

Paradoxes of Secularism in Turkey in Process of European Union Access

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Abstract: Access to the European Union is set on the paramount of the ideal of Westernization paradigm of the Turkey's Foreign Policy. Therefore Turkey insists on to fallow access process even it has been long time. Access of European Union require an adaptation period which include chapters include many subject about freedoms, rights and others technical details. But chapters of the religious and educational freedoms and rights are causing to some paradoxes, because of peculiar perception and practice of secularism in Turkey. Headscarf case and educational restriction are most obvious example of these paradoxes. This subject is hot in the name of examination of paradoxes between statehood and freedoms even it has been solved by *de facto*.

Keywords: European Union, headscarf case, religious freedoms, secularism.

Avrupa Birliđine Giriř Sürecinde Türkiye’de Laikliđin Paradoksları

Öz: Avrupa Birliđi üyeliđi Türk dıř politikasının temel paradigmalardan biri olan Batılılařma idealinin zirve noktalarından biridir. Bu nedenle Türkiye 1960’lardan itibaren devam eden bu süreci ısrarla takip etmektedir. AB üyeliđi ise bařta temel hak ve özgürlükler alanı olmak üzere pek ok konuda uyum yasalarının hayata geirilmesini gerektiriyor. Bu kapsamda AB katılımın gerektirdiđi din ve eđitim alanındaki normlar kendine özgü laiklik anlayıřına ve uygulamasına sahip olan Türkiye’de bazı açmazlara neden olmaktadır. Bařörtüsü ve eđitim alanındaki kimi kısıtlamalar ise bu açmazın en açık biçimde kendini

gösterdiği sorunların başında yer alıyor. Her ne kadar bu sorun günümüzde fiilen çözülmüş olsa da özgürlükler ve devlet prensipleri arasındaki çelişkileri incelemek adına güncelliğini korumaktadır.

Anahtar Kavramlar: Avrupa Birliği, başörtüsü sorunu, dini özgürlükler, laiklik

INTRODUCTION

Turkey has tried to find an access to the European Union as a full member for a long time. So this process has many milestones according to the mutual relationship which is embroidered by crises and crossroad. The process has begun from 1963 via European Economic Community EEC and takes acceleration by full member application. Turkey has officially recognised as a candidate for full membership, at the Helsinki summit of the European Council in 1999. Negotiations were started on 3 October 2005 and out of 35 chapters necessary to complete the accession process, 16 have been opened and one has been closed. The membership bid has become a major controversy of the ongoing enlargement of the European Union according to the European countries.

On the Turkey side, the membership of the European Union is the peak ideal of the traditional paradigm of the foreign policy of Turkey which is called the Westernisation. So, Turkey has persisted to reach to this ideal in despite of many traditional, conservative and paradoxical argument.

Access of European Union require an adaptation period which include chapters include many subject about freedoms, rights and others technical details. Freedom of religion and expression is one of the paradoxical areas because of hard secularism perception of Turkey. Actually Turkey accepts and exalted freedoms and fundamental rights but in practice religious matters causes some problems. So, this essay has focused on the paradoxes about religious freedoms and educational matters in practice. Headscarf ban has been most salient problematic area in freedom of religion and education matters for a long time even its solved by de facto. Nevertheless it is still a hot topic to examine the contradictions on freedoms in Turkey.

RELIGION IN POLITIC DOMAIN IN THE TURKEY AND EUROPEAN UNION (EU)

The specific ways in which religion and politics have been associated in various societies have long been subject to comments by social scientists. Many

academics have taken the view that religion has primarily served as a mean of legitimization and protecting the interest of the established political system. Some others prefer to explain the role of the religion or denominations with the concept of the harmony between society and secular powers (Sanderson,1991:452). For example, many religious organizations are working for disadvantageous people to support them in daily life. So, many social scientists determine that; even though its significance may be reduced still further, religion will remain as a persistent and permanent future of socio-cultural systems. So the question is how to consolidate religious demands in a liberal and secular state. Freedom of religion includes free exercise. So, politicians and political parties should consider the balance between public demands and state principles. Constitutions of democratic states often legitimize government authority by referring to the consent of people. If so, governments may not enforce religious rule or criteria unless they are accepted in the context of freedom of religion. But these policies should not give any extra advantage or disadvantage to any group. In Turkey, Kemalist elites, who were dominant in the government, have preferred to keep Islamic movement and demands in check and tried to prevent the Rightists parties from politics for most of the time. So the Islamic revival movement learned its lesson that Islam had no chance as long as it sought to subvert the secular definition of the state (Stainbach,2011:50). Moreover, it has caused political struggle to get out from democratic frame.

