

RELIGIOUS EDUCATION AS AN INDICATOR OF STATE-RELIGION
RELATIONS WITHIN THE SCOPE OF EUROPEANIZATION THEORIES:
CASE STUDIES OF TURKEY AND POLAND

A Ph.D. Dissertation

by
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Ankara
December 2013

To four generations of wonderful women of my family

Ümran, Rukiye, Çılga and my niece

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Graduate School of Economics and Social Sciences
of
İhsan Doğramacı Bilkent University

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In Partial Fulfilment of the Requirements for the Degree of
DOCTOR OF PHILOSOPHY

in

THE DEPARTMENT OF
POLITICAL SCIENCE
İHSAN DOĞRAMACI BİLKENT UNIVERSITY
ANKARA

December 2013

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ABSTRACT

RELIGIOUS EDUCATION AS AN INDICATOR OF STATE-RELIGION RELATIONS WITHIN THE SCOPE OF EUROPEANIZATION THEORIES: CASE STUDIES OF TURKEY AND POLAND

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December 2013

This thesis analyzes the impact of Europeanization on the conduct of religious instruction within the formal education system in Turkey and in Poland. The main argument is that according to the accounts of the Europeanization theory, the patterns of this impact altered because of the historical and sociological specificities of the two countries. These can be traced with an accurate investigation of the historical and legal contexts concerning the conduct of religious education in these countries and also, by inspecting the contemporary situation in order to be able to make an analysis on how Europeanization affected the policy-making in this specific field.

The research aims at explaining the shaping of domestic policy-making in a value-laden field such as religious education, which has always been a sensitive issue given the nature of the subject, under the influence of Europeanization. To measure this impact on the conduct of religious education has been controversial since there are plenty of factors which have the capacity to lead to the domestic policy change. Europeanization theories

support the study by offering accounts to operate within this domain and come up with concrete observations.

This study delineates the different paths of Turkey and Poland in experiencing Europeanization in the field of religious education and mainly argues that Turkey has undergone a more superficial process which can be better explained by rationalist institutionalism whereas Poland practiced a deeper compliance with the European norms that can be explicated with sociological institutionalist account of Europeanization theory.

Keywords: Europeanization, Turkey, Poland, Religious Education, Religion

ÖZET

DİN-DEVLET İLİŞKİLERİNİN GÖSTERGESİ OLARAK DİN EĞİTİMİNİN AVRUPALILAŞMA TEORİLERİ İLE İNCELENMESİ: TÜRKİYE VE POLONYA ÖRNEKLERİ

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Aralık 2013

Bu çalışma, Avrupalılaşma'nın Türkiye ve Polonya'daki örgün eğitim sistemi içerisinde din eğitiminin yürütülmesi üzerindeki etkisini araştırmaktadır. Anafikir, Avrupalılaşma teorilerinin ortaya koyduğu üzere, bu etkinin iki ülkenin kendine özgü tarihsel ve sosyolojik yapıları nedeniyle farklılık gösterdiğidir. Bu ülkelerde din eğitimi alanında tarihi ve hukuksal yapıların incelenmesi ve güncel durumun değerlendirilmesi ile Avrupalılaşma'nın bu özel alanda politika üretilmesine nasıl bir etkisi olduğu anlaşılabilir.

Bu araştırma, doğası gereği hassas olan değer temelli konularda iç politika üretilmesi sürecinin Avrupalılaşma etkisi altında nasıl şekillendiğini açıklamayı hedeflemektedir. Din eğitiminin yürütülmesi konusunda söz konusu etkiyi açıklamak, iç politikaların değişimine sebep olabilecek pek çok faktör olduğundan karmaşık bir hal almaktadır. Avrupalılaşma teorileri, sundukları savlarla bu alan içinde tahlil ve nesnel gözlemler yapabilmeyi sağlamak suretiyle bu çalışmayı desteklemektedir.

Bu tez, din eğitimi alanında Türkiye'nin ve Polonya'nın izlediği Avrupalılařma sürecinin farklılık gösterdiğini ortaya koymakta ve Türkiye'nin, rasyonalist kurumsalcılık yaklaşımı ile daha iyi açıklanabilen, yüzeysel bir Avrupalılařma'yı deneyimlediğini; Polonya'nın ise sosyolojik kurumsalcılık ile daha iyi analiz edilebilen ve Avrupa normlarını derinlemesine benimsemeyi esas alan bir yol izlediğini savunmaktadır.

