aspects of liberal political theory can be appropriated for Turkish politics for the sake of ensuring stability and peace even if there might be problems with the possibility and desirability of neutrality. The dissertation also discusses what can constitute Turkey's modus vivendi and offer certain ideas about what may and may not ensure stability and peace in Turkey.

INDEX WORDS: Laicism, Secularism, Modus Vivendi Liberalism, Liberal Neutrality,  
Turkey, Communitarianism

RETHINKING TURKEY'S LAICISM IN LIGHT OF THE DEBATES ABOUT LIBERAL  
NEUTRALITY

by

OMER TASGETIREN

A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy

in the College of Arts and Sciences

Georgia State University

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RETHINKING TURKEY'S LAICISM IN LIGHT OF THE DEBATES ABOUT LIBERAL  
NEUTRALITY

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## **DEDICATION**

I dedicate this dissertation to my wife Rmeysa for sharing the joys and frustrations of dissertation writing.

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## 1 INTRODUCTION

Much has been written about Turkey's laicism<sup>1</sup>. Political scientists (Çinar 2005; Heper 2009; Kuru 2009; Kuru and Stepan 2012; Mardin 1989, 1991, 2006, 2014; Nasr 1999, 2003), sociologists (Ardıç 2012; Azak 2010), anthropologists (Navaro-Yashin 2002; Ozyurek 2006), religious studies scholars (Esposito 2000), and historians (Berkes 1998; Lewis 1968) wrote on Turkish laicism from their respective disciplines. What more is there to write on this topic?

The central concern that led me to start writing this dissertation is the fact that a political theory analysis that aims to evaluate the theoretical arguments for or against Turkey's laicism has not been written. Such a political theory based critique of Turkey's laicism is long overdue. Especially there is not a study that extensively examines the concept of "neutrality" in political theory literature, and assesses Turkey's laicism's neutrality or lack thereof in light of such an examination. Also there is not a study that discusses adequately whether Turkey can and should be neutral about different worldviews.

There are of course some scholars who expressed their ideas about whether Turkey's laicism is normatively desirable or not, or (if there are problems with Turkey's laicism) how it should be reformed, but these scholars have not engaged in detail political theory literature on secularism, and liberal neutrality, and therefore their normative conclusions lack an adequate theoretical defense. For instance, defenders of Atatürk's reforms present laicism as Turkey's Enlightenment, and abandonment of the "dark ages" of the Ottoman Empire (that according to them is characterized by superstitions, and dogmas), and Turkey's entrance into the modern

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<sup>1</sup> The term used for separation of religion from state in Turkish politics is "laiklik" which is a translation of the French concept of *laïcité*. Therefore, I will use the English word "laicism" as a translation of Turkish "laiklik" in the dissertation.

civilized world (Azak 2010). But other than a general emphasis on the importance of rationality, and modern science, and how we need to leave religion behind in order to make progress (Hanioglu 1997, 2011; İlhan 2004; Kuru 2006; Ozankaya 1990; Zürcher 2009), advocates of Atatürk's reforms do not offer extensive arguments for how a laic state would address the problems that they think a religion-based state creates.<sup>2</sup>

If for instance a religion-based state violates people's freedom of conscience by endorsing and promoting one particular religious view, how would a secular state avoid this problem? Does a secular state make laws on the basis of non-controversial philosophical premises? If it does not make laws on the basis of non-controversial philosophical premises, would not that secular state be imposing one controversial idea to the citizens, as religion-based states would do? Similarly, defenders of laic state in Turkey state that a religion-based state would be undemocratic. But again they do not address the question of how a secular state would be democratic. If for instance, a significant number of people in a particular society do not recognize secular state, can that secular state be democratic? These are just some of the questions that should be addressed if one makes a case for the superiority of laic state over a religion-based state, but in my examination of the literature in Turkey I could not find extensive discussions of these points.

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<sup>2</sup> It should be stated that the lack of in-detail theoretical defenses by advocates of Atatürk's reforms makes it harder for me to reconstruct their views about laicism. That said, I think that one of the most concise formulations, and defenses of Turkey's laicism can be found in Turkey's Constitutional Court's decisions about Islamic political parties in Turkey. Hence, I rely on those statements in my theoretical discussions. Also, the fact that the Constitutional Court is an official organ of the state makes possible to present its views as the official view of the state about laicism in Turkey. Still, it should be stated that for understandable reasons, Turkey's Constitutional Court does not talk about laicism as a political theorist would talk. Therefore, I interpret some of the statements of the Court in accordance with my general knowledge of the worldview and common political discourses of defenders of Atatürk's reforms in Turkey, and reconstruct some of those statements in political theory terminology.

Another example of a work that engages the question of laicism in Turkey but does not offer enough theoretical argument to justify its arguments is comparative politics scholar Ahmet Kuru's work (Kuru 2009) on Turkey's laicism. I also want to discuss Kuru's work here to justify my point that without engaging in theoretical discussions, our normative conclusions cannot be substantiated sufficiently. In his work, Kuru critiques what he calls as the "assertive secularism" of Turkey, and he idealizes what he names as "passive secularism." According to Kuru, "assertive secularism requires the state to play an "assertive" role to exclude religion from the public sphere and confine it to the private domain. Passive secularism demands that the state play a "passive" role by allowing the public visibility of religion" (Kuru 2009, 11). According to Kuru, "assertive secularism is a "comprehensive doctrine," whereas passive secularism mainly prioritizes state neutrality toward such doctrines" (Kuru 2009, 11). But Kuru does not discuss what he means by neutrality (he seems to assume that its meaning is obvious), and how allowing "public visibility of religion" would necessarily ensure neutrality in his book. Also, Kuru does not discuss how a regime where there is public visibility of religion should be considered secular. Many people may question a state's secularity if it endorses religious symbols when it allows public visibility of religion. In general, Kuru employs in certain parts of his work political theory concepts, but he does not flesh out the implications of those concepts, nor does he offer a theoretical defense of why we should espouse his proposals instead of something else.

In this dissertation, I aim to fill this gap, and by relying on the political theory literature I engage with the arguments of different groups (i.e. liberal academics, or defenders of laicism) in Turkey who make certain theoretical arguments to justify, defend, or reform Turkey's laicism.

But the reader may ask why this dissertation should matter. Do we necessarily need political theory to defend or critique Turkey's laicism? I contend that we need political theory to

defend or critique laicism because defenders of laicism in Turkey offer certain theoretical reasons for why we should live in a laic state. And if those theoretical claims do not stand up to scrutiny, then there may not be a sound justification for why we should live in a laic state. Hence, I find it necessary to assess those theoretical arguments in favor of laicism in order to sufficiently evaluate the normative desirability of laicism that I think has not been done adequately in the literature on laicism in Turkey. Similarly, liberal academics in Turkey suggest reforming certain aspects of Turkey's laicism by relying on the concept of neutrality. But they do not engage sufficiently with the theoretical literature on neutrality to justify why we should rely on neutrality to reform Turkey's laicism. In short we need political theory whether we engage with the arguments of defenders of laicism, and of the liberal academics in Turkey who aim to reform Turkey's laicism. Without engaging in a theoretical discussion, our arguments about the virtues of laicism or the lack thereof may not stand up to scrutiny.

That said, laicist arguments to justify laicism can also be critiqued empirically, and I will engage in such an empirical criticism in the second chapter of the dissertation. Besides theoretical criticisms, I also engage in an empirical critique of Turkey's laicism because I observe that even without offering a theoretical criticism, Turkey's laicism fails by its own criteria about an ideal polity. For instance, in the second chapter, I mention that defenders of laicism in Turkey claim "laicism is the guarantee of democracy" in Turkey, and "a religion-based state is totalitarian." But when we examine history of modern Turkey, we see that there is a tension between laicism and democratization in Turkey. Or defenders of laicism in Turkey associate laicism with the "Enlightenment," and "the rise of the rational individual," but when we examine laic Turkey's educational institutions, we do not see much of an emphasis on cultivating critical thought associated with the Enlightenment. In short, in this dissertation I show



that Turkey's laicism empirically speaking even fails by its own criteria that define an ideal polity.

I consider this empirical critique important as I observe that political actors and many journalists writing, or commenting on Turkey in the West often read Turkish politics through the eyes of defenders of laicism in Turkey, and ignore Turkey's laicism's shortcomings. As international relations scholar İsmail Yaylacı states, when the Islamic Welfare Party that won parliamentary elections in 1995 was dissolved by Turkey's Constitutional Court in 1998 for violating the principle of laicism in Turkey, "liberal international order as a whole offered its tacit or explicit approval. There were no significant criticisms of the Turkish Constitutional Court's verdict to dissolve the RP (and later the ECHR's upholding of that verdict) from any of the individual states of Europe and North America, the EU, and its many institutions, international institutions, and non-governmental human rights organizations" (Yaylacı 2014, 169-170).

In my empirical section I show that these Western political actors' uncritical endorsement of laicism in Turkey includes serious misreading of Turkish politics. Where Western politicians and journalists see pro-democracy forces defending themselves against Islamist autocrats (as in the case of the defenders' of laicism reactions to the Islamic Welfare Party), I see two political forces that are partially liberal and partially illiberal competing for the control of Turkey. I also use this empirical critique as a way of introducing a literature on secularism (the so-called genealogical school on secularism) that I find useful for examining Turkey's laicism, understanding the nature of secular states, and critiquing liberal neutrality. Furthermore, my empirical analysis provides the historical background for the points I will make in the dissertation that secularism does not guarantee democracy when it is not an indigenous

development in a society and the concepts that liberal theorists idealize (i.e. secularism) do not necessarily serve the purposes that are expected from them.

My main focus, however, will be the assessment of the theoretical arguments offered for justifying and reforming laicism in Turkey, as I stated such an assessment is what is missing in the literature on Turkey's laicism. Empirical critique of Turkey's laicism, although important in correcting certain misperceptions about Turkey, is not sufficient for such an assessment.

To be sure, certain political theorists have written on Turkey's laicism and some of them offered theoretical arguments in their assessments of it, and therefore I have to consider their views here. Philosophers Charles Taylor and Jocelyn Maclure in their recent book (Maclure and Taylor 2011) conceptualized Turkey's laicism as one example of what they call a "republican model of secularism," and they critiqued some of the theoretical assumptions (i.e. the idea that promoting individual autonomy necessitates emancipation of people from religion) of this republican model. As an alternative, they offer what they call "liberal-pluralist" model of secularism which takes the liberal ideal of neutrality as its central organizing principle. That said, they do not engage adequately with the literature on neutrality, and therefore they do not offer an adequate defense of their argument about how their liberal-pluralist model of secularism will ensure neutrality between conceptions of good.

Another political theorist who wrote on Turkey is Fred Dallmayr, and in an insightful comparison of laicist Turkey and post-revolution Iran, he argued that both of those regimes suffered from a "democratic deficit," and they both tried to transform society's values through authoritarian means. For Dallmayr, none of those represent a model for reconciliation of Islam and democracy because whereas laicist Turkey did not guarantee "free exercise of faith," post-revolution Iran did not protect "freedom of belief and non-belief" (Dallmayr 2013). Dallmayr

thinks that a political vision that avoids the extremes of Turkey (secular extreme) and Iran (religious extreme) would be more suited to the Middle Eastern societies. That said, despite being a political theorist, Dallmayr's critique in that specific article on Turkey is primarily empirical, and he does not tell us theoretically (apart from a general comment about how his suggestion would reconcile Islam and democracy) why Turkey should espouse his suggestions instead of something else.

With respect to the literature written in Turkish, certain liberal academics in Turkey employ the concept of "neutrality" or "impartiality" (Başdemir 2016; Dağı 2014; M. Erdoğan 2013; Gözaydın 2013; Gürbey 2012; Kadioğlu 2010; B. Özipek 2016a, 2016b; B. B. Özipek 2014; Uslu 2015; Yayla 2001) to critique Turkey's laicism but their writings again do not offer extensive discussions of neutrality that we see in the literature on liberal neutrality. Therefore, after reading their writings, we do not find an adequate discussion of the following questions about neutrality: why should Turkey be neutral? Why do they prefer a particular understanding of neutrality instead of others? What are their arguments against those who question the possibility of neutrality? And assuming that neutrality is possible, why states should be neutral at all, or why neutrality is desirable? These academics do not address these questions, and sometimes they use "neutrality" as if it is a common sense term that we all agree about its meaning. But political theory literature about neutrality shows that neutrality is far from being an unambiguous concept, and that therefore uncritical uses of the term are unjustified.

Before moving to the main body of the dissertation, I would like to summarize the content of each chapter in the dissertation. In the first chapter, I provide a historical background for making sense of the debates about laicism in Turkey. I particularly emphasize the conflicts between defenders of laicism (as it is understood by laicist elites of early Republican era), and

right wing and Islamic political parties who aimed to transform Turkey's classic laicism in line with their visions of laicism after Turkey's transition to democracy. In the last section of this chapter, I also mention minority groups' views and critiques about Turkey's laicism's so-called "Sunni bias."

In the second chapter, I introduce a literature on secularism that relies on the work of Michel Foucault, and suggests analyzing secularism as a "power-knowledge regime." After introducing major themes of this literature, I argue that Turkey's laicism can be analyzed by relying on this framework. Through this analysis, I empirically show that Turkey's Kemalist laicism resembles what it critiques (religion), and in that sense the arguments of the power-knowledge regime of Kemalist laicism are not tenable. I also introduce in this chapter three different views on laicism and state neutrality in Turkey by using political theory terminology to be a reference for subsequent chapters.

In the third chapter, I first examine the concept of neutrality within liberalism, and discuss its definitions, interpretations, scope, possibility and desirability. I point out to the problems with neutrality's possibility, and I raise questions about neutrality's normative desirability. Second, I flesh out the implications of theory section for Turkey and point out how my perspective differs from Kemalists and liberals in Turkey. Third, I state that even if there are problems with the normative desirability of neutrality, appropriation of certain aspects of liberalism can be justified pragmatically. In this regard, I state that certain ideals of liberalism can contribute to the stability of the country, and in that sense it may be desirable. I situate my perspective that I outline in this chapter within the so-called "modus vivendi liberalisms" as I also justify certain liberal ideals instrumentally not intrinsically. I state that even if different political actors in Turkey may have issues with epistemological and normative justifications of

neutrality, they may appropriate certain aspects of the liberal tradition for the pragmatic reason of ensuring stability and reducing polarization in Turkey. In this regard, I also state that even if different groups in Turkey may not endorse each other's conceptions of good, they may find valuable the idea of living in a less polarized society, as polarization may have harmful effects for every group in Turkey.

In the fourth chapter, I discuss what can constitute Turkey's *modus vivendi* or what Turkey can realistically do to address issues of coexistence of different people with respect to certain specific points of dispute in Turkey. With regard to the issue of the justification of laws, I argue that different political actors should avoid as much as possible relying on their worldview that others do not share, and instead should try to rely on a certain conception of primary goods that most citizens in Turkey would care about and find legitimate. With respect to removing the so-called "Sunni bias" of Turkey's laicism, I state that there are certain reforms that Turkey can do but this might fall short of accommodating all concerns and resentments about the "Sunni bias."

That said, in this chapter, I also emphasize that there would be always limits about the extent to which Turkey can be laic and religiously neutral. I argue that this is due to three facts about Turkey that cannot be changed without producing instability in Turkey. These are the determination of rulers on the basis of elections, the lack of prevalent laic morality in Turkey (or the failure of Atatürk's reforms in transforming religious masses' conceptions of Islam), and intertwinement of Turkey's identity and culture with Islam. In this chapter, I argue that without changing one of these variables, we cannot establish a completely laic state in Turkey. Or if we try to change one of these variables, our efforts may produce instability, as they require

sacrificing elections and depriving a large number of religious people from participating in political life of Turkey.

Despite the fact that I underline the limits of laicism in Turkey, I state that religious communitarians<sup>3</sup> who have been ruling Turkey for the last fourteen years may find it beneficial for themselves to make certain accommodations for the pragmatic reason of reducing tensions in Turkey between different groups. Overall in this chapter, I underscore the fact that despite the problems with neutrality's possibility and its normative desirability, political actors in Turkey may find it advantageous for themselves to appropriate of certain aspects of liberal political theory in order to make possible the idea of living in a less polarized society.

In the conclusion of the dissertation, I mention a recent debate about laicism in Turkey, and relying on the contents of the different positions in that debate as a reference point, I reiterate the major themes of the dissertation underlining the contributions and significance of the dissertation for the literatures on political theory and Turkish politics.

Overall this dissertation offers "modus vivendi liberalism" as a model that political actors in Turkey can rely on in addressing the points of conflict between one another. Defense of such an approach may disappoint the reader who is committed to liberal ideals, as modus vivendi liberalisms appeal to the self-interest of the individuals to justify liberal political ideals. In other words, such an approach attributes instrumental significance to liberal ideals not an intrinsic one. But I think that precisely because of the fact that they justify liberal ideals instrumentally, modus vivendi liberalisms may be attractive to political actors in Turkey, as these political actors espouse political philosophies different than liberalism. As it will be shown in the chapter on the historical development of laicism in Turkey, defenders of Atatürk's reforms in Turkey have not

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<sup>3</sup> I will define what I mean by this term in the second chapter of the dissertation.

ruled Turkey in a liberal way for much of its history, and many people in Turkey have not expressed their opposition to the illiberal aspects of Turkey's laic political system. In 2016, still we do not see much of a self-critique among defenders of Atatürk's reforms about the illiberal legacy of Atatürkist thought in modern Turkish history. And despite certain progress towards democratization and liberalization during the rule of the conservative political party AKP since 2002, the AKP also recently deviated from its conciliatory approach and alienated certain segments of the population due to its policies and certain statements of its leaders. In such a political environment where people subscribe to political philosophies<sup>4</sup> other than liberalism, I think that *modus vivendi* liberalism would be much more attractive compared to a model of liberalism that tries to show the intrinsic worth of liberal ideals. In such contexts, people may not endorse liberal ideals intrinsically but they may still find valuable living in a society that is less polarized. In that sense, in this dissertation I show that a certain version of liberalism may be well-suited and relevant to a political context in which people are not necessarily liberal. And besides the case of Turkey, I think that my argument is also relevant to other countries where people do not espouse liberal ideals intrinsically but they still grapple with the question of how to ensure peaceful coexistence of different groups or individuals who hold fundamentally different views about what kind of life is worth living. It is true that *modus vivendi* liberalism may be disappointing to someone who values liberal ideals intrinsically, but I am not sure if there is anything Turkey can do besides establishing a *modus vivendi* given certain facts about Turkish history, culture, society, and politics that will be explained in the main body of the dissertation.

It should be emphasized that by offering *modus vivendi* liberalism as a model for Turkish politics, I differ from certain writings on Islam and liberalism that emphasize their theoretical

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<sup>4</sup> More information about political views or philosophies of different political actors in Turkey will be given in the chapter on the development of laicism in Turkey.

compatibility. For instance, political theorist Andrew March argue in his writings (March 2006, 2007, 2011) how certain Muslim intellectuals or communities can affirm liberal ideals by interpreting major sources (i.e. Qur'an or life example of Prophet Muhammad) of Islam. I find March's work valuable, and I agree that in the specific cases of those Muslim intellectuals or communities that he discusses, he shows how Islamic sources can be reinterpreted so that they can be reconciled with the expectations of a liberal rule. But what I find problematic about his writings is that his arguments cannot be generalized outside of the specific cases he discusses. We cannot make any general statement about whether Islam is compatible with liberalism or not by showing how a particular Muslim intellectual reconciles Islamic sources and liberal ideals. There are more than one billion Muslims around the world and showing how a particular reformist Muslim intellectual<sup>5</sup> affirms liberalism does not say anything about the sociological realities of this large population. Tariq Ramadan (March 2007) in Europe, or Abdullahi Ahmed An-Na'im<sup>6</sup> at the Emory University may interpret Islamic sources in a way that shows the compatibility of Islam and liberalism, or secularism, but unless these writings show the impact of such reformist arguments on the worldview of Muslims across the world, there is no reason to think that the tensions between Islam and liberalism will decline in the near future. In my case study (Turkey), I do not see for instance in the case of the conservative political party AKP that (especially based on its policies in the last couple of years), its leaders espouse a conception of politics that March (or Rawls, or Dworkin) expects from a liberal politician.<sup>7</sup> Besides the case of AKP, it can be observed that there are influential scholars of Islamic law in Turkey who critique

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<sup>5</sup> For instance Andrew March discusses European Muslim intellectual Tariq Ramadan's views on liberalism. See (March 2007).

<sup>6</sup> John Rawls cites Ahmed An-Na'im's work as an example of a Muslim scholar who reconciles Islamic sources with his vision of political liberalism. See the footnote where Rawls discusses his work, (Rawls 2005, 461).

<sup>7</sup> I will mention AKP's controversial policies in the chapter on the development of laicism in Turkey.



those efforts to reconcile Islam and liberalism.<sup>8</sup> This is why I find *modus vivendi* liberalism much more relevant and March's writings less helpful for the case of Turkey and in general for any Muslim majority society in which such reformist interpretations of Islam did not take root.

It should also be underscored that as political theorists Stephen Macedo (Macedo 1990, 2003), William Galston (W. A. Galston 1991), and John Rawls (Rawls 2005) each argued liberalism has huge expectations from the people. It does not accommodate every kind of diversity. It rather requires transformation of diversity according to liberal goods, virtues and ideals. Liberal state expects that people do not aim to try to transform society according their particular worldview, and become satisfied with less than what their worldview ideally requires. But we all observe that people are not necessarily tolerant of views other than their own, and if they think that they know what is good and beneficial for mankind, they do not necessarily abstain from promoting their view through state organs. In other words, liberalism is not simply the common sense that people naturally endorse or are attracted to.

Certain passages in Rawls' *Political Liberalism* illustrate that Rawls himself recognized what can be called these "counterintuitive expectations" of liberal state. Rawls points out to the reasons why followers of religious or non-religious comprehensive doctrines may not endorse liberalism. As he asks, "how is it possible -or is it- for those of faith, as well as the nonreligious (secular), to endorse a constitutional regime even *when their comprehensive doctrines may not prosper under it, and indeed may decline?*" (Rawls 2005, 459, emphasis mine). Or as he asks in another place, "how can it be either reasonable or rational, when basic matters are at stake, for citizens to appeal only to a public conception of justice and *not to the whole truth as they see it?*"

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<sup>8</sup> In this respect, see influential scholar of Islamic law Hayrettin Karaman's writings: (Karaman 2002a, 2002b, 2003a, 2003b, 2003c, 2003d, 2003e, 2003f, 2011, 2013a, 2013b). See also (Akyol 2014) for an article that shows Karaman's influence on AKP politicians.

Surely, *the most fundamental questions should be settled by appealing to the most important truths*, yet these may far transcend public reason!” (Rawls 2005, 216, emphasis mine).

These quotes show that Rawls recognizes why liberal ideals may not be attractive for someone who believes in the truth of his or her comprehensive doctrine. Rawls gives his own answers to these questions, but the case study of this dissertation shows that politicians in different political camps in Turkey would like to continue to approach political issues according to “the whole truth as they see it” and they take into consideration whether their comprehensive doctrines are going to prosper or not in a certain political arrangement. In other words, non-liberal political philosophies are much more appealing to many political actors in Turkey, and this is why I think that arguments from stability and peace that *modus vivendi* liberalism put forward are the only attractive rationale for these political actors to appropriate certain aspects of liberalism. Other than such appeals to stability and peace, I do not see why political actors in Turkey should stop approaching to political issues according to “the whole truth as they see it.” It should be stated that I do not claim that *modus vivendi* liberalism is free of problems. I will address a number of concerns and objections about *modus vivendi* in the chapter on liberal neutrality, but at this point suffice it to say that I agree with many common critiques (dependence of the stability of the *modus vivendi* on the distribution of power, or the problems with instrumental endorsement of political ideals) of *modus vivendi*, but nevertheless I state that despite its imperfections and flaws, realistically speaking I do not think that Turkey can achieve something other than a *modus vivendi* at least in the short term.

In short, this dissertation’s main contribution is to show the relevance of *modus vivendi* liberalism for Turkey. And even though I do not discuss other countries specifically in this dissertation, I think that my argument has also implications for other countries in the Middle East

in which different political actors do not necessarily endorse liberalism intrinsically but nevertheless wrestle with questions of how to secure a relatively peaceful coexistence for themselves. In that sense, it is not unreasonable to conclude that *modus vivendi* liberalisms might offer a way of escaping from the instability, violence, and disorder that characterize the politics of many countries in the Middle East. In that regard, if this dissertation can show the potentials of *modus vivendi* liberalism for Turkey, it may provide a reference point for other societies in the region that face similar challenges.

## 2 HISTORICAL BACKGROUND

The purpose of this dissertation is to offer a political theory based critique of Turkey's laicism. But before delving into the theoretical and argumentative sections of the dissertation, I would like to first provide the reader necessary background information for making sense of Turkish politics and the debates related to its laicism<sup>9</sup> and state neutrality.<sup>10</sup> At the same time, in this account, I aim to underscore the problems and dilemmas encountered in the implementation of laicism in a society in which many people take the injunctions of Islam seriously. I should also state that since the purpose of this dissertation is to offer a political theory based critique of Turkey's laicism, I will portray Turkey's laicism in broad strokes, and I will cover the issues related to state neutrality about religion in general terms without getting into the details that would distract the reader. In terms of the organization of the chapter, I will first describe the conflicts between laicists in Turkey and religious Sunni majority. After providing this account, I

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<sup>9</sup> The term used for separation of religion from state in Turkish politics is "laiklik" which is a translation of the French concept of *laicite*. Therefore, I will use the English word "laicism" as a translation of Turkish "laiklik" in the dissertation.

<sup>10</sup> I do not aim to cover all debates regarding state neutrality in Turkey. For instance, I will not mention the debates about whether Turkey should uphold the so-called "Turkishness," or Turkish nationalism in its constitution or not. Debates about whether and how much Turkey should accommodate the demands of Kurdish political actors is not the focus of my dissertation. My focus will rather be primarily on the debates about state's neutrality with respect to religion.

will also mention the religious minorities' perspectives about Turkey's laicism, which are different than Sunni political actors' views about Turkey's laicism. I see this way of organizing the chapter useful as I see certain systematic differences between the majority and minority views about Turkey's laicism.<sup>11</sup> The sections that tackle the laicism in single-party and multi-party periods, the rise of political Islam, and post-Kemalist Turkey cover the conflicts between laicists, and Sunni political actors in Turkey. The last section on "Religious Minorities and Laicism" (as its very title suggests) specifically covers the non-Sunni religious groups' views on Turkey's laicism.

## **2.1 Turkey's Laicism in the Single-Party Period**

The Republic of Turkey was founded in 1923 after Turkey's armed forces won the so-called "War of Liberation" (1919-1922) against the occupying forces under the leadership of Mustafa Kemal Atatürk. According to the Davison and Parla, the main motivating force behind Turkey's War of Liberation was to "free Islamic lands" and "expel the infidel invaders" (Davison and Parla 2004). Therefore the nationalist forces in Turkey did not wage the War of Liberation for establishing laicism. The nationalist forces heavily employed Islamic terminology to justify the war, and sacrifice for the homeland. For instance, Mustafa Kemal Atatürk was given the title of "gazi" which refers to the distinguished fighters in a battle in the Islamic tradition.

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<sup>11</sup> When I use the concepts "Sunni," or "religious minority," I do not assume that these groups are homogenous, or I do not think that there is some sort of an "essence" of these groups that all persons within those groups share. Of course, there are internal differences within each group; that said, by and large I see certain systematic differences in the way these groups approach Turkey's laicism.

Another striking example to the usage of Islamic terminology during the War of Liberation is the Turkey's national anthem that was written by the Islamist<sup>12</sup> poet Mehmet Akif Ersoy (d. 1936) and accepted by Turkey's National Assembly in 1921. Turkey's national anthem includes many references to God (Hak), martyrs (şüheda), house of worship (mabed), faith (iman), and call to prayer (ezan), and employs these religious terms to mobilize the audience for the defense of the homeland. Therefore, Turkey was founded originally not as a state neutral about religion. Turkey's 1921, and 1924 constitutions include articles that state, "The religion of the state of Turkey is the religion of Islam."

Another major example of early state leaders' endorsement of Islam is the Treaty of Lausanne's definition of the concept of "minority" on the basis of one's religious affiliation. According to the Treaty of Lausanne that Turkey signed with the Allied Powers in 1923 and that determined Turkey's borders after the World War I, Turkey only recognizes non-Muslims as "minorities" in Turkey. In this perspective for instance, Turkey does not recognize Kurdish people as a minority in the legal sense of the term because Kurds are Muslims. According to Oran (Oran 2015), in drawing distinction between majority and minority on the basis of religious affiliation in the Treaty of Lausanne, the leaders of the nationalist movement in Turkey simply followed the Ottoman Empire's policy of classifying the subjects of the Empire on the basis of their religion. In the Ottoman Empire, which was an Islamic state, Muslims enjoyed a privileged status, and non-Muslims had a secondary status in the society, even though they were given

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<sup>12</sup> In the dissertation, I rely on sociologist Bobby S. Sayyid's conceptualization of who is an Islamist and what is Islamism. Sayyid says, "In my understanding, an Islamist is someone who places her or his Muslim identity at the centre of her or his political practice. That is, Islamists are people who use the language of Islamic metaphors to think through their political destinies, those who see in Islam their political future. This should not be taken to mean that there are no shades of opinion within Islamism, that it is some kind of monolithic edifice without variation or internal differences. Islamists are no more (or less) identical in their beliefs and motives than postmodern bourgeois liberals or socialists or nationalists" (Sayyid 1997).

certain degree of autonomy in conducting their affairs. According to Oran, the leaders of the nationalist movement in Turkey advocated in the Treaty of Lausanne a religion-based conception of minority because following Ottomans they saw the Muslims as the major “constitutive element” of the country, and they were suspicious of the loyalty of non-Muslims to the state. In this sense, Turkey’s religion-based definition of the concept of minority in the Treaty of Lausanne is another example of how the state leaders in early 1920s saw Turkey as the homeland of and for Muslims.

However, the state’s endorsement of Islam did not long last after the establishment of the Republic in 1923. Mustafa Kemal Atatürk founded his own the “Republican People’s Party” (RPP) in 1923, and gradually eliminated his opponents and established single-party rule that lasted until 1946. The RPP carried out most of the laicization reforms during this single-party rule. Mustafa Kemal Atatürk belonged to the Westernist<sup>13</sup> camp within the Ottoman intellectual circles, and Westernists in the Empire explained the “underdevelopment” of the Ottoman Empire vis-à-vis the European countries as a result of the impact of religion in the Empire. According to this argument, privatization of religion, and adoption of laicism is the *sine qua non* of catching the level of contemporary Western civilization. Sociologist of religion Jose Casanova uses the term “secularism as ideology” to describe those conceptions of secularism that define what religion is and does (Casanova 2011).<sup>14</sup> In this sense, Westernists’ and specifically Mustafa

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<sup>13</sup> Westernists refer to those groups in the Ottoman Empire who think that the survival of the Empire depends on the transfer of Western civilization’s norms into the empire. For a detailed examination of the views of Westernist camp in the Ottoman Empire, see (Hanioglu 1997).

<sup>14</sup> Casanova contrasts “secularism as ideology” to “secularism as statecraft doctrine,” and states that “secularism as statecraft doctrines” does not necessarily “entail any substantive “theory,” positive or negative, of “religion.” Secularism as statecraft principle refers to “some principle of separation between religious and political authority, either for the sake of the neutrality of the state vis-à-vis each and all religions, or for the sake of protecting the freedom of conscience of each individual, or for the sake of facilitating the equal access of all citizens, religious as well as nonreligious, to democratic participation” (Casanova 2011). In other words, “secularism as statecraft doctrines” is simply a liberal response to make

Kemal Atatürk's conception of laicism is an example of ideological secularism. This ideological secularism is not religiously neutral. It considers traditional Islamic practices the cause of backwardness. It sees science and religion as contradictory. It thinks that Islam needs to be reformed to be compatible with modern civilization. All these ideas are examples of ideological secularism, and all of them are found extensively within the writings of the Westernist thinkers, intellectuals, and politicians (Hanioglu 1997, 2012).