State, Religion and Education

States have different demeanours on the role of religion in education field. For example in Germany, Christian values have maintained Churches to decide a position in public education and substances of religious lessons. But in France primary and secondary schools in the public education are obliged to ban all religious influence (Nieuwenhuis,2012:169).

In the United States “wall of separation between church and states” doctrine has been breached and widened by some court decisions (Kenneth and others,1995:513). The Supreme Court accepted a system of voucher that channels government money through private schools by means of children’s parents (Nieuwenhuis,2012:169). In Turkey, the first striking characteristic of the educational system is the strict centralisation. All scientific and educational institutions have been brought under the Ministry of National Education after 1924 by the Act of the Unification of Education (Tevhid-i Tedrisat) and Educational policies have been based on the facilitation of the adoption of new formation of laic nation-state. Programs aimed to establish Western-style of a modern state. Mobile Village Women’s Classes (Gezici Ky Kadınları Kursları) and Village Men’s Training Classes (Ky Erkek Sanat Kursları) introduced in

1938 and 1939 by the Ministry of Education were amongst such efforts (Gök,2007:248). But after 1980 military coups with neo-liberal economy policies, educational system was formed again and “Religious Culture and Ethics” classes have been compulsory in elementary schools. Nevertheless, curriculum and assignment were not satisfactory for the majority of the public. Because it was thought that the religious programs serve primarily as a mean of legitimization or justification of the authority. These deficiencies have led to the emergence of alternative organizations that are aimed to give religious education.

Freedom of Religion in the European Union (EU)

Setting out its journey as an economic Union, and then gaining political, social and cultural dimensions, the European Union (EU) embraced many facets of everyday life. Considering the enlargement phases and its diverse societies, cultural and religious diversity emerge as a social reality upon which the EU depends on. Thus, the EU has turned into a multicultural Union encapsulating wide the range of identity-markers such as languages, religions, and traditions. When the EU and religious issues –in this context the freedom of religion- are juxtaposed, they often connote the Christian roots of the EU. But there is no official statement of the EU regarding this claim. It should also be noted that there is no EU policy on religion; nor is there an express legal competence in the treaties of the Union to “encroach on religion and religious affairs”. However, since the Amsterdam Treaty there has been a set of harmonized European laws and common policies dealing with (or having implications for) religion and religious affairs in different framings and institutional configurations (Carrera and Parkin, 2010:4).

The freedom of religion is both protected and guaranteed at the EU level and protected by the national laws of the Member States. On the EU and the Member States level the following Treaties and documents provide the legal framework for the freedom of religion:

- Treaty on European Union, Article 6
- Treaty on the Functioning of the European Union Article 11
- Charter of Fundamental Rights of the European Union,
 - Article 10 – Freedom of thought, conscience, and religion
 - Article 14 – Right to education
 - Article 21 – Non-discrimination
 - Article 22 – Cultural, religious and linguistic diversity

Besides, EU Equal Treatment Directive of 2006, Council Conclusions on freedom of religion or belief of 2009, Council Conclusions on intolerance,

discrimination and violence on the basis of religion or belief of 2011 and last but not least the EU Guidelines on the promotion and protection of freedom of religion or belief of 2013 can be considered as crucial steps by the EU on the way towards a more protected religious freedoms.