Anahtar Kelimeler: Avrupalılařma, Türkiye, Polonya, Din Eğitimi, Din

ACKNOWLEDGEMENTS

I would first like to thank my advisor, Asst. Prof. Dr. Ioannis N. Grigoriadis, whose invaluable and full assistance and timely guidance were essential to the development of this work. His kindness in accepting me at an early and critical stage of my dissertation as an advisee became a landmark in my PhD. I was lost at a point where I needed guidance the most and his belief in my potential from the first moment and his endless support made me believe in myself and accomplishing this dissertation. Despite his work-load, he has always been there to guide me. Through the whole process, Dr. Grigoriadis exemplified himself the professional discipline that a successful academician should possess. There is no word to express my gratitude to my advisor who not only excellently guided and assisted me in writing the thesis and making our publication, but also made me realize and believe in my ability to accomplish the task.

The formation and development of this study are enhanced by the valuable contributions of my thesis committee and jury members. I would like to thank Prof. Dr. Elisabeth Özdalga and Prof. Dr. Ali Tekin for their feedback, suggestions and observations which opened up new dimensions for this dissertation. They have also been involved in the process by guiding me for the conduct of interviews in Turkey and in Poland; their

contacts greatly helped me to overcome the difficulties I encountered. I am grateful to Assoc. Prof. Aylin Güney, who took part at the beginning and at the end of this process with her precious feedback. I would like to thank Asst. Prof. Dr. Nur Bilge Criss and Asst. Prof. Başak İnce, as jury members their contribution to the thesis in giving it the final form constituted a tremendous help. I am also thankful to Asst. Prof. Tolga Bölükbaşı who also encouraged me in very hard times for accomplishing the dissertation.

I would also like to express my sincere thanks to all of the interviewees, who have shown great kindness and help to me along the way; without their contribution this work would never be complete. I would like to extend my gratitude to Mr. Ambassador (Prof. Dr.) Yusuf Ziya Özcan and his wife Assoc. Prof. Dr. Kıvılcım Metin for their hospitality and kindness during my stay in Warsaw for the field survey. Without Prof. Dr. Özcan's guidance and kind support, this visit would not have been that fruitful for my thesis. I would like to send my special thanks to Asst. Prof. Dr. Adam Szymanski who guided me on the interviews to be conducted in Warsaw and kindly helped me in overcoming the Polish language deficit by following for me the current issues in Poland.

I would also like to express my deep gratitude to METU Research Coordination Office, where I have been working for five years. I was told several times that one cannot work full-time and complete a PhD at the same time. It is really hard to split your time and energy into two totally different spheres but I was able to encounter this thanks to my dear office-mates. I would like to send my special thanks to Prof. Dr. İrem Dikmen Toker

for her understanding and support during the time I had to dedicate to my academic work. Without her compassion, I would not be able to put such an effort to my dissertation and complete it. I am also grateful to my colleagues and dear friends; Çağlar Dölek, Dr. Sara Banu Akkaş, Şölen Serap Kankılıç Uçak, and Dr. Aslı Yılmaz Uçar who made it possible for me to concentrate on my dissertation by taking my burden away. I owe a very special thanks to Dr. Sara Banu Akkaş for her endless emotional support during our “second shift,” and her assistance in formatting the dissertation.

Finally, I would like to thank my family for the love, support and encouragement that they offered me all my life and during the painful PhD process. I would like to particularly thank my parents, Rukiye Con Gürçel and Mahir Kemal Gürçel, who did all the best for me and my sister. I owe them a lifetime of gratitude for their tireless love. I have to admit that without unaccountable support and encouragements of my father, I would not be able to go to Poland which was essential to my work; I am grateful for that. My dear mother, who made me who I am and is part of my soul, is also the main source of power and motivation behind this dissertation and PhD. She has always been there for me, shared all the emotional burden of this process and suffered with me. Her intellectual contributions are no less than the emotional support she provided; I am not sure if I could be as committed and hardworking as I have been without her guidance. My sister Asst. Prof. Dr. Çılga Gürçel Resuloğlu and my brother-in-law Gökhan Resuloğlu have always been there when I needed it the most and without their wise advices I would have been lost. I owe a very special thanks to my sister, Çılga, who has never left my hand since I

was born. Her experiences and commitment to the accomplishment of a PhD have been the major sources of my inspiration. I am also thankful to my sister for bringing the enthusiasm to my life in the last phase of my dissertation, of waiting for my niece to be born. There is one more special thanks, to my grandmother Seher Ümran Con, who had been and will always be with me with her eyes full of compassion and love. She had always faith in me and I know that she is watching my success with her beautiful smile from above. Lastly, I am grateful for this painful process which showed me how much I am loved and surrounded by peace and Light, and which also made me realize my own potential and brought me to another phase of my life.