Many scholars writing on Turkey's laicism agree with the characterization of Turkey's laicism as a reform project of Islam (Azak 2010; Davison and Parla 2004; Göle 2013; Hanioglu 1997, 2012; Hurd 2008; Kadioğlu 2010; Kara 2008). Azak in her book *Islam and Secularism in Turkey* shows that defenders of Turkey's laicism since the establishment of the Republic drew a distinction between "good Muslims" and "bad Muslims," and described "good Muslims" as those who internalized laicist reforms, and "bad Muslims" as those who questioned and resisted such reforms (Azak 2010). Sociologist Göle shows in her article about Turkey's laicism that for its defenders Turkey's laicist project resembled a "civilizing process" that aimed to create a new secular Muslim who would internalize Westernist, and laicist ideology of the new Republic and who would reflect such internalization in his or her every day practices (Göle 2013). Political scientist Kadioğlu writes that in Turkey, "laicism produced an official state Islam by excluding all other types of Islam" (Kadioğlu 2010). Similarly, she also states that "laicism in Turkey really is the establishment of the monopoly of the state over the right of use and abuse of religion" (Kadioğlu 2010). Historian of late Ottoman Empire and early Turkish Republic Hanioglu also sees Mustafa Kemal Atatürk's laicization reforms as Atatürk's attempt to reform Islam. Hanioglu states that republican elites believed that Islam should undergo something similar to the

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possible the peaceful coexistence of the diversity of religions, or worldviews in the world. In contrast to ideological secularisms, they do not necessarily establish a hierarchy between non-religious and religious ways of understanding, or knowing the world.

Protestant Reformation so that it can be compatible with the Mustafa Kemal Atatürk's ideals of westernization, and modernization. Hanioglu sees the establishment of the Directorate of Religious Affairs in 1924 as part of this Kemal's attempt to "redefine and control Islam" (Hanioglu 2012). Also, according to Hanioglu, since Atatürk wanted to realize a reformation within Islam, he also attempted to translate Quran and sayings of Prophet Muhammad (hadiths) into Turkish with the hope that such translations would pave the way for an "enlightened," or "progressive" Islam (as an imitation of what Martin Luther did in the Protestant Reformation). Hanioglu explains Mustafa Kemal Atatürk's change of the language of the *ezan* (Islamic call to prayer) from Arabic to Turkish between 1932 and 1950 as part of this reform project of Islam. According to Hanioglu, other important steps in the reformation of Islam by the republican elites include the closure of *madrasahs* (higher education institutions within Islamic societies) in 1924 and outlawing of Sufi orders and lodges in 1925. In Hanioglu's interpretation, "the elimination of the orthodox and *Sufi* religious establishments and traditional religious education and their replacement with the original sources available to all in the vernacular language would pave the road to producing a new vision of Islam open to progress, modern life, and a society ruled by a scientist and Turkish nationalist ideology" (Hanioglu 2012).

Other influential reforms of Mustafa Kemal Atatürk during the single-party rule also aimed to undermine the influence of Islam in the political, social, cultural life of the Turkey. The abolishing of the Caliphate in 1924, the passing of the law of "Unification of Education" that put all educational institutions under the control of the Ministry of Education (which has deprived traditional Islamic schools of their independence), the adoption of the Swiss civil code, the Italian penal code, and banning of Islamic courts all directly undermine Islam's role in the new Republic.



Other reforms of Mustafa Kemal Atatürk abolished many symbols and essential aspects of Islamic culture (Hanioğlu 2012). These include “the adoption of Gregorian calendar in 1925, the replacement of the fez with the European hat in 1926, the switch from the Arabo-Persian Ottoman script to a modified Latin alphabet in 1928, and the acceptance of Sunday as the weekly holiday instead of Friday in 1935” (Hanioğlu 2012). All these reforms, as Hanioğlu says, “further sidelined Islam in Turkish society and strengthened a secular way of life” (Hanioğlu 2012).

Besides all these reforms, another significant area that Mustafa Kemal Atatürk aimed to transform traditional Islamic culture, as it existed in the Ottoman Empire, is the women’s place in the society. As sociologist Göle shows in her different writings (Göle 2007, 2013) on this subject, the Westernist groups in the Ottoman Empire and the Republican period equated “civilization” with women’s abandonment of their traditional roles in the society, and considered women’s internalization of Western norms about gender relations as the defining feature of modernity. Westernist groups denigrated traditional women roles, and encouraged women to participate in public affairs, mingle with men, and learn Western norms about gender interactions. As Göle states, “the gendered dimension of secularism has been an intrinsic feature of Turkish modernization from its very beginnings in the Ottoman period, when different literary and political currents of thought were in favor of education of girls, free love, gender sociability, and the visibility of women in public as against the religious and traditional morals of society, which confined women to interior spaces and established roles and imposed gender segregation and polygamy. Turkish laiklik meant that the republican state had a strong will to endorse a public sphere where religion would be absent and women would be present” (Göle 2013). For the Westernist groups in the Republic, the veil was the symbol of traditional religious women,

and hence they advocated unveiling as an emancipation of women from their traditional religious roles. Due to their understandings of veil, and women living in Islamic culture, the laicists harshly responded to the rising generation of scarf wearing women who began to go to universities during 1980s in Turkey. They considered increasing presence of scarf wearing women in public sphere as a counter-revolution against Atatürk's republic that aimed to emancipate women. And hence, they became staunch supporters of the headscarf ban that was implemented in a variety of public spaces in Turkey for a significant period of time.<sup>15</sup>

Overall, Mustafa Kemal Atatürk's reforms in certain aspects separated religion from the state (i.e. laws, constitution<sup>16</sup>, symbolic aspects (calendar, official weekly holiday etc.)). In other respects, he actively engaged in controlling and reforming Islam (i.e. establishment of the Directorate of Religious Affairs, changing of the language of the call to prayer, outlawing of Sufi orders, control of the religious education by the state etc.). In the dissertation, I will call this conception of laicism as "Kemalist Laicism," as "Kemalism" is the name given to the followers of Mustafa Kemal Atatürk's vision in Turkey, and is considered by many scholars as the official "founding philosophy" (Özbudun 2012) or ideology<sup>17</sup> of the modern Turkish republic.<sup>18</sup> The next section describes the challenges that Kemalist laicism faced after the transition to democracy in 1946 in Turkey.

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<sup>15</sup> Turkey's conservative ruling Justice and Development Party (AKP) lifted headscarf ban in 2013.

<sup>16</sup> In terms of the constitution's treatment of religion, I mentioned above that Turkey's 1924 constitution included an article that stated that Turkey's religion is the religion of Islam. As part of the laicization reforms, the Republican People's Party removed this article from the constitution in 1928. And the term laicism was added to the constitution in 1937.

<sup>17</sup> The term "official ideology" is commonly used in the Turkish public to describe Kemalism. However, there is a debate about whether Kemalism can really be called an ideology in the technical sense of the term. According to Özbudun, "if the word "ideology" is not confined to excessively rigid, comprehensive, and systematic bodies of ideas, then Kemalism can be defined as a soft or "middle-range" ideology" (Özbudun 2012).

<sup>18</sup> For an in-depth examination of the Kemalist ideas about state society relations, economy, leadership, and political institutions, see (Davison and Parla 2004).

## 2.2 Multiparty Period and Laicism

Turkey transitioned to democracy in 1946 and held its first free and fair elections in 1950. Political scientist Şerif Mardin explains modern Turkish history as the clash of “center” and “periphery.” For Mardin, the center represents the Kemalists political actors (the Republican People’s Party, the judiciary, the army), and the periphery represents all those others (i.e. religious actors who question Kemalist laicism) whom the Kemalists tried to assimilate into their official philosophy through coercive apparatuses of the state (Mardin 2013).

To use his terminology, during the single-party rule, the RPP repressed the actors in the periphery. But as a result of the democratization, the actors in the periphery had a chance to articulate their own grievances under a multi-party competitive political regime, and had a chance to revise the political structure in line with their own interests. The right wing and Islamic political parties in Turkey are examples of peripheral actors who question Kemalist laicism. They did not reject laicism per se but rather they believed that laicism in Turkey should be reinterpreted so that it respects people’s freedom of religion. On the other hand, the RPP, Turkish military, Turkey’s Constitutional Court, and citizens who supported Atatürk’s reforms have been staunch defenders of Kemalist laicism after 1950. Post-1950 political developments in Turkey can be seen as a clash between these two different groups over the meaning and definition of laicism in Turkey.

There are certain recurring patterns in post-1950 elections that should be mentioned with respect to exploring the question of laicism. First, the RPP did not fare well under competitive elections after 1950. Between 1950 and 2016, the RPP has never gained enough votes to form a single-party government in Turkey. It entered into coalition governments between 1961 and 1965, and 1973 and 1980. Other than these times, it always remained an opposition party within

Turkey's parliament. Besides the RPP, other political actors who avow Kemalist laicism also did not fare well in post-1950 elections. The lack of social support for political parties that advocate Kemalist laicism is a clear indicator of the failure of the RPP's aim to transform societal values. Despite the fact that during and after the single-party rule educational institutions aimed to promote Kemalist laicism (Davison and Parla 2004; İ. Kaplan 2011; S. Kaplan 2006)<sup>19</sup>, the lack of social support for the RPP shows that the RPP's goal of transforming society's values failed. Political scientist Ahmet Kuru explains the RPP's unsuccessful post-1950 electoral performance as a result of its rigid conception of laicism. Kuru states that the RPP's assertive secularist vision is one of the major causes of its lack of popularity in Turkey (Kuru 2009).

On the other hand, significant pattern in post-1950 Turkish politics is that for the most part of this period, right wing and Islamic political parties, which are critical of Kemalist laicism, ruled Turkey (Öniş 2016). During their rule these political parties pursued policies that accommodated the demands of religious citizens of Turkey. And often these accommodative policies raised the ire of defenders of Kemalist laicism. Defenders of Kemalist laicism saw these accommodative policies, and softening of Kemalist laicism as a "counter-revolution" against what they considered as the accomplishments of Atatürk. For instance, after transition to multi-party democracy, the right wing Democrat Party won parliamentary elections in 1950, 1953, and 1957. One of the first things that the DP did after assuming power is to lift the ban in calling *ezan* (call to prayer) in Arabic. Forcing religious people in Turkey to call *ezan* in Turkish for the

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<sup>19</sup> The following observation of Davison and Parla is relevant here: "The various sociocultural, political, legal, and constitutional ways in which Kemalism's hegemony is achieved and circulated manifest an officially declared, all-encompassing ideological standard and reference point for social and political life in Turkey. Kemalism, both in its societal omnipresence and in the imperative structures of legality, backed up by enforcement powers of the state, occupies nearly every public space for political thought and action in the Turkish Republic. From the moment persons are born into Turkish society, they are taught to view Mustafa Kemal as the unparalleled chief and savior of the Turkish nation and to devote themselves to preserving his accomplishments and legacy; he is the great leader of the nation, the one without whom they would not be what they are today" (Davison and Parla 2004)

sake of reforming religion was one of the most infamous policies associated with laicism among critiques of Atatürk's reforms in Turkey. Defenders of Kemalist laicism heavily criticized the DP for lifting this ban, and they accused the DP for aiding reactionary groups against the Kemalist regime.<sup>20</sup>

Another accommodative policy of the DP is the opening of the so-called Imam-Hatip<sup>21</sup> schools in Turkey. During the RPP's one-party rule, the religious education in Turkey declined, and people begin to complain about the lack of sufficient number of religious scholars who can meet the religious needs of the people. From 1950s onwards, right wing political parties and after 1970s Islamic political parties opened these schools as a way of accommodating the religious demands of people. The graduates of Imam-Hatip schools originally were not allowed to attend higher educational institutions other than Islamic studies programs. But as a result of a change in laws in 1973, the graduates of these schools were allowed to attend any university major they want, and this change increased the number of such school graduates' presence in other university departments .

Defenders of Kemalist laicism were not necessarily against the opening of Imam-Hatip schools as vocational schools. After all, even the Turkey's foundational law about education namely "The Unification of Education" law stipulated that Turkey should open schools for the training of scholars of Islam (Bozan 2007). Kemalists believed that state should open these schools but at the same time they defended that those schools should educate students that would internalize the Kemalist reforms. However, the 1973 law that granted the graduates of these schools the right to major in any field in universities made these schools more than just a vocational school. Parents who would like their children receive a religion-intensive education

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<sup>20</sup> For an extensive discussion of the views for and against the Turkification of the call to prayer, see (Azak 2010).

<sup>21</sup> Imam-Hatip schools literally mean "prayer leader-preacher" schools.

during school years began to send their children to these schools (regardless of whether those children would be specialists of Islam or not in the future). Also, in contrast to the Kemalist expectations, the graduates of these schools did not internalize Kemalist reforms, and they voted for either right wing or Islamic political parties in the elections. Taking these results into consideration, Kemalists gradually began to call these schools “backyards of political Islam” (Bozan 2007). Overall, for defenders of Kemalist laicism, Imam-Hatip schools turned into important centers of counter-revolution against Kemalism, and these schools’ presence began to threaten laicism, and violate the spirit of the “Unification of Education” law (Bozan 2007, 21). For Kemalists, the “Unification of Education” law symbolized modern Turkey’s break from Islamic heritage, and the rise of educational institutions that would promote Kemalist reforms. Yet, they began to observe that Imam-Hatip schools raised students critical of Kemalism.<sup>22</sup>

Another important point that needs to be mentioned with respect to exploring the trajectory of laicism during Turkey’s multiparty period is the role of the army and the judiciary in maintaining Kemalist laicism’s hegemony<sup>23</sup>. Since the Kemalist RPP and other Kemalist political parties did not fare well in post-1950 parliamentary elections in Turkey, Kemalist civilian politicians were not powerful enough to check the power of other political parties critical of Kemalist laicism, and this is why the hegemony of Kemalist laicism in Turkish state institutions could only be maintained with the help of other political actors. These actors were Turkey’s Constitutional Court that staunchly defended Kemalist laicism, and Turkish army that saw itself as the guardian of laicism in Turkey. Turkish military intervened five times (1960, 1971, 1980, 1997, 2007) into Turkish politics, and in some of these the justification that the military put forward to justify its intervention was directly related to the protection of laicism in

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<sup>22</sup> For an extensive discussion of Kemalist responses to Imam-Hatip schools, see (S. Kaplan 2006).

<sup>23</sup> When this hegemony came to an end will be explained later in the chapter.

Turkey (Kuru 2012). After 1960 and 1980 coups, the Turkey rewrote its constitution under the tutelage of the army, and in both of these constitutions, laicism is mentioned as one of those principles of the constitution that the parliamentary majorities are not even allowed to propose its amendment. On the other hand, Turkey's Constitutional Court helped to maintain the hegemony of Kemalist laicism in Turkey during multi-party period by closing all those political parties that it deemed a threat to the principle of laicism in Turkey. Therefore, it can be stated that without the veto power of these powerful actors in Turkish politics, it would be difficult to explain the hegemony of Kemalist laicism in Turkey.

Despite the insistence of the many Kemalist actors to maintain Kemalist laicism in the Turkish politics, it should also be stated that Turkey's laicist groups in certain contexts in modern Turkish history relied on religion to achieve what they could not achieve on the basis of laicism. One can give the Turkish army's usage of the religious concepts (i.e. the concept of martyrdom) to justify soldiers' sacrifice for the country as an example of the laicists' instrumental usage of religion.<sup>24</sup> Another prime example of the laicists' instrumental usage of religion is the Turkish military's introduction of mandatory "Religion and Ethics" classes to the public schools' curriculum after the 1980 military coup. The military junta after the 1980 coup introduced such classes by arguing that religion can be an antidote to the leftist movements that prevailed in Turkey in 1970s.

These are two examples that show the limits of what one can do with laicism to solve important problems of Turkey. As political scientist Hakan Yavuz states, "moral questions and values in Turkish politics largely have been articulated in Islamic terms because the Kemalist

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<sup>24</sup> For a detailed discussion of this phenomenon, see (Gürbey 2009).

cultural revolution did not produce an alternative shared moral language” (Yavuz 2003).<sup>25</sup> Kemalism did not take root in Turkey as far as majority of the people are concerned, and many people continued to derive their beliefs and values about how they should live (i.e. whether to sacrifice one’s life for the country, or whether one should resort to violence to engage with different political actors) from religious sources. Such a situation gave rise to the eclectic nature of Turkish laicism in which we sometimes observe the instrumental usage of religion for securing the stability of the laicist state.<sup>26</sup>

Overall, what we see after the transition to multi-party period in Turkey with respect to laicism is that Turkey’s laicist project of creating “good Muslims” failed, and instead repressed religious groups of the single-party period began to assert their values, identities, and worldviews in the political arena against the Kemalist regime. In other words, as Mardin described, Turkey’s religious Muslims refused to reduce Islam to a something that should only be practiced in the private sphere as laicists expected. In contrast, the Sufi orders that Kemalists considered superstitious and irrational continued to exist.<sup>27</sup> Religious Muslims continued to practice Islamic law that Kemalists despised (Yilmaz 2005). Scarf wearing students demanded to attend universities, and participate in public affairs actively, and in this way challenged Kemalist conceptions of what it means to be a modern civilized woman (Göle 2013). Islamic political parties emerged that challenged Kemalism’s equation of modernization with Westernization (Yavuz 2003, 2009). Therefore, despite the interventions of the Turkish Army and Constitutional Court to the politics to redesign the political field, it can be observed that religious Muslims did

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<sup>25</sup> For a similar assessment about Kemalism, see (Mardin 1989, 2014).

<sup>26</sup> Some intellectuals avowing Atatürk’s reforms and principles consider it a failure for Kemalist regime to develop a laic morality that would replace Islamic morality. For an example of this view, see sociologist Cahit Tanyol’s book “Social Morality: Introduction to Laic Morality” (Sosyal Ahlak: Laik Ahlak Giriş) (Tanyol 1960).

<sup>27</sup> For a discussion of Sufi orders’ resistance to Kemalism see, (Yavuz 2003; Yükleven 2008).



not assimilate into Kemalist laicism, and continued to assert their identity by bringing right wing or Islamic political parties to the power. At the same time, as I will explain in the next section, political Islamists gradually revised some of their political discourses in Turkey as they understood that the only way they can survive in this Kemalist regime is to tone down some of their Islamic discourses (otherwise they get banned by the Constitutional Court). In that sense, it can be stated that Kemalist laicism forced political Islamists to revise some of their political ideas, even though I do not see such a revision as a complete assimilation into Kemalist laicism.<sup>28</sup> In the next section, I will examine the political Islamist tradition in Turkey, and show the conflicts between them and the Kemalist political establishment. I will also explain how Kemalist pressures on political Islamists led them to reconsider their approach to politics, and in that regard I will discuss the rise of the current ruling conservative Justice and Development Party (AKP).

### **2.3 Islamic Political Parties and the Rise of the AKP**

Former mechanical engineer Necmettin Erbakan founded Turkey's first explicitly Islamic party "National Order Party" in 1970. Islamic political parties differed from right wing political parties (who were also accommodative of religion as I mentioned above) in Turkey in the sense that they were explicitly basing their policy views on Islam.<sup>29</sup> In contrast, right wing political parties were not basing their arguments on Islamic worldview, and instead they critiqued

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<sup>28</sup> I do not see Islamic political parties' revision of their discourses as assimilation to Kemalist laicism because they continued to insist on those issues (i.e. lifting headscarf ban, or opening new Imam-Hatip schools) that Kemalists did not endorse.

<sup>29</sup> For an extensive discussion of Necmettin Erbakan's views on various political issues, see (Yavuz 2003).

Kemalist laicism primarily by employing the discourse of human rights (i.e. by pointing out to the problems that such laicism created for the freedom of religion in Turkey).<sup>30</sup>

Necmettin Erbakan and his followers founded four political parties between 1970 and 2001 all of which were closed by Turkey's Constitutional Court for violating the principle of laicism in Turkey. Erbakan's political parties were not a very significant force in Turkish politics despite participating in coalition governments in 1970s. However, after 1980s, Erbakan's Welfare Party increasingly gained more votes in the elections, and eventually won 1995 parliamentary elections. Since however it did not gain enough votes to form a single-party government, it entered into a coalition with right wing True Path Party and Erbakan served as the prime minister of Turkey between 1996 and 1997. There was a widespread resistance against Erbakan by Kemalist media, army, and politicians during his rule to the effect that eventually Turkish military forced Erbakan to resign. After Erbakan's resignation, the Constitutional Court opened an investigation against the Welfare party, and charged it for having the intention and trying to undermine laicism and establish a theocratic regime in Turkey. Eventually, the Constitutional Court closed the Welfare party in 1998, and it banished Erbakan from participating in politics for five years. Erbakan's followers founded a new political party (the Virtue Party) but the Constitutional Court closed that as well in 2001.

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<sup>30</sup> The following critiques of Turkey's right wing politician Süleyman Demirel who served as prime minister in seven different governments between 1965 and 1993 about Turkey's laicism illustrates this point. Demirel says, "In a democratic country the right to freedom of religion and conscience, the right to worship, the right to education, the right to perform one's religious duties are individuals' basic rights and freedoms. Laicism was not established in order to intervene in these freedoms, but rather to protect them." He also states, "Turkey understood laicism as "irreligiousness" and implemented wrong policies...I cannot think any thing as wrong as considering the right to freedom of religion and conscience as a nuisance...Laicism is not irreligiousness. It should be understood in Turkey as the principle that allows everyone to practice their religious duties, and their faiths freely" (Süleyman Demirel İle Laiklik Üzerine 1995). For similar criticisms of Kemalist laicism, see also the scholar of constitutional law Ali Fuad Başgil's influential book *Din ve Laiklik* (Religion and Laicism) (Başgil 2011).

After Erbakan's forced resignation, the military dictated to the new coalition government founded after Erbakan to implement certain measures against Islamic institutions in Turkey. The coalition government passed a new law on education, and closed the junior sections of the Imam-Hatip schools. Also, the new coalition government stated that the graduates of Imam-Hatip schools should primarily go to Islamic studies departments in the universities. According to the government, should they choose to major in other departments, a certain coefficient used to calculate their university exam score will be cut. By this law, the new government working under the tutelage of the military significantly reduced the chances of graduates of these schools to major in any department other than Islamic studies. This was an intelligent move on the part of the defenders of Kemalist laicism; as mentioned above, they were quite uneasy about the rise of the Imam-Hatip schools and their becoming an alternative and challenge to the laic education system of the Republic. Through this law, they were able to reduce the appeal of Imam-Hatip schools for students. As a result of this new law, the number of students who want to go to Imam-Hatip schools significantly declined, as students did not want to attend a school whose prospects are severely restricted (Bozan 2007).

In this context, a split emerged within the followers of Erbakan's Islamic movement about how to engage in politics.<sup>31</sup> A group led by former mayor of İstanbul Recep Tayyip Erdoğan began to assert that they should tone down Islamic aspects of their political discourse, and instead try to appeal to large segments of Turkey's population that are not necessarily Islamist. Hence, Erdoğan and his friends founded the Justice and Development Party (AKP) in 2001, and explicitly disavowed the Islamism of Necmettin Erbakan (Akdoğan 2006). As Yalçın Akdoğan, who has been one of the influential politicians within the AKP, stated "before the birth

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<sup>31</sup> For an in-depth examination of the reasons for this split, see (Dagi 2008; Hale and Özbudun 2010; Nasr 2005; Yavuz 2006).

of the JDP<sup>32</sup>, Islamist political movements in Turkey generated negative public reactions...JDP has avoided antagonizing those sectors of society and political actors who most feared their electoral success” (Akdoğan 2006). Or as he states in another place, “The JDP does not espouse "identity politics," and argues that such politics have been a hindrance and a cause of crises in Turkish politics, leading to an "us versus them" mentality that has polarized Turkish society. The JDP instead emphasizes a political style that rejects making one's religious beliefs, sect, or ethnicity the center of the party's platform. The JDP is attempting to play the role of a mass party concerned with the problems that face society in general. This type of politics further distances the JDP from other parties and movements such as the Islamist National Outlook Movement of Necmettin Erbakan” (Akdoğan 2006). However, in order to show that he is still concerned with the demands of religious people in Turkey, Erdoğan named its party ideology as “conservative democracy.” For AKP, conservative meant that as a political party AKP attached importance to the values and concerns of the religious citizens of Turkey, and was critical of the rigid laicist policies of Kemalism (Kuru 2006).

Even though Erdoğan disavowed Erbakan’s Islamism, Kemalists did not believe his statements, and began to accuse him of hiding his real intentions or having a hidden agenda of establishing an Islamic state in Turkey. That said, the AKP’s political discourse that was trying to strike a balance between Turkey’s Islamic and Western identities struck a chord in Turkey to the effect that the AKP won five parliamentary elections between 2002, and 2015, and is still the ruling party in Turkey. However, in the eyes of Turkey’s Kemalist opposition, the AKP has always been a suspicious political party whose claim to embody both “modern” and “traditional” should not be trusted. Accordingly, both of the powerful Kemalist actors (namely the Army and

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<sup>32</sup> JDP is the English acronym of the AKP (Justice and Development Party).

the Constitutional Court) in Turkey aimed to stop the rise of the AKP. In 2007, in the context of an approaching presidential election, to deter the AKP from nominating its own candidate for presidency, the Turkish army issued a memorandum in its website and mentioned of a growing threat against Turkey's laicism in the recent times, and warned of the potential consequences if such threats are not dealt with. Even though this memorandum was not successful in changing the course of Turkish politics, it shows that as late as 2007, Turkish army was still trying to dictate its vision of Kemalist laicism to Turkish politics. On the other hand, in 2008, the Chief Public Prosecutor of the Supreme Court of Appeals opened an investigation against the AKP charging it with being the center of anti-laicism activities. The Constitutional Court evaluated the Prosecutors' indictment, and eventually found the AKP guilty of undermining laicism. The Court did not close the AKP however, but rather found it sufficient to deprive the AKP of half of the financial assistance it received from the State Treasury.

The content of the indictment of the Chief Public Prosecutor of the Supreme Court of Appeals that the Constitutional Court accepted against the AKP also shows that as late as 2008, Turkey's top judicial organs strictly followed Kemalist conception of laicism. The content of the indictment<sup>33</sup> can be summarized in the following way. Laicism is not just separation of religion and the state. It is also a "civilized way of life," "Turkey's philosophy of life," and the "foundation of the Republic." Laicism aims to protect society from all irrational and unscientific views, and it is a result of the humans' fight against religious dogmas and superstitions. The AKP has intentions to establish a state based on Shariah but its members hide their real intentions. The Shariah leads to a totalitarian regime, and is incompatible with democracy whereas laicism is the guarantee of democracy. The Shariah and religions are dogmatic whereas

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<sup>33</sup> For the whole text of the indictment and the Constitutional Court's decision, see (Anayasa Mahkemesi Kararı n.d.).

in laicism the laws are made on the basis of the human reason, modern science, and according to the needs of the people. The religion should be a matter of individual conscience, and it should be between man and God. In Islam there is no separation of religion and worldly affairs, and therefore, laicism in Turkey requires that religious groups or organizations should always be controlled and regulated by the state so that they do not threaten the laicism. The AKP's criticisms of the headscarf ban, and its efforts to lift restrictions in front of the graduates of the Imam-Hatip schools are examples of the AKP's violation of the principle of laicism. Headscarf is not a religious duty but a political symbol of Islamism. Also, the headscarf conflicts with the values of the Republic that aimed to emancipate women. Headscarf is a political symbol and a sign of the counter-revolution against the Turkey's laicist state. The content of the indictment shows all the characteristics of Kemalist laicism I mentioned above.<sup>34</sup> It justifies the existence of laicism by representing religion as the opposite of all commonly idealized concepts in the modern world (i.e. democracy, reason, science, women rights).

## **2.4 Post-Kemalist Turkey and Its Critiques**

The AKP reduced the role of the military in politics, and since the Constitutional Court did not ban the AKP, but only cut the state treasury's financial assistance, the AKP was able to maintain its existence, and continue to flourish. After 2010, the AKP was able to revise certain aspects of Kemalist laicism. It abolished the restrictions that the graduates of the Imam-Hatip schools faced in university entrance exams, and it lifted the headscarf ban in state institutions. Also, after a referendum on a constitutional amendment in 2010, the AKP was able to change the

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<sup>34</sup> It should be stated that I do not agree with the arguments of the indictment. I think the indictment mischaracterizes AKP's policies. Based on AKP's policies between 2002 and 2008, I do not find evidence that would support the Court's accusation that the AKP wants to establish an Islamic state that would impose Shariah rule. The AKP has been a conservative political party, and in the last couple of years it began to talk more explicitly about the importance of Islam for Turkish society. But still the accusation that it wants to establish an Islamic state that establishes Shariah law seems unwarranted.

member structure of the Constitutional Court, and as a result it was able to appoint certain judges with more liberal interpretations of laicism to the Constitutional Court. By this move, the AKP aimed to end the Constitutional Court's closing of the Islamic political parties by deeming them as the center of anti-laicism activities. As a result of the AKP's revision of certain important aspects of Kemalist laicism, some political analysts began to use the term "post-Kemalist" (Akyol 2013; Cagaptay 2012; Dađı 2013; Mert 2011; Özhan 2013) to describe the AKP dominated Turkish political scene. What these political analysts meant with this term was that the time of Kemalism is over, and Kemalist political actors no longer could dictate to the repressed Sunni religious groups of the modern Turkish history how they should live, believe, dress etc.

That said, even though (as I stated above) the AKP's effort to strike a balance between Islam and modernity struck a chord within Turkish society between 2002 and 2011, after 2011, Erdoğan began to employ a more explicit Islamic rhetoric, and his religion based references, and didactic speeches began to alienate those who are not committed to Islam in Turkey in the way Erdoğan understands Islam. For instance, Erdoğan explicitly stated that he wanted "to raise a religious generation" in Turkey in 2012, and liberal academics (Yayla 2015) and defenders of Kemalist laicism opposed to the goal of promoting religion by state's resources. For raising religious generation, Erdoğan's AKP established new Imam-Hatip schools, introduced elective religion classes to the public schools on the life of Prophet Muhammad, the Quran, and the essentials of Islam, and continued to defend mandatory religion and ethics classes in the schools that the military introduced after the 1980 coup as I mentioned above.

But as stated above, Turkey's right wing political parties and Necmeddin Erbakan's Islamic parties have opened Imam-Hatip schools since 1950s. In that sense, opening new Imam-

Hatip schools is not totally an innovation of the AKP. In this sense, Turkey has been raising a religious generation since 1950s due to the policies of the winners of elections who want to accommodate the demands of the electorate. As I mentioned above, the mandatory religion and ethics classes are not established by the AKP either. The AKP is simply maintaining these classes that the military first introduced after 1980 coup. The only innovation that the AKP did is to introduce elective classes on Islam to public schools. Therefore, if we put into context Erdoğan's statement about "raising a religious generation," it appears that for the most part he is following in the footsteps of right wing and Islamic parties in Turkey's multiparty period.

AKP's passing a law regulating the consumption and advertisement of alcoholic drinks in 2013 also created discontent among certain segments of Turkey's population. Defenders of laicism saw it as an infringement on their life styles (Ertuğrul Özkök 2013), and liberal academics (Yayla 2013), and political analysts stated that state should not try to make laws based on religion. Against these critiques, Erdoğan defended himself and stated that he is simply carrying out the requirements of one of the articles of the constitution, which gives the state the responsibility to protect youth from harmful addictions.<sup>35</sup> The laicists did not agree with Erdoğan however, and continued to accuse him of imposing Islamic morality to citizens. Another issue that laicists bring up against the AKP is that they claim that the AKP is using the Directorate of Religious Affairs for its own purposes, and politicizing the institution.<sup>36</sup> For those who advance this critique, the Directorate should be above politics, and should not engage in political issues.

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<sup>35</sup> Erdoğan cited the following 58. Article of the Turkey's 1982 constitution to justify his position: "States take measures to protect the young people from addiction to alcohol, drugs, crimes, gambling, and similar bad habits and ignorance."

<sup>36</sup> For an example of such a laicist view, see (Tremblay 2015).



All these policies of the AKP combined with some other important issues<sup>37</sup> created a strong anti-Erdoğan sentiment among defenders of Kemalist laicism in Turkey.

Before closing this chapter, I would like to discuss the religious minorities' views of Turkey's laicism, which continue to be an important debate in Turkish politics. So far I have only examined the majority Sunni Islamic groups' conflicts with the Kemalist regime, and this examination was important because Turkey's contemporary rulers (i.e. president Recep Tayyip Erdoğan, or prime minister Ahmet Davutoğlu) come from this background. That said, this account of laicism would not be complete without considering minority groups' perspectives about Turkey's laicism.