Treaties and conventions regulate the concept of freedom of religion in the EU. Although the EU states that subjects such as religion and culture are left to the Member States' competences. In this respect, it will not be wrong to claim that the EU sets the minimum standards for religious freedoms, yet as they are sensitive issues intrinsic to the Member States, and shaped and constructed over historical Dynamics of the Member States. In recent years, France and Belgium have passed a law on the ban of the headscarf. Their securitization of the Islamic rules can be understood to a certain degree. In theory, when compared to the other societies or states, the EU's dealing with the human rights is postulated as a well-functioning system. As for the implications and effects of the EU on Turkey on the issue of freedom of religion, Yıldız (2007:791-812) argues that constitutional amendments, increase in minority rights, law on associations, improvement in property rights of the religious groups, respect for religious doctrines, amendment of the act on construction are among the steps Turkey has taken to comply with EU membership requirements and these are all affected religious freedom in Turkey in a positive way. However, there are still deficiencies regarding the full implementation of the concept of freedom of religion mainly because of the fact that Turkey has an idiosyncratic perception and interpretation of secularism as discussed above. Yet the EU may not have a significant role on the headscarf issue in Turkey; the perception and political inclinations of the governing party have the key role.

Brief History of Secularism in Turkey

The roots of secularism or *laicite* can be traced back to the Medieval France. Secular worldview simply highlights the notion that states should be neutral and objective in their affairs with religions. The concept of secularism is a Western-centric system of thinking by means of intellectual development and implementation. In its essence, secularism is to consider the state-religion relations, namely the worldly and spiritually relations, separate from each other and act according to this principle. Secularism stipulates that states religion affairs should not interfere in each other's domains. However, Abrahamic and monotheistic religions do not make a world-spiritual distinction and they are in the tendency of encapsulating all the fields and spheres of the individual's lives. Being an Abrahamic religion, Islam embraces both worldly and spiritual aspects of Muslim's lives. In this respect, for Turkey that has a Muslim-dominated population, paradoxical situations are inevitable.

Without a doubt, secularism is a concept constructed with the systematic nexus of the states and government administrators. It may be claimed that secularism has come out of the concerns of not to interweave the politics and policies with religious issues, and beyond that the consideration of gaining the freedom to act free from bonds by avoiding the authority-sharing in the Western world. This was generally and basically known as avoiding from and preventing the Church- State duality. The Church affected and influenced intensely all the spheres of life and sustained its existence with severe rules at those times. Thus, the conflicts between the Church and the political elite on gaining the political authority have procreated and sustained the idea of secularism. Besides, it is a common knowledge that there had heated tensions and rivalries between the rulers and churches in the European history; those issues affected the governance fundamentally, and the rulers and leaders having the governing power on their hands found a way out from the obstacles of that duality by means of secularism.

As for the history of Turko-Islamic thought, because of the notion that the state and religion affairs are not and should not be separate from each other and “as there had been no conflicts between the religious authority and political authority throughout Turko-Islamic (Ottoman Empire era) history as it had been in Europe” (Küçükcan, 2003: 63) the situation can be regarded as more complicated and different from the European context.

Within this context, it can be easily argued that Turko-Islamic circles have started to confront with secularism much more lately than its Western contemporaries. Influencing the development of Turkish Republic to a great extent and subjugating it to paradoxes, the roots of the principle of secularism date back to late Ottoman history. Transformations at the Ottoman Empire with the perception of modernity commenced with the *Tanzimat* Edict of 1839, which is also known as *Gülhane-i Hatt-ı Hümayun* (Berkes,1964).¹ This transformation has paved the way for judiciary, legal, commercial, and criminal changes. Following this crucial change, with the *Islahat Edict*, Western-centric transformations gained impetus and influenced Ottoman society significantly. With the First Ottoman Constitution (Kanun-i Esasi) and the Second Constitutionalism Period when started in 1908, the enormous fluctuations, and a dualistic situation have occurred between tradition and modernity in the Ottoman Empire. This conflictual and dualistic situation had lasted for a long time. Actually, the main concern of the Ottoman intellectuals was how to rescue the state from the turmoil it was experiencing. Political elites of the time suggested adopting the West’s techniques. However, Ateş argued “the Ottoman intellectuals

¹ For further and detailed information on the Edicts and the history of secularism in Turkey see: Niyazi Berkes, *The Development of Secularism in Turkey*, Montreal: McGill University Press.1964

had better learned the West's social and political institutions instead of the techniques and they should have internalized these to remedy the Ottoman Empire's problems" (Ateř, 2000:173).