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CHAPTER 1

INTRODUCTION

State-religion relations are a particularly complex issue given that there are lots of intervening variables and thus several factors to be analyzed. The stance of the state towards religion can be investigated from very different angles where diverse indicators are involved. The state-religion relations can be depicted for example by determining whether there exists a state religion, whether there is full separation between the state and religion, in terms of the state funding offered to religious institutions, in means of the legal status of religious minorities or the settling of the moral issues like abortion or euthanasia. Each of these indicators may give an accurate understanding of the status of state-religion relations in a country. The conduct of religious education is among the most reliable indicators given that state's stance in regards to religious education determines its position towards the status of religion itself.

The issues touching upon religion and conscience are delicate by nature and thus need to be examined very attentively. In the globalizing world, even the most sensitive domestic

affairs are under the influence of global and regional trends. In the contemporary environment, no subject can be accurately investigated from a single perspective considering the domestic politics of a country. This is why the influence of Europeanization on domestic structures is a popular subject in contemporary scholarly work. Determining its impact on the fields where the European Union (EU) or European institutions do have clear criteria is a widespread way of analyzing the Europeanization process. However, on a subject like religious education where European institutions have no preset criterion but only some related norms like right to freedom of religion and conscience, it seems harder to determine the effect of Europeanization on domestic policy-making.

To be precise, neither the EU nor other European institutions have a prescribed rule or norm concerning the conduct of state-religion relations.¹ In other words, when one investigates the practice in the EU members in terms of these relations, it can easily be observed that there is no uniform procedure.² In the absence of prescribed rules and common practice among European countries concerning the state-religion relations and the conduct of religious education, the impact of Europeanization on these fields needs be evaluated in terms of common norms like freedom of religion and conscience. The aim of

¹ In some European countries (such as England, Denmark and Finland) there exists a state Church. In other countries a Church is considered to have privilege or a religion is accepted as the dominant religion, as is in the case of Greece, Austria, Ireland and Finland. In contrast, some other European countries have settled a neutral position towards all religions as well as religious affairs like France, Portugal, Germany and Benelux countries.

² For detailed information about the conduct of state-religion relations in the EU members please see: Tugba Gurcel. 2007. "Turkey's Cultural Integration with the European Union: Religion as a Factor." *Unpublished Master's Thesis*. Bilkent University: Ankara, pp. 18-30. Available online at: <http://www.thesis.bilkent.edu.tr/0003467.pdf>

this study is to investigate the effect of Europeanization in spreading the universal values on the conduct of religious education, which is one of the most reliable indicators of state-religion relations, and to explicate this influence on the selected cases of Turkey and Poland by Europeanization theories.

Religious education³ is chosen as the specific field to analyze state-religion relations since in each state concrete policies are put forward for its conduct. The change in these policies helps to determine the turning points for process tracing and enables to measure the impact of different factors. The existence of the concrete policies concerning religious education also provides a ground for comparative study. Therefore, selecting religious education as the indicator of state-religion relations provided a safe corner for operationalizing about the impact of Europeanization.

The use of the term Europeanization needs to be clarified within the scope of the study because in the literature it is a notion that is utilized interchangeably with the EU membership or European integration. The principle embraced in this work for the use of the term Europeanization can be summarized as: “Europeanization is more than and different from EU-ization” and this “covers a wider range of processes and institutions than just the EU” (Graziano and Vink, 2007: 12). Therefore, Europeanization within the

³ Religious education is called “religious” courses or religious culture and knowledge of ethics (DKAB) courses in the Turkish context whereas in the Polish context this education refers to “religion” courses. These terms are utilized in this dissertation in their widespread use in the two countries; the reason of this alteration which lies beneath the nature of these courses will be widely discussed in the relevant parts of this work.

scope of this study refers to the EU accession process, EU membership and integration with the EU, but it is certainly beyond them; Europeanization also implies the compliance with European norms which are indicated on international documents like European Convention on Human Rights (ECHR), the judgments of the European Court of Human Rights (ECtHR) and the reports prepared by European Commission against Racism and Intolerance (ECRI); which are binding as a result of being part of the Council of Europe, were considered as points of reference in determining the magnitude of the impact of Europeanization.