## **2.5 Religious Minorities and Laicism**

In the preceding discussion, I aimed to explain the issues (i.e. headscarf ban, the status of Imam-Hatip schools etc.) Turkey's Sunni Muslims had with respect to the Kemalist laicism. Paradoxically, Turkey's Alevi<sup>38</sup> minority<sup>39</sup> critiques Turkey's laicism by arguing that it is biased for Sunnis, and discriminatory against them. These two different perceptions are both accurate. The existence of the Directorate of Religious Affairs as a state institution, and the lack of a special institution that deals with the needs of Alevis in Turkey show that Turkish state favored Sunnis. Also, Turkish state often employs Sunni arguments in dealing with the recognition demands of Alevis (Dressler 2011). Furthermore, mandatory religion and ethics classes in state schools in Turkey endorse, and promote Sunni Islam. For all of these reasons, Alevis are right to

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<sup>37</sup> I do not tackle intensely debated issues of the AKP's foreign policy, or the freedom of press under the AKP because they are not directly related to the topic of laicism I am examining in this dissertation.

<sup>38</sup> Alevi "is a term denoting various groups of Islamic heterodoxy in opposition to the Sunni orthodox position of the state and the majority of the population" (Karaosmanoğlu 2013).

<sup>39</sup> It should be stated that despite being a minority in Turkey in terms of their population, many Alevis in fact do not consider themselves as a minority in Turkey because they see themselves as an "essential and constitutive element of the republic" (Tambar 2014).

state that Turkey's laicism has a Sunni bias. That said, as I aimed to show above, the "Sunni bias" of Turkey's laicism is not what Sunni religious groups understand from the word "Sunni." Turkey's Sunni groups demanded lifting headscarf ban but the defenders of Kemalist laicism (who had the Sunni bias) resisted to such a change. Turkey's Sunni groups demanded opening Imam-Hatip schools, but Kemalists considered such schools as a threat to the laicism. Only with respect to the case of mandatory religion and ethics classes, and the Directorate of Religious Affairs, we can state to some extent that laicists' and religious groups' conceptions of Sunnism, and their interests *partially* overlapped. Sunni groups in Turkey by and large defend mandatory religion and ethics classes in public schools, and they are partially content with the services of the Directorate of Religious Affairs despite certain reservations they may have about it being controlled by the state. Therefore, the argument that Turkey's laicism has Sunni bias should be put into perspective and qualified. Dressler writes the complexity of this issue well when he states, "Turkish laicism may appear as rather arbitrary with respect to the religious language and practices that it rejects and that it supports. Against the Alevis, it enforces the hegemony of Sunnism as the normative model of Islam in the public sphere, thereby denying them religious autonomy. But laicism is also employed against political Islam and *tesettür*<sup>40</sup>-style veiling, where it is invoked against particular forms of Islamic discourse and practice" (Dressler 2011).

What kind of proposals did Alevis advance to restructure Turkey's laicism? Alevis are the staunchest supporters of separation of state and religion in Turkey, and in that sense they are unique in Turkey for advocating this position.<sup>41</sup> They advocate the disestablishment of the

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<sup>40</sup> Tesettür in Turkish refers to Muslim women's covering their body according to Islamic rules.

<sup>41</sup> Among four major political parties in Turkey's parliament, only pro-Kurdish People's Democracy Party (PDP) supports for instance the disestablishment of the Directorate. And PDP's defense appears to be related to its aim to address Alevis' concerns. Other three political parties in the parliament (the Republican People's Party, the Nationalist Action Party, and the Justice and Development Party) that

Directorate of Religious Affairs, and abolishment of the mandatory religion and ethics classes that promote Sunni Islam. That said, in contrast to Sunni Islamic groups, Alevis by and large do not question Atatürk's reforms and principles. Rather they see those reforms as bulwarks against political Islamism in Turkey.<sup>42</sup> Alevis also demand recognition of Alevi identity by the state. They want Turkish state to recognize their "cemevi"<sup>43</sup> as houses of worship for Alevis. One of the major issues with respect to addressing recognition demands of Alevis is the definition of Alevism. There are debates within the academic literature on Alevism and within the Alevi community as to whether Alevism is a different interpretation of Islam or is completely outside of the Islamic tradition (Tambar 2014), and whether Alevism is a religion or a culture (Karaosmanoğlu 2013), or a worldview or a philosophy (Köse 2012). Such differences in the definition of Alevi raise the issue of which of these definitions Turkish state should take into account in recognizing Alevis, and this is an issue still contested in the Turkish public.

Turkey has also a very small percentage (less than 1%) of non-Muslim minorities (i.e. Christians and Jews), and I will mention their concerns briefly in relation to Turkish laicism's neutrality. The Treaty of Lausanne provides certain rights to certain non-Muslim populations in Turkey but as the literature shows Turkey violated the rights given to non-Muslim populations in the Lausanne due to the dominance of Turkish nationalist ideas among the rulers of Turkey (Hatemi and Kurban 2009; Oran 2015). Turkey expropriated the foundations of non-Muslims groups, closed down the schools that are established to train religious clergy, and in certain times

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represent approximately 86 % of Turkey's electorate (according to November 1<sup>st</sup>, 2015 parliamentary elections) do not advocate disestablishment of the Directorate.

<sup>42</sup> Anthropologist Tambar's observation about Alevis' political position is relevant here: "Many Alevi leaders today often insist that the community has been a cornerstone of Turkish secularism and democracy, supporting the nationalist revolution from its early days" (Tambar 2014). That said, there are also Alevi people who question this common perspective. For a discussion of those different perspectives, see (Tambar 2014).

<sup>43</sup> "Cemevi" literally means house of gathering, and it refers to the place where Alevis perform their rituals.

non-Muslims in Turkey were physically attacked by certain nationalist groups in Turkey. There have been certain improvements about the situation of non-Muslims during the rule of the Justice and Development Party (AKP) in the last decade in Turkey. According to one political analyst, due to the reforms that the AKP implemented “non-Muslims of Turkey have been going through their most comfortable period, relatively, since the beginning of Turkish Republic in 1923” (Cengiz 2013). That said, it is hard to state that all the problems of non-Muslims were solved in Turkey. Liberal academic Baskın Oran for instance suggests that Turkey should remove its Sunni bias, and should not define the concept of minority on the basis of one’s religious affiliation (Oran 2015).<sup>44</sup> According to Oran, and some journalists within Turkey’s non-Muslim minority state should approach the problems of non-Muslim citizens of Turkey on the basis of the concept of “equal citizenship,” and dispense with the Treaty of Lausanne’s treatment of the minorities (Korucu 2015a, 2015b; Oran 2015). Therefore, from the perspective of these liberal academics, and some journalists within Turkey’s non-Muslim community, the main problem of Turkey’s laicism is that it has Sunni bias. According to these people, laicism requires equal treatment of citizens regardless of their religious affiliations, and therefore for them state should not favor one religious group over other in Turkey.

Finally, we can mention the concerns of all those people in Turkey (i.e. atheists, or agnostics) who do not fit into any of the above categories of Alevis, or non-Muslims<sup>45</sup> (i.e. Christians, and Jews). When we look at the debates in Turkey’s public, it can also be observed that such people also express their concerns and resentments about why they are living under a

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<sup>44</sup> As I mentioned above, the Treaty of Lausanne employs a religion-based definition of minority. And such a definition creates the paradoxical situation that Turkish state that aspires to be based on laicism relies on religion to differentiate who belongs to majority and who is a minority.

<sup>45</sup> I am aware that the term non-Muslim may also refer to atheists. But I use the term here as it is generally understood in Turkey. In Turkey, the Turkish term “gayrimüslim” (non-Muslim) generally refers to Christians, and Jews.

state that privileges Sunnism in state institutions, and coerce them to support Sunnism financially.

### **3 AN EMPIRICAL CRITIQUE OF TURKEY’S LAICISM’S POWER-KNOWLEDGE REGIME**

In the first chapter, I aimed to provide the reader the necessary background for making sense of the debates in Turkey related to its laicism. In this chapter, I introduce a new literature on secularism that sees secularisms as “power-knowledge regimes,” and build on the insights of scholars Elizabeth Shakman Hurd, and Markus Dressler (Dressler 2011, 2015; Hurd 2008) I suggest that Turkey’s laicism should be seen as a power-knowledge regime that justified the perpetuation of the hegemony of a minority that calls themselves “laik”<sup>46</sup> over a group of people that they deemed as “anti-laik.” In this chapter, building on the descriptive content of the first chapter, I show that all the empirical and theoretical arguments of Turkey’s laicism’s power-knowledge regime<sup>47</sup> are untenable. By showing the indefensibility of the empirical and theoretical claims of Turkey’s laicism power-knowledge regime, I aim to rebut the arguments of the defenders of laicism in Turkey that laic Turkey is superior to religion-based state of the Ottoman Empire,<sup>48</sup> and that laicism is neutral.<sup>49</sup> This chapter essentially claims that Turkey’s laic

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<sup>46</sup> “Laik” is the Turkish adjective that people who defend laicism call themselves. It can be roughly translated into English as “secular.”

<sup>47</sup> For describing the content of Turkey’s laicisms’ power-knowledge regime, I rely on the Constitutional Court’s conceptualization of laicism and religion that I mentioned in the first chapter with respect to the case of the closure of the AKP.

<sup>48</sup> I am not making the argument here that religion-based state of the Ottoman Empire is superior to Kemalist laicism or the Ottoman Empire is more neutral compared to Kemalist laic Turkey. To the contrary, I am saying that both of these regimes are non-neutral in the sense that they both endorse “comprehensive doctrines” (to use Rawlsian terminology) in their official state views. Hence, the choice between them cannot be made on the basis of an argument about one of them being more neutral. And I am not sure if there is any way can be found on the basis of which we can compare which of them is more neutral.

<sup>49</sup> It should be stated that Turkey’s Constitutional Court does not use the term “neutral” to describe laicism. I infer this idea from their descriptions of law making within laicism (laws are made on the basis

state carries all the negative characteristics (i.e. being dogmatic, or being authoritarian) it attributes to religion-based states, and in that sense I will contend that the arguments that defenders of laicism in Turkey put forward to justify laicism are untenable.

### **3.1 Secularism as a “Power-Knowledge Regime”**

First, before showing why Turkey’s laicism should be analyzed as a power-knowledge regime, I will first introduce the main themes of a recent literature on secularism that conceptualizes it as a power-knowledge regime. Building on the work of Michel Foucault, a number of scholars (Agrama 2010, 2011; Asad 1993, 2003; Barbieri 2014; Casanova 2011; Cavanaugh 2009, 2014; Dressler 2011, 2015; Dressler and S. Mandair 2011b; Hurd 2008; Mavelli 2012; Mavelli and Petito 2014) began to conceptualize secularism as a “power-knowledge regime” that justifies certain power relations between those who call themselves “religious” and who call themselves “secular” by producing a specific knowledge about “religions” and “secularism.” According to this scholarship, in order to justify their existence, and secure their legitimacy, secular states portray “religion” in a negative light and attribute all the desirable ideals to “secularism.” Statements like “secularism is the guarantee of democracy” or “secularism is the guarantee of peaceful interstate relations” are examples of the power-knowledge regime of secularism. To use the terminology introduced in the previous chapter with reference to the work of sociologist Jose Casanova (Casanova 2011), it is the characteristic of ideological secularisms to create power-knowledge regimes to justify their normative arguments.

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of reason, science, and needs of the people), and their exclusion of religions from law making process by saying that they are dogmatic. I think that these statements assume that arguments developed without relying on religions in law making process are not controversial, and human rationality has the capability of settling political debates that religious arguments cannot settle. Since I understand Turkey’s Constitutional Court’s juxtaposition of rationality and religion in this way, I believe I am justified in reformulating Court’s position as claiming that laicism is neutral.

These scholars bring the concept of power to the analysis of secularism for a number of reasons. First, some of these scholars are skeptical of secularism's capacity to promote the desirable ideals attributed to it. For these scholars, secular states can also have the negative characteristics that power-knowledge regime of secularisms attribute to "religions." In that sense, it is not clear to them why secular states are considered superior to religion-based states. For instance, Talal Asad and William Cavanaugh advance such arguments with respect to the alleged potential of religions for violence (Asad 2007; Cavanaugh 2009). They argue that conceptualizing religion as the major source of violence in the world is used to justify and mask the violence that secular states perpetrate. In that sense, the discourse about alleged irrational, intolerant, and potentially violent nature of religion helps secular states to maintain their legitimacy and at the same time enables and legitimizes their violence that they inflict which is not necessarily less than violence that religious actors perpetrate.

Second, these scholars bring the concept of power to the study of secularism because they argue that the terms "religion" and "secular" are social constructions. They argue that there is not a universal phenomenon called "religion" that can be found across all societies and in different times. There is not a transhistorical, transcultural definition of religion. According to these scholars, since these concepts are constructions, we should be looking at how the terms "religion" and "secular" are used, and what kind of projects, political agendas, political structures, and power relations they justify and authorize. As Cavanaugh states, "religious" and "secular" as they have been constructed originally in Europe and subsequently in the rest of the world are not neutral descriptive terms, but rather prescriptive. They help create the worlds they purport to describe. They are, as Fitzgerald says, "collective affirmations about what kind of world we want to experience" (Cavanaugh 2014).

Third, this literature draws attention to the fact that states and their judicial organs are the final determiners of how the terms “religious,” and “secular” should be understood. The terms “religious” and “secular” and all the negative and positive aspects attributed to them are not negotiated in a setting in which every one participates and expresses his or her voice. Instead, justices or judges in a court define what is religious and what is secular. This is why anthropologist Agrama thinks that “as a process of defining, managing, and intervening into religious life and sensibility, secularism is historically and remains today an expression of the state’s *sovereign* power” (Agrama 2010). Similarly, Dressler and S. Mandair argue that secular states engage in “religion-making from above” which they define as “authoritative discourses and practices that define and confine things (symbols, languages, and practices) as “religious” and “secular” through the disciplining means of the modern state and its institutions (such as lawmaking, the judiciary, state bureaucracies, state media, and the public education system” (Dressler & S. Mandair, 2011a). Saba Mahmood in this vein writes that nation-states often act as “de facto theologians” as they produce certain discourses to reform and reshape religions to make them compatible with the liberal political rule (Mahmood 2006, 326-328). Dressler in his analysis of Turkey’s laicism shows that defenders of Turkey’s laicism ironically advance theological arguments in their attempt to regulate religion, and “they claim the exclusive right to define the boundaries between religious and secular spheres, and to sanction and criminalize transgressions if deemed necessary” (Dressler 2011). Dressler puts starkly the paradox of Turkey’s laicism by stating that “Turkish laicism has created a republic of secular religion experts” (Dressler 2011).

Since the stakes of defining religious and secular is so high in every state (such definitions reshape power relations), this literature also suggests that definitions of religious and



secular become sites of contestation between different actors who have different political agendas. In her book *Politics of Secularism in International Relations* (Hurd 2008), Elizabeth Shakman Hurd brilliantly shows how for instance in Turkey different political actors all employ the term “laicism,” and critique each others’ conceptions of laicism as inaccurate, or illegitimate in order to open up a space for their own political agendas. Dressler and S. Mandair name the effort to renegotiate and challenge the state’s monopoly of defining religious and secular as “religion-making from below” (Dressler and S. Mandair 2011a, 21). In short, Hurd, Dressler and S. Mandair show that the categories of religious and secular should not be taken as given or neutral; the way they are defined has political implications, and this is why different political actors with different political agendas strive to establish their own definition of them as the official view of the state.

### **3.2 Turkey’s Laicism as a “Power-Knowledge Regime”**

I find it useful to rely on this literature in analyzing Turkey’s laicism as the claims that the defenders of laicism in Turkey advance to justify laicism in Turkey do not stand up to scrutiny. Since those claims do not stand up to scrutiny, they rather appear as constituent parts of a “power-knowledge regime” that helps a laic minority that call themselves “laik<sup>50</sup>” maintain their hegemony over a majority that they deem as “anti-laik.” It should be stated that by making this argument, I am not implying that defenders of laicism do not genuinely believe what they say about laicism, or that they do not sincerely espouse certain ideas about laicism. For my argument, whether they sincerely espouse certain ideas about laicism or not is not relevant. I am simply pointing out that the arguments they advance about laicism justify their hegemony in Turkish society that holds a variety of different ideas about laicism. They may or may not have

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<sup>50</sup> Again “laik” is the Turkish adjective that people who defend laicism call themselves. It can be roughly translated into English as “secular.”

ulterior motivations in advancing their arguments; this is not of concern to my argument. I simply point out that different definitions of laicism may substantially change power relations in Turkey, and we should realize that there is not a universal interpretation of laicism, and in the end *sovereign* state determines how it should be interpreted. If the sovereign changes, the interpretation of laicism may change, and then we may observe completely different relations between state and religion.

As I have shown in the first chapter in my presentation of Turkey's Constitutional Court's decision about the AKP, in Turkey, defenders of laicism present laicism as the guarantee of democracy, denigrate anyone who critique Atatürk's laicization policies, present religion as a dogmatic institution that humans need to leave behind in order to make progress, see laicism as the only path for becoming enlightened and avoiding dogmas, and conceptualize laic laws as if they are free from bias by arguing that they are developed on the basis of modern science and human reason. And despite its critical attitude towards religion, defenders of laicism in Turkey still claim that laic state in Turkey does not violate the right to freedom of religion in Turkey. In contrast to the all the positive aspects that laicists attribute to laicism, academic literature (some of which I cited in the previous chapter) that tries to be objective dispute all of these claims.

First, instead of being a guarantee of democracy, Kemalist laicists in Turkey justify Atatürk's authoritarian rule, are suspicious of the choices of the people in the elections, and justify military interventions into politics (Davison and Parla 2004; İnel 2009; Köker 2009; Kuru 2012; Özlem 2007; Parla 2009; Zürcher 2009). Kemalist laicism and democracy are not supportive of one another in Turkey (Axiarlis 2014).

Second, educational policies of the Kemalist laicist Turkey do not aim to cultivate "individual autonomy" (to use contemporary liberal terminology) or the "enlightened"

individuals, but rather aim to instill in students loyalty and unquestioning obedience and dedication to the official principles of the Turkish state namely “Kemalism,” or “Atatürkism” (Davison and Parla 2004; İ. Kaplan 2011; S. Kaplan 2006; Navaro-Yashin 2002; Yayla 2014).

Third, from a sociological and anthropological perspective, Turkey’s Kemalism resembles the religions in terms of having “sacreds,<sup>51</sup>” “blasphemy laws<sup>52</sup>,” “dogmas<sup>53</sup>,” and “rituals” all of which shed doubt on whether Turkey’s laicism can be seen as a rationalization, disenchantment, the rise of individual autonomy, or a kind of “Turkish Enlightenment” as defenders of laicism in Turkey make laicism to be. As social scientist Umut Azak writes, “Kemalism owed its dominance, if not to hegemony, to its success in inculcating in citizens that the values of the secular nation state were sacred...the way in which the elite conveyed secularist ideas to the masses was hardly secular. It is not surprising that Kemalism, which had its roots in the earlier realm of religion as do all nationalist ideologies, carried ritualistic parallels with religion. In its search for hegemony, Kemalism built myths around historical personalities, events and concepts, reiterating narrative forms of religion. Kemalists adopted the concepts of religion and refashioned them for their secular project” (Azak 2010, 17). Or as anthropologist

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<sup>51</sup> As many foreign observers can immediately notice, Turkey has a big “cult of Atatürk” around whom everything revolves in Turkey. For a detailed examination of how the cult of Atatürk is used in Turkey, see (Navaro-Yashin 2002, 188-203).

<sup>52</sup> In Turkey, there is a specific law called “Crimes Against Atatürk” that Turkish Parliament passed in 1951. According to this law, “insulting the memory of Atatürk through words or actions” can be punished up to three years in prison. This law also states that damaging statues of Atatürk is punished with confinement (Navaro-Yashin 2002, 202-203). Liberal intellectual Mustafa Akyol calls this law “Turkey’s blasphemy law” (Akyol 2011).

<sup>53</sup> In Turkey, as the cult of Atatürk and the law passed to protect his memory, and articles of the constitution that prohibits even proposing to remove Atatürk’s principles and reforms from the constitution show Turkey’s Kemalism is very dogmatic, and does not allow a free discussion of different possibilities for Turkey. Liberal academic Atilla Yayla’s comments should be mentioned here. In his article, “Looking to Kemalism from a Liberal Perspective,” he states that Kemalists in Turkey often idealize rationality, science, modernity, but in reality some of them see Atatürk as a kind of Prophet, or sometimes even God that no one can question. Yayla thinks that in this regard Kemalism resembles pretty much to the religions it critiques (Yayla 2004, 15). Also, see historian of Ottoman Empire Ahmet Yaşar Ocak’s similar remarks about how Kemalism was imposed on religious Muslims in Turkey like an unquestionable religion (Ocak 2002, 137, 142-143).

Navaro-Yashin writes, “within the context of Ataturk fetishism, such terms as “modernity,” “rationality,” “discipline,” “order,” or “bureaucracy” are inadequate for the purposes of ethnographic interpretation. In other terms, the terms of secularism are not appropriate for the study of secularism. The material observed includes a peculiar phenomenon of invoking spirits in the name of secularism, employing numerology to validate it, seeing supernatural apparitions or images of Ataturk, and producing an aura around his image. “Belief,” “magic,” “mysticism”: I suggest that these terms may be more appropriate for the study of contemporary secularist cultures in Turkey, especially those implicated in statism” (Navaro-Yashin 2002, 189-190).

Fourth, Turkey’s laic state has engaged in “religion-making from above” by trying to promote its own conceptions of proper religious belief and practice through state organs, and in this sense it tried to reform religious practices of the people. The Constitutional Court’s understanding of religion as a matter of individual conscience is an example of the “religion-making from above.” By conceptualizing religion in this way, the Court can claim that it does not violate the right to freedom of religion when it for instance bans headscarf in public sphere. An example of state’s “religion-making from above” can also be found in Kemalism’s engagement with the Alevi minority. Religious studies scholar Markus Dressler brilliantly showed in a number of writings how the historiography of Alevism in modern Turkey was primarily shaped by the imperatives of Kemalism’s nation-building process (Dressler 2015), and how Turkey’s laic state relies instrumentally on Sunnism in its engagement with Alevis (Dressler 2011).

All of these critiques lead me to conclude that Turkey’s laicist state had all the negative characteristics (i.e. being dogmatic, being authoritarian) that it has attributed to religions. Since I observe that Turkey’s laicist state had all these negative characteristics, I do not find claims of

the defenders of Turkey's Kemalist laicism to justify laicism as convincing. As a result, I do not see how Turkey's laicism is superior to religion-based state of the Ottoman Empire as its advocates claim.

### **3.3 Why does Turkey's Laicism Resemble What It Critiques (Religion)?**

Why does Turkey's laicism resemble what it critiques (religion)? I do not aim to give an answer about all the dimensions in which laicism resembles religion in Turkey. I will only aim to answer why laicism is authoritarian in Turkey, as the answer to such a question will be relevant to my overall argument. I think the primary reason for that has to do with the development of laicism or secularism in the Muslim majority societies. Many political scientists recognized that secularism in the Muslim world is a top-down imposition of a laic minority who wants to create a new society, but who at the same time did not enjoy large societal support (Axiallis 2014; Azak 2010; Davutoglu 2000; Hashemi 2009; Madan 1999; Nasr 2003). The opinions of the following scholars are worth quoting here. Vali Nasr writes "In the Muslim Middle East and Asia, secularism was not a product of socioeconomic, technological, or cultural change- it was not associated with any internal social dynamic. In fact, it was not even an indigenous force. Secularism was first and foremost a project of the state" (Nasr 2003, 68). Similarly, Turkish Prime Minister Ahmet Davutoğlu states, "In non-Western societies... secularization has not been a natural and intrinsic process created by native social forces and legitimized by society's symbols and values. Rather, it has been the product of the political will of an elite at the political centre. This process of secularization as a guided and imposed change led to a process of de-traditionalization, rather than a simple separation of religion and state. Traditions have been seen as barriers to modernization by the elite of modernizers while radical secularization has been seen as a threat to traditional socio-cultural values by conservatives" (Davutoglu 2000, 199).

Sociologist Azak writes, “Secularism in Turkey...was imposed from above by an authoritarian regime”(Azak 2010, 16). Political theorist Nader Hashemi also argues, “the connection between the separation of church and state and the creation of a just society gradually came to be accepted for political reasons that were intimately tied to the Wars of Religion. In the Muslim world, by contrast, its political history has been significantly different. The colonial and post-colonial state imposed secularism on their religious societies from above, without the concomitant emergence of a political culture that could sustain and support such a separation” (Hashemi 2009, 170).

All these quotes show that there was a serious tension between the secularizing elites, and religious masses in the Muslim societies. In the case of Turkey, we see that the elites that aimed to secularize Turkey recognized this tension, and this is why they were suspicious of democratization of the country, and the idea of “popular sovereignty.” Political scientist Heper explains this situation well when he writes: “According to Atatürk, the republican state had one basic mission- elevating the people to the level of contemporary civilization. He assumed that the people had great potential. It was necessary, however, to activate this potential. The people by themselves were neither willing nor capable of achieving this basic goal...And, on the eve of the secularist reforms of the late 1920s Atatürk asked whether one could regard as a civilized nation a people which believed in visionaries of all kinds who exploited innocent people’s religious beliefs for their own selfish interests...His conclusion was that reforms needed to be imposed ‘from above’, for ‘when the people are not educated they can easily be won over for all kinds of undesirable ends.’ As a consequence, Atatürk thought that *consulting* public opinion really amounted to *shaping* it” (Heper 1985, 50-51). Heper then raises the question of these ideas’ compatibility with the Republican idea that “sovereignty belongs to the people.” Heper states that the despite the fact that the modern Turkish Republic promoted the idea of popular

sovereignty, in fact for Atatürk and other secular elites, “the people should not have sovereignty until their collective conscience reached a certain level. The national will, as shaped by the people, would emerge only to the extent that the people became civilized” (Heper 1985, 51). Political scientist Levent Köker (Köker 2009) also makes a similar point and states that for the Kemalists democratization should be delayed until the emergence of a rational citizenry. And according to Köker rationality here defined by one’s adherence to the Kemalist ideas. Or Köker states that according to Kemalists, if democracy cannot be delayed, different political parties should not be allowed to challenge Kemalism. Political scientist İlter Turan also underlines the tension between early Republican leaders’ modernization efforts and democratization of Turkey. As he states, the elites who wanted to modernize Turkey “conceptualized politics as a process through which they could create a new society, not one of negotiating competing interests. Their approach was one of revolution from above” (Turan 2015, 58). Turan states that when modernizing elites recognized that there was a religious reaction to their modernization efforts, they began to think that “the country was not yet ready for opening up to political competition” (Turan 2015, 59). Based on these analyses, Turan concludes, “Turkish experience confirms that regime change is highly problematical in terms of democratization of a political system. Political competition provides opportunities for opponents of the regime to reinstitute the *ancien régime*. This possibility constitutes an impediment to democratic openings and leads to their termination if and when they take place. It may also guide the governing parties to perceive and conceptualize demands for change as security challenges, thus rendering democratization even more difficult” (Turan 2015, 59).

Other scholars writing on Turkey (Davison and Parla 2004; İnel 2009; Özbudun 2012; Özlem 2007; Parla 2009; Zürcher 2009) concur with Heper’s, Köker’s and Turan’s descriptions,

and they point out to Kemalism's elitism, paternalism, and distrust of the masses (popular sovereignty) in their writings. Özlem in this regard mentions one of the mottos of Kemalism namely "for the sake of people despite the people" (*halka rağmen halk için*) as an example of Kemalism's elitism and paternalism. All these points clearly show that for Atatürk, and other secular elites of Turkey, the people do not know their best interests, and they are not willing to implement secularization reforms. Therefore, the reforms should be imposed upon them.<sup>54</sup>

One implication of this thought for modern Turkey's history is that when Kemalism failed to transform religious masses' values, the transition to democracy after 1946 began to undermine Kemalism's hegemony in Turkish politics. As I showed in the first chapter, Kemalist political parties did not fare well in post 1950 Turkish elections. And again as stated above, two political actors (the Army, and the Constitutional Court) acted as guardians of Kemalism in the face of a popular sovereignty that challenged Kemalism. All these arguments show why laicism resembles what it critiques (religion). As Atatürk himself realized, popular sovereignty clashes with the ideals Atatürk and his friends wanted to realize in Turkey. In that context, if one wants to transform society, one cannot help but become authoritarian in his engagement with the society.

### **3.4 Beyond an Empirical Critique**

So far I have only offered an empirical analysis of Turkey's laicism and stated that it resembles what it critiques (religion). I also aimed to justify the usage of the term "power-knowledge regime" in relation to Turkey's laicism. Although this analysis is important (I hope) in dispelling myths about Turkey's laicism, this empirical analysis in and of itself is not sufficient to make the point that laicism in general is not neutral. One should engage the

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<sup>54</sup> For a Kemalist defense of why authoritarian rule of Atatürk was necessary, see (Okyar 1984).



arguments of laicists on political theory grounds and show the limitations of such arguments. For instance, laicists in Turkey claim that laic states make laws on the basis of science and reason; in contrast, laicists claim that religions are dogmatic in the sense that religions are irrational, and religious people make circular arguments, and that is why religious arguments should not be taken into consideration in the law-making process. This argument needs consideration even if empirically speaking laicists in Turkey have not been supportive of questioning, rationality, and individual autonomy in educational institutions of Turkey, and in that sense laicists resemble “irrational” religious people they critique. In other words, we cannot make a general statement about laicism based on one case. The relationship between laicism and neutrality should be theoretically examined. Therefore, in the remaining parts of the dissertation I engage with the *theoretical* arguments of the defenders and critiques of Turkey’s laicism. But before moving to the theoretical sections of the dissertation, I would like to mention major perspectives that different political actors hold about Turkey’s laicism, and whether Turkey should be neutral about religion or not. I am aware that I have already mentioned some of these views in the first descriptive chapter, but here I will reformulate them using the terminology of the political theory, and the presentation here will be more brief and systematic. The concepts I introduce here will be reference points for the subsequent chapters of the dissertation.

### **3.5 Three Major Positions on State Neutrality about Religion in Turkey: Neutralists, Kemalists, and Religious Communitarians**

Among the intellectuals, academics, and political actors (i.e. political parties) in Turkey, I identify three major positions regarding the legitimacy and normative desirability of Turkey’s laicism, and on the question of whether Turkey should be neutral about Islam or not.

First position can be called “neutralist” perspective in so far as people who espouse this position take the liberal ideal of neutrality to offer their critiques about Turkey’s laicism. For instance, liberal academics in Turkey critique Turkey’s Kemalist laicism (Arslan 2005; Callan 1997; Dağı 2014; M. Erdoğan 2013; Kadioğlu 2010; B. Özipek 2016a, 2016a; Uslu 2015; Yayla 2001, 2004) and argue that Turkey should replace it with a laic state that respects pluralism, and freedom of religion. These academics employ the term “impartiality” and state that Turkish state should be impartial towards all worldviews and value systems. Based on these considerations, these academics suggest eliminating the “Sunni bias” of Turkish state by disestablishing the Directorate of Religious Affairs, and abolishing mandatory religion and ethics classes. Alevi groups, certain journalists within Turkey’s non-Muslim minorities, and pro-Kurdish political party People’s Democratic Party also advocate the elimination of the Sunni bias of Turkish state. That said, for liberal academics, state should promote neither religion nor “Kemalism” or “Atatürkism” (B. Özipek 2016a, 2016b; Yayla 2015). But as I mentioned in the first chapter, the majority of the Alevis do not have any problem with state’s endorsement of Kemalism. In that sense, Alevis by and large do not want that Turkey’s being neutral about Kemalism. It matters what Alevis think because Alevis are one of the significant political actors in Turkey whose ideas might influence political outcomes.

Second perspective can be called “Kemalist communitarianism” as people who espouse this perspective continue to support Kemalist laicism, and they believe that state should not be neutral about Kemalism. The Republican People’s Party (which currently is the main opposition party against the AKP) is a major representative of this perspective. As I described in the first chapter, Kemalist laicists want to control religious life, and organizations, and in that sense they are against the disestablishment of the Directorate. Kemalists laicists continue to defend that

Turkey's constitution should uphold Atatürk's principles and reforms. In this sense, they disagree with certain liberal academics (B. Özipek 2016a, 2016b; Yayla 2015) who suggest that such references to Atatürk should be removed from the constitution for the sake of securing impartiality or neutrality of the state. It should be clear however from my discussion in the first chapter that Kemalist communitarianism does not seem to have any future in Turkey, and it cannot come to power as a result of free and fair elections, and the only way for bringing Kemalist communitarianism back to Turkey in 2016 would be the establishment of a some sort of authoritarian rule.