The process of seeking remedies directed the Ottoman intellectuals to the West and European powers, especially France, were taken as models and references. In this respect, on socio-cultural and political factors that could not meet the Muslim-dominated late Ottoman and early Turkish Republic's specific need were adopted from Europe in a top-down manner. The public sphere had also its share from this top-down process in terms of religion. In this respect, by highlighting the need to change on the religious sphere, Niyazi Berkes (2010:439) claims

Islam is a rational, even a natural religion. However, it has diverted from its initial path and it has been ruined with irrational and unnatural beliefs. Islam should be purified from these beliefs and it should be turned back to its initial state. The most important transformation would be to accomplish this.

To accomplish the transformation in the sphere of religion in the public sphere, a great deal of intellectual, *de facto* and *de jure* movements have been referred. First of all, the legal domain has been separated from the Sharia law; it has gained a civil law dimension and a "Western" and secular dimension. Moreover, some new regulations such as abolition of the *Sultanate* and *Caliphate* (respectively in 1922, 1924) and the abolition of *the Ministry of Religious Affairs and Foundations* (*řer'iyeye Evkaf Vekâleti*), new *Unification of Education* (*Tevhid-i Tedrisat Kanunu*) Law and closing down of the dervish lodges and *Zawiyah* in 1925 indicate the urgency of secularization of the state. Implementing such kind of social matters in an urge and in a top-down manner instead of a bottom-up movement resulted in enormous depression and these practices; besides the importance and meaning they had, could not find a healthy niche on the social memory. For this succinct but crucial reason, the effects of the intellectual depression have still been experienced today. Reflection of the secularism to the constitutional movements has also added to the process as Yalın states "one of the most important laws, which secularized the Turkish society, without question, is the acceptance of the Turkish Civil Law in 1926" (cited by Durmuř,2010:296). With the amendments of the 1924 Constitution, the provision declaring that the "Religion of the State is Islam" was removed from the Constitution in 1928. Eventually, the principle of secularism was explicitly and officially stated in the Article.2 of the then Turkish constitution in 1937. Being a constitutional principle, secularism had its place in the Constitutions of

1961 and 1982 and in the Constitution of 1982 it is stated that “Secularism is one of the basic characteristics of the Republic” and this characteristic has been strictly protected and preserved and gained the status that “shall not be amended, nor shall their amendment be proposed”²

The problems and societal tensions in the Turkish society resulting from the implementation of the secularism principle are probably because of the fact that in European societies, where the principle emerged, there was a societal need for the principle. The secularism movement in Europe has been relevant with the sociological base and improved with a natural selection namely, in a bottom-up manner. On the other hand, in Turko-Islamic history, secularism has developed in a top down manner. Moreover, the absence of the secularism results in segregations on the issue of “who will have the authority in the religious-societal structures having religious authorities and hierarchies” (Yazıcı,2011:555). For the sake of overcoming such kind of dualities, the secularism turns out the ideal regime. The secular regime has played a unifying role for the non-Muslim minorities of the country and it has also helped to construct a national consciousness.

In a nutshell, since its emergence, secularism in Turkey has not been completely internalized. As a country taking a great deal of its traditions, values and population from the Ottoman Empire, Turkey has perceived the religion in the public sphere as a threat to the integrity of the state. Probably because, as Mardin (1992:97) advocates the Ottoman reformers paving the way for secularism and starting the secularization process, considered religion as among the structures that were responsible for the Ottoman Empire’s decline. Without little surprise, this understanding has grounds on the securitization of the headscarf and Imam Hatip High Schools in Turkey.