As the theme is related to freedom of religion and conscience, and the right to education; the relevant provisions of the above-mentioned documents are taken into consideration. As a matter of fact, how the selected cases comply with the European norms is highly dependent on the historical and domestic legal contexts of the countries and displays great specificity. Europeanization theories provide a reliable account for making sense of how historical and legal legacies determine the way in which the selected countries undergo domestic change in the field of religious education in response to the impact of Europeanization.

1.1 Selection of the Cases

As for determining the cases to be assessed comparatively, a number of factors have been taken into account. At first, academic works concerning secularization theories and worldwide religious resurgence as well as the literature on Europeanization are frequently putting forward Turkey and Poland as comparable cases. The literature especially dealing with identity, and more specifically with religion, puts these two countries on a similar axis (Öniş, 2004).

One of the most highlighted specificities of Turkey and Poland in the scholarly work on Europeanization is their being religious countries. Religion is considered as a significant determinant of identity for both countries which indicates that national identity is very closely tied with religious identity. In the Turkish context; being Turkish means ipso facto being a Sunni Muslim and this connotation is consolidated with the “Turkish-Islamic synthesis” which was concretely defined in the 1980s by some intellectuals in the country. In that way, Islamic roots of Turkish society were reminded in order to enhance the national and religious identities altogether. A similar relation has also existed in Poland for many centuries and Polish nationhood has been associated with Catholicism. The common term which is utilized for mentioning that a Pole is Catholic is “Polak-Katolik.” This notion also implies that national identity is enhanced, if not shaped by, majority religion of these countries. That is why the religion factor has been emphasized during its EU membership process, not overtly for sure given that there is no criterion on

religion for membership. Nonetheless, as already mentioned, since there is no universal norm of state-religion relations or the level of secularization of a member state, the European side does not have the right to expect anything from the candidates. On that axis, the nature of the state-religion relations in those countries will be under scrutiny in order to determine whether the conduct of religious education complies with the European norms, not regarding the principle of secularism but freedom of religion and conscience.

In defining Europe, Christianity has always been one of the most remarkable elements of identity. The EU is frequently being labeled as a Christian club; especially its reluctance for Turkey's membership is generally associated with this characteristic. Nonetheless, literature concerning global trends of secularization and religiosity commonly considers Europe as an exception indicating that there is no rise of religiosity there, contrary to the global trend. Poland is again accepted as an exception to the general rule of secular Europe in the sense that Catholicism still constitutes a remarkable part of the national identity (Casanova, 1994). In the course of Poland's membership to the EU, the European side was reluctant since they were concerned with Poland being a potential threat to the secularization trend of Europe. Therefore, despite the common denomination of Christianity, the perceived high level of religiosity of Poland has been a matter of discussion during the course of its integration. Having said that, "Muslim and religious"⁴

⁴ According to the research conducted by TESEV, the religiosity in Turkey is increasing. For the statistics about rise in religiosity please see: Ali Çarkoğlu and Binnaz Toprak. 2003. *Religion, Society and Politics in a Changing Turkey*. İstanbul: TESEV Publications, p. 11.

Turkey's position vis-à-vis Europe is a much more controversial issue by nature. However, on the axis of being religious, the two countries are comparable since their conformity in terms of domestic policies with the European norms display a parallelism given their religious sensitivity. In other words, the issues which fall under the scope of religious and moral domains like family, abortion, euthanasia or religious education; it is harder for these countries to comply with European norms.