The third position is what I would call as the "religious communitarian" position, and its most important representative in Turkey's political scene nowadays is the ruling AKP. Similar to the liberal neutralists, the AKP in its official discourse also suggests that state should be neutral towards all worldviews (Bektas 2016; Duran 2008; R. T. Erdoğan 2006; Osborne 2016). And for achieving such neutrality, the AKP has done certain things for ending the discriminations against Turkey's non-Muslim minority (Oran 2015), and has organized workshops for addressing Alevis' resentments (Köse 2010).

That said, according to AKP, Turkish state should not be completely neutral about Islam, and this is why I call their perspective "religious communitarian."<sup>55</sup> There seems to be two major reasons that make the AKP leaders think in this way. First, as I explained in the first chapter, AKP defines its ideology as "conservative," and even though they disavowed the Islamism of Necmettin Erbakan, the adjective "conservative" they rely on to define themselves means that

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<sup>55</sup> I call this position "religious communitarian" because in political theory literature communitarians argue that there are certain things within a society that state cannot be neutral about. For instance, Alasdair MacIntyre (MacIntyre 1984) and Charles Taylor (Taylor 1995) argue that states cannot be neutral about patriotism. Turkey's religious communitarians also think that state cannot be neutral about religion for a number of reasons, and one of the reasons has to do with patriotism, or ensuring the stability and prosperity of the state and society.

they still see Islamic principles as intrinsically good and valuable. As political scientist Hakan Yavuz states in his analysis of AKP's ideology, "Islam, for the AKP leadership, is the identity of the Turkish people and the source of their morality... There is widely shared understanding among the party leadership that there is no morality without Islam and Islam is a *sine qua non* for a moral society. The thinking goes that if people pray and fulfill their religious duties, they are less likely to be corrupted and more likely to work for the interest of the community... The party's vision of society is organic and unified by Islamic values and Turkey's imperial Ottoman history. It argues that the community has the right to define political institutions via democracy. This communitarian and majoritarian notion of democracy is in fact the main feature of the AKP" (Yavuz 2009, 76).

For instance, such a vision can easily be seen in Erdoğan's speech in 2012 in which he stated that he would like to raise a religious generation in Turkey. In that speech Erdoğan says, "would you like this youth to be users of drugs? Would you like this youth to be rebellious to their parents? Would you like this youth to be separated from their national and spiritual values, and have no purpose in life, and no commitment to any cause? We cannot get along with you in this respect (if that is what you defend)?" (Erdoğan "dindar nesil"i savundu 2012). It is obvious in this quote that Erdoğan attributes a role to Islam in cultivating certain values, and manners that Erdoğan idealizes for Turkish society, and I do not know any speech of Erdoğan where he attributes a similar role to laic moralities in Turkey.

Or in a speech he delivered in 2014 for defending the mandatory religion and ethics classes in public schools, Erdoğan draws attention to the negative impacts of materialism on society, and he states that religions can counter the immorality that according to him is caused by materialism. As he states, "We live in a time in which moral values are trampled by materialism.

Not only Islam but all other religions are subject to an assault by materialism. Even non-religious systems based on traditions, cultures and social solidarity suffer from this assault that attempts to erode morals, mutual respect and tolerance. We are going through a process where money, greed and cruel competition trample moral values. We witness humanitarian values being replaced with these. Unfortunately, replacing a spiritual value with a materialistic value cannot satisfy people... Those who lost their cause, ambition, ideals [and] values feel [they are] in a void and turn to numbing themselves. These children left isolated, unloved, unguided, try to fill their spiritual void with other things such as drugs, violence and terrorism.” Then after these statements, in defense of religion classes, he states that “If you lift compulsory religion and ethics classes, drugs, violence and racism will fill the void.”<sup>56</sup> In this quote again, Erdoğan underlines the importance of the religion and ethics classes in which Sunni Islam is taught to students in dealing with such issues as drugs, violence, racism, and materialism. Even though in the beginning of the quote he says that all other religions are under the assault of materialism, we cannot infer from this that he is advocating the promotion of all religions, as mandatory religion and ethics classes teach and promote Sunni Islam to students.

Second, the certain AKP leaders see Islam as “social glue” that unites citizens, and ensures the stability of the country. And for them, there is no other vocabulary that different political actors share in Turkey. As I mentioned in reference to works of Yavuz (2003, 220) and Mardin (1989, 25; 2014, 146-147) above, Kemalism could not become an alternative to Islam in Turkey; Kemalism does not provide the vocabulary to citizens for making sense of their lives. Most of the people in Turkey rely on Islamic concepts for living their lives, and therefore even laicists want to utilize those concepts to promote their own goals.

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<sup>56</sup> See Erdoğan’s speech, (Erdoğan calls for legal and spiritual fight against drugs 2014).

As I explained in the first chapter, in this second sense, the AKP is not the first political actor in Turkey that understands Islam in this way. There is an influential tradition of thought (including certain laicist groups) in Turkey that sees Islam as “social glue.” In the first chapter, I gave for instance the examples of Turkey’s National Anthem, the Treaty of Lausanne’s religion-based definition of the concept of minority, the employment of religious symbols in the army, and the military’s introduction of religion classes to public schools after 1980 coup, to show how religious concepts continue to be used in the Turkey’s laic state. All these examples illustrate the religious communitarian strand in Turkish politics. It may not make sense why such staunch defenders of laicism (the Turkish army) make religion a mandatory class for all citizens of Turkey. The answer is that the 1980 coup was military’s response to violence, left-right polarization in society, and rise of the leftist movements during 1970s in Turkey. After the coup, coup leaders saw in the religion a potential to be an antidote for violence, and according to them the increasing popularity of the leftist movements were against the strategic interests of Turkey. The military’s introduction of religion to state schools to achieve these goals also shows that even the laicists acknowledge that Kemalism does not unite people in Turkey, and it does not provide the vocabulary to citizens for making sense of their lives. Nowadays, for instance, the AKP leaders employ this “Islam as social glue” narrative in discussing potential solutions for Turkey’s so-called “Kurdish problem” (Kurtulmuş 2013). AKP leaders point out that what unites Turks and Kurds is Islam, and therefore for them promotion of Islam can ensure the stability of the country. And conversely, according to the AKP leaders, the Turks and Kurds might have been more polarized if they did not practice the same religion. In short, primarily for these two reasons (Islam is important for the cultivation of certain moral behaviors, and it is a “social glue”), religious communitarian AKP leaders think that Turkey has a responsibility to maintain

its Islamic identity in order to achieve stability, and prosperity of the country, and solidarity of its citizens.

Among all these three perspectives about state neutrality, neutralists, and Kemalist communitarians are minorities. They do not have enough political power to change the political structure of Turkey in line with their visions. In contrast, religious communitarians (the AKP) have been ruling Turkey for the last fourteen years, and they still have a support of significant number of people in Turkey. Being aware of this balance of power is important in addressing the question of applicability of ideal theories in the case of Turkey. Regardless of whether ideal theories are applicable to Turkey or not, I will discuss in this dissertation if there can be an ideal neutral state, and whether such a neutral state (if it is possible) would be desirable or not. For that purpose, the next chapter tackles the literature on liberal neutrality.

## **4 THE DEFINITIONS, INTERPRETATIONS, JUSTIFICATIONS, POSSIBILITY AND DESIRABILITY OF NEUTRALITY**

### **4.1 Introduction**

The second chapter empirically showed that Turkey's Kemalist laicism resembles what it critiques (religion). However, I stated in the previous chapter that such a contention is not sufficient to make the point that laicism in general is problematic because defenders of laicism, or secular states make general theoretical arguments that do not depend on a particular context. Therefore, a theoretical discussion that goes beyond empirical critique, and discusses the desirability of laicism on the basis of political theory literature is necessary.

In this discussion, the major criterion I will take to evaluate the legitimacy, and desirability of laic states will be the concept of neutrality. I take the concept of neutrality as a criterion for assessing the legitimacy of laic states because of the fact that a significant strand

within Western liberal political theory attributes the legitimacy of states to their being neutral towards conceptions of good. And certain liberal theorists think that a state that does not endorse a religion is a neutral state, and therefore for liberal theorists a secular state that disestablishes religions in state institutions is neutral (Laborde 2008, 85; M. C. Nussbaum 2008, 20).

It should be stated that the differences<sup>57</sup> between states that declare themselves as laic, and that do not employ this term but still separate religion and state is not of concern of this dissertation because despite their differences both states in the end require a separation of religion and state. Therefore in this chapter, I will take the common definition of secular state (a state that separates religion and state), and discuss its neutrality. But I think my criticisms will be applicable to states that espouse laicism because if I can demonstrate the non-neutrality of secular states that are more accommodating of religion<sup>58</sup>, the non-neutrality of laic states, which are more restrictive of religion<sup>59</sup>, would be a foregone conclusion.

For tackling this question of the neutrality or lack thereof of secular states, an in-depth examination of the concept of neutrality is necessary, as neutrality is far from being an unambiguous concept. Much has been written about it in the liberal political theory literature, and hence uncritical uses of the term are not warranted. Therefore, in this chapter, I will thoroughly examine the concept of neutrality within liberalism, and discuss its possibility and desirability.

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<sup>57</sup> For an exploration of these differences see, (Kuru 2009; Kuru and Stepan 2012)

<sup>58</sup> According to Kuru, the United States separates religion from state, but nevertheless it allows “public visibility of religion” (Kuru and Stepan 2012, 96), in that sense it is accommodating of religion compared to what he calls “assertive secularist” states that exclude religion from the public sphere.

<sup>59</sup> It should be stated that Kuru and Stepan show that even though laicism is generally associated with policies that exclude religion from the public sphere in the case of France, and Turkey, in Senegal a different model of laicism that is more accommodating of religion can be observed (Kuru and Stepan 2012). They also mention the differences between France’s and Turkey’s laicisms. Hence, they underscore that laic states are not homogenous in state religion relations. But with respect to the case (Turkey) my dissertation focuses, as I mentioned in the introduction of the dissertation, Kuru considers it an “assertive secularist” state.



In terms of the organization of the chapter, as a way of introduction to the debates about the possibility and desirability of neutrality, I will first spell out the common definitions, and interpretations of neutrality, and then explain the importance or the theoretical virtues of the neutrality for liberalism, and for that purpose, I show how liberals justified the principle of neutrality. After this primarily descriptive, and expository part, I will discuss the possibilities of neutrality, I will argue that states take sides between different conceptions of good in their aims, justifications, and effects in significant ways, and it does not seem possible to talk about neutrality within the confines of existing states.<sup>60</sup> Second, by drawing on the so-called genealogical school about secularism that relies on the work of Michel Foucault, I will point out to the structural aspects of modern states (i.e. courts' monopoly to define what is religious and secular) that make neutrality impossible. Overall in this section, I will point out to the impossibility of liberal state's being neutral with respect to religion, as religious neutrality is a major claim of secular states (Laborde 2008, 85; M. C. Nussbaum 2008, 20). The implication of the conclusion that the neutrality is impossible will be that the choice between secular states and religion-based states cannot be made on the basis of which one is more neutral or not. Neutrality is not a useful concept to compare these different types of states. Through these analyses, I aim to rebut the arguments of Kemalists in Turkey who present laicism as if it is simply the neutral political arrangement that every rational person would endorse. Also, by showing the impossibility of neutrality within the confines of existing states, I aim to rebut the arguments of liberal academics in Turkey who defend state neutrality as a way of reforming Turkey's Kemalist laicism.

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<sup>60</sup> By existing states, I mean the modern nation-states as we know them, which has sovereignty over certain borders, tax us to implement certain domestic and foreign policies, makes certain years of compulsory education mandatory, and implement many policies for the sake of advancement of the interests of the state (however those interests are understood), and promote patriotism within its borders.

Despite my contention about the limits of neutrality within the confines of existing states, I also argue that neutrality may be possible in extremely decentralized political conditions, which requires restructuring of existing states and perhaps their abolishment. In other words, I will show that liberal ideal of neutrality may be possible only if we let everyone live according to the conceptions of good they espouse under any political, social, economic structure they want. In other words, we strive to establish what Chandran Kukathas calls a *liberal archipelago* (Kukathas 2003) so that followers of different conceptions of good live according to their own normative ideals in their own *islands*. Therefore, my claim is that neutrality is indeed possible but only under extremely decentralized political structures.

With respect to the desirability of neutrality, following political theorists Stephen Macedo and William Galston I will argue that liberalism cannot be defended on the basis of the idea that liberal state should be neutral about conceptions of good. I will state that defending neutrality would be self-defeating for liberal theorists in so far as such a stance makes liberalism one option among many. In my view, a consistent defender of neutrality should give up the whole idea of universal norms, rules, and moralities. I do not think that liberals would be willing to face the consequences of this anti-universalist stance that I believe is necessitated by a commitment to neutrality. On the other hand, precisely because of its relativizing implications, other worldviews (i.e. communitarians or other worldviews that base their ideas on a particular religion) may also have reservations about neutrality. With respect to the issue of desirability of neutrality, in this section I also discuss whether liberals can answer communitarian arguments, which state that states cannot be neutral about measures that would ensure their survival and stability. After discussing communitarian arguments, I state that liberal neutrality would not be desirable for any politician who is interested in the survival and stability of his country. On the basis of the

analysis of this second part, I aim to show to the liberal academics in Turkey who defend neutrality/impartiality that there are certain anti-universalist consequences of defending neutrality that would pose challenges to normative claims of their understandings of liberalism. Also, I show that communitarianism has a strong appeal to many politicians across the world due to the fact that neutrality may undermine states' stability and survival.

Despite all these objections, I will also state that certain ideals associated with neutrality can be appropriated for different societies for the sake of securing stability and reducing polarization between different groups. In that sense, I will contend that even though ideals associated with neutrality may not be desirable intrinsically, they may be desirable instrumentally. In this regard, I will make the point that my perspective resembles the so-called "modus vivendi liberalisms" as they also justify certain liberals ideals by appealing to the self-interest of the individuals.

Overall, in this chapter, by offering a general critique of the neutrality's possibility and desirability, I show the problems and limits in Kemalists', and liberals' visions of laicism in Turkey, and in general liberal political theorists' conceptions of ideal state. And I also show that despite all the problems with neutrality's possibility and desirability, the "modus vivendi liberalisms" may be attractive to societies, which do not endorse liberalism intrinsically but nevertheless deal with the problem of ensuring peaceful coexistence of different groups.

## **4.2 Definitions, Interpretations, and Scope of Neutrality**

An influential strand within liberalism claims that what distinguishes liberalism from other political perspectives is its claim to neutrality. For this strand, liberal state is legitimate because it is neutral towards conceptions of good. In contrast, all other non-liberal states do not claim neutrality, and aim to shape citizens' worldviews in light of the official view of the state.

For non-liberal states, statecraft is “soulcraft.” But for the neutralist strand, liberal state does not engage in soulcraft, and does not endorse any conception of good. Since 1970s, the ideal of neutrality has been an important element for the self-definition of a significant strand within liberalism, and it is through the ideal of neutrality that liberal theorists justified, legitimized, and defended the existence of liberal state in our diverse societies.

The most common definition of neutrality within liberal political theory seems to be Ronald Dworkin’s definition of neutrality in his classic article “Liberalism” (Dworkin 1985). There, Dworkin expressed the gist of neutrality by stating that in a liberal state “political decisions must be...independent of any particular conception of the good life, or of what gives value to life” (Dworkin 1985, 191). In the subsequent literature written after Dworkin, we find that both the defenders and critiques of neutrality employ a similar definition.

To give some examples from the defenders of neutrality, Jonathan Quong begins his book *Liberalism Without Perfection* by stating that “the state should make no judgments about the goodness of citizens’ lives” (Quong 2011, 1). Kwame Anthony Appiah states that neutrality requires that “governmental action, including but by no means limited to legislation should not exhibit prejudice towards some social identities or partiality towards others” (Appiah 2014, 83). Steven Lecce in his book *Against Perfectionism: Defending Liberal Neutrality* states that neutrality requires not taking side between “comprehensive and contested ethical ideals” (Lecce 2008, 6). Charles Taylor and Jocelyn Maclure in their recent book *Secularism and Freedom of Conscience* argue that democratic states should be “neutral in relation to the different worldviews and conceptions of the good-secular, spiritual, and religious- with which citizens identify” (Maclure and Taylor 2011, 9-10). Ruwen Ogien states in his article on neutrality that state should be neutral towards non-controversial conceptions of good (Ogien 2014). Alan Patten

in his recent book *Equal Recognition: The Moral Foundations of Minority Rights* begins with the idea that “the liberal state has a responsibility to be neutral towards the various conceptions of the good that are affirmed by its citizens” (Patten 2014, 104) and offers his ideas about how this statement should be interpreted.

And to give some examples from the critics of neutrality, William Galston, in his book *Liberal Purposes* takes the idea that “state must be “neutral,” not simply toward religious professions but toward all individual conceptions of good life,” and critiques those liberal theorists who offer this idea as the “defining characteristic of liberal orders” (W. A. Galston 1991, 7). George Klosko, and Steven Wall explain neutrality in the book they edited on the subject by stating that “in a pluralistic society, the state should not take sides between different citizens’ moral, religious, and philosophical views, or as this is generally referred to, between their conceptions of good” (Wall and Klosko 2003, 1). For George Sher, who is a perfectionist critique of neutrality, neutrality at a very basic level can be expressed with the idea that “the state should not favor, promote, or act on any particular conception of the good” (Sher 1997, 1-2). Stephen Macedo, who is a liberal critique of liberal neutrality, employs a similar definition (public policies be neutral with respect to conceptions of good life) and offers his ideas about why such a definition should not be taken as an essential aspect of liberalism (Macedo 2003, 8). Alasdair MacIntyre, a communitarian critique of liberalism, writes that “on the dominant liberal view, government is to be neutral between rival conceptions of the human good,” and expresses his concerns about such a liberal vision (MacIntyre 2007, xv). Michael Sandel, also a communitarian critique of neutrality, in his book *Democracy’s Discontent* advances a critique of “certain version of liberal political theory” whose “central idea is that government should be neutral toward the moral and religious views its citizens espouse” (M. J. Sandel 2001, 4).

More examples can be given but I think these theorists' definitions suffice for providing a sample of the literature's general definition of liberal neutrality. We see a similarity among all these conceptions, and definitions. First, they use phrases like "not taking side," "not favoring," "not exhibiting prejudice," "being independent of," "making no judgment" to describe the major characteristic of liberal state. And they employ these phrases in reference to what they call "conceptions of good," "worldviews," or "contested ethical ideals." With these concepts, liberal theorists refer to people's preferences about what is valuable and non-valuable in life, what kind of a life is worth pursuing, what kind of values one should espouse, etc.

One of the debates about this definition in the literature concerns how the idea of "not taking sides" should be understood. According to the literature (Balint 2015; Beckman 2000; Klosko and Wall 2003; Merrill 2014), states may take sides between different conceptions of good in a variety of ways. First, states take sides between different conceptions of good if they endorse in their constitutions a certain conception of good as the official view of the state. Hence, their *aims* may not be neutral. Second, states can take side between different conceptions of good if the justifications of the laws of the state include references to the superiority of one conception of good over others. In that sense, *justifications* of the laws of the states may be non-neutral. Third, states may take sides between different conceptions of good if their policies facilitate the flourishing of certain conceptions of good, and hinder others' development. In this case, the *effects or outcomes* of the state policies may be non-neutral.

Another major issue with respect to the question of neutrality is the scope of neutrality. In other words, liberal theorists debate which aspects of states should be neutral. Should states' *only* constitutions, which regulate the essential issues regarding rights, liberties, and social justice, be neutral? Or should all the laws that states pass and implement (even if they deal with certain non-

essential issues) be neutral with respect to conceptions of good? Some theorists (Rawls 2005) defend that only those essential issues should be neutral, whereas others (Quong 2004) state that the entire laws states pass should be neutral. However, the problem of which issues constitutions should regulate is subject to dispute in different societies, and therefore there cannot be a universal way of distinguishing, which issues are essential and which issues are not. Hence, it may seem arbitrary from the perspective of certain people in the society what theorists consider as essential and non-essential.

In the case of my dissertation, political actors see many of the issues (goals, and content of education; alcohol consumption; the Directorate of Religious Affairs, and others) I mentioned in the first descriptive chapter as important topics that the state's constitution should regulate. In that sense, in the case of Turkey all these issues are essential issues and if someone advocates neutrality of the state, he or she should be able to show that there can be neutrality about those issues. If a defender of neutrality cannot show what a neutral policy about those issues would look like, he or she may not prove the possibility of neutrality in Turkey.

### **4.3 Justifications of Neutrality**

Liberal political theorists offered different justifications for why states should be neutral. First, some theorists like John Rawls and Charles Larmore contend that there is not a rational resolution of the disagreements between different conceptions of good. People disagree about what conceptions of good they should pursue in life, what kind of a life is best for them, or what kind of values they should espouse in their lives *even after* in liberal theorist Larmore's words "thinking and conversing in good faith and applying, as best as one can, the general capacities of reason which belong to every domain of inquiry" (Larmore 1990, 340). Rawls also expresses a similar idea in the following quote: "many of our most important judgments are made under

conditions where it is not to be expected that conscientious persons with full powers of reason, even after free discussion, will all arrive at the same conclusion” (Rawls 2005, 58). Rawls attributes the disagreements between people to what he calls “burdens of judgment.” Essentially, the burdens of judgment refer to the “sources, or causes, of disagreement between reasonable persons” (Rawls 2005, 55).<sup>61</sup> Since according to these political theorists, there does not seem to be a rational resolution of these differences, we live practically in diverse societies, and this diversity will not disappear. Since we cannot resolve our differences with reference to human rationality, the best we can do is to find ways of ensuring the coexistence of these different conceptions of good. Rawls in particular emphasizes in his *Political Liberalism* that “continuing shared understanding on one comprehensive religious, philosophical, or moral doctrine can be maintained only by the oppressive use of state power”(Rawls 2005, 37). According to Rawls, such oppressive use of state power leads to “systematic denial of basic liberties” (Rawls 2005, footnote in 146) which is undesirable from a liberal conception of justice.

Second, liberals justify neutrality by appealing to substantive liberal ideals. For instance, according to Vallier and Gaus, liberalism is committed to what they call “non-domination” and “sanctity of conscience” (Gaus and Vallier 2009, 62-63). Or according to Dworkin, the liberal state aims to treat each citizen equally (Dworkin 1985, 191). According to these theorists, liberal state should take into account these ideals in dealing with diversity. After all, there might be different responses to diversity. Non-liberal people, or states may want to suppress diversity and shape it for their own purposes. They may pick one of these conceptions of good among all, and may declare that perspective as the orthodox, official view of the state. But since liberals are committed to the ideals of non-domination, the sanctity of conscience, and equal treatment of the

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<sup>61</sup> For Rawls’ explanation of these sources, see (Rawls 2005, 56-57).



citizens, they believe that individuals should be free to espouse, revise, or give up any conception of good they want. States should not impose any orthodoxy to its citizens, or they should not favor any conception of good among this diversity in order to avoid domination, in order to respect people's choices, and in order to treat and respect citizens equally. For liberals, citizens should not be prisoners of their cultures, traditions, and groups that they were born and socialized into. To use a commonly employed term in the literature within liberal political theory, they should have a "right to exit" their own cultures, religions, traditions if that is what their conscience dictates to them. In liberal political theorist Chandran Kukathas' words, liberalism requires a "right to dissociation" (Kukathas 2003). Or as John Rawls says with respect to the case of religion, liberal state does not recognize apostasy as a crime in order to respect people's choices about religions (Rawls 2005, 199).

Third certain liberal theorists justify neutrality by referring to what can be called pragmatic reasons. According to certain liberal theorists, perfectionist policies create instability, and disorder in the society because such policies alienate those groups who do not espouse the particular conception of good that the state promotes. Therefore, according to this argument, a state that aspires to ensure stability and peace of the society has to be neutral between conceptions of good (Caney 1991, 471-472).

After this primarily descriptive and expository part, in the next section I will discuss the possibility of neutrality of aim, justifications, and effects respectively.

#### **4.4 The Possibility of the Neutrality of Aim**

Is neutrality of aim possible? Is there really a state that does not take side between different conceptions of good in its aims? All states take sides and favor certain conceptions of good, and liberal state is no exception to this pattern. A state that endorses a religion takes the

side of the practitioners of that religion, and is biased towards others. A state that endorses communism as its official view discriminates against those who defend capitalism. And a liberal state takes the side of those who believe in the substantive liberal ideals (i.e. toleration, equal respect). In that sense, a liberal state cannot be neutral in its aims. A liberal theorist might say that liberals do not deny that liberal state has its own liberal aims. But the problem is that these substantive liberal ideals do not favor everyone in the same way. Liberal theorists advanced those ideals to protect minorities from being discriminated against by majorities. Liberal theorists understand the idea of neutrality as a principle for protecting minority rights. This is why for instance liberal theorists often state that states should not endorse a religion. According to liberal theorists, a state is neutral if it does not endorse any religion (Laborde 2008, 85; M. C. Nussbaum 2008, 20, 25). But this means that liberals are favoring the conceptions of good minorities espouse, and they are biased against conceptions of good majorities uphold. Liberalism deprives majorities from living according to their own principles if those principles conflict with the minorities' way of life. The point is not whether protection of minorities is a desirable goal or not. The point is rather that liberalism's protective attitude towards minorities cannot be defended on the basis of the idea that state should be neutral about the conceptions of good life. Majorities would not find neutral a state that always favors minorities, and implicitly or explicitly endorse their conceptions of good.

Essential problem with the neutrality of aim is that as John Rawls states in reference to the work of Isaiah Berlin, "no society can include within itself all forms of life" (Rawls 2005, 197). Or as Berlin states, "there is no social world without loss" (cited in Rawls 2005, 197). Or as William Galston writes, "every political community is a sharing in some conception of justice and the human good, and this sharing will inevitably limit and shape the human possibilities it

contains” (W. A. Galston 2002, 26). Liberal theorists claim that liberal state is neutral about conceptions of good, but this is impossible. Substantive ideals of liberalism (sanctity of conscience, non-domination, equal respect) aim at the preservation of the people’s dissent from majority’s way of life. In that sense, “forms of life” that a liberal society would like to include would be minorities’ life styles. Liberal society and state would not like to include within itself majority’s ways of life if they conflict with the minorities’ ways of life. There will be always winners and losers in a liberal state, and hence the notion of neutrality is not appropriate to use with reference to what liberalism tries to bring about (i.e. a society where majorities respect minorities’ way of life).

With respect to the issue of religion (that this dissertation focuses), a liberal state would always require transformations of religions *to make them safe for democracy*, to use the title of political theorist Judd Owen’s recent book (Owen 2015). Religions that includes injunctions to regulate social, economic, and political life would be suspicious for liberal states.<sup>62</sup> In the context of Islam and Turkey that my dissertation focuses, liberal state would require extensive reform and modification of Islamic injunctions. Actually that was what Atatürk tried to achieve through his reforms. In the words of Turkey’s Constitutional Court, a *laic* state requires a religion that is reduced to a “matter of conscience,” or a religion that gives up its claims about society, politics, economics etc. in so far as those claims are not supportive of non-religious people’s ways of life.

Would such a state that reduces religion to a matter of conscience be a neutral state? I do not think that it would be a neutral state because what such a state requires goes against the religious beliefs of large number of people. There may be of course Muslims that understand Islam in this way, as something that is fully compatible with liberalism. But there are also many

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<sup>62</sup> For a discussion of how Islam is seen suspicious in this respect in the Europe, see (Asad 2003, 159-180; Mavelli 2012).

others who do not privatize their religion.<sup>63</sup> As I have stated in the previous chapters, after all there is a strong religious communitarian strand within Turkish politics that do not see any problem in state's promoting, and favoring Islam. For all these religious communitarians in Turkey, liberal expectation to privatize religion would be a *non-neutral* demand. And whether the state tries to find a neutral justification (i.e. restricting religious groups' political rights without passing a judgment about the content of their religion) in its demand from Muslims to privatize their religion is largely irrelevant. A liberal state restricts such religious groups' freedom and I do not think that people whose freedom is restricted would find liberal state's actions legitimate just because it tries to offer a neutral justification.

Liberal theorists may object to the preceding analysis by saying that liberalism does not require being neutral towards religions that aim to regulate social life in line with their own

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<sup>63</sup> In general, it should also be pointed out that those Muslim intellectuals, or scholars who try to reconcile Islam and liberalism often rely on certain methods for understanding Qur'an that are rejected by traditional schools of law in the Islamic tradition. For instance, Rawls gives the example of the ideas of Abdullahi Ahmed An-Naim (a Muslim scholar of Islamic law) to show how a Muslim scholar can reinterpret Islamic sources to affirm political liberalism (Rawls 2005, 461n). Andrew March gives the example of the ideas of Tariq Ramadan (a Muslim intellectual living in Europe) and shows what kind of reinterpretations of Islamic tradition is necessary so that Muslims can affirm political liberalism (March 2007). The problem in Rawls' and March's examples is that in order to show the compatibility of Islam and political liberalism, they both select an intellectual that offer ideas which significantly differ from traditional Islamic schools' of laws approach for interpreting Islam. For instance, both An-Naim and Ramadan think that specific rulings, and laws in the Qur'an are subject to change in light of new circumstances; what is permanent, and universal in the Qur'an for them is its ethical principles. Both of them for instance think that rulings in the traditional Islamic schools of laws about women can be reinterpreted, or revised. They believe that as a political ideal Islam supports equality of men and women, and therefore contemporary Muslims do not need to follow the interpretations of classical schools' of law in Islam about women rights. Traditional schools of Islamic law reject this methodology, and they see Qur'an not only as a source of general principles, but also as a source of specific rulings about human life. Therefore, it would not be unreasonable to state that reformist visions of Ramadan and An-Naim would not be attractive in those societies where Muslims continue to follow traditional Islamic schools of law. In Turkey, for instance, Hayrettin Karaman, an influential scholar of Islamic law in Turkey (Schleifer 2015, 118-119), wrote some articles in his newspaper column to critique the ideas of Tariq Ramadan (Karaman 2015a, 2015b). In Europe, Tim Winter (who also goes by the name Abdal-Hakim Murad), a scholar of Islamic studies, and the Dean of Cambridge Muslim College in the United Kingdom, and who is seen by some as one of the most influential Muslim thinkers (Schleifer 2015, 103) in the world, expressed his criticisms and reservations in certain articles (Murad 2011, n.d.) about the attempts to reconcile Islam with liberalism.

principles. Rawlsians may state that such religions are “unreasonable,” and therefore for Rawlsians, liberal state does not need to take into account their claims, or as Rawls famously stated, “the problem is to contain them so that they do not undermine the unity and justice of society” (Rawls 2005, xvii).<sup>64</sup> Following Marilyn Friedman (Friedman 2000), I also think that the containment of unreasonable people would necessitate suppression of their freedom of expression, and their political autonomy so that the stability of Rawls’ political liberalism could be guaranteed.

As a response to such objection, I offer the following comments. First, what is meant by unreasonable people need to be specified clearly. Jonathan Quong gives the examples of Nazis and religious fundamentalists as examples of unreasonable people (Quong 2011). I do not think that Nazis can be evaluated with religious fundamentalists in the same level. One can be a religious fundamentalist without necessarily defending murder of the people. There are many conservative religious groups who simply want that state acknowledges, favors and promotes their identity over other groups. I think for example that the religious communitarians in Turkey have such an expectation from the state. This is still not a liberal policy but I do not think that we can examine them on the same level with Nazis who committed genocide. In that case, lumping together all kinds of opposition to liberalism (from Nazis to religious fundamentalists) in the same category of unreasonable is misleading. The implication of this argument is that people who have issues with liberal ideals are not necessarily murderers and in that sense I do not think that we can justify liberalism’s dismissal of unreasonable people by stating that we are not supposed to be neutral towards murderers. There are many people who might have issues with

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<sup>64</sup> In a famous footnote, Rawls also says, “That there are doctrines that reject one or more democratic freedoms is itself a permanent fact of life, or seems so. This gives us the practical task of containing them –like war and disease– so that they do not overturn political justice” (Rawls 2005, footnote 19, p. 64). Charles Larmore makes a similar point in his book *Patterns of Moral Complexity*, see (C. E. Larmore 1992, 60-66).

liberal ideals that do not necessarily fall into the category of Nazis. It is easier to dismiss Nazis because apart from serial killers no one really justifies murder. But it is less easy to dismiss the claims of religious fundamentalists or conservatives who might want to live according to their own principles and who might have issues with liberal state but are not necessarily murderers. Therefore, it is not a convincing argument for me to dismiss the claims of religious fundamentalists or conservatives by stating that we do not need to take into account their concerns because they are simply murderers. Or if liberal theorists are going to dismiss their concerns, they cannot claim neutrality for liberal state as I argued above.