Freedom of Religion in Turkey

There are a number of legal documents dealing with freedom of religion in Turkey. These documents are Turkish Constitution, the United Nations International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR) and Lausanne Treaty. The current Turkish Constitution, adopted in 1982, establishes Turkey as a secular state³and provides

²Constitution of Republic of Turkey, Art.2; 4

³Secularism requires that sacred religious feelings shall absolutely not be involved in state affairs and politics. Articles 2, 68, and 174 make direct references to the “secularism” principle. See Constitution of Republic of Turkey, *Preamble*, http://global.tbmm.gov.tr/docs/constitution_en.pdf (reached 31 March 2014). However, it can be claimed that in Turkish contexts, secularism does not mean that the State assumes a neutral position

Turkish citizens freedom of religion and belief, subject to the integrity of the state and its secular nature. Regarding the freedom of religion, the Constitution states that;

*ARTICLE 24- Everyone has the freedom of conscience, religious belief and conviction. Acts of worship, religious rites and ceremonies shall be conducted freely, as long as they do not violate the provisions of Article 14.*⁴

Looking back to Turkey's recent history, it is not difficult to claim that it has freedom problems. The freedom of religion-oriented problems the EU observes in Turkey is mainly the ones, which are related with the minority religions. With regard to our subject matter underlining the securitization of Islamic rules such as headscarves, the following chronology of freedom of religion violations may be referred (Benli,2011;Gözler,2009).⁵

First of all, in 1951, courses for female students to take religion courses in the Imam Hatip Schools, where then only male students enrolled started the debates over headscarves .⁶ The debates were over the issue of whether the female students could attend and the courses with their headscarves or not. Thus, with that problem, the headscarf issue in education has been carried to the Turkey's agenda. And since then on, controversial issues have been at stake. To illustrate, in 1968, a female university student, Hatice Babacan, refused to remove her headscarf. With the emergence of that event, some problems began to arise for students wearing headscarves at universities.

In the late 1970s and early 1980s, the number of university students wearing headscarves increased significantly. Female students were forced to drop some

toward religious doctrine and the issue of separation of religion and state. Instead, it implies State control of religious life and a governmental policy of modernizing society by means of secular legislation and practice.

⁴Art. 14 states that (As amended on October 3, 2001; Act No. 4709) None of the rights and freedoms embodied in the Constitution shall be exercised in the form of activities aiming to violate the indivisible integrity of the State with its territory and nation, and to endanger the existence of the democratic and secular order of the Republic based on human rights. No provision of this Constitution shall be interpreted in a manner that enables the State or individuals to destroy the fundamental rights and freedoms recognized by the Constitution or to stage an activity with the aim of restricting them more extensively than stated in the Constitution. The sanctions to be applied against those who perpetrate activities contrary to these provisions shall be determined by law.

⁵For further information on the violations of freedom of religion regarding the bans on headscarves: Fatma Benli (2011), *1964-2011 Chronology of the Headscarf Ban in Turkey and the World*, Mazlum-Der.İstanbul. ; Kemal Gözler (2009), *Administrative Law* ,Ekin Pub., Sec. ed., Bursa.

⁶ www.timav.org.tr

classes or they were even felt forced to leave the universities. However, it should be noted that throughout the 1980s and 1990s, the ban was not uniformly enforced and many students were able to graduate from the universities. The headscarf ban in public spaces has included students of schools and universities (public and private), personnel of courts of law, government officers and other official workers and public servants. Wearing headscarves in photos on official documents like licenses and passports was also prohibited.

A regulation of YÖK, which was issued on 16 July 1982 stipulated that “the clothing and appearances of personnel working at public institutions; the rule that female civil servants’ head must be uncovered” (Gözler,2009). Unfortunately, this law was interpreted as encapsulating all universities in Turkey in 1997 and the ban on wearing of headscarves was extended to all universities.

In February 2008, the possible constitutional amendment that would suppose to bring freedom to wear headscarves in the universities has been approved by TGNA with majority votes, which were 411 positive against 103 negative. However, in June 2008, Turkey’s Constitutional Court annulled the parliament’s proposed amendment to lift the headscarf ban, ruling, “removing the ban was against the founding principles of the constitution”. The highest court’s decision to uphold the headscarf ban cannot be appealed. After winning a referendum in September 2010, the ruling AKP stated that they have devoted themselves to support any student who was disciplined for wearing the headscarf on a university campus. Following this, the head of the YÖK (Turkish Higher Educational Council) Yusuf Ziya Özcan, announced that lecturers in universities could no longer interfere with the students wearing the headscarf. Despite this implication’s being against the Constitutional Court ruling of 2008, most universities have started to allow students to wear the headscarf in the universities. The ban was also lifted from state or public institutions, where four AKP members wore the hijab in the parliament for the first time since 1999.