The fact that Poland is among the Central and Eastern European Countries (CEEC) that were also evaluated according to their compliance with the Copenhagen political criteria during their membership process to the EU, is another factor for comparing it with Turkey. The EU conditionality, which is based on encouraging the candidate countries by external incentives in the form of rewards and sanctions, is a remarkable factor in determining policies both for CEECs and Turkey (Schimmelfennig and Sedelmeier, 2004). As they were post-Soviet countries and possessed the characteristics of transitional societies, especially in terms of their experience of democracy; they had to prove that they could meet the political criteria. So, in determining the impact of Europeanization, EU membership constitutes a noteworthy reference point and a country that has become an EU member after the insertion of political criteria provides a sound ground of comparison with Turkey. The fact that Poland became a member of the EU in 2004 also offers an opportunity to observe the impact of Europeanization on domestic affairs before and after membership. In addition, given that population sizes are comparable, although they are very different in terms of the constitution of society in ethnic and religious terms,

the two countries were subject to similar concerns from the EU side. Therefore, Poland, being the biggest state among the CEECs, constitutes the most comparable case to Turkey among the states of the 2004 enlargement. In means of economic prosperity and democratic consolidation, Turkey and Poland are also comparable despite the fact that their experiences in terms of regime types are dissimilar.

Nonetheless, the main reason for choosing these two countries to compare on the axis of the impact of Europeanization for the conduct of religious education is their similarity in terms of their religiosity; in other words, religion constituting the main vein of identity. Analyzing such countries known for their religious sensitivity from the perspective of Europeanization process is a challenging matter and therefore needs an accurate methodology which is delineated below.

1.2 Methodology

The research question of the study is: “What is the impact of Europeanization on religious courses in formal education in Poland and in Turkey?” The analysis is built upon explaining the impact in question with regard to different approaches of the Europeanization theory.

In order to be able to measure the impact of Europeanization on any field, one should be acquainted with the historical and current political context of the countries to be examined. The main rationale behind is the assumption that how Europeanization affects the domestic policies and structures of a country depends upon its historical background, the culture and identity; whether top-down or upwards mobilization exists, and the position of religion in the modernization process. Historical evolution of state-religion relations, the significance of religion in nation-building and identity formation, with specific reference to religious courses in formal education are retrieved from secondary sources for both Turkey and Poland.

As a second step, the international agreements that both countries are bound with, the domestic legal documents; including the constitution, laws and regulations concerning education and religious courses in specific are examined. The change in the status of religious education is presented from a perspective of process-tracing, for the purpose of understanding the turning points in terms of legal change and policy change, and their relation to the conjuncture of the day. For Poland, the impact of Europeanization starts to be examined with its application for EU membership right after the fall of communism and it constituted a landmark in the history of the country in that respect too. For Turkey, the decision of the ECtHR, which had general implications for the conduct of religious education in the country, is considered to be a milestone given that the subsequent developments indicated the European impact on this specific field.

The judgments of the ECtHR are taken into account considerably since as delineated above, one of the main assumptions of this work is that Europeanization is not limited to EU membership and its organs, but that European rules and values can be transmitted via other European institutions such as Council of Europe and ECtHR. The verdicts of the ECtHR for Poland and for Turkey are not only binding for those countries but are also reliable indicators in determining the level of misfit and thus give an insight about the nature of impact of Europeanization on those countries.

These steps that provided an accurate image of the historical and legal contexts in which the domain of religious education was operated but the study was lacking contemporary information which could only be gathered from the specialists and the actors who are actively taking part of the policy-making, implementing or being affected by the process. With this motivation, as a final step, in-depth interviews were conducted in both countries. These in-depth interviews were aimed at gathering all crucial information regarding the issue. From a broader perspective, state-religion relations were explored while making strong emphasis on religious education and the connotation of these two with the process of Europeanization.

The in-depth interview is selected as the method for gathering contemporary information because “this method is useful when the researcher has a particular topic he or she wants to focus on and gain information from individuals” (Hesse-Biber and Leavy, 2006: 120). Moreover, for the case of Poland, the lack of language skills may impede to get

information from the domestic media sources and it might be a necessity to refer to the experiences and observations of individuals. Therefore, these interviews turned out to be “knowledge-producing conversations” which offered the opportunity to “learn about social life through the perspective, experience, and language of those living it” (Hesse-Biber and Leavy, 2006: 128).

For both cases, but especially for Turkey, religious education is a field where one can find disadvantaged groups who are complaining about their position but not always raise their voice easily because of the tense environment. In that sense, the in-depth interviews were considered as an opportunity for “accessing the subjugated voices” within society (Hesse-Biber and Leavy, 2006: 123). In this way, different parties of the issue were heard. While doing so, it was important to keep a distance from subjectivity and avoid the feeling of the respondents that the researcher is an outsider, even though it was harder to do so in Poland. In Turkey, on the other hand, reflexivity was the notion to be avoided since as a researcher, it was important to be aware that the social background and existing assumptions of the interviewer may intervene in the conversation (Hesse-Biber and Leavy, 2006: 141). In order to do so, the respondents were not to be intervened while replying the questions and they had the opportunity to put forward their point of view as they wished.