Also, it should be stated that liberals themselves used extensively the conventional definition of neutrality as state's neutrality towards conceptions of good, so it is not clear why "unreasonable" doctrines should be excluded from the domain of neutrality. Again one might say that liberalism does not need to be neutral towards murderers but this does not seem to me an accurate representation of all opposition to liberalism across the world. This is why even liberal theorists like Stephen Macedo, and William Galston aimed to dissociate themselves from the neutralist strand of liberalism because they argued that liberalism cannot be defended on the basis of the ideal of neutrality (W. Galston 1982; W. A. Galston 1991, 2002; Macedo 1990, 2003). Macedo for instance simply avows the sectarianism of liberalism and he understands that liberal ideals will always be controversial for certain groups of people. In that sense, for him, trying to sell liberalism by saying that it is neutral towards conceptions of good would be a futile undertaking.<sup>65</sup>

Furthermore, I find excluding unreasonable doctrines inconsistent with the epistemological justifications of liberal neutrality. If there is not a rational resolution of

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<sup>65</sup> For a similar analysis, see Brian Barry's article "How Not To Defend Liberal Institutions" (Barry 1990).

differences between different conceptions of good as liberal theorists claim, they cannot establish on a rational basis the superiority of liberal state over non-liberal states. There cannot be a good, convincing rational arguments about why liberal state is superior to a non-liberal state. Hence, we cannot dismiss the claims of unreasonable people who oppose liberalism. Liberal theorists should take into account the claims of those unreasonable people in offering a theory of neutrality. The epistemological justifications of neutrality therefore becomes self-defeating for liberal theorists in so far as liberals concede that there is no rational way of resolving the disputes between different conceptions of good.

This is why many political theorists (Caney 1995; Clarke 1999; M. Sandel 1998; Waldron 2004a) questioned the “asymmetry” Rawls established between “right” and the “good” by stating that if there is a reasonable disagreement about good life, there is also a reasonable disagreement about justice in contemporary societies. In this regard, Jeremy Waldron writes that ‘pluralism of comprehensive religious, philosophical, and moral doctrines is not the only pluralism with which we have to deal with in a modern democratic society. We also have to deal with justice-pluralism and disagreement about rights. Maybe political philosophy should be required to come to terms with that circumstance also’ (Waldron 2004a, 158-159). Michael Sandel also states in his response to Rawls’ political liberalism (Sandel 1998, 184-218) that the asymmetry Rawls establishes between the right and the good is not sustainable. According to Sandel, Rawls holds the “assumption that, despite our disagreements about morality and religion, we do not have, or on due reflection would not have, similar disagreements about justice” (M. Sandel 1998, 203). Sandel questions the asymmetry between the right and the good that Rawls establishes by giving examples from disagreements about justice in contemporary societies.

The implication of this so-called “asymmetry objection” is that if liberal state aims to avoid imposing controversial conceptions of good, it should not impose controversial conceptions of justice either. The point these theorists are making is that liberal theorists contradict their epistemological position when they shy away from imposing conceptions of good but find it appropriate for the liberal state to impose controversial conceptions of justice. My argument parallels their point in so far as I argue that liberal theorists cannot justify why we should be liberal at all when they talk about “reasonable disagreements” or “burdens of judgments” etc.<sup>66</sup>

In this regard, I also disagree with the argument of Ronald Dworkin who says that liberal state may offer a “reason of justice” but not a “reason of ethics” as a “justification for denying liberty” to its citizens (Dworkin 2000, 282). The “reasons of ethics,” and “reasons of justice” are intrinsically related for many religious people, and therefore it is not consistent to state that we may offer one as a legitimate justification to deny liberty to the people, and whereas we cannot offer the other one for restricting citizens’ liberty. As political theorist Kukathas states, “people may disagree not only over such matters as religion but also about justice. Indeed, they may differ over justice precisely because they differ over such things as religion” (Kukathas 2003, 263). Also as recognized by Waldron (Waldron 2004, 161), Rawls himself concedes this point, as he uses the term “comprehensive” for describing certain doctrines. These doctrines are comprehensive for Rawls because they offer certain norms for politics. Therefore, based on Rawls’ own reasoning, there can also be reasonable disagreement about justice. Therefore, to be consistent, we either can rely on *both* to deny liberty, or we state that we cannot rely on any of those.

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<sup>66</sup> For a similar argument, see political theorist Matt Sleat’s article “A Defence of the Radical Version of the Asymmetry Objection to Political Liberalism”(Sleat 2014).



Also, this asymmetry objection is applicable to some contemporary liberal theorists' defenses of liberal neutrality as well. For instance, Alan Patten (Patten 2012), and Peter Balint (Balint 2015) offer defenses of certain version of liberal neutrality without taking into account certain conceptions of good that do not adhere to certain liberal principles. They state that liberal state is justified in not being neutral towards those non-liberal people (Balint 2015, 499; Patten 2012, 253). I think they are underestimating the asymmetry objection, and I do not find it justified talking about liberal neutrality towards conceptions of good without offering a good epistemological reason to exclude certain views (often called "unreasonable") from the scope of neutrality. In this regard, Patten, and Balint fall short of offering a good defense of neutrality, as they do not really engage at all with the arguments advanced under the name of "asymmetry objection."

Finally, Rawls does not discuss whether his containment strategy is compatible with liberalism or not. The case of Kemalist Turkey's repressive attitude towards Islamic communities in Turkey shows that in order to "contain" unreasonable religious groups, one has to resort to authoritarian, repressive policies. In the second chapter, I showed that Kemalist laicism could only be implemented under an authoritarian regime because for Islamic groups in Turkey religion is more than just a "matter of conscience." In other words, to make Islam a religion that gives up its political claims require something like Kemalist rule which is elitist, authoritarian, and anti-democratic (Davison and Parla 2004; İnsel 2009; Özbudun 2012; Özlem 2007; Parla 2009; Zürcher 2009). Therefore, when we historicize Rawls' claim about containing unreasonable doctrines, we see that such a goal requires extensive repression, and authoritarianism. Turkey's case shows that the attempt to create a society in which religion is

privatized requires large degree of illiberal rule if there is large number of people who do not want to privatize their religions.<sup>67</sup>

Overall, one cannot claim neutrality for liberal state if what one advocates require repression of public aspects of a religion that many people hold dear. In other words, unreasonable religious citizens of a country would not find a state neutral if that state represses their religious practices, and try to create a privatized religion. The only way to claim neutrality for a liberal state that expect people to privatize their religion would be to justify the reasonable-unreasonable distinction within liberalism. But based on above considerations, I do not see good reasons for maintaining that distinction within liberalism. Therefore, in my assessment, when liberal theorists talk about privatizing religion for the sake of establishing the neutrality of the state, they are in fact taking the side of minority groups within a certain polity, and ignoring those people in the society that demand a role for religion in the state institutions. I do not think that such a stance deserves to be called neutral.

#### **4.5 The Possibility of the Neutrality of Justification**

##### **A-) The Search for a Common Foundation for Establishing Justificatory Neutrality**

With respect to the possibility of the neutrality of justification, we find two strategies within liberal theory to make the case that justificatory neutrality is possible. First, for John Rawls and his followers, one way of ensuring the possibility of justificatory neutrality is people's employment of the so-called public reason in discussing "constitutional essentials and matters of basic justice." The usage of public reason would not be non-neutral for Rawlsians because the

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<sup>67</sup> In this regard, I think Stanley Fish's following comment is applicable to Rawls' political liberalism: "All of liberalism's efforts to accommodate or tame illiberal forces fail, either by underestimating and trivializing the illiberal impulse, or by mirroring it" (Fish 1997, 2255). Rawls tries to tame illiberal forces by trivializing them through his concept of unreasonable, or by mirroring them through his idea of containment.

content of public reason is derived from the “certain fundamental ideas viewed as latent in the public political culture of a democratic society” (Rawls 2005, 175). Hence, for Rawls, people may subscribe to different comprehensive doctrines but still they may agree on a conception of justice because these conceptions of justice are derived from the “various fundamental ideas drawn from the public political culture of a democratic society” (Rawls 2005, footnote 27, p. 25). Also, as I stated above, Rawls does not consider those people who are not committed to those “various fundamental ideas drawn from the public political culture of a democratic society” as reasonable, and he does not think that liberal state should take into account the claims of such people.

With respect to the possibility of justificatory neutrality, Rawlsian strategy shows two things. First, in order to make a case for the possibility of justificatory neutrality, one has to find a common foundation for thinking about politics that the theorist can expect certain number of citizens would endorse as the starting point. This common foundation, which citizens take as the starting point for thinking about politics in Rawls’ thought, is “the public political culture of a democratic society.” Second, in order to make a case for the possibility of justificatory neutrality, one also has to state that liberal state need not take into account the claims of those people who are not committed to this common foundation. In Rawls’ case, such people are named “unreasonable,” and Rawls suggested containing them. In that sense, Rawls’ argument appears tautological because he essentially says that liberalism is neutral for those who already espouse liberal ideals. I agree in this regard with the political theorist Marilyn Friedman who states, “By excluding from the legitimation pool exactly those persons who do not accept the political values and basic tenets on which Rawls grounds political liberalism, Rawls rigs the election in advance” (Friedman 2000, 22).

Rawls' strategy of making a case for the possibility of justificatory neutrality shows why in fact achieving justificatory neutrality is impossible. First of all, my case study (Turkey) in this dissertation lacks a common foundation out of which we can derive the content of public reason.<sup>68</sup> There are conflicting visions among contemporary political actors in Turkey regarding how the republic of Turkey should be structured. There are Kemalists, religious communitarians, liberals, and other political actors who have fundamentally different ideas about what kind of principles Turkey should embody. That is why despite all those negotiations, and meetings, political actors in Turkey could not write a new constitution that would replace the 1982 constitution that was written after the military coup of 1980. In this context, there cannot be justificatory neutrality since all these different actors do not take a common foundation as their starting point for thinking about politics. Defenders of Kemalist laicism try to resolve this problem (the possibility that we may *only* have non-neutral justifications) by claiming that laws should be made on the basis of reason (Ozankaya 1990, 170), as if such a method would yield non-controversial results about how politics should be structured.

Can human reason yield non-controversial proposals that everyone would accept? There are many reasons to be skeptical of this claim. It goes without saying that those who reject religion in their thinking do not necessarily agree on what kind of moralities they should espouse. In other words, there is not a one single "secular" morality, or political vision, but rather

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<sup>68</sup> According to George Klosko (Klosko 2009), this common foundation does not exist in the United States either. Klosko suggests that Rawlsian liberalism cannot be established on the basis of "fundamental intuitive ideas in the public culture" of the United States because these ideas can be interpreted in many different ways, and there are many fundamentalist groups who do not recognize these intuitive ideas at all. And according to Klosko, if Rawls dismisses those fundamentalist groups as unreasonable, such dismissal would raise the question of the inclusivity of his political liberalism as at least one fifth of Americans (according to data he gives) espouse fundamentalist views. Klosko's overall point is that Rawls' methodology of deriving liberal principles from the political culture of democracies is unhelpful for defending his liberalism. Klosko states that if Rawls provides "an overtly normative defense of neutrality rooted in his particular comprehensive view" (Klosko 2009, 38) that would be more consistent.

there are secular moralities, or political visions. Rationality has not produced any agreement on what kind of morality we should espouse if any. In modern western philosophy, one can be a Kantian, utilitarian, Nietzschean, existentialist, or something else. Any introduction to moral, and political philosophy book would show the diversity of perspectives about morality, politics, etc. Those perspectives that eschewed religion-based justifications of morality failed to come to an agreement about the content of the morality, or what kind of political principles we should espouse.

Indeed, the neutralist strand within liberalism recognized this disagreement, and claimed that people continue to differ on political, moral questions even after they make use of their reason. That is why I think Rawls returned to the “public political culture of the democratic societies” to seek a common foundation that citizens of liberal democracies would espouse<sup>69</sup>. Otherwise, he understood that there could be only non-neutral justifications, and policies (policies formulated on the basis of one’s comprehensive doctrines that others would reject). This is why many commentators think that Rawls’ vision of political liberalism does not claim universality for itself (Owen 2001, 106-107; Scheffler 1994, 20-21; Waldron 2004, 93).

The gist of Rawls’ anti-universalist ideas is that “justification” of laws is a context or tradition-dependent.<sup>70</sup> For Rawls, political liberalism may be a desirable regime for people if they are already committed to certain liberal assumptions. If we do not have a common foundation, our justifications of the laws may always be seen as non-neutral for other people.

And the fact that there is not a single “secular” morality but moralities indicate that in contrast to

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<sup>69</sup> The following statement of Rawls can be cited to substantiate this point: “Since we seek an agreed basis of public justification in matters of justice, and since no political agreement on those disputed questions can reasonably be expected, we turn instead to the fundamental ideas we seem to share through the public political culture. From these ideas we try to work out a political conception of justice congruent with our considered convictions on due reflection” (Rawls 2005, 150-151).

<sup>70</sup> It can be stated that Rawls’ position is similar to certain communitarian writers in so far as they also claim that rationality is dependent on tradition. See (MacIntyre 1989).

Kemalist arguments, reliance on rationality and avoidance of religious arguments do not necessarily create a political environment in which politicians, or citizens can offer *neutral* justifications for their choices.

It should be stated that Kemalists are not the only people in contemporary political thought who think that religious arguments should be avoided in public debates. Theorists like Robert Audi (Wolterstorff and Audi 1996), John Rawls (Rawls 1997), and Habermas (Habermas 2006, 2008) talk about reformulating religious arguments (or translating according to Habermas) so that they can be accessible to other citizens who are not religious. Philosopher Richard Rorty also famously stated that religious arguments should not be invoked in public debates because other people do not share the religious premises of the followers of a particular religion, and therefore religion is a “conversation-stopper” in public deliberation (Rorty 1999, 168-174). In general, according to Vallier, and D’Agostino, within the literature on public reason, or justification, “mainstream view”, or the “dominant conception” is that reasons members of the public offer one another should be accessible, or shareable (Vallier and D’Agostino 2013).

The problem with all these arguments is expressed well by philosopher Wolterstorff in his critique of Rorty. As he states, “Conversation-stopping is not some appalling evil perpetrated upon an otherwise endlessly-talkative public by religious people. Stopped conversation is an all-pervasive feature of political debate in a democracy” (Wolterstorff 2012, 49).<sup>71</sup> Conversations stop whether we make arguments on the basis of religion, or not. As Wolterstorff’s quote, and

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<sup>71</sup> Wolterstorff makes similar points in his critique of Habermas as well (Wolterstorff 2013). In this respect, two of his comments can be cited here: “The history of philosophy gives us powerful reason to conclude that there never will be a substantial body of philosophical thought which possesses Kant-rationality. Philosophical reflection under conditions of freedom expands the scope of disagreement” (Wolterstorff 2013, 106), and “the project of a postmetaphysical philosophy is non-viable because it is highly unlikely that there ever will be a substantial body of philosophical thought which possesses Kant-rationality” (Wolterstorff 2013, 107). For similar criticisms see also Charles Taylor’s recent articles on secularism, (Taylor 2011, 2014).

late Rawls' arguments show, conversation stopping is not a unique characteristic of religion. Indeed, as Jeffrey Stout shows in his critique of Rorty, singling out religion for its conversation-stopping potential is inconsistent with Rorty's epistemological views which recognize the circularity of people's arguments, and their dependence on what Rorty calls "final vocabularies" that cannot be rationally vindicated (Stout 2004, 87-89)<sup>72</sup>.

It is understandable why reliance of certain<sup>73</sup> religious arguments may stop conversations, and why theorists suggest the necessity of translating religious arguments. But again any worldview that is not shared universally by the people need to be translated so that other people may consider why they should care about what the defenders of that worldview are saying. This is due to the fact that we do not share other people's final vocabularies as Richard Rorty would say, and therefore what they are advocating may not be really important for us. And any conversation that turns into the clash of final vocabularies may stop whether the participants employ any religious argument or not.

### **B-) Relying on Primary Goods for Defending Justificatory Neutrality**

Second strategy for making a case for the possibility of justificatory neutrality is to suggest that states should only justify its laws by appealing to the notion of primary goods. Different political theorists offered different conceptualizations of primary goods. But the gist of the notion of primary goods is that primary goods are those goods that *all* different conceptions of good need in order to flourish and prosper. As Rawls states, "with more of these goods men

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<sup>72</sup> For a similar criticism, see (Sikka 2016).

<sup>73</sup>As political theorist Andrew March (March 2013) showed, religious arguments are not homogenous, and therefore we cannot make points about religious arguments as if they are all same. Building on March's insight, I think that some religious arguments are more likely to stop a conversation compared to others. In March's words, arguments given in "an authoritarian manner" and that are "justified by reference to a clear scriptural, revealed, or clerical command" (March 2013, 529-530) are more likely to stop a conversation because such arguments would probably lead the listener to respond by saying "so what?" But religious arguments that do not have these characteristics may not necessarily stop a conversation.

can be generally be assured of greater success in carrying out their intentions and in advancing their ends, whatever these ends may be” (Rawls 1999, 79). For instance, in his *A Theory of Justice*, Rawls mentions “rights, liberties, opportunities, income, wealth, and a sense of one’s own worth” as primary goods that all people need regardless of the conception of good they espouse. In his *Political Liberalism*, Rawls reiterates similar primary goods as goods that a liberal state should secure to its citizens (Rawls 2005, 181).

Liberal theorists (M. C. Nussbaum 2011, 89-92, 109)<sup>74</sup> who rely on the notion of primary goods argue that states would not violate neutrality if they promote these primary goods because those goods are necessary for the advancement of all conceptions of good. So the central question is can we really identify primary goods that all conceptions of good share, or is this an impossible task? And assuming that we determined certain primary goods that every one endorsed, can we determine a neutral way of distributing primary goods to the citizens? And finally, as Gerald Gaus (Gaus 2003, 2009) discusses, (again assuming that we determined certain primary goods), is there a universally accepted ranking of primary goods, or do people differ in the importance they attach to different primary goods? And if people differ in the importance they attach to different primary goods, would states violate neutrality if they prefer one ranking of these goods to others?

With respect to the question of identification of the primary goods, I think that the way the liberal theorists develop a list of primary goods cannot generate agreement among diverse citizens because their method is deductive in the sense that they derive a list of primary goods from their ideas about what a certain dignified way of life would necessitate. But methodologically they do not derive what a dignified way of life requires from an examination of

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<sup>74</sup> I see Martha Nussbaum’s capabilities approach as one interpretation of the notion of primary goods. Nussbaum also situates her work within Rawls’ political liberalism. See (M. C. Nussbaum 2011, 89-93).



how different cultures, traditions, worldviews, and religions conceptualize human dignity. They rather offer their own ideas on the basis of their liberal assumptions about what those primary goods should be.

For instance, Rawls says that primary goods are those goods “which it is supposed a rational man wants whatever else he wants” (Rawls 1999, 79). Here Rawls enters into the contested territory of what a rational man wants, and his answer to that question seems to be based on what liberal societies offer to their citizens (rights, liberties, opportunities, income, wealth, self-respect etc.). In his *Political Liberalism*, Rawls says that he derives his conception of primary goods from certain liberal ideas (i.e. idea of society as a fair system of cooperation) implicit in the public political culture of democracies (Rawls 2005, 40). For Rawls, if someone does not endorse this liberal ideal, Rawls’ conception of primary goods may not be acceptable to him. As he says explicitly, “the thought is not that primary goods are fair to comprehensive conceptions of the good associated with such doctrines, by striking a fair balance among them, but rather fair to free and equal citizens as those persons who have those conceptions” (Rawls 2005, 40).

Similarly, Martha Nussbaum talks about certain human capabilities that according to her are necessary to live a “truly human” life (Nussbaum 2001, 74). Nussbaum mentions life, bodily health, bodily integrity, senses, imagination, and thought, emotions, practical reason, affiliation, other species, play, and control over one’s environment as certain capabilities that a “decent political order must secure to its citizens” (M. C. Nussbaum 2011, 33). Nussbaum’s list is also very much in line with liberal ideals. For instance under the title of “control over one’s environment,” Nussbaum mentions “the right of political participation, protections of free speech and association” and “being able to participate effectively in political choices that govern one’s

life” (M. C. Nussbaum 2011, 34). These rights are just a formulation of the certain political and civil rights that the liberal democracies endorse. However, in those non-liberal societies, there might be certain group of people who might not recognize these ideals as rights. The point is that even though Nussbaum presents her list of capabilities as a kind of “minimum universals,” the items on her list are not necessarily universal, and it is very much imaginable that many people might have objections to them across the world. In that regard, if we rely on Nussbaum’s list of capabilities to justify the laws across the world, we would not be necessarily meeting the criteria of justificatory neutrality, as certain people would not recognize those capabilities as a neutral ground for making laws.

A similar point can be made about Nussbaum’s description of the capability “affiliation.” Under the title of affiliation, Nussbaum states that “having the social bases of self-respect and non-humiliation and being able to be treated as a dignified being whose worth is equal to that of others” is an ideal that states across the world should uphold. For elaborating this point, she mentions that states should guarantee “provisions of nondiscrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin”(M. C. Nussbaum 2011, 34). These provisions that Nussbaum expects all states should uphold are also very much an articulation of a common liberal ideal of treating everyone fairly. But the fact that these provisions are not implemented in many parts of the world show that they are far from being non-controversial ideals. For instance, with respect to the specific case of Muslims’ relationship with liberalism, comparative politics scholars Ronald Inglehart and Pippa Norris in their examination of Samuel Huntington’s clash of civilization thesis write that there is “cultural fault line between the West and Islam” with respect to the issues of “gender equality and sexual liberalization” and that “modern Western societies are indeed different, in particular concerning the transformation of

attitudes and behavior associated with the “sexual revolution” that has occurred since the 1960s, fundamental changes in the nature of modern families, and more expressive lifestyles. Equality for women has progressed much further, and transformed traditional cultural beliefs and values about the appropriate division of sex roles far more deeply, in affluent Western societies” (Norris and Inglehart 2004, 154-155). According to Inglehart and Norris, while the younger generations in the Western countries have become more liberal in the issues of gender and sexuality, “younger generations in Islamic societies remain as traditional as their parents and grandparents” (Norris and Inglehart 2004, 149). Inglehart and Norris’ work show that Muslims may object Nussbaum’s non-discrimination provisions across the world who maintain their traditional views on these issues. In that sense, Nussbaum’s ideas cannot be part of the minimum universals, as she would like to see them. Implementation of Nussbaum’s ideals requires substantial transformations of non-Western cultures and they are not simply primary goods that every one in this world recognizes without questioning. In short, Nussbaum’s list of capabilities is non-neutral because she is simply systematizing a certain liberal perspective about what governments should provide to their citizens. Different theorists in different cultures may offer different ideas about governments should provide to their citizens as primary goods, and in that sense I doubt whether Rawls’ or Nussbaum’s deductive methodology can bring an agreement on a list of primary goods. It should be stated that Rawls might to some extent be excusable in this respect because in his recent writings he does not claim universality for political liberalism. But Nussbaum’s position is more problematic as she claims universality for the capabilities that according to her all humans need in order to live a truly human life.

Second, states distribute primary goods, and if we do not have a neutral conception of distributive justice, we cannot claim neutrality for state policies with respect to the distribution of

primary goods. A theory of distributive justice requires certain arguments and assumptions about many issues other than just stating what a primary good is. And when a theorist gets into those issues, he cannot claim neutrality, as there are different conceptions of distributive justice (i.e. libertarianism, Rawls' ideas, utilitarianism) within Western political theory, or in general across the world.<sup>75</sup>

For instance, Nussbaum states that “being able to have a good health,” and “to be adequately nourished” are one of the ten central capabilities that states should secure to their citizens (M. C. Nussbaum 2011, 33). Assuming that bodily health is a primary good that every one cares about its existence, does it follow from such acknowledgement that the state has to provide healthcare to its citizens? A similar point can be made about nourishment. Probably most of the people consider that being adequately nourished is something essential for their lives. But does that necessitate whether states should provide us food? As Nelson says, “we are not being asked whether we all want to be well-nourished, but whether we all want to be well-nourished *by the state*” (Nelson 2008, 103). Therefore, when liberal state promotes primary goods (assuming that everyone agreed on what those are), it acts on a certain implicit or explicit theory of distributive justice, which cannot secure universal agreement. This is why I think that states cannot be made totally neutral because every state has to base itself on a certain theory of distributive justice that cannot enjoy support from all citizens.

Political theorist Gerald Gaus also challenges the primary goods arguments in a different way. He states that even though there might be certain values that all conceptions of good share, this does not give the state a right to promote that value because “the relative importance of

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<sup>75</sup> The growing field of comparative political theory shows the diversity of views about economic systems that can be found within different worldviews. For an article that examines Confucian views about distributive justice, see (Bell and Chaibong 2010, 218-221; Chan 2009). In the context of Islamic political thought, see (Choueiri 2010, 89-90; Euben 1999, 80-81; Nel 2009).

values” might be different for different people. Gaus cites approvingly the work of a psychologist who states, “Americans agree in affirming a set of thirty-six values; what they differ on is “the way they organize them to form value hierarchies or priorities” (Gaus 2003, 157). Gaus gives the example of smoking, and states “even if everyone agrees that smoking causes cancer, rational people clearly do disagree about whether the pleasures are worth the risk of death” (Gaus 2003). In this regard, according to Gaus, governments’ coercive policies that do make judgments about the relative importance of different values cannot be considered as neutral. Gaus’ argument shows that even if people agree on a number of primary goods, such an agreement does not automatically provide governments a common basis to justify their policies. Citizens disagree about the relative importance of primary goods and such disagreement further restricts the number of neutral laws that governments can pass. Gaus’ argument further shows the limits of what states can legitimately legislate by relying on a certain conception of primary goods.

Despite all these objections I should state that reliance on primary goods (if they can be identified) in the justification of laws would be much more conducive to stability of a country compared to reliance on controversial doctrines. This is due to the fact that if they can be identified, they can constitute a common foundation on the basis of which laws can be justified. It is harder to find such commonality on the general question of what kind of life is worth living. But it is relatively easier for people to agree on certain basic things that all might need. However, in contrast to liberal theorists, I would not claim neutrality for reliance on primary goods for the reasons (their distribution is non-neutral; their ranking is non-neutral; their universality is suspicious) cited above. There are many differences between Western liberal societies and other societies across the world that what liberal theorists consider primary goods are not necessarily

accepted in every parts of the world. I think the best we can say about primary goods is that certain percentage of people in a particular society may consider certain things as primary goods. And this will be the approach I will take in my discussion of Turkey in the next chapter. In other words, I think that there are certain goods that many Turkish people care in Turkey, but I do not claim universality for them. I do not necessarily say that their ranking by Turkish people is exactly the same. I do not argue either that the distributive justice principle on the basis of which they are given to people in Turkey is neutral. The only thing I would say about them is that reliance on them in the justification of laws is relatively *less* controversial compared to reliance on controversial religious or secular doctrines in Turkey.

#### **4.6 The Possibility of the Neutrality of Effect**

For most of the liberal theorists neutrality of effect is not a plausible conception of neutrality because for them no state can guarantee neutral effects for its policies (Larmore 1997, n. 6, 126; Merrill 2014, 3; Rawls 2005, 194; Sher 1997, 22). Therefore, most of the liberal theorists acknowledge that there cannot be a completely neutral state because state policies would always facilitate the flourishing of certain conceptions of good, and hinder others. In particular, it is acknowledged by liberal theorists that the liberal state has the non-neutral effect of fostering liberal ways of life, and making it harder for non-liberal ways of life to flourish (Macedo 1990, 259; Rawls 2005, 199-200). As Macedo points out, a Nazi may live in a liberal state, but the norms of the liberal state would make it harder if not impossible promotion of his Nazi views (Macedo 1990, 259-260).

I also agree with the general orientation of liberal political theory that neutrality of effects is not possible because it is not possible to measure the effects of different state policies on different conceptions of good. States' actions or inactions have non-neutral effects on

different conceptions of good. And since it is impossible to measure those non-neutral effects of state policies, we cannot offer a theory of compensation about how state can counteract their non-neutral effects.

It is puzzling however that despite the fact that most of the liberal theorists do not see guaranteeing neutral effects as possible, they continue to use the term “neutral” for state policies if states meet the conditions necessary for the possibility of one particular interpretation of neutrality (i.e. neutrality of aim, or justification).<sup>76</sup>

Why do most liberal theorists continue to use term neutral for describing state policies even after they concede that state policies have non-neutral effects? They say that neutrality of effects is not possible. As I stated above, I understand and agree that non-neutral effects are not measurable, and therefore they cannot be compensated. But this point only shows that we cannot exactly redress the resentments of a certain group of people whose conception of good was violated. But whether we are able to measure those effects, and offer compensations for them or not, non-neutral effects may continue to matter for the people who are affected by them. In that sense, according to those people who are affected by those non-neutral effects, those effects may undermine the legitimacy of states, and liberal ideal of neutrality. But despite the resentments that non-neutral effects may cause, liberal theorists think that states still can be neutral. So liberal theorists think that a state can be legitimate even if it has non-neutral effects, and causes resentments for certain group of people?

In order to make a case that this move is justified, liberal theorists should be able to show that those effects are so inconsiderable that we can ignore them, and continue to use the

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<sup>76</sup> Even a brief survey of the literature on liberal neutrality shows that most theorists continue to use the term neutrality for state policies even after they concede that effects of state policies are not neutral. See: (Larmore 1997, n.6, 126; Lecce 2008, 236; Quong 2011, 18; Waldren 2013, 78-79).

term neutral for states' policies. However, with certain exceptions<sup>77</sup>, liberal theorists do not seem to be interested much in discussing the significance of those effects for the people who were affected by them.

I approach to this issue differently than liberal theorists. I prefer not using the term neutral for state policies when we all agree that state policies do not have neutral effects. I observe that people often complain about the effects of the state policies, and therefore, I think continuing to use the term neutral for state policies that have non-neutral effects amounts to belittling those complaints. Non-neutral effects, in my view, undermine the legitimacy of those policies, and invalidate the liberal ideal of neutrality when they cause resentments among certain segment of the population. If someone objects to the preceding analysis by saying that the effects of laws are difficult to control, but nevertheless we should at least do our best to ensure neutrality, I would say that such a response may not mean anything for someone who is concerned with non-neutral effects of the policies. I do not think it is a good response to say to someone who expresses his resentment about a particular policy that the policy does not intend to harm him. I do not think that it matters for the person who is negatively affected by a particular policy that the politicians who have implemented that policy have neutral intentions.

I think that this is especially the case with respect to the education policies of the states, which influence the ideas and values of millions of people across the world. In the field of

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<sup>77</sup> Rawls' discussion of whether educating children according to the requirements of political liberalism would lead to the promotion of "autonomy" or "individuality" among children who are raised in religious sects that oppose modern life is an example of how a liberal theorist problematizes the neutrality of effects of the liberal institutions (Rawls 2005, 199-200). And in particular his apologetic tone about liberal education's non-neutral effects towards those religious sects is praiseworthy compared to the non-apologetic tone of some other liberal writers (MacMullen 2007; Waldren 2013). Other notable examples include Kent Greenawalt's (Greenawalt 2005) and Warren Nord's (Nord 2010) discussion of whether American schools are neutral in their effects towards religious groups, and their suggestions to remedy some of the non-neutral effects of the schools.



education, every decision matters; what we teach students matter, as well as what we do not<sup>78</sup> teach them. Through education policies states can influence what a generation of students should care, read, discuss, think, find valuable in life etc. In other words, educational policies have substantial effects on society's present, and future. This is why nation-states care and control so much about what is being taught in schools.<sup>79</sup> Therefore, in my view, any theory of neutrality that argue that schools can be neutral without taking into account their non-neutral effects is not in any way persuasive.

In this regard, based on these considerations, I differ from the liberal writings on school neutrality (MacMullen 2007; Waldren 2013), which make the point that schools can be neutral if they meet the criteria for neutrality of aim, or justification.<sup>80</sup> In particular, with respect to the

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<sup>78</sup> In the context of the United States' public schools, Warren Nord, a scholar who published many books on the place of religion in American education, offers a persuasive argument about the impact of ignoring religion in public schools in the United States. For Nord public schools in the United States do not directly attack religion, or propagate what he calls "militant ideological secularism" (Nord 2010, 93), or atheism to students (Nord 2010, 63), but what they promote is that students can learn everything they need to know about this world with the tools of secular disciplines (i.e. economy, history, psychology etc.) without engaging what religious traditions say about these issues. In that sense, according to Nord, "American education proceeds on the assumption that God is either dead or irrelevant" (Nord 2010, 4). Nord argues that this approach that public schools adopt is an example of "secular indoctrination" in so far as students are not encouraged to engage in "open and critical thinking about contending alternatives" (Nord 2010, 90-94). I think Nord shows persuasively that making a decision about not teaching something, far from being neutral, in fact may give rise to a generation of students who may think that learning religion is not necessary to be an educated person in this world.