Dietrich Jung (2006:129) strongly advocates, “The increasing visibility of Islamic symbols and practices in Turkey is a logical consequence of the country’s current European Union (EU) reform process”. However, it can also be claimed that it is a natural consequence fostered by the political inclinations of the governing party.

PARADOXES OF TURKEY IN TERMS OF SECULARISM AND RELIGION

The concept of the secularization refers to the process by which religion's influence over many spheres of social life has been steadily reduced (Sanderson, 1991: 454). A stronger version of the secularization culminated in the extinction of organized religion from society. This perception causes certain paradoxes with regard freedom of religion in liberalism because; religious consciousness manifests itself in different ways through beliefs and rituals in modern society. Certain academics including Timothy Crippen claim that religion in modern society is undergoing transformation but not decline (Sanderson,1991:455). So, religious sentiment is still important for many circles. According to a survey, fifty-nine percent of the world population consider themselves as religious (Gilani,et al.,2013:3). Indicators in Turkey are higher than the average. According to the survey which is held by the Directorate General of Religious Affairs (Diyanet), 98.7% of people believe in God and 87,5% of people describe themselves as a religious in Turkey (PRA,2014:34). The ratio of the people who live within the religious orders is also 64.9% in Turkey. Furthermore, to have a Western style of a modern state is a constructive ideal for Turkey having resulted in secularism, which is one of Ataturk's reforms. But this principle, unlike in Western countries, had not been realized by the evolution of a political culture or common ideas, it has been dictated by the ruling elites and young army officers in a revolutionary enthusiasm (Daver,1988:29). And secularism has begun to be enforced rigorously. But, these synthetic transplantation and external struggle for transformation have been unsuccessful in twenty-five years and resolved by Democrat Party that has been supported widely. However, the dominance of military and bureaucratic elites on Turkish policy has prevented turning back to religion significantly. So ambiguity between state secularism and religiosity of people has caused many paradoxes in Turkish political and public life.

Graphic of the relationship between religion and state in Turkey has raised questions regarding how religion in a both secular and a Muslim state can be dealt with. Actually Islam is not a religion that can be easily pacified in public life because of its continuous requirements and social visibility. So, the question of how Turkey can be successful in controlling religion emerges. Possible answers to this question have multidimensional character including the controversial existence of the Directorate General of Religious Affairs (Diyanet İřleri Bařkanlıđı).

The Dilemmas of Turkey Vis-À-Vis the EU Accession Process

Starting in 1963 with the Ankara Agreement, Turkey's long vocation with the European Union has resulted in transformations in Turkey's policies and especially since 1999 when Turkey's candidacy has been announced, wide range of reforms have being realised in the fields of democracy, rule of law, human rights in line with the European norms, values, and standards. In this respect, in the field of freedom of religion, Turkey with the sixth harmonization package

- Introduced significant legal changes expanding the freedom of expression, safeguard provisions on the rights of prisoners, religious freedom. The package also included amendments in the area of religious freedom and community foundations. An amendment Supplementary Article 2 of the Law on Construction took into consideration the needs for places of worship of different religions and faiths.

- Besides, the new Law on Population Services stipulates that a written application addressed to the Administration will be sufficient in order to change a religion or to avoid indicating any religion in the registry and ID cards. This law entered into force in 2006. Articles 82 and 96 regulate the registration, modification and deletion of the information regarding religion or leaving the religion section blank. (Secretariat General for EU Affairs,2007).