The questions were prepared in a semi-structured form which aimed at keeping the conversation on the set of questions addressing the main topic of the study. Another

reason for selecting semi-structured interview was to “allow individual respondents some latitude and freedom to talk about what is of interest and important to them” (Hesse-Biber and Leavy, 2006: 125). In this way, contemporary issues could have revealed and the respondents could attract the attention to the points they considered to be significant. This opened up new issues to be investigated under the scope of the study and new dimensions were added. As a matter of fact, some of the interviews were closer to open-ended design where the respondents were allowed to take the conversation wherever they would like to and this gave a greater flexibility to put forward new themes.

In both cases, the selection of the respondents was based on the purpose of providing a comprehensive analysis comprising different parts and aspects of the issue. In addition, a parallelism in terms of the selection of respondents was attained between Turkey and Poland while making interviews. Among the interviewees, there were both adherents of majority religion; Catholicism in Poland and Sunni Islam in Turkey; and the followers of other convictions. The practices about the religious courses for people other than the believers of the mainstream religion were taken into account since these records provided reliable indicators in determining respect for freedom of conscience and belief. It is worth reminding that the main concern of this work is neither to discuss minority rights nor the principle of secularism but to evaluate the two countries' fit to the European values in terms of right to freedom of religion and conscience, in addition to the right to education.

Among the interviewees, there were journalists, lawyers, academicians, politicians, religious leaders, policy-makers, representatives of minority religions and related NGOs as well as people from other professions.⁵ Their religious convictions, political views and stances with regard to the specific issue of religious education altered. As already indicated, in the selection of the profile of interviewees it was aimed to reflect different dimensions and the opposite views. The current environment in both countries in terms of state-religion relations, with special emphasis on religious education, was displayed from all angles.

For sure, the questions addressed to the interviewees altered in Turkey and in Poland. It should be stated that the queries posed also differed from one interviewee to the other since emphases were made regarding the field of expertise, ideological position, profession, and conviction. For instance, while interviewing an expert on Europeanization; more questions about this process and its implications were put forward. On the other hand, while conducting an interview with a priest or imam; the content, the nature and the practice of the religious education in the given country was inquired. While talking to a lawyer, the interview was mainly based on legal aspects of the issue; the judgments of the ECtHR, their execution, the compliance of domestic legal structures with the European ones.

⁵ The list and more detailed information about the interviewees are given at the Appendix.

In Turkey, three MPs from the main opposition party were interviewed and their opinions about the current policies of the government were asked. Given that the policies of ruling party⁶ can be observed since this party is in power, it was attempted to hear the voice of the main opposition party. In Poland, a similar logic was pursued and the position of the opposition party was asked.

For Poland, the main headings of the questions were:

1. Reinsertion of religious instruction to public schools and personal experiences
2. General scope of the discussions on religion/ethics courses
 - a. In specific: The third-party intervention to Grzelak Case
3. The position of other religious denominations in religion courses in Poland:
Muslim students of Turkish origin and their families
4. The stance of Catholic Church on Poland's EU membership, its impact on state-religion relations and religion education
5. Contemporary politics in Poland
 - a. Debates on state-religion relations and religion education

⁶ The members of the Education Commission from the ruling party were requested to be interviewed but they did not respond.

In Turkey, the interviewees were requested to share their views about:

1. Current state of state-religion relations
2. Compulsory religious courses
 - a. Exemption requests – legal aspect; ECtHR judgment, its execution, domestic courts
 - b. Expectation from the new Constitution
3. New education system (4+4+4) and added optional religion courses
4. Position of adherents of other religions and unbelievers
5. The impact of Europeanization on freedom of religion and conscience and religious courses at schools; expected impact of EU membership

As already mentioned, the questions altered according to the interviewees; such that some of the headings were discussed in a greater detail than others. Moreover, the questions were mostly open-ended and provided the interviewees the opportunity to express their opinions in the way they prefer, to emphasize the issues they wish. Lastly, most of the interviewees were requested to refer the researcher to other persons who they think might help to reveal another relevant aspect of the issue. The list of interviews was broadened with the guidance of interviewees but the optimal number is determined by means of achieving proportionality and comparability between the cases.