<sup>79</sup> In the context of Turkey, anthropologist Sam Kaplan states in his book *The Pedagogical State: Education and the Politics of National Culture in Post-1980 Turkey* that different political actors attach so much importance to the role of education in influencing Turkey's future, and that this is why all of them aim to shape education policies of Turkey in light of their interests and principles. As Kaplan states, "how the educational system treats children will determine the future political, economic, and moral roles that young men and women will assume as adults. All sides positioned the youth as a risk group; youth either posed a threat to the nation's future or inspired hope. Schoolchildren come to epitomize the future" (Kaplan 2006, 60).

<sup>80</sup> Political theorist Alan Patten also rejects neutrality of effects, and offers what he calls "neutrality of treatment" as a plausible conception of neutrality. His perspective is different than defenses of neutrality of aim and justification, and this is why I want to discuss his argument here. Patten states what neutrality of treatment requires in the following way: "the state violates this requirement when its policies are more accommodating, or less accommodating, of some conceptions of the good than they are of others" (Patten 2012, 257). Based on this statement, Patten thinks that schools can approximate the ideal of neutrality if

case of religion that my dissertation focuses, I do not think that if schools do not aim to favor or disfavor religions (hence when they try to neutralize their aims), they can be considered “neutral.”

To elaborate this point in the case of Turkey, Turkey’s regular public schools cannot be religiously neutral even if they declare neutrality in their aims because for many parents the neutrality of the effects of the schools on student’s religious upbringing is something to consider in sending their children to schools. For instance, according to Bozan (Bozan 2007, 24), one of the primary reasons for the development of Imam-Hatip schools in Turkey has to do with the parents’ concern for protecting their children from the negative *effects* of regular public schools on children’s religiosity, and moral behaviors. In contrast to regular public schools, Imam-Hatip schools offer intensive classes on Islam, and parents who would like their children to be religious prefer Imam-Hatip schools to regular public schools (that lack such religion classes). Also, in Imam-Hatip schools, the students and teachers tend to be religious, and therefore there is more suitable environment for student’s learning and practicing Islam. But regular public schools’ focus is not on raising religious students. Therefore, in this case, what we see is that parents make a decision by taking into account the *effects* of public schools. For these parents the overall atmosphere of the regular public schools is not very conducive to the raising children in a religious way. Such parents think that those schools may even corrupt the children’s religious

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they do not “instruct children in the virtues or truth of any particular conception of the good but instead can seek to equip them with general knowledge and skills that they will need for citizenship and for a variety of different conceptions of good” (Patten 2012, 260). In that sense, Patten thinks that schools can promote what is often called “primary goods.” But I think his perspective still does not solve the problems that emerge from schools’ non-neutral effects. As I stated above in reference to the work of Warren Nord, with respect to the question of neutrality, what we teach matters as well as what we do *not* teach. Patten does not address this problem in his article. Also, Patten does not problematize the non-neutral effects of schools on religions even when they try to treat them neutrally. I will show why this matters with reference to Turkey’s Imam-Hatip schools. In that sense, schools may not be treating students’ conceptions of good neutrally as he thinks when they only promote primary goods.

beliefs, or moral behaviors. Therefore, whether their aims are neutral or not is irrelevant for a parent who think in this way. What matters is establishing a school that they think would facilitate rather than hinder children's Islamic education, and would lead children to live according to the precepts of Islam. What these parents think is quite important because as described in the chapter on the historical development of laicism in Turkey, the Imam-Hatip schools have a large sociological support in Turkey. And this is why since 1950s right wing or Islamic political parties opened these schools in order to gain the support of religious masses and win elections in Turkey. It should also be stated that these parents are not necessarily want to impose their views on others. They do not force people to go to Imam-Hatip schools. They only demand that their concerns are accommodated by the state. In that sense, liberal theorists cannot dismiss their claims by saying that they are unreasonable. Imam-Hatip schools are supported by a significant segment of Turkish population that no politician or a theorist can turn a blind eye.

Therefore, in the case of education, non-neutral effects of schools are significant, and such effects undermine the ideal of neutrality in significant ways. Based on this consideration, I do not use the term "neutral" for those education policies, which may have neutral aims and justifications. Besides the case of education, I see other state policies that are criticized by people due to their non-neutral effects as non-neutral as well.

I particularly underscore this point because when theorists use the term neutral for describing state policies (when they have non-neutral effects that cause resentment for people), they provide legitimacy to those policies, and in that sense gloss over the resentments that those policies cause.<sup>81</sup> Put differently, the knowledge produced by the liberal theorist about the

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<sup>81</sup> Stanley Fish also draws attention to how the idea of neutrality within liberalism is used to mask certain non-neutral practices. As he states, "I don't criticize liberals for employing power in an effort to further the truths they believe in -that's what everyone does, necessarily- but for pretending to be doing something else and for thinking there is something else to do (Fish 1997, 2292).

neutrality of the state may help those who want to dismiss the resentments and claims of those people who are negatively affected by state policies. Due to this consideration, I prefer not to use the term neutral for any state policy, which has non-neutral effects. In that sense, I see non-neutral effects of state policies as undermining any theory of state neutrality.

#### **4.7 Genealogical School's Challenges to the Possibility of Neutrality**

Liberal political theorists idealize a secular state (that separates religion and state) for the sake of neutrality. For instance, Martha C. Nussbaum writes “neutrality, in religious matters, is the idea that the state does not take a stand on these matters, or takes a stand that is studiously neutral, favoring or disfavoring no particular conception, not even religion over nonreligion” (M. C. Nussbaum 2008, 20). In a similar way she writes that “the state may make no endorsements in religious matters that would signify an orthodoxy, creating an in-group and out-groups” (M. C. Nussbaum 2008, 25). For Nussbaum, establishment of a religion is a deviation from neutrality because it “means that governments has put its stamp of approval on some particular religion or groups of religions, creating an official orthodoxy” (M. C. Nussbaum 2008, 20). Cécile Laborde, another political theorist who defends what she calls “critical republicanism” also uses the term “impartiality,” and states that “secularism seeks common ground; *ex hypothesi*, this cannot lie in controversial conceptions of the good. Among such conceptions are the belief that God exists and the belief that God does not exist. A secular state, by eschewing all references to God, avoids taking sides between these two conceptions” (Laborde 2008, 85). Or as she says in another passage, “a democratic state is secular in the sense that it does not affirm any religious creed, and does not seek to confer special benefits or burdens to citizens affirming any religious creed (or none). In this way, it is fair to all: it shows equal respect to adherents to the majority religion, minority religions, and adherents to no religion at all” (Laborde 2008, 85). But these theorists do

not problematize the nature of the secular state and how its courts often engage in defining and deciding what religion is and how it should be interpreted, and the challenges that secular state's courts' engagement with religion poses for their conception of neutrality. For understanding the nature of secular states, I find it more useful to rely on the genealogical school on secularism that I introduced in the second chapter.<sup>82</sup> The second chapter already mentioned major themes of this literature, but here I will emphasize particularly how that literature challenges the liberal ideal of neutrality.

This literature primarily challenges the notion that secular states actually separate religion from politics. For this literature, in contrast secular states often act as “de facto theologians” (Mahmood 2006, 326-327) in the sense that the courts of the secular states take under their monopoly to decide what is a correct interpretation of religion, and “what should count as essentially religious, and what scope it can have in social life” (Agrama 2011, 187). In that sense, as Agrama points out, states exercise their *sovereignty* in making these decisions regarding religious matters (Agrama 2010, 500). Is this problematic?

States acting as “de facto theologians” is problematic because this shows that state actors impose a certain conception of religion to the society and favor certain conceptions of religion and ignore others. This literature questions as William Connolly says “adopting as neutral terms of analysis several concepts and themes that became authoritative only through the hegemony of secularism” (Connolly 2000, 22). States pick one definition of religion, and treat it as if it is universally endorsed. And state's definition of religion is also used in determining the boundaries of the right to freedom of religion in the society. But no definition and conceptualization of religion is universally endorsed.

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<sup>82</sup> Neither Nussbaum, nor Laborde discuss the ideas of genealogical school on secularism in their works. They seem to take for granted the definition of religion. Nor for that matter, I have seen any major liberal theorist discussing genealogical schools' views on secularism.

An interesting example of this would be Turkey's Constitutional Court's statement in its decision to cut the financial assistance to the AKP in 2008 that Shariah is despotic, totalitarian, and incompatible with democracy. In this case we see that the Court works as a "de facto theologian" and defines the essence of Islam and rules out other interpretations of Shariah rule. After all, there is not an agreement among Muslim scholars, or intellectuals about what Shariah is, and what kind of political rule it necessitates. Who is going to determine which of these interpretations should be taken as the correct interpretation of Shariah so that we can determine whether it is compatible with democracy or not? The Court imposes its own definition of Shariah and shapes power relations in Turkey. Also, it should be underscored that I do not know any case in which the AKP politicians made a remark about implementing Shariah law in Turkey between 2002 and 2008. This is why the Court accuses the AKP members for hiding their real intentions and having hidden agendas because it could not find an explicit speech of AKP politicians where they talk about establishment of the Shariah. This situation shows that the sovereign Court even sees itself entitled to determine who are sincere in their statements and who are not.

Anthropologist Talal Asad mentions another example that highlights how states impose their particular controversial views to the society. As he states in his discussion of France's Stasi Commission's report on wearing headscarf in public schools that justified the banning of headscarves in schools, "precisely because there is disagreement among contemporary pious Muslims as to whether the headscarf is a divinely required accouterment for women, its "religious" significance must be indeterminate for non-Muslims. Only by rejecting one available interpretation ("the headscarf has nothing whatever to do with real religion") in favor of another ("the veil is an Islamic symbol") can the Stasi Commission insist on its being obviously a "religious" sign. This choice of sign's meaning enables the commission to claim that the

principle of *laïcité* is breached by the “Islamic veil” (Asad 2006, 501). Or in my case study (Turkey) the Constitutional Court states that headscarf is a symbol of political Islam, and therefore it should not be allowed in the public sphere. In the French case, the Stasi Commission construes headscarf as an Islamic symbol, whereas in the Turkish case the justices in the Constitutional Court see it as a political symbol. The difference between these cases shows the lack of universality in what counts as religious. It is the organs of the state that make that final decision, and that open certain possibilities, and rules out others.

Third, states’ determination of “what scope” religion “can have in social life” is also controversial, and such determination ties to the debate about where to draw the line between public and private spheres within a particular society. Such determination is problematic because where to draw the line between public and private is also far from being an unambiguous issue. As Asad says in his discussion of French secularism, “the legal distinction between public and private spaces is itself a construction of the state, the scope and content of “public space” is primarily a function of the Republic’s power” (Asad 2006, 500).

Overall, the challenge this literature poses for liberal neutrality is that the terms (i.e. religion) liberal theorists take for granted is socially constructed, and they legitimize certain power relations between different constituencies. There will be always dissenters about how the terms “religion,” “secular,” “laicism,” and “freedom of religion” should be understood. Since there is not a universally endorsed conception of about these issues, states always act as *de facto* theologians, and impose these definitions to the society through their organs (i.e. courts, or schools). Hence, there cannot be any neutral way of engaging with religion due to the socially constructed nature of the terms through which power relations are shaped in a secular state. I

accept what this literature says because I find it perfectly useful for understanding Turkish laicism.

#### 4.8 One Possible Way of Neutralizing States: Kukathas' *Archipelago*

Based on the above considerations, I do not think that within the confines of existing states, the usage of the term “neutral” is defensible. States take sides between different conceptions of good in their aims, justifications, and effects, and that is why I think it is always easy for somebody to say that what is described by someone as neutral is not neutral at all.<sup>83</sup> Genealogical school on secularism also questions the neutrality of the concepts that liberal theorists often take for granted. I think that neutrality would be only possible if people who espouse a common conception of good are allowed to associate, and establish their own political structure, and manage their own affairs as they wish. In other words, a neutral state should necessarily be a homogenous state in terms of the conceptions of good prevailing under that state. Only under those circumstances, people would not see the state as biased towards their conception of good. Otherwise, there is no way within the contemporary diverse societies for a state to be neutral about all conceptions of good.<sup>84</sup> Therefore, making existing states neutral would require a radical restructuring of the state system across the world. Within contemporary liberal political theory, Chandran Kukathas offers one possible interpretation of this neutrality in his theory of *liberal archipelago*.

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<sup>83</sup> John Rawls makes a similar point in the following quote: “Historically one common theme of liberal thought is that the state must not favor any comprehensive doctrines and their associated conception of the good. But it is equally a common theme of critics of liberalism that it fails to do this and is, in fact, arbitrarily biased in favor of one or another form of individualism” (Rawls 2005, 190)

<sup>84</sup> Rawl’s renunciation of universalistic claims for his conception of political liberalism is telling in this respect. As I stated above, late Rawls recognizes that without a common foundation (what he calls as “public political culture of democracies”), there cannot be any “overlapping consensus,” any “public reason,” and in general any possibility of justificatory neutrality. Or if citizens are not already committed to substantial ideals of liberal state, liberal states’ aims may not be seen as neutral at all.



Kukathas conceptualizes liberalism as a theory of toleration, and he critiques John Rawls for trying to make liberalism a theory of justice. For Kukathas, there cannot be a universal theory of justice precisely because of the fact that “people may disagree not only over such matters as religion but also about justice. Indeed, they may differ over justice precisely because they differ over such things as religion” (Kukathas 2003, 263). There is no theory of justice that can gain the assent of all of the followers of different worldviews. For Kukathas, liberalism should be concerned with finding the proper mechanism to the peaceful coexistence of followers of different worldviews. According to Kukathas, fundamental commitments of liberalism in this respect should be freedom of association and dissociation, and mutual tolerance of different associations to each other’s right to exist and operate in the world. For Kukathas, exit rights of the individuals living in particular associations should be guaranteed so that people can move out of their particular group if they would like to join another one. According to Kukathas, people can form illiberal associations or liberal associations; both of those choices should be tolerated in the *liberal archipelago*, which is Kukathas’ metaphor for describing the ideal liberal polity. For Kukathas, there is not a universally binding model of human flourishing (Kukathas 2003, 124), and that is why he is not bothered with the existence of illiberal associations. Hence, in the liberal archipelago, different communities have different jurisdictions, and one of these communities do not have the authority to dictate rules, and laws for other communities. Hence the metaphor “archipelago” describes “an area of sea containing many small islands. The islands in question, here, are different communities, or better still, jurisdictions, operating in a sea of mutual toleration” (Kukathas 2003, 22).

I see Kukathas’ archipelago as a better interpretation of the ideal of neutrality in liberalism because he departs from certain ideas that constrain liberal thinking on neutrality.

First, his expectations from non-liberal groups are minimal. For instance, he does not expect non-liberal people to espouse a liberal conception of justice as Rawls does. He still expects non-liberal groups to respect certain liberal ideals (i.e tolerance, exit rights) but arguably these are less than what political liberals would demand. Second, Kukathas' archipelago can better satisfy the demands of the ideals of the neutrality of aim, justification, and effect because in his archipelago like-minded people can associate, and they can manage their affairs as they wish. Residents of a particular *island* in Kukathas' archipelago would find less non-neutral aims, justifications, and effects in their association's practices, and policies since there will be some degree of similarity in the residents of particular islands in terms of their worldviews. That is why they associated in the beginning. If the principle that gives rise to the ideal of neutrality is not to coerce someone into doing something that he or she does not endorse, then it is obvious that among all visions of liberalism, Kukathas' archipelago offers the most opportunities for people to live as they wish. Third, Kukathas' archipelago can better respond to the challenges of genealogical school on secularism because again the similarity of the worldviews among residents of a particular island would reduce the differences between residents' conceptions of religious and secular.

That said, as I will show later in the chapter, I do not necessarily find Kukathas' theory consistent. I only state how states can be made neutral to show the logical consequences of defending neutrality towards conceptions of good, and to show the difficulties of achieving neutrality within the confines of existing states. But all these arguments only show the practical difficulties one encounters in realizing the ideal of neutrality. In and of itself such an analysis does not say anything about whether this ideal is desirable or not. There might be many ideals

that cannot be realizable in the world but nevertheless they may represent something we should fight for. Is neutrality such an ideal? I will explore this question in the next section.

#### **4.9 Why Neutrality is Not Desirable From a Liberal Perspective?**

Thinkers like Ronald Beiner, Michael Sandel, Alasdair MacIntyre, and Charles Taylor critiqued liberal individualism and the associated ideal of neutrality for leading to a culture in which we cannot make judgments about each others' values, choices, and preferences, and they think that this has certain undesirable consequences. In this regard, Beiner writes that “the ultimate challenge that faces liberalism is whether it yields the intellectual resources to pass judgment on individuals –and indeed whole societies of individuals- who exercise their presumed autonomy by opting for ways of life that are banal, empty, and stultifying” (Beiner 1995, 28). Michael Sandel similarly critiques neutralist strand of liberalism for depriving individuals from questioning “the preferences and desires we bring to public life” or in general “the moral worth of the ends we pursue, the meaning and significance of the lives we lead, and the quality and character of the common life we share” (M. J. Sandel 2010, 261). And similarly, in his book *Democracy's Discontent: America In Search of a Public Philosophy*, Sandel situates his work within republican political theory, and critiques liberal conception of freedom and neutrality for failing to promote “civic resources to sustain self-government” (M. J. Sandel 2001, 6).<sup>85</sup> Alasdair MacIntyre also famously critiqued liberal individualism for leading to a culture of “emotivism” in his *After Virtue* (MacIntyre 2007). Charles Taylor also associates neutralist liberalism with “soft relativism” in his book *The Ethics of Authenticity* (Taylor 2003). I think that these thinkers make an important theoretical point in their critique of liberal individualism.

Whether their views accurately describe the empirical reality of liberal societies is another

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<sup>85</sup> For a similar analysis that shows the incompatibility of republicanism and liberal neutrality, see (Lovett and Whitfield 2016).

matter, but I think that theoretically they express a certain problem within liberal individualism and liberal ideal of neutrality.

Building on their insights, I think that the main reason that the neutrality is not desirable is that defending neutrality deprives liberals from making universalistic judgments about how humans should live, what kind of values they should espouse, and what kind of evils they should resist etc. Neutrality relativizes everything, and opens the Pandora's box of relativism. That is why liberal theorists like William Galston, and Stephen Macedo oppose it. They oppose defending liberalism on the basis of neutrality because they are aware that liberalism is a conception of good, and they realize that defending neutrality may be self-defeating for liberals. The expectations that liberal state has from its citizens are by no means inconsiderable. Liberal state requires internalization of liberal ideals (i.e. tolerance or a commitment to justificatory neutrality) by the citizens living under a liberal state. It requires as Rawls says avoiding reliance in the justification of laws on what one considers as truth for the sake of tolerating others. It requires that people do not aim to use state power in shaping other people's life styles. These are not simply ideals that people are naturally attracted to. Within liberal states, and in general across the world there are many people who hold illiberal views and who have issues with these liberal ideals. For someone who thinks he knows what is the best way to live, all these ideals may not make any sense. In short, liberalism cannot accommodate all diversity and should not be necessarily equated with uncritical celebration of pluralism or diversity. Liberal states will have conflicts or tensions with all those groups who endorse illiberal views. For all these theorists neutrality towards conceptions of good is a misleading characterization of the liberal state as liberal state will not accommodate all diversity and in contrast it will aim to shape and transform illiberal groups for the sake of ensuring the stability of liberal society.

It is puzzling actually why liberal theorists often do not notice the implications of the move towards neutrality for liberalism. For instance, in both Rawls' and Larmore's political liberalism, we see a concern with divorcing liberalism from controversial philosophical ideals. Hence, Rawls famously states that he does not want to build liberalism on Kant's or J. S. Mill's ideals of autonomy in order *not* to make liberalism "just another sectarian doctrine" (Rawls 1999b, 409). Charles Larmore also states that the problem that drives liberal political theory is the fact that "reasonable people tend to differ and disagree about the nature of the good life" (Larmore 1990, 340) and therefore for him, "viable forms of liberalism cannot be ones which themselves gives rise to these problems" (Larmore 1990, 339). Similar to Rawls, by taking into account the reasonable disagreement about the nature of the good life, Larmore states that liberalism should not be built upon Kant's or Mill's ideals of individuality due to the fact that reasonable people reject such ideals of individuality. According to Larmore, rather than being "adequate solutions to the political problem of reasonable disagreement about the good life," these ideals "become simply another part of the problem" (Larmore 1990, 345). Both of these theorists acknowledge that certain ideals associated with liberalism are controversial, and if liberals insist on them, liberalism would "become simply another part of the problem" as Larmore says, or "just another sectarian doctrine" as Rawls states.

My point is that if liberal theorists aim to eliminate controversial aspects of liberalism from the liberal political theory, I do not think that "autonomy" or "individuality" would be the only ideals associated with liberalism that should be jettisoned. After all, is there anything about liberalism that is not sectarian and controversial across the world? Is liberalism simply the common sense that all reasonable people across the world endorse? It goes without saying that liberal ideals have been controversial in the past (in the time of Locke, Kant, Mill, or any other

influential theorist of the liberal tradition), and they are still controversial in the present. If liberal state should not promote autonomy or individuality because reasonable people have issues with them, reasonable people might also have issues with other substantial ideals related to liberalism. In order to convince us that there is a reasonable disagreement about autonomy or individuality but not about other foundational ideals of liberalism (i.e. tolerance), liberal should be able to show that exercise of human reason leads to the endorsement of other liberal ideals they want to defend. But such a position contradicts Larmore's and Rawls' epistemological views (that were mentioned above) that rule out rational resolutions of the disagreements between people's conceptions of good. Hence it is not clear in Rawls' or Larmore's writings why they construe only "autonomy" as a sectarian ideal of liberalism, and why they do not consider other controversial aspects of liberalism as "sectarian" as well. In other words, what they retain within liberalism and what they exclude from liberalism appears an arbitrary decision that is not based on an epistemological principle they rely on in their discussion of the validity of the ideal of autonomy.

I referenced above<sup>86</sup> to those theorists who questioned the asymmetry political liberals establishes between the "right" and the "good." I find their critiques persuasive, and their points tie into my point about the arbitrariness of excluding certain ideals from liberalism by saying reasonable people disagree about those, but asserting other ideals of liberalism as unquestionable normative principles. I do not think that liberals are taking the logical consequences of their epistemological justifications of neutrality.

Overall, on the basis of the ideal of neutrality, I think that liberal theorists who would like to claim universality for liberalism cannot get what they want. Neutrality relativizes liberalism,

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<sup>86</sup> See page 77.

and defending neutrality undermines liberalism's universalistic claims. This is the major reason for the undesirability of neutrality for liberal theorists who would like to claim universality for their ideals.

For instance, in the literature on human rights, it can be seen that liberal writers claim universality for their understanding of human rights and point out to the problems of accommodating people who do not understand human rights in the way liberals understand them. In this regard, Martha C. Nussbaum in her article "Religion and Women's Human Rights" (M. C. Nussbaum 1997) argues that if the free exercise of religion conflicts with modern human rights norms, human rights of women should take precedence. Here she defends a certain liberal conception of human rights against the religious groups' understanding of women rights. Susan Moller Okin also wrote famously that multiculturalism is bad for women in so far as multiculturalism requires accommodating cultures that do not respect liberal gender norms (Okin 1999).<sup>87</sup> In the specific field of Islam and liberal conception of human rights, as covered by the literature (Baderin 2009; Mayer 2013), there are many incompatibilities between the rulings of the traditional schools of Islamic law, and modern human rights. In all these conflicts between liberal conception of human rights, and different cultures, and religions, if liberals defend neutrality, they need to turn a blind eye to those conflicts for the sake of accommodating those different cultures, and religions. This is not unthinkable, but if liberals turn a blind eye, it would empty much of the content of what makes liberalism distinctive.

Similarly, in the literature on education, many liberal theorists (Brighouse 2003, 8; Levinson 2002, 49-50; Reich 2002, 113-114) distance themselves from the idea of neutrality in order to open a space for a model of education that aims to cultivate the autonomy of individuals.

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<sup>87</sup> In his book *Culture and Inequality: An Egalitarian Critique of Multiculturalism* (Barry 2002), Brian Barry also offered criticisms of multicultural accommodations, and defended universal norms that should be protected in every group.

These theorists are aware that if they accommodate the demands of certain groups about education of their children, they would be sacrificing the liberal ideal of cultivating autonomy, which is for them a non-negotiable ideal of liberalism. In this regard, Brighouse writes, “neutrality is not the fundamental commitment of liberalism” (Brighouse 2003, 8). Levinson states that “liberalism is not, and cannot consistently be a neutrality-driven theory” (Levinson 2002, 49). Reich also writes “liberal state cannot give unlimited deference to cultural diversity. It justly provides publicly funded schools and regulates all other schools...to guarantee that the individual interests of children in becoming autonomous and capable of independent functioning are met. As we have seen, such schooling is non-neutral and in fact actively engages in a form of soulcraft, which inescapably shapes the cultural diversity that is likely to thrive in the liberal state” (Reich 2002, 193).

It should be stated again that it is not unthinkable that liberalism may give up certain universalistic ambitions, and certain liberal theorists offer a greater freedom for non-liberal communities within a liberal state. As I already described above, within contemporary liberal political theory, there are theorists like Chandran Kukathas (Kukathas 1992, 2003), who tone down universalistic ambitions of liberalism, and aim to grant more autonomy to non-liberal groups to live as they wish. William Galston’s (W. A. Galston 1995, 2002) tolerance based conception of liberalism also falls into this category. Galston rejects what he calls “Enlightenment liberalisms” that prescribe cultivating autonomy as a universal ideal, and instead he suggests theorizing liberalism as a theory of toleration between those who value autonomy, and who do not (W. A. Galston 1995).

These theorists engage in these theoretical efforts to make liberalism more capable of accommodating diversity. They all have issues with conceptions of liberalism that in Galston’s



words do not give “diversity its due” (W. A. Galston 2002, 23). But I think their efforts do not resolve the tensions that arise between liberal state and non-liberal groups because they defend two incompatible things at the same time: certain non-negotiable ideals of liberalism (i.e. tolerance), and non-liberal groups’ right to live according to their own values. And why they cannot resolve the tensions between liberal state and non-liberal groups further supports my argument that defending neutrality would be self-defeating for liberals. Why this is the case?

First, Kukathas and Galston in their conceptions of liberalism want to accommodate groups who are not committed to liberal values. But at the same time they expect that these non-liberal groups should provide “exit rights” to their members. In this sense, they want to offer a theory that would be appealing to *both* the liberals (who would not endorse giving non-liberal groups autonomy if they do not accept exit rights), and non-liberal groups who are critical of liberal ideals. But there is something counterintuitive about their argument. First, exit rights can only be implemented in a community which is already individualistic, or liberal. A society, group, or a community that does not value individualism, or that discourages dissent by enforcing community norms, cannot realistically speaking guarantee exit rights. Second, as feminist theorist Susan Moller Okin argued, vulnerable members of a non-liberal community by definition do not have necessary life skills to maintain their lives independently if they exit the community (Okin 2007). Therefore, to offer exit rights as a solution for escaping from non-liberal groups is unrealistic. The overall implication of these arguments for these liberal theorists who want to accommodate the rights of non-liberal groups is that they cannot meet the demands of liberal theorists, and non-liberal groups at the same time. They should sacrifice the demands of one of these groups to be able to offer a *consistent* theory. If they want to offer exit rights as a realistic option for the group members, they have to defend some kind of an intervention into the

practices of non-liberal groups. As Daniel Weinstock states with respect to Galston's liberalism, "the educational requirements that would need to be satisfied in order for the exit rights of a toleration liberal like Galston to be guaranteed risk being just as corrosive to groups and communities that do not cleave to an autonomous ethic as the "education for autonomy" that autonomy liberals recommend"(Weinstock 2015, 321). But in that case, they would be contradicting their commitment to accommodate non-liberal groups. If they leave non-liberal groups as they are, it seems almost pointless and meaningless to offer exit rights as a solution for people who are not happy with their groups. The problem in both of these theorists' argument is that they think that liberalism and diversity can be reconciled. But I have been arguing that this is impossible, and the failure of Kukathas and Galston shows that why this is the case.

Similarly, I think Kukathas and Galston do not offer convincing reasons about how the liberal arrangement they advocate would perpetuate its existence. As Macedo points out, liberal state requires citizens who internalize liberal virtues, dispositions, and ideals (Macedo 1990). Without citizens who internalize liberal virtues, non-liberal citizens may take control of state apparatus, and may transform the liberal state in a non-liberal direction. Here again, Kukathas and Galston want to accommodate diversity, but at the same time they expect that all those non-liberal groups tolerate other groups' existence. This idea is again counterintuitive. After all, it is very much possible that the non-liberal groups who believe that their group norms have universal validity may not be tolerant of other people outside of their group that do not conform to their expectations. In other words, the whole idea of tolerance can only be possible in a society that had already internalized certain liberal ideals. Hence, we see again here that two ideas collide. The survival of Kukathas' *liberal archipelago* depends to a great deal on the internalization of the ideal of tolerance by non-liberal groups within the archipelago. But by granting non-liberal

groups so much autonomy, and letting them live as they wish, Kukathas deprives himself from attempts to liberalize those communities (whether liberalizing them possible or not). In that sense, his archipelago rests on a shaky foundation, and its existence can only be maintained at the expense of sacrificing Kukathas' commitment to non-interference in non-liberal groups' internal affairs. Similarly, Galston's commitment to non-interference to non-liberal groups do not square with easily with his expectation that those groups will respect the different life styles of other people. Again the central problem that both of these theorists face is that they try to reconcile liberalism with diversity, but this is not possible since diversity includes non-liberal groups as well. Hence, by trying to meet the expectations of both liberal theorists, and non-liberal groups, they please none. With respect to meeting the expectations of liberal theorists, following Brian Barry one can even state that the "so-called Reformation liberalism<sup>88</sup> should not count as a variety of liberalism at all, because (whatever its proponents may claim) it fails to pay enough attention to the interests of individuals in being protected against groups to which they belong" (Barry 2002, 146).

#### **4.10 Desirability of the Neutrality from a Communitarian Perspective**

Having laid out why neutrality may not be desirable from a liberal perspective, I would also like to discuss another major reason why neutrality may not be desirable for many politicians who are concerned with the survival of their state. I have already mentioned this point in my discussion of religious communitarian position of the AKP. To reiterate that point, the basic insight that communitarians provide is that all states are interested in their survival, they would take any measures for ensuring their survival, and therefore states cannot be neutral about patriotism. Since states cannot be neutral about the measures that would ensure their survival,

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<sup>88</sup> William Galston calls his conception of liberalism "Reformation Liberalism" as well. See (W. A. Galston 1995).

they would be reluctant accommodate diversity that they would consider as posing a threat to unity, stability and survival of the state. Or they would promote those things that they consider would be beneficial for the survival and stability of the country.

Neutrality in this sense goes against the communitarian thinking in so far it requires suspension of all these concerns about state's stability, and it necessitates accommodation of diversity for the sake of accommodating it. If they want to convince state leaders who care about state's survival and stability, defenders of neutrality should be able to show that a defense of neutrality would not undermine the unity, stability, and survival of the state. I think that this is almost impossible because as the case of Kukathas' *liberal archipelago* shows, in order to provide different conceptions of good an adequate place for their survival, one should defend extreme decentralization of state structures. I do not think that politicians of any country would be comfortable with such decentralization in so far as such decentralization amounts to the state's loss of control over its population.

Consider the case of education. Contemporary states control educational institutions in their borders, determine their curriculum, and they promote certain official views in schools that they think would be beneficial for the survival of the state. And regardless of its ideological orientation (i.e. liberal, conservative, religious, secular etc.) every state has to engage in such "soulcraft" in order to perpetuate its existence. And with respect to the private schools, states set standards so that private schools do not promote something that would be problematic from state's official view. Since educational institutions play such a crucial role in socializing children into the official view of the state, and in determining the worldview of society's future generations, no state can afford to give up its role in determining the content of the curriculum

just for the sake of being neutral, and accommodating demands of people who question the official view of the state.