As it can be observed from the above-mentioned amendments, there have been improvements with regard to the freedom of religion in Turkey by means of the EU. According to the EU, the freedom of religion-oriented problems is mainly the one, which mainly consists of the minority religions. And the main issue the EU often highlights is that the minority religions and non-Muslim, non-Sunni groups are not in an advantageous situation when compared to the Sunni-Islam majority. The EU focuses on such kind of problems, yet it has no opinion or recommendation on the secularized and securitized headscarf issue.⁷

Turkey has its own interpretation of secularism, and according to this understanding wearing a headscarf in public service, and in some jobs such as policeman and judge, has not been considered as a freedom of religion issue but as a matter of security issue, which will jeopardize public safety. This perception

⁷ For all of the regular progress reports for Turkey and the freedom of religion problems referred there see: Republic of Turkey Ministry for EU Affairs. *Regular Progress Reports for Turkey*.<http://www.ab.gov.tr/index.php?p=46224&l=2> (accessed 13 Feb.2014)

regarding headscarf has limited women's right to education, to work in public service since 1960s. Thus, the implementation, which was started as violation of the right to freedom of religion, has been intersected with other essential human rights such as right to education, right to work, right to join to the public life, the right to be equal; thus providing ground to the violations of basic citizenship rights. Yet, in recent years there has been a general improvement regarding religious freedoms in Turkey and the headscarf has had its share from these EU-led improvements. In 2008, the ban on the headscarf has been lifted in Universities and public service excluding some jobs such as police and judges (Benli,2011). Jung advocates that

The increasing visibility and autonomy of religious symbols in Turkey at least partly seems to be a consequence of the EU-induced reform process. In applying the pluralistic norms of the Copenhagen Criteria to Turkish society, in particular, the insistence on personal and associational religious freedoms, the Turkish state necessarily will lose its monopoly over the right of religious expression (Dietrich, 2006:131).

It can be argued that in Turkey, with all these transformations re-Islamization has been at stake. There may emerge the awkward question of how a Muslim dominated country redefines and turn back to its roots and identity with the help of an entity who was once synonymous with Christendom. Has the EU really helped to overcome Turkey's over-securitized headscarf issue or has there ever been societal pressure to transform by pre-texting the EU? Before answering these questions, freedom of religion's legal status in the EU can be succinctly reviewed.

RESULT

Limits and borders of the religious rights have been controversial in democratic systems for a long time. Usually democratic countries are positioned themselves in neutral position about believes and private preference. Nevertheless all political system endeavour to meet democratic demands of their citizen also. The problem is that believing matters embraced by the democratic rights while some people doesn't believe to anything also. Additionally, religious organisations are working for disadvantageous people to support them in daily life. In this perspective, religious organisations support social policies as a kind of civic catalyser. Therefore many social scientists determine that; even though its significance may be reduced still further, religion will remain as a persistent and permanent future of socio cultural systems. So, the question is how to meet religious demands in a liberal and secular state because the freedom of religious includes free exercise also. In this point modern states should consider a balance between public demands and state principles.

EU has no official statements about religious matter. Usually the freedom of religious is both protected and guaranteed at the EU level by the national laws by Member States. Besides, some directives and regulations about rights and freedoms include religious freedoms also. Treaties and conventions regulate the concept of freedom of religion in the EU. Although the EU states that subjects such as religion and culture are left to the Member States' competences. In this respect, it will not be wrong to claim that the EU sets the minimum standards for religious freedoms, yet as they are sensitive issues intrinsic to the Member States, and shaped and constructed over historical Dynamics of the Member States.

In Turkey religious matters has been controversial between Westernisation paradigms of the state and conservative daily life of people because of the state has accepted a strict version of secularism as an indispensable principle of Westernisation. Therefore European standard of the human rights and freedom matters conflict with puritanical secularism perception in Turkey. In this frame, it's possible to mention that the roots of the problem have been originated from these;

- a) Puritanical version of secularism as a state policy
- b) Blurred public and privet domain perception
- c) Dominant character of the Islam on daily life of its followers
- d) Different historical experience between Turkey and Western World
- e) Not well defined relationship between state and citizen in Turkey
- f) The desire of the controlling and shaping of both social and political life by executive elites class.

As a result for getting rid of any paradoxes about religious and educational matter should do:

- a) Turkey should re-examine and read the principle of secularism in context of historical and social realities.
- b) Public and private domain should well defined in context of democratic liberalism
- c) An optional education system or programme should establish to meet legal and different demands
- d) The relationship between citizen and states should be placed on more democratic and clear ground

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