That is why, as stated above, many liberal theorists express their reservations about neutrality that they think would necessitate accommodating the demands of people who want to establish their autonomous educational institutions<sup>89</sup>, or who want to withdraw from public schools.<sup>90</sup> Some liberal theorists state that states should be concerned about what is being taught in public, and private schools so that those schools do not teach anything that would undermine the stability, and survival of the liberal regime.<sup>91</sup> In this case, liberal theorists think in a communitarian way, and state that liberal state cannot be neutral about its survival. In a similar way, other states which espouse other political views (regardless of what it is) as their official view would not tolerate educational institutions that promote views that they think would undermine the stability and survival of their state.

Can defenders of neutrality address this problem? Is there a way of reconciling diversity with states' concern with unity, stability, and survival? Since I see neutrality as requiring a radical decentralization of existing state structures, I do not think that reconciliation is possible

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<sup>89</sup> For instance, in his book *Bridging Liberalism and Multiculturalism in American Education* (Reich 2002), liberal theorist Reich discusses under what conditions liberal state should allow homeschooling in America. His main concern is that homeschooling may isolate children from the diversity of the country they live, and in that sense it may hinder the development of what he calls their "minimal autonomy."

<sup>90</sup> Liberal political theorist Stephen Macedo in his book *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Macedo 2003) argues that liberal state should always take into account the civic purposes associated with liberal democracy in making decisions about accommodation of the demands of certain groups regarding exemptions from educational institutions.

<sup>91</sup> For instance, liberal political theorist Walter Feinberg is concerned that in many religious schools, "exclusionary beliefs" are taught to students, and such exclusionary beliefs may negatively affect students by providing them "a disposition to favor those who share their devotional orientation over those who do not" (Feinberg 2007, 402). As examples of "exclusionary beliefs," Feinberg writes that "the fundamentalist message that atheists and members of other religious faiths will not go to heaven; the Muslim view that Mohammad was the last and the greatest prophet with a more complete version of God's message than the others, including Moses and Jesus; the Jewish belief that Jews are God's chosen people" (Feinberg 2007, 402). Feinberg thinks that teaching such "exclusionary beliefs" undermines the liberal ideal of equality of citizens, and of tolerance.

between liberals' concern with neutrality and communitarians' concern with states' survival. And since liberals cannot respond to such concerns of communitarians, realistically speaking it has little chance of being attractive or appealing to state leaders, or politicians who are concerned with the survival, and stability of the their states. And the fact that many liberal theorists (i.e. Stephen Macedo, William Galston, Rob Reich) distanced themselves from liberal ideal of neutrality after realizing potentially subversive character of a commitment to neutrality for the liberal state further lends support to communitarian thinking about state neutrality. It should be stated that I am not defending here communitarianism; I am only pointing out to why across the world state leaders might have deep reservations about neutrality.

#### **4.11 Implications of These Theoretical Considerations for Turkey**

In the preceding part, I theoretically examined the issue of neutrality, and pointed out to the problems with neutrality's possibility and desirability. My analysis differs substantially from the perspective of political actors in Turkey, and question many arguments they espouse and here I want to elaborate on those differences.

I differ from Kemalists in Turkey in the sense that I see justification of laws as tradition-dependent, and question Kemalists' belief in the ability of human reason to offer authoritative solutions to the political problems we discuss. I think that neutral justification requires a common foundation or a reference point, and since in my view such a common foundation does not exist in Turkey, legislation in Turkey is always a non-neutral activity. The only exception may be a certain conception of primary goods, but even then there are many problems with claiming neutrality for primary goods for reasons cited above.

The fact that different political parties in Turkey employ same vocabulary, and refer to the common concepts does not guarantee neutrality since they attribute different meanings to

those terms. For instance, with respect to the major focus of my dissertation namely “laicism,” there is no group that does not espouse laicism as a principle of state in Turkey but we see that people reconcile laicism with a variety of different political positions. For Kemalists, laicism requires headscarf ban, for the AKP laicism requires lifting of the headscarf ban. Or for pro-Kurdish People’s Democracy Party, laicism requires the abolishment of the Directorate of Religious Affairs, for others (i.e. the Republican People’s Party), the existence of the Directorate as a state institution is compatible with laicism. Hence, different political actors rely on the concept of laicism to justify their own positions. The fact that all these political actors refer to the same concept do not indicate a consensus on these issues, as what people mean by these concepts are different. In fact, as the second chapter that introduced the genealogical school on secularism pointed out, it is part of the power struggle between different political actors in Turkey to establish their monopoly on the definitions of these concepts, and to be able to impose their definitions to the rest of the society through state organs. Due to these differences in the conceptualization of this concept, if laicism is used as a means of legitimizing certain policies, it may not justify a certain policy in the eyes of others who espouse a different conception of it. We see this clearly in the Constitutional Court’s decision on the AKP in 2008 in which the Court found the AKP’s definition of laicism as an incorrect, and false understanding of laicism. Conversely, as shown in the chapter on the historical development of laicism in Turkey, right wing and Islamic political parties always questioned the Kemalist conception of laicism for not being “laic” enough.

Another way I differ from Kemalist perspective is that I do not find Kemalists’ fixation on religion defensible, as I do not see “religion” as the only conversation-stopper. In Turkey, Atatürkism, or Kemalism may stop conversations as much as religion because they are not

endorsed by significant percentage of people in Turkey, and hence conversation-stopping characteristic cannot be limited to religious doctrines. Overall, I do not see laicist separation of state and religion as ensuring neutrality; in contrast, I think that in Turkey those who call themselves ‘laic’ pass laws on the basis of their controversial comprehensive doctrines, and therefore those laws are not more or less neutral than the Islamic worldview of the religious Muslims in Turkey.

With respect to the liberal defenders of neutrality in Turkey, my analysis differs from them in so far as I question neutrality’s possibility within the confines of existing states, and in general I do not find neutrality as normatively desirable. I do not see that liberal theorists made a convincing case against those who claim that neutrality might be self-defeating for liberalism. Therefore, based on my analysis of the difficulties encountered in the implementation of the neutrality of aim, justification, and effect, and my contention about the undesirability of neutrality, I question the possibility, and desirability of realizing liberal academics’ ideal.

But the reader may ask at this point that if there are all these problems with neutrality’s possibility and desirability, what should come next? Are we condemned to non-neutrality? The reader’s concern is justified. All of my criticisms do not change the fact that the case I focus on (Turkey) in this dissertation wrestles with the issue of coexistence of different groups of people. As explained in the chapter on the development of laicism in Turkey, Turkey’s Kemalist era created resentment among right wing and Islamic political actors, and this is why they aimed to transform the Kemalist laicism in line with their own visions. And similarly Turkey’s post-Kemalist era, which is dominated by president Erdoğan’s AKP, also alienated different segments of the population due to the AKP’s entanglement of Islam and politics in the last couple of years. All these issues show that there is a problem of peaceful coexistence of different groups in



Turkey, and needless to say state policies can play a role in reducing or furthering this polarization. Taking these problems of coexistence into consideration, I will also offer what Turkey can do if there are problems with neutrality's possibility and desirability, and the next section will consider this issue.

#### **4.12 Modus Vivendi Liberalism as a Possible Solution to Turkey's Problems**

In this section, I will argue that despite the problems with neutrality's theoretical and normative desirability, ideals associated with neutrality (i.e. tolerance) can be desirable for societies that wrestle with issues of coexistence for the pragmatic reason of securing stability and peace. In that sense, I agree with the pragmatic and instrumental justifications of neutrality that I mentioned in the beginning of this chapter. I call my perspective "modus vivendi liberalism" in so far as theorists of modus vivendi (Horton 2010; McCabe 2010; Neal 1997) also derive ideals related to neutrality from individuals' concern to live in relatively stable and peaceful societies.<sup>92</sup> And I think that this vision of liberalism would be attractive in societies that do not necessarily endorse liberal ideals intrinsically but nevertheless wrestle with the question of securing peaceful coexistence of different groups of people. In that sense, I think that many political actors in Turkey would agree with the concerns of modus vivendi liberalisms, as regardless of their political philosophy, living in a relatively stable, peaceful and less polarized society is in the interests of most of the groups in Turkey.

Why living in less polarized society may be a desirable goal? It may be a desirable goal because increasing polarization may lead to violence, and instability, and instability does not bring any benefit to any group in the country. If you are the ruling party, you cannot get any

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<sup>92</sup> Not all defenders of modus vivendi appeal to the notion of self-interest to justify their position. For instance, political theorist John Gray thinks that a modus vivendi is necessitated by the theory of value pluralism. See Gray's book *Two Faces of Liberalism* (Gray 2000).

benefit if you constantly alienate certain groups in the country, and if they take to streets and protest your rule and make the country ungovernable. The growing resentment against the AKP in Turkey in the last couple of years illustrates that alienating different groups of people in the society undermine the ruling party's ability to govern effectively. Gezi park protests in 2013 and their social and economic costs to the Turkey illustrate this point. The recent statements within some AKP circles about the necessity of revising certain policies of the AKP and reducing the polarization of the country also suggests that AKP politicians themselves realize the negative effects of certain policies of the AKP for the social peace of the country.<sup>93</sup> Also, as stated in the chapter on the development of laicism in Turkey, the founders of the AKP decided to distance themselves from the Islamism of Necmettin Erbakan as a result of their realization of the negative effects of what they called "politics of identity" on the relations between different groups of people in Turkey. Therefore, I think that based on their experiences in Turkish politics, politicians within the AKP can appreciate the value of living in a less polarized society, and how avoiding certain version of politics of identity can help them win elections. A similar point can be made about Kemalist political actors in Turkey. They can also realize that alienating the majority of the population's religious sensibilities did not contribute to the social peace of the country, and such alienation undermined their rule.

There are a couple of potential arguments and concerns about my vision of *modus vivendi* that I would like to address for the skeptical reader. First, as Rawls pointed out, the terms of *modus vivendi* is dependent on the distribution of power between parties to the conflict. And it is well known that Rawls does not want that people endorse "a democratic government merely as a *modus vivendi*" (Rawls 2005, 458). Instead, he expects that citizens "endorse society's

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<sup>93</sup> For such criticisms, see (Çandar 2015; Hakan 2016; Turkish deputy PM says half of society who doesn't vote for ruling party perceives them with hatred 2015).

intrinsic political ideals and values and do not simply acquiesce in the balance of political and social forces” (Rawls 2005, 459). Citizens of a liberal democracy should have an overlapping consensus on the intrinsic worth of certain liberal ideals in order to have a stable liberal state. Stability requires that “those who affirm the various views supporting the political conception will not withdraw their support of it should the relative strength of their view in society increase and eventually become dominant” (Rawls 2005, 148). In short, the stability of *modus vivendi* depends on “happenstance and a balance of relative forces” (Rawls 2005, 148) whereas in Rawls’ ideal liberal state liberal values should be affirmed intrinsically. Therefore, from a Rawlsian perspective, what I consider as the strength of *modus vivendi* liberalism (its being attractive to those who do not endorse liberalism intrinsically) is its weakness. To use certain Rawlsian expressions in the *Political Liberalism*, *modus vivendi* is not “stable for the right reasons<sup>94</sup>” or it is “political in the wrong way.<sup>95</sup>”

I agree with this objection and concede that shifts in the distribution of power may change the political actors’ perspective about points of contention in a specific society. Depending on the increases in their power, political actors may try to renegotiate the terms of *modus vivendi*. But I am approaching my topic realistically and I do not know what can be suggested to Turkey’s political actors other than the fact that for the sake of protecting their self-interests, they should appropriate certain ideals of liberalism. Realistically speaking, there does not seem to be an agreement in Turkey on many fundamental issues. All of the major political actors aim to use state power to promote their own conceptions of good. They are all

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<sup>94</sup> For Rawls, *modus vivendi* liberalism is not stable for the right reasons because in a *modus vivendi* citizens endorse liberal ideals instrumentally not intrinsically. See (Rawls 2005, 459-460).

<sup>95</sup> Rawls refers by the phrase “political in the wrong way” to a certain approach to justice that examines the content of existing comprehensive doctrines in a society and tries to formulate a vision of justice that would be acceptable to those comprehensive doctrines. In that sense, it resembles *modus vivendi* liberalisms in so far as such an approach examines what can be a compromise between different groups in a society. See (Rawls 2005, 39-40 and 141-142).

unreasonable in a Rawlsian sense in so far as they seem to have the “the zeal to embody whole truth in politics” (Rawls 2005, 442). In this context, the only thing we can hope for is a *modus vivendi* between different actors. I observe that in Turkey different political actors insist on the validity of their worldviews, and I do not think that they would make compromises on non-pragmatic grounds. Therefore, my response to Rawlsian objection is that ideally it would be desirable if citizens of a democracy agree on a certain norms so that shifts in the distribution of power would not affect the relations between them. But this ideal theory is not applicable to the case I am studying. Many political actors in Turkey would not want to be restricted with the constraints of public reason, and they would like to approach to political issues according to “the whole truth as they see it” (to use Rawls’ expression).

That said, I admit that all the potential problems Rawls attributes to any *modus vivendi* may also be encountered in the Turkish case. Depending on the shifts in the distribution of power, political actors in Turkey may be more or less willing to compromise on their positions. In that sense, the terms of *modus vivendi* can be subject to change in Turkey. Therefore, Turkey cannot be stable in the way Rawls understands stability (stability due to an overlapping consensus of people, or stability for the “right reasons”). Also, with respect to certain groups of people in Turkey, one may ask whether the stability of Turkey would be endangered if political actors do not accommodate their concerns. For instance, atheists in Turkey may resent religious communitarian position of the AKP, but I wonder whether Turkey would be unstable if it does not address the concerns of atheists, as there are not so many atheists in Turkey, and there is not something called an “atheist lobby” that can force ruling political party to revise its vision. In that sense, a drawback of *modus vivendi* conceptions is that they only take into account the concerns of powerful groups, lobbies or citizens that have certain power to shape policy

decisions. But if a *modus vivendi* in a particular country overlooks the demands of a group of people who do not have such power, the country would not necessarily be destabilized. In that sense, I agree that for someone who is committed to a liberal conception of justice or human rights, *modus vivendi* is not going to be satisfying. But again my response to such a concern is that in a society where no major political party aims to promote liberal ideals (as contemporary liberal theorists understand them), realistically speaking we should not expect to live in a liberal society. In the end, is not the whole point of Rawls' *Political Liberalism* that his vision of liberalism is a systematization of "a number of familiar and basic ideas implicit in the public political culture of a democratic society?" (Rawls 2005, 43).

Does the political culture of Turkey contain such ideas? In one sense the answer is affirmative. Every political party expresses its commitment to democracy or laicism but what they mean by those concepts seem completely different. I already showed this with respect to the concept of laicism, but it can also be observed that political actors conceptualize democracy in a variety of different ways. It is a common critique of the AKP in the last couple of years that it espouses a "majoritarian conception of democracy" in the sense that the AKP sees itself as entitled to implement any policy it wants since it wins the elections.<sup>96</sup> Liberal opponents of the AKP say that they want "pluralistic democracy" or "liberal democracy" not a majoritarian democracy. But if you ask AKP politicians, they do not see anything wrong with a majoritarian democracy, and president Erdoğan often says that his legitimacy is based on the "national will" (*milli irade*) of the country. Or sometimes, political actors have a certain liberal definition of laicism (for instance AKP's definition) but do not necessarily act according to that definition. Therefore not surprisingly we do not see necessarily a consistency between what political actors

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<sup>96</sup> For examples of such a critique, see (Müftüler-Baç and Keyman 2015; Özbudun 2014; Sezgin 2014).

say and what they do. This was one of the major points of my chapter on “secularism as a power-knowledge” regime. None of the arguments of the Kemalists to justify laicism in Turkey stand up to scrutiny but nevertheless they still continue to assert those arguments.

In short, Turkey has electoral democracy since 1946 but this history of democracy contains military interventions, human rights violations, elitism, paternalism, distrust of the idea of popular sovereignty, and different communitarianisms that aim to promote a certain vision of ideal community in Turkey. And all these ideas have still supporters in Turkey. I have not discussed it in this dissertation because it was not my major focus but if one examines the so-called “Kurdish problem,” one can see that the PKK (Kurdistan Worker’s Party that Turkey officially considers a terrorist organization) has significant social support in Turkey. This means that certain groups and citizens in Turkey justify killing of soldiers and civilians in Turkey. This means that there is not even an overlapping consensus on such a basic thing as the sanctity of the lives of soldiers of Turkey. Taking all these points into consideration, (despite all of its imperfections and drawbacks), I am not sure if there is anything to say to Turkish political actors to establish something other than a *modus vivendi*.

Another parallel concern about my move to *modus vivendi* may be that *modus vivendi* moves from high-minded ideals (i.e. justice, democracy, rule of law) and we are setting our sights at such a low Hobbesian bar (stability or peace). My response to this objection parallels what I said above. As *modus vivendi* theorist David McCabe states, “MVL<sup>97</sup> fails to provide precisely what we want from a political theory: rationally vindicated solution to the problem of moral conflict that all parties within a political community would wholeheartedly accept” (McCabe 2010, 238). According to McCabe, it instead “acquiesces to such conflict and shows us

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<sup>97</sup> MVL refers to “*modus vivendi liberalism*” in McCabe’s book.

only how to manage it” (McCabe 2010, 238). The lack of a rationally vindicated solution was also a major point of this chapter on liberal neutrality. Indeed, a major point of liberal neutrality literature is the argument that people disagree about conceptions of good even after “thinking and conversing in good faith and applying, as best as one can, the general capacities of reason which belong to every domain of inquiry” (Larmore 1990, 340).

Therefore, the answer to such a concern about why we set our sights at such a low Hobbesian bar is that because we do not agree about the content of justice, democracy, human rights, the content of the laws etc. Any discussion of such issues inevitably brings up Alasdair MacIntyre’s famous question of “whose justice, which rationality?” Are we going to talk about justice according to the worldview of religious communitarians in Turkey? Or are we going to take into account the perspective of Atatürkist or Kemalist people in Turkey to discuss the concepts of democracy, rule of law, justice etc? Are we going to take the views of Turkish nationalists, or Kurdish nationalists as a standard for evaluating what is just?

We move from high-minded ideals to *modus vivendi* because we recognize that there is not an agreement on those issues. In that context, the only thing that different political actors can do is to agree on a certain compromise. Such a solution makes the solution “political in the wrong way” as Rawls would say, but given that there does not seem to be a rationally vindicated solution, solutions that are “political in the wrong way” may be attractive to people engaging in politics. At least realistically that is what we can achieve. Ideally it would be desirable if we can all agree on a conception of justice on the basis of which we can manage our affairs. At that point, we would have an overlapping consensus and stability for the right reasons. But isn’t that ideal of justice utopian given the diversity of conceptions of good that liberal theorists always emphasize? If universally agreed conception of justice is utopian, then is it totally unacceptable

to say that people can at least agree on peace and stability and search for the conditions that would make a relatively stable, peaceful, and less polarized society possible. In the case of Turkey I observe that people do not share enough common ground to have a consensus on justice, rule of law, democracy, human rights, etc, and this is why I state that *modus vivendi* may be attractive and relevant to Turkish politics. Again I do not deny that *modus vivendi* has certain significant drawbacks (the dependence of its terms on the distribution of power in a certain society, and instrumental endorsement of certain liberal ideals), but again in the case of Turkey at least as far as the relations between Kemalists and religious communitarians are concerned, I think that both of those groups cannot overlook each others' concerns, as both of them have certain power to influence policy decisions in Turkey.

Finally, before moving to the next chapter, I also would like to clarify my stance on neutrality. I am hesitant to use the term neutral for the content of my vision of *modus vivendi* liberalism due to all the reasons I mentioned above under the titles of the possibilities of neutrality of aim, justification, and effect. I think that certain aspects of liberalism may be appropriated without necessarily using the terminology of neutrality. This is more consistent with my vision of liberalism as something that cannot be defended on the basis of the idea of neutrality (similar to the view of Stephen Macedo and William Galston). For reasons I discussed above, defending neutrality brings certain theoretical challenges and conundrums that I want to avoid. In general, I do not see any point of talking about neutrality when we make so many exceptions to it. What I mean by this statement is that for someone who is concerned about the non-neutral effects of policies, it may not matter whether the policy has neutral aims, or it is justified neutrally. And as stated above, I also think that theoretical knowledge produced by theorists can be used by politicians for dismissing the claims of those people who are negatively



affected by certain policies. In that sense, I think that the concept of neutrality may be used to mask certain power relations even if this may not be the intention of liberal theorists.

Therefore, in my vision of *modus vivendi*, I am not claiming neutrality for any policies that different parties agree to implement. That is why in the next chapter where I will discuss what kind of reforms can be done about dividing issues regarding Turkey's laicism, I will not use the term neutral for describing different policies that may be adopted by Turkey's political actors. I stated in this chapter that Kukathas' vision of liberal archipelago is the best interpretation of the liberal ideal of neutrality but I think it is a utopian theory that cannot be put into practice given the realities of our societies. And I do not think that politicians in Turkey would agree to decentralize Turkey, as Kukathas' vision requires. Given that we will not be realistically living in Kukathas' archipelago in the near (or perhaps distant) future, I do not prefer to use the concept of neutrality for comparing different policies in Turkey. Instead in consistent with the notion of *modus vivendi*, the criterion I will use to evaluate different policies in Turkey would be their potential contribution to the stability and peace of the society.

#### **4.13 Conclusion**

In this chapter, I unpacked what is meant by liberal neutrality, and argued that none of the interpretations of it (i.e. neutrality of aim, justification, and effect) can be possible to put into practice within the confines of existing states. Therefore, since no state can be neutral, I do not see secular states that separate religion from state as neutral political structures either. Secular states that liberal theorists idealize favor minority religions in their aims, and are biased against religions that majorities espouse. Also by referring to the genealogical school on secularism, I showed that there are structural aspects of secular states (i.e. courts' monopoly to define what is

a religion, the place that religion can occupy in society, and what counts as religious) that make neutrality impossible.

I also argued that neutrality requires radical decentralization of existing state structures, and that we can see Kukathas' theory of liberal archipelago as one example that theorizes liberalism along those lines. That said, I showed that Kukathas' theory exhibits certain inconsistencies, which is a result of his effort to reconcile liberalism with non-liberal groups' demands to live as they wish. I showed that such reconciliation is impossible, and I contended that this is why defending neutrality that necessitates accommodation of diversity would be self-defeating for liberalism. Finally, I discussed whether liberal theorists could answer communitarian theorists' arguments about why neutrality may not be appealing to politicians concerned with the stability of the state. And I argued that they cannot, as in my view, neutrality requires state's abandonment of control over their populations, which I think would undermine the stability and perhaps survival of the state.

At the end of the chapter, however, I stated that despite all the theoretical and normative problems with neutrality's desirability, ideals associated with neutrality could be justified pragmatically or instrumentally for their contribution to the stability of the country. In that regard, I situated my perspective within the so-called "modus vivendi liberalisms" as the central goal of these liberalisms is to search for conditions in a society that would secure peaceful coexistence of different groups of people. And finally, I addressed a couple of concerns and objections about the modus vivendi, and stated that despite its imperfections and drawbacks, realistically speaking there does not seem to be an alternative to a modus vivendi in the case of Turkey.

## 5 A DISCUSSION OF WHAT CAN CONSTITUTE TURKEY'S MODUS VIVENDI

In this chapter, I will evaluate certain proposals according to the extent to which they might contribute to the stability and peace of the Turkey. Before discussing different policies, however, I would like to underscore one point with respect to a discussion of stability in any country.

First, it should be kept in mind that as political theorist Simon Caney pointed out (Caney 1991), arguments that appeal to peace, and stability may also justify perfectionist policies in a certain society. Sometimes alienating minorities may produce instability, but other times alienating majorities may produce instability as well. Majority may resent the accommodations given to minorities, and such resentments may produce a backlash, and may lead to violence, and instability. The general problem with pragmatic justifications of liberal ideals is that it is impossible to predict exactly the effects of our policies on stability and instability of the country. In this situation, the only thing that a theorist can do would be to justify his or her opinion about why a certain policy may lead to stability and instability. But the caveat about the incapacity of human mind to predict exactly the effects of state policies on stability and instability should always be born in mind. Therefore, when I state in the following sections whether a certain policy proposal may bolster or undermine stability of the country, I would only be making an educated guess based on my knowledge and observations of Turkish politics. As realist political theorist John Horton states, we do not all “share a single sense of what is in general politically possible. A pertinent rebuke to realists is to point out many things that were once thought politically impossible have subsequently come about” (Horton 2010, 446). I myself acknowledge this point and this is why I state that I am only offering here what I think to be conducive to stability of the country. Other people who study Turkey may reach different conclusions than mine, and in that sense there might be disagreements about what is possible and not possible in

Turkey if we want to maintain certain stability in the country. This disagreement is understandable and in the face of such disagreements there is nothing to do other than offering our reasons for why we think in a particular way instead of others. It is up to others to evaluate the validity of our arguments and offer their alternative readings if they deem it necessary.

Accordingly, in the following sections of the chapter, I will explore what Turkey can do to address those issues that divide Turkey in order to reduce the polarization of the country and ensure stability. First, I will discuss whether Turkey should be a laic state, and whether Turkey's constitution should continue to endorse Kemalism. Second, I will evaluate certain proposals regarding the elimination of the so-called "Sunni bias" from Turkey's laicism, and for doing so I will discuss the suggestions about revising the structure of the Directorate of Religious Affairs. Third, I will evaluate certain suggestions regarding the revision of the certain aspects of Turkey's educational institutions. In discussing all these issues, I will address certain proposals' viability and applicability in Turkey. Discussion of the applicability of certain proposals about these issues ties into my point about whether those would reduce the polarization of the country. There might be an ideal policy that makes sense from a theoretical perspective but its application may be impossible in Turkey given certain constants about Turkish politics. And as it will be clear from the following analysis, changing those constants is almost impossible without creating an authoritarian regime that cannot be conducive to social peace and stability.

### **5.1 Should Turkey be Laic State? Should Turkey's Constitutions Endorse Kemalism?**

Even if as I stated above different political actors interpret the concept of laicism differently, laicism is commonly defined as the "separation of religion from state affairs" in Turkey. Taking this basic definition of laicism as a reference, I will explore whether separation of religion from state affairs would reduce conflicts in Turkey.

In one sense, the answer to that question would be affirmative. Recent resentment against the AKP show that entanglement of Islam and politics in Turkey alienate citizens who do not endorse Islam, or who do not understand Islam in the way the AKP politicians understand it, and in that sense such entanglement exacerbates the existing conflicts in Turkey. In that sense, as laicism rules out such entanglement, it would help Turkey to address the resentments of certain groups against the AKP.

On the other hand, strict application of the principle of laicism in Turkey may lead to authoritarian minority rule of laic people, and in that sense it does not necessarily guarantee stability of Turkey. This is due to the fact that since a laic morality by and large did not replace Islamic morality in Turkey, under conditions of free and fair elections, politicians have to address the concerns of those religious people to win elections in Turkey. Democratization in Turkey brought more religious politicians to power as the results of post-1950 parliamentary elections show. This is a point I made in the chapter on the historical development of laicism in Turkey. As I stated there, there has been a tension between Kemalism and democratization in Turkey, and Kemalists maintained their hegemony in Turkish politics with the help of the Constitutional Court, and Turkey's military, two institutions that are not accountable to people through democratic elections. Therefore, if laicism requires strict separation of religion from state affairs, that cannot happen unless only those who strictly follow a laic ethic are allowed to participate in politics, and religious masses are deprived of basic voting rights. That would be a minority rule in which large numbers of people would be subordinated to the will of a laic minority. Kemalist laicism was an example of such minority rule, and it did not contribute to the peaceful coexistence of citizens of Turkey. I think this is a contention that many liberal minded intellectuals would agree in Turkey given that they also strongly critique Kemalism.

Another problem with strict application of separation of religion from state affairs in Turkey is that it goes against the religious communitarian strand in Turkish politics that characterizes the perspective of significant number of people in Turkey. Again since Kemalism failed to replace Islamic morality with a laic morality, even those who defend staunchly Kemalism rely on Islam in certain contexts to address political challenges or problems (i.e. introducing mandatory religion classes by the military after 1980 coup, or the definition of the concept of minority in Turkey on the basis of religious affiliation). Strictly applied, the principle of laicism may require even the abolishment of Turkey's National Anthem, which is arguably the quintessential example of religious communitarian strand in Turkish politics, as it references to Islamic concepts to mobilize citizens for the defense of Turkey against invaders, and it implicitly defines Turkish citizen as someone who worships God. I am aware that secular nationalists tone down Islamic references in Turkey's National Anthem and underscore nationalistic themes in that poem. But regardless, such Islamic references in Turkey's history strengthen the case of religious communitarians who state that Islam is essential for the social stability of the Turkey. Of course, it is very speculative to pass a judgment about the exact effects of such Islamic references on the stability of Turkey. To state that Islam is essential for the stability of Turkey is to make an empirical claim that should be substantiated through social scientific research. I do not make such a claim. The only thing that can be said non-speculatively is that religious communitarians can find many references from modern Turkey's history to justify their position that common Islamic references are key for Turkey's stability. And conversely someone who defends a strict separation of Islam and state may not find enough references from modern Turkish history to justify his or her position that Islam is not essential to Turkey's stability.

Also, strictly applied, laicism requires the disestablishment of the Directorate of Religious Affairs, the Imam-Hatip schools, and cancellation of all Islam classes in public schools, as in all these cases we see an entanglement of Islam and state in Turkey. The Directorate, the Imam-Hatip schools, and Islam classes in public schools are supported by significant segment of Turkish society, and therefore I do not think that they can be disestablished under a government that is accountable to the people in Turkey. As explained in the historical chapter on the development of laicism in Turkey, the status of Imam-Hatip schools and Islam classes in public schools are a major point of contention between defenders of Kemalist laicism and religious masses in Turkey, and religious masses and ruling AKP consider opening of the Imam-Hatip schools and introduction of Islam classes in public schools as important gains for themselves after the transition to multi-party democracy despite the resistance of Kemalist establishment. For AKP leaders and religious masses, opening of the Imam-Hatip schools (or introduction of Islam classes in public schools) are comparable to lifting of the headscarf ban that caused so much resentment among religious masses in Turkey. In the past Imam-Hatip schools were closed, or headscarf ban was enforced due to the dominance of Kemalist army and Constitutional Court in Turkish politics. In current post-Kemalist era, these actors do not constraint the policies of Turkey's parliament. In that regard, the ruling AKP which considers Imam-Hatip schools, Islam classes (mandatory and elective ones) in public schools, and lifting of the headscarf ban as their accomplishments against the hegemony of Kemalist establishment would object to any proposal to abolish one of those things in Turkey. It should be obvious to the reader at this point that the only thing that can stop these policies of the AKP would be a military coup against the AKP. But it goes without saying that a military coup would not bring any benefit, stability and peace to Turkish society, as it would only remind the bad

memories people have about five military interventions (1960, 1971, 1980, 1997, 2007) in the history of modern Turkey.

Therefore, in Turkey we face a conundrum. On the one hand, too much entanglement of Islam and politics alienates those groups who do not believe in or practice Islam, or those who understand Islam differently than the AKP in Turkey. On the other hand, the space that Kemalism allocates for Islam does not satisfy Turkey's religious masses. Turkey seems to be the perfect case for Isaiah Berlin's contention about all "social worlds" including certain "losses." None of the above options seem capable of producing a stable society because in both cases some groups will be in a perpetually subordinate position. Is there a way out of this conundrum?

One way out of this conundrum may be that political actors retreat to what liberal theorists call primary goods, and avoid as much as possible trying to impose their controversial views on others. Relying on primary goods in the justification of the laws may not necessarily reduce all tensions in Turkey due to the reasons I cited in my previous theory section, but nevertheless it can be observed that reliance of certain basic goods that *many* citizens care in Turkey to justify laws are *less* controversial compared to the reliance on religious or non-religious doctrines that pass judgments about citizens' beliefs about morality, values, or their religious perspectives. In other words, there is a *difference* when governments in Turkey build infrastructure (i.e. roads, bridges, metros, etc.), provide healthcare to citizens, do something for development of Turkish economy, or in general do something that does not seem to be benefiting only one particular group of people, and when politicians in Turkey tell people how to live, how to dress, what kind of values to uphold, what kind of moral views they should espouse etc. It is observable that the policies in the first category are *less* controversial compared to the policies and statements that fall into the second category in Turkey. For instance, there is a big difference



when president Erdoğan states that he wants to raise a religious generation in Turkey, and when he states that his governments will continue to make investments into the infrastructure of Turkey. While the first statement gives rise to heated debates, the second statement does not create such a tension within political actors in Turkey. Politicians from both sides (Kemalists or religious communitarians, or another perspective) can draw a lesson from these facts, and may appreciate that avoidance of a relatively more controversial doctrine in public may be helpful for ensuring the coexistence of different groups in Turkey. In that sense, I think that Turkish politics would benefit much from seeking such a common ground for the legislative activities of the parliament. Otherwise, constant reliance on controversial doctrines for legislation may exacerbate the existing cleavages, and in that sense does not necessarily serve to the peaceful coexistence of the different groups.

To wrap up this discussion of laicism's desirability in Turkey, it can be stated that there are three things that Turkey cannot change without producing instability. One is the democratic election, through which rulers are determined, and another one is its history, and its sociological reality in which Islam and being a Turkish citizen, and the culture of Turkey is to some degree intertwined. And third is the failure of Kemalism in inculcating a laic morality for most of the citizens in Turkey. The implication of these constants is that if we cannot change Turkey's democracy, Turkish culture, and history, and if Turkey does not want another Kemalist authoritarian rule, then we have to recognize that Turkey's public nowadays by and large support a religious communitarian position in politics, and religious communitarians (the AKP) would rule Turkey under free and fair elections. At least if there is a coalition government, they would be the dominant party in the coalition. I underlined this point in the chapter on the development of laicism in Turkey that Kemalist political parties did not fare well after the transition to

democracy in Turkey, and right wing or Islamic political parties that accommodated religious masses' concerns dominated Turkey's political scene for most of Turkey's multi-party period. As political scientist Kuru underscores, if Turkish society secularizes in the future, then the results of the elections may change, and political parties, which do not make Islamic references, may also win elections. At that point, the tension between laicism and electoral democracy may vanish in Turkey (Kuru 2009, 200). But as of now, elections bring president Erdoğan's AKP to power, and as any observer of Turkish politics can notice, Erdoğan does not hide his commitment to Islam in front of public, and he makes many Islamic references in his speeches, and that is why many consider him an Islamist in Turkey and abroad.

Based on these considerations, it can be stated that as an empirical fact laicism would currently have limits in Turkey (again if Turkish society secularizes in the future, it is another matter). That said, as stated above, what can be suggested to religious communitarians is that Turkey is a diverse country, and not everyone espouses a religious communitarian position, and therefore, if religious communitarians intensely promote their own worldviews, and impose that upon others, that would only produce more backlash, and would undermine the social peace, and stability of the country.

Similarly, the Kemalists in Turkey have to undergo a certain transformation for adapting to the post-secular Turkey. It should be stated that despite all the characterizations of Turkey as post-Kemalist (due to the dominance of the AKP), Turkey's Constitution, and educational institutions still endorse Kemalism as the official state view. Atatürk's reforms are one of the unquestionable aspects of Turkey's Constitution, and there is no room for debating the legitimacy of those in Turkish politics. The cult of Atatürk is omnipresent in Turkey, and Turkey's public schools perpetuate Kemalist triumphalism against the Ottoman Empire.

It can be stated that sociological transformations in Turkey made the endorsement of Kemalism by Turkey's Constitution meaningless, as most of the Atatürk's reforms are de facto being violated in Turkey, and they cannot be enforced.<sup>98</sup> Sociological transformations may have made the Constitution's endorsement of Kemalism meaningless, but still I do not see much of a self-criticism within political actors that avow Atatürk and his reforms about the problems implementation of those reforms created for Turkey. Without a self-criticism of Kemalism's relations with religious masses, it is hard to say that Turkey can make much of a progress in achieving a less polarized society. Those who avow Atatürk and his reforms often complain about the AKP's interference into their life styles, but they hardly ever problematize the history of oppression of the religious masses by the Kemalist regime. They defend the content of the "knowledge regime" of Kemalist laicism but they do not see that empirical and theoretical content of their claims do not stand up to scrutiny. In that sense, I think that a substantial self-critique within the defenders of Kemalist laicism about Kemalist authoritarianism, and the problems Atatürk's cultural revolution posed for those who critique them would contribute to the depolarization of Turkey.

Overall, my answer to the question of whether Turkey should be laic is the following statement: in order not to produce backlash and increase social polarization, religious

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<sup>98</sup> For instance, Turkey's Constitution states that the law about the closure of the Sufi lodges is one of the non-amendable articles of the Turkey's constitution. But it is well known in Turkey that Sufis have their own places, institutions, or centers where they practice Sufism. Therefore, whether Turkey officially recognizes Sufism, or not, or whether Turkey maintains the ban on performing Sufi activities or not, it is obvious that many people in Turkey are affiliated with Sufi orders, and continue to attend places where they practice Sufism. Similarly, as described in the chapter on the development of laicism in Turkey, according to Kemalists, Turkey's "Unification of Education" law has already been violated with the rise of Imam-Hatip schools. Turkey's educational institutions convey hybrid messages today to students in the sense that through the Imam-Hatip schools, and Islam classes on public schools, Turkey promotes Islam in the schools. On the other hand, there is still a class in Turkey's public schools entitled "History of Atatürk's Reforms and Principles" that teach early Republican history from a Kemalist perspective.

communitarians should emphasize as much as possible how their ideals would be beneficial for everyone, and try to promote those goods that most of the citizens of Turkey would care about, and avoid legislating on the basis of those religious references that would alienate the citizenry. Also, religious communitarians need to implement certain policies for removing the so-called “Sunni bias” of Turkey’s laicism in order to address the concerns of non-Sunni groups in Turkey. What these policies should include should be determined through negotiation and compromise between all parties, and by taking into account their potential contribution to stability of the country. However, as stated above there is a limit to how Turkey can be laic given the three constants that cannot be changed without producing instability (determination of rulers on the basis of elections, intertwining of Islam and Turkey’s identity, and the failure of Kemalism in creating a laic morality). In that sense, we should not be utopian but nevertheless try to achieve what can be realistically done to reduce the polarization of the country.

Apart from these considerations, it should also be stated that, as the genealogical school on secularism argued, in the end state courts determine what is meant by laicism, what it includes and excludes, and in general how it should be interpreted. Therefore, even if Turkey’s new constitution continues to use the term “laic” as an adjective for Turkish republic, that is not going to change that judges in the courts will interpret that principle according to their perspectives. As already stated in the dissertation, Turkey’s political actors interpret laicism in a variety of different ways, and it is part of the power struggle between those actors to appoint those judges to the courts who would interpret laicism as they wish. Therefore, regardless of our idealizations, there does not seem to be escape from the sovereign state’s monopoly to determine the meaning of the concepts we idealize.

So far I stated about whether Turkey should be laic or not in a relatively abstract way. I need to elaborate more on what I mean by undermining social peace, and stability of the country in specific cases. Therefore, in the following section, I will mention a number of different proposals with respect to reforming certain aspects of Turkey's laicism, and its educational institutions, and discuss why certain idealistic proposals may harm Turkey instead of benefiting it.

## **5.2 An Evaluation of the Reform Proposals of Turkey's "Sunni Bias"**

The most outstanding example of Turkey's laicism's Sunni bias has to do with the existence of the Directorate of Religious Affairs as a state institution, and its funding through taxpayers' money. The Directorate only supports Sunni religious life in Turkey, but it is funded by all taxpayer's money regardless of their religious affiliation. The Directorate gives the salary of all imams<sup>99</sup> in Turkey's mosques, and it finances, promotes, and supports a number of other Sunni Islamic activities in Turkey. Obviously, this constitutes a problem for those who do not avow Sunni Islam, and it is not uncommon that those people articulate their resentment and make certain suggestions about how the question of the Directorate should be addressed.

One common proposal is to completely abolish the Directorate and decentralize the management of religious affairs in Turkey (Gündem 1998, 133-135). Those who make this suggestion state that Turkish state should not in any way appoint Imams of the mosques and manage their affairs. Instead Turkey should let citizens found their own places of worship and finance any religious activity as they wish. But realistically speaking this proposal is almost impossible to put into practice given the preferences of citizens and political parties in Turkey. Political parties by and large do not want to abolish the Directorate, and majority of the citizens

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<sup>99</sup> Imam refers to the prayer leaders in mosques.

of Turkey (Konda Araştırma ve Danışmanlık 2014, 5) find the existence of the Directorate legitimate. Political parties' reasons for suggesting this policy are different, but ultimately they agree on the necessity of maintaining the existence of the Directorate as a state institution. It is reasonable to claim that abolition of an institution that is supported by the majority of political parties, and by the majority of the citizens would not contribute to the stability of the country.

Another suggestion to remove the "Sunni bias" from Turkey's laicism is to disestablish the Directorate, and make it a non-state institution. Apparently, this proposal addresses the concerns of those non-Sunni people in Turkey who do not want to finance a certain religion that they do not observe, as in this proposal the Directorate would not be funded through taxpayer's money; instead it would resemble a NGO in the sense that it would be funded through the voluntary financial contributions of people who would like to see the Directorate grow.

Another version of this argument states that the Directorate should not be necessarily disestablished but the way it is funded should be changed (Kaluç 2014; Karakaş 2015). Similar to the first proposal, this version also suggests that only those people who voluntarily would like to contribute to the Directorate's budget should support it. And anyone who for whatever reason does not want to finance the Directorate should not be required to do so. In this version, it does not matter whether the Directorate is established or disestablished as long as the way it is funded is changed.

These two proposals (disestablishment of the Directorate, or giving a tax choice option) are also realistically not applicable in Turkey given the current preferences of major political parties in Turkey. I do not know any major political party that can influence policy decisions in Turkey that advocate one of these options.

A more realistic proposal for Turkey is to extend the same privileges that Sunni citizens receive from the state to other religious groups (Başdemir 2010, 2016). This means that if state supports Sunni religious life, it should also support Alevi, Christian, Jewish, Buddhist, or any other religious life as well. This seems to be the viable way to address the unfairness objection with respect to the funding of the Directorate given the reasons mentioned above. However, this model would not satisfy all the groups either.

For instance, in the case of Alevis, not all Alevis define Alevism as a religion. To define Alevism as a religion is to declare orthodoxy about what Alevism is, or it amounts to defining the *authentic* way of being an Alevi. In that sense, again building on the genealogical school on secularism, if the state considers Alevism as a religion, it implicitly acts as a de facto theologian, and determines the correct version of Alevism. As Elizabeth Shakman Hurd states in an insightful article (Hurd 2014, 434):

“the socio-legal transformation of Alevis into official collective religious subjects under state law, and Alevism into an official religion (understood as a variation of Islam or not) sanctifies particular understandings of Alevism as orthodox while marginalizing others...Dissenters, doubters, and those making claims on behalf of Alevism deemed unorthodox or threatening by “leading Alevi men of faith” are left out of the picture. Those who claim that Alevism is not a religion at all, that it is not a heterodox sect of Islam, or entirely indifferent to such claims, fall below the threshold of public discourse and political and juridical recognition...To raise Alevis above the official threshold of legal recognition as a minority enshrines *particular* authorities as the arbiters of religious orthodoxy: Who is a religion? Who decides? Who speaks for a religious community?”

This does not mean that there are not any Alevis who understand Alevism as a religion. The point is that the sovereign state inevitably favors certain conceptualizations of Alevism, and treats them as the orthodox version of Alevism. Therefore, this option of extending the same

benefits to Alevis does not necessarily answer the unfairness objection directed against the Directorate.

There is another way that extending similar privileges to what Turkey deems as religions does not address the unfairness objection. This has to do with the concerns of atheists, or agnostics who are not identified generally as practicing a religion. Therefore, even if Turkey extends same benefits to all religions, atheists or agnostics, or those who espouse any other philosophical position that is not necessarily identified as a “religion” may not necessarily benefit from such extension. They still need to pay for religious practices that they do not practice in any way.

It should also be stated that atheists or people who are not identified as practicing a religion can support their argument by citing a recent literature in political theory which objects to giving special privileges to what is called a “religion.” This literature argues that the concept of freedom of religion should be assimilated to the freedom of conscience (Leiter 2012; Maclure and Taylor 2011). In other words, for this literature, freedom of religion is just one subcategory of the broader concept of freedom of conscience. This literature has a compelling logic, and if the reason why religion is accommodated by the states is its importance for the dignity of the person, then it can be argued that all claims of conscience are important for people’s dignity, and well being, and therefore they should be accommodated as well.

Based on this model, to address the unfairness objection to the Directorate, Turkey needs to extend same benefits to all claims of conscience not necessarily only to those who are deemed to be practicing a “religion.” For instance, to apply this model, Turkey needs to sponsor an institution founded by atheists (if for instance that institution was founded to spread atheist ideas) as much as a mosque, a church, a synagogue etc. And for that matter, Turkey also needs to



sponsor all kinds of different associations, and institutions if the founders of those associations or institutions state that they are implementing what their conscience dictates. Only in this model, the unfairness objection to the Directorate can be addressed. I think the people who make the argument that the privileges that Sunni Muslims receive from the state should be extended to other religious groups do not recognize these radical implications of their argument.

These arguments have radical implications for any state because they require that the state supports any claim of conscience even if only very few people espouse it. For instance, I may happen to hold a particular philosophy of life that makes me to live in certain way. Its content is not important. As long as I state that it is something very important for my life, the state has to support me as much as it supports Sunni religious life in Turkey. A country's laws that state that they will equally support every claim of conscience can lead to the support of numerous different people. And I doubt whether practically speaking any state would accommodate every single claim of conscience because such a support may lead to anarchy. And as Taylor and Maclure also recognize (Maclure and Taylor 2011, 97-99), such a system would be very open to abuse by the people who might want to get benefits from the state by arguing that they are doing something because their conscience dictates them. If states want to prevent such abuses, they should be able to distinguish sincere claims of conscience from insincere ones. Such a task would necessitate that judges enter into the contested territory of evaluating the authenticity of claims of conscience. Judges may offer their interpretations but as the genealogical school showed, there would not be any objective way of making those interpretations. Therefore, it is predictable that the decisions of the judges will always be controversial in the society. These are some of the potential consequences of adopting this approach. Despite all these potential problems, given that major political parties (the AKP and

the RPP) prefer this option in Turkey, Turkey may implement such policies for the sake of addressing the concerns of non-Sunni people in Turkey.

### **5.3 What Can Be Done About Education Policies of Turkey?**

In my theoretical analysis in the last chapter, I rejected the possibility of a neutral education policy. The implication of this rejection of neutrality is that regardless of which education policy we prefer, there will be certain groups who would find the education policies of Turkey unfair. In that sense, we cannot go so far if we take neutrality as a reference point in discussing which education policy Turkey should pursue. If the concept of neutrality does not help us in designing education policies of Turkey, then the only thing that matters for Turkey is on which education policy different social actors by and large would agree. But as it should be clear from the descriptive chapters on Turkey's laicism, there are substantial differences between political actors in Turkey regarding the goals and content of educational institutions of Turkey. Hence, I do not think that political actors in Turkey can agree on something as a matter of principle. But despite their differences in principle, they can take a more pragmatic stance and make compromises in order to address the concerns of different groups. Hence, the significance of the concept of *modus vivendi* for my dissertation which implies the settlement people reach as a result of their negotiations and compromises in order to live in a relatively less polarized society.

With respect to the debate about the determination of the overarching goals of the public education (whether Turkey's schools should raise religious or Kemalist generations, or something else) in Turkey, president Erdoğan does not seem to be willing to compromise from his goal of "raising a religious generation" in Turkey. And I stated that Erdoğan's goal resonates with a significant percentage of the people (religious communitarian citizens of Turkey) in

Turkey, who see Islam as an essential aspect of Turkey's identity and a source of morality in Turkey. On the other hand, defenders of Atatürk's reforms continue to defend that public schools teach Atatürk's life and reforms from a Kemalist triumphalist perspective. Despite their strong beliefs in the validity of their ideas, all these groups can recognize that they have to soften their stances to reduce the tensions that may arise from unrestricted pursuit of their visions.

What might be a way of reaching conciliation between these different demands? One possibility may be to revise the content of those mandatory classes (i.e. Religion and Ethics classes, or History of Atatürk's Reforms and Principles) so that they present different views on their subject matter instead of promoting one view as the infallible truth. In this model, teachers would not pass judgment on the content of the class and let students make a decision about which of these perspectives are correct or not. This model would resemble the autonomy promoting or facilitating education model that liberal theorists defend in the sense that it would aim to make students think critically about the subject matter without imposing them one single point of view. As I already stated in the previous theory chapter, I agree with those liberal theorists who think that autonomy-facilitating education is non-neutral towards conceptions of good. Multiculturalism literature is replete with examples that show how autonomy-facilitating education conflict with the conceptions of good of many parents who want to shield their children from what they deem to be corrosive ideas. Therefore, my reference to autonomy-facilitating model does not conflict with my rejection of neutrality in educational institutions. I rather present this model here as something that political actors may agree as a result of their negotiations and compromises, or as one aspect of the *modus vivendi* that they may reach.

That said, there are strong reasons to be skeptical of the applicability of this model in Turkey. First this model expects that teachers do not take sides when they teach. But empirical

research on teachers in Turkey shows that they are far from being neutral (Şaşmaz et al. 2011). In that sense, even if the textbooks' content are revised, it is unrealistic to expect that teachers would refrain from passing judgment about the subject matter. This is why Alevi in Turkey state that they are not satisfied with revisions of textbooks of the religion and ethics classes, and that those classes should be completely abolished. In that sense, Alevi do not believe that Sunni teachers can teach Alevism from an objective standpoint.

I think that this concern is justified, and in general I do not think that there can be neutral teaching with respect to Islam in Turkey. It is not unimaginable that in those neighborhoods, where both the teacher and the students are Sunni Muslims, the teacher would be bothered with trying to speak about Islam from a non-believers' perspective. Or it is quite imaginable that the teacher would not hesitate to pass judgment about other religions' (i.e. Christianity, Judaism, etc.) truth claims in religiously homogenous contexts (that can be found in many places in Turkey). Also, I do not think that many history teachers can teach about Atatürk and his reforms from an objective standpoint, as many of those teachers embrace Atatürkism as a worldview. And one final concern with respect to adopting this model is that implementation of this model requires extensive teacher training as exposure of students to diversity require first of all in-depth knowledge of diversity. Despite all these problems in the applicability of this model, it may be a *modus vivendi* in Turkey given that alternatives to this policy are not free of problems either.

Another way of resolving the tensions around the mandatory religion and ethics classes might be giving a right to be exempted from these classes to anyone who does not want to take such classes. Turkey already gives these rights to non-Muslims (i.e. Christians and Jews). The government may extend this right to be exempted from such classes and in this sense the

concerns of the people who do not want to attend these classes may be addressed. The advantage of this proposal might be that it may satisfy religious communitarians (because it does not require that the content of the classes should be revised) and dissenters of such communitarianism (it gives them the right to be exempted) at the same time, and in that sense it may be the result of a negotiated compromise between different groups.

Besides the mandatory classes, we should also consider the elective classes on Islam in public schools in Turkey. This is another instance where Turkey favors Sunni Islam in educational institutions. For the sake of addressing the concerns of those people who complain about such favoritism in schools, Turkey may also introduce elective classes on other religions, or on other sects within Islam depending on the demands of people. Finally, there is also the debate about the legitimacy of Imam-Hatip schools in Turkey. Similarly, I think Turkey can open schools for the teaching of the content of other religions, or sects within Islam. These proposals may be a way of reducing tensions in Turkey between different groups of people.

But again as I stated with respect to discussing the Directorate of Religious Affairs, consistently applied, extension of privileges (i.e. elective classes on Sunni Islam) that Sunnis enjoy in Turkey to other groups of people require similar treatment of every single conception of good, or claims of conscience whether they are “religious” or not. This is an issue that Turkey’s religious communitarians and other political actors need to think about much more than they seem to be doing nowadays.

#### **5.4 Conclusion**

In this chapter, I explored what may constitute Turkey’s modus vivendi regarding the polarizing issues about Turkey’s laicism. In terms of the justification of the laws, I stated that Turkish politics would benefit if political parties avoid relying on controversial arguments, and

retreat to a certain conception of primary goods that most citizens care in Turkey. Then I examined the question of removing Sunni bias of Turkey's laicism in my discussion of the reform proposals of the Directorate of Religious Affairs. In this section, I examined different proposals, and pointed out to the potential problems and challenges in their application in the Turkish context. In the field of education, I explored different alternatives about what may constitute a modus vivendi in Turkey. It goes without saying that I wrote here only what I see as potential solutions or alternatives to complex problems. But we should keep in mind that modus vivendi means that the parties to the conflict should reach a settlement through negotiation and compromise. Political actors in Turkey may reach a different modus vivendi than the potential alternatives I outlined here. I only wrote these potential solutions here to write my ideas about what can be done, to show the problems with the arguments of political actors in Turkey and to discuss what can realistically be applied.

Apart from these potential solutions to these issues, I also pointed out in this chapter that neutrality or laicism would always have limits in Turkey due to the three constants in Turkish politics that cannot be changed easily. Nevertheless, I also underscored that religious communitarians need to ponder how to address the challenges that those who do not endorse Sunni Islam in Turkey pose for their conception of ideal Turkey that privileges Sunni Islam.

## **6 CONCLUSION: A DISCUSSION OF THE CONTRIBUTIONS OF THE DISSERTATION**

As I was writing this dissertation, a new debate regarding laicism took place within Turkey. In the context of the debates about the content of the new constitution of Turkey, the speaker of the Turkey's parliament İsmail Kahraman affiliated with the AKP stated that the new

constitution should not include the principle of laicism and it should acknowledge Islam in the constitution (Yackley and Gurses 2016). Kahraman stated that Turkey's constitutions already recognize Islam implicitly. Kahraman gave the examples of the articles about the Directorate of Religious Affairs, mandatory religion and ethics class, and recognition of certain religious days as holidays as examples of how Turkey's constitution already recognized Islam. After citing these examples, Kahraman suggested that Turkey is a Muslim country, and therefore Turkey should acknowledge Islam not only implicitly but also explicitly in the constitution.

Expectedly, many politicians and citizens who defend laicism in Turkey strongly responded to the statements of İsmail Kahraman. The head of the Republican People's Party Kemal Kılıçdaroğlu called Kahraman to resign from his office and stated "Secularism is a principle for social peace. The chaos in the Middle East is the product of ways of thinking that, like you, make religion an instrument of politics. Secularism exists so that everyone can practice their religion freely" (cited in Yetkin 2016). After many protests and criticisms of Kahraman's statements, Turkey's president Erdoğan and prime minister Ahmet Davutoğlu, in order to respond to the critiques of the AKP, reiterated their commitment to laicism, and Erdoğan expressed the official position of the AKP on laicism by stating that "'My views are known on this ... The reality is that the state should have an equal distance from all religious faiths ... This is laicism" (cited in Osborne 2016).

The different statements in this debate provide a good starting point for recapitulating the main arguments I made in the dissertation. Kahraman's position resembles religious communitarian perspective I have sketched out in the sense that he sees Islam as an essential aspect of the Turkey's identity and he does not see any problem if Turkey privileges Islam in the constitution. Also, his remarks point out to one of the contradictions within Turkey's laicism

namely the implicit recognition of Islam in state institutions despite declaring a commitment to laicism in the constitution. President Erdoğan's and prime minister Ahmet Davutoğlu's statements indicate the official view of the AKP but as I have stated their position is also an example of religious communitarianism as they do not defend complete neutrality between Islam and other faiths in Turkey. In other words, they define laicism as state's equal distance from all religious faiths but in their policies they do not necessarily act according to this principle.

On the other hand, Kemal Kılıçdaroğlu's statement reiterates conventional defenses of laicism (such as the one we see in the Turkey's Constitutional Court's defense of laicism) in Turkey but fails to see the negative sides of laicism (the fact that laicism resembles religions it critiques) that I outlined in the dissertation. I agree with Kılıçdaroğlu that too much entanglement of religion and politics may produce instability in Turkey, but I do not think that secularism as it is understood by Kemalists in Turkey is a principle of social peace in Turkey, or that it allows everyone "to practice their religion freely." To use Rawlsian terminology, secularism is also a sectarian doctrine in Turkey, and in that sense it does not represent a neutral space on the basis of which we can regulate diversity in Turkey. It is rather part of the problem not part of the solution in Turkey. Therefore, Kılıçdaroğlu's statements reflect on the part of the defenders of laicism in Turkey their lack of appreciation of the problems Atatürk's reforms posed for Turkey. As I stated above, both defenders of Atatürk's reforms and religious communitarians in Turkey need to recognize the limits of their worldview in order to secure stability in Turkey. Even if my argument lends certain support to the religious communitarian position, I also underscore that it may also produce instability by producing alienation among certain citizens in Turkey.

Why is this argument important? It is important because most of the time laicism is discussed in political analyses about Turkey in the way Kılıçdaroğlu tackles it. Apart from



certain academic writings, there does not seem to be much of an appreciation of the problems of Kemalist laicism in Turkey. My dissertation challenges such conventional defenses of Kemalist laicism in Turkey and points out how in contrast to Kılıçdaroğlu's vision, Kemalist laicism undermines social peace and leads to authoritarianism in Turkey.

Apart from my dissertation's contribution to the studies of laicism in Turkey, in terms of the political theory literature I also challenge in this dissertation the conventional liberal way of dealing with the demands of certain non-liberal religious people. The common invocation of the idea of "unreasonableness" to dismiss the claims of non-liberal religious people by liberal political theorists is for me not a satisfying way for dealing with this complicated problem. As already stated in the theory chapter, some liberal theorists give the examples of the Nazis, or killers to state that the liberal state does not need to be neutral towards such people (Quong 2011). I understand this point, and I agree that no state (whether liberal or not) should be neutral about murder. But the case of non-liberal religious communities is a much different case. In Turkey, religious communitarians are people who want the state to acknowledge, privilege, and promote their identity. And this is an understandable position given that Turkey inherited the legacy of the Islamic Ottoman Empire that ruled Anatolia for six hundred years, and despite Kemalist reforms, the religious masses did not abandon their commitment to certain aspects of Islam. I am not claiming that religious communitarianism is free of problems or that it is liberal. I already stated why certain groups of people in Turkey are bothered with that position. But what I am underlining is that I do not think that we can consider them in the same level with Nazis.

And why is this conventional liberal way of dealing with non-liberal religious people not satisfactory? It is not satisfactory because as I showed in the main body of the dissertation, "containment" of such people can only be done through authoritarian means, and in that sense

for the sake of privatizing religion that liberalism requires, politicians have to resort to authoritarian means to achieve their goal. In that sense, secularism that liberal theorists idealize becomes illiberal and authoritarian. I think that this is an important challenge to the liberal theory, as I do not see among liberal theorists appreciation of this point. Most liberal theorists continue to advocate secularism without paying attention to how secularism came into being in the first place. Wherever secularism is a top-down imposition (as in the case of Turkey), its establishment includes violence and authoritarianism, and contradicts liberal commitment to freedom of the people.

As a parallel point, I also question the neutrality of the aim of the liberal state for religious people. A state that asks religious people to privatize their faith is not neutral in its aims. Whether the liberal state makes judgments about the content of the religions or not is irrelevant in this point. Such a liberal state that expects religious people to privatize their religion is taking side among competing conceptions of good about how to organize the polity. This is why I stated that Kukathas' archipelago is much more consistent with the spirit of neutrality as it does not rule out establishment of non-secular political arrangement within its archipelago. Liberal theorists of course can defend the privatization of religion, whether it is neutral or not. My point is that such a position cannot be defended on the basis of the idea of the neutrality of aim of the liberal state. In that regard, I find Stephen Macedo's conception of liberalism more consistent in the sense that he eschews neutrality and talks about how liberalism constrains and shapes diversity and tells to the non-liberal people "to grow up" if they do not endorse liberalism (Macedo 1997, 21). He is aware that liberal ideals are problematic for many people and liberals cannot sell liberalism to them by talking about neutrality. Instead his solution is to simply avow the non-neutrality and sectarianism of liberalism and argue with those who challenge the

normative ideals of liberalism. This is not to say that Macedo's liberalism is free of problems, but it is to say that it at least avoids the problems that stem from defending both neutrality and dismissing non-liberal religious people's concerns.

In short, what I underscore is that there are certain deep tensions between liberalism and religious traditions, and these deep tensions cannot be resolved by appealing to a concept of neutrality. The liberal state may only be neutral towards religious traditions if only it creates them in its own image meaning that it promotes a privatized religion as the correct version of religion. But as the genealogical school on secularism argued, this is far from being a neutral move, and definitions of religion, and where religious freedom begins and where it ends are essentially contested issues. Or if liberal state defends containment of non-liberal religious people, as Stanley Fish pointed out, a liberal state may resemble the non-liberal states that it critiques (Fish 1987, 1997). Or if the liberal state simply dismisses the concerns of such people, it is thinkable that it may not secure the stability of the country if the number of people who adhere to such non-liberalism is not negligible. In short, the relation between liberalism and religious traditions is a very complex issue that cannot be resolved through an appeal to a conception of neutrality.

My own perspective with respect to Turkey is that despite these deep tensions between liberalism and other religious or non-religious comprehensive doctrines, different political actors in Turkey may appropriate certain aspects of liberalism in order to reduce tensions and polarization between them. A constitution in Turkey that neither upholds Islam nor Kemalism would be more conducive to stability than a constitution that upholds one of them as the official view of the state. Reliance on what most citizens of Turkey consider as primary goods in the justification of laws can better guarantee stability compared to constant invocation of

controversial religious or non-religious doctrines in the public sphere by the politicians. An education policy that addresses the concerns of different groups and tries to accommodate them as much as possible is better than an education policy that dictates a particular view as the infallible truth to everyone in the society. A state that tries to treat different groups evenhandedly is better for the stability of the country compared to a state that upholds one particular view (i.e. Sunni Islam in Turkey) in its institutions. And in order to appropriate certain aspects of liberalism, politicians in Turkey do not necessarily need to believe in liberal ideals. Even on purely pragmatic basis, they may find liberal ideals beneficial for the stability of the country. I am making this point due to the fact that I do not see much of a liberal political party in Turkey and therefore I do not think that people would appropriate liberal ideals in Turkey as a matter of principle. With this statement, I do not mean that Turkey's political actors have no conception of tolerance, respect, human rights etc. What I mean is that their conception of tolerance or human rights is not what Rawls, Dworkin, or other liberal theorists mean by those concepts. In that sense, their visions are not liberal. As I stated in the theory section, I myself do not find neutrality a desirable idea, as following thinkers associated with communitarianism, I think that liberal individualism and neutrality leads to relativism. Also, based on a certain interpretation of asymmetry objection to political liberalism, I think that defending neutrality is even self-defeating for liberalism, as it makes liberalism one option among many. Despite this objection, I find valuable the pragmatic justifications of neutrality that emphasizes how states' search for neutrality may contribute to stability of the country. In that regard, I situate my perspective within the so-called "modus vivendi liberalisms" that underscore negotiations and compromises between different groups for the sake of securing peace, security, and stability.

Overall, this dissertation makes a contribution to the literature written in both Turkish and English. It makes a contribution to the literature written in Turkish, as there are not studies in Turkey that systematically and extensively discusses the concept of neutrality within liberal political theory and its relation to the debates about secularism. The dissertation also makes a contribution to literature written in English as it examines the possibility, desirability and relevance of liberal ideals in one specific case that has not been studied before from this perspective. As stated in the literature review, some political theorists (i.e. Charles Taylor and Fred Dallmayr) in the United States write on Turkey, but this dissertation provides a much more richer analysis than their brief comments and descriptions about neutrality and Turkish politics. Through such examination, the dissertation points out to the limits of ideal liberal theories (i.e. secularism) and at the same time it underlines how certain aspects of the liberal tradition may be beneficial for the politics of Turkey.

With respect to the dissertation's contributions to the literature on liberal neutrality, first I show the limits of certain conventional liberal ways of engaging with non-liberal religious citizens. I think this point is important, as I stated, I do not see much of an appreciation among liberal political theorists the consequences of their dismissal of non-liberal religious groups' demands by invoking the concept of unreasonableness. Second, I tackle a neglected literature within liberal neutrality literature namely neutrality of effects, and point out to the problems of how non-neutral effects may undermine liberal ideal of neutrality. Third, my dissertation engages with the arguments of the genealogical school on secularism and draw attention to how their arguments may undermine the liberal conceptions of neutrality. This is also important, as I do not see much of a discussion of these arguments within the works of liberal political theorists. Despite all these criticisms of liberal theories, in the end my dissertation shows the relevance of

“modus vivendi liberalisms” for Turkey and for any society that does not endorse liberal ideals intrinsically but nevertheless wrestles with questions of securing order, peace, and stability of the country. And apart from its academic contribution, the dissertation also offers certain ideas that might help political actors in Turkey to address issues of coexistence in Turkey. In that sense, it has also certain practical implications.

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