Most of the in-depth interviews were conducted for the Polish case in Warsaw, in November 2012. The interviews were realized with ten people and a focus group of

Muslims living in Warsaw. One interview was made in Istanbul with a scholar who was conducting research in Turkey at that time. Another one was realized via Skype with a Polish political activist. The interviews were made with persons from different political views, religious convictions, social backgrounds, nationalities, professions and ages in order to make a multi-dimensional analysis. It was aimed to listen to different opinions, to find out common points and to get a general understanding of how state-religion relations, the position of the Catholic Church, the practice of religion/ethics courses and the impact of Europeanization on all these matters were perceived by interviewees. Not only Polish citizens but also Muslim people of Turkish origin living in Warsaw were interviewed in the form of focus groups. The questions posed varied according to the nationality, religious conviction, age, profession of the interviewees and the query was based on the information which was needed to be acquired. The common and diverging points on the same issue are highlighted with an objective perspective by omitting the personal comments of the interviewer.

In sum, twelve interviews helped to a great extent to reveal the current situation in Poland in terms of religious education, state-religion relations and the impact of Europeanization. In addition to those interviews with voice records, the visit to Warsaw, meeting the Turkish Ambassador to Poland and attendance to the Vaticanum II Conference⁷ have given the chance of making observations. Lack of Polish language skills was overcome

⁷ Vaticanum II Conference was held by the Centre of Thought for John Paul II on 13-14 November 2012 at the University of Cardinal Stefan Wyszyński, Warsaw.

thanks to the help of Polish researchers who provided contemporary information and translated them into English.

The fieldwork survey in Turkey took more time given that these are very vivid issues in this country, especially compared to Poland. There are more aspects, parties and actors involved in the process. State-religion relations, the education system itself, the status of religious courses and their connotation to the Europeanization of the country are among the highly debated contemporary issues. Eleven interviews were conducted in March and April 2013, with the exception of two, which were made in February. Two interviews were realized in Istanbul whereas the rest took place in Ankara. Among the thirteen interviewees, two of them preferred not to make a voice record.

The data which was produced out of the interviews constitute an important part of the whole work. The historical and the legal contexts that give important inputs for the study of the cases, the contemporary information that is gathered mostly via interviews enriches the multi-dimensional analysis by also providing occasion for counterfactual thinking. In this way, it is assessed how domestic policies, institutions and structures could have been in the absence of the impact of Europeanization. From the scope of Europeanization, both Turkey and Poland are assessed in terms of the misfit they constituted with regard to the European norms and values, and then the adaptational pressures as well as their responses of the state authorities are delineated.

This study aims at contributing to the literature by making a comparative assessment of the two cases, an EU-member and a candidate country, in order to analyze the different ways of experiencing the Europeanization phenomenon about a specific and sensitive issue like religious education at schools, which is tightly linked to the embracement of European values. The reasons of the altering paths of Europeanization in Turkey and in Poland in the field of religious education are examined for the purpose of providing input for further investigations in the field. Even though there is significant amount of studies conducted on state-religion relations within the scope of religious resurgence and analyzed according to the secularization theories, a small proportion of it is dealing with religious education. In addition, despite the popularity of Europeanization studies, the current literature focuses on the fields where the EU and other European institutions exert conditionality due to the existence of concrete criteria, different than state-religion relations. Therefore, the originality of this work will be to explain Europeanization phenomenon comparatively with respect to its influence on state-religion relations. This study targets at filling the gap at the intersection of two fields; state-religion relations and Europeanization impact on domestic structures, by contributing to the literature with empirical findings from a comparative perspective.

CHAPTER 2

THEORIES OF EUROPEANIZATION

The ‘first generation’ studies on European integration were enthusiastic about the creation of a European domain and they mainly focused on the functioning of this new system; in other words, European governance (Schmidt and Radaelli, 2004: 183). They tried to define whether the mechanism was based on intergovernmental negotiations, or whether supranational instruments would be in charge with an understanding of multi-level governance. These studies were all concerned about the functioning of the new enlarging system. However, the ‘second generation’ studies started to take into consideration the impact of the Europeanization on domestic policies, in other words, “the process of national adjustment to the EU” (Schmidt and Radaelli, 2004: 183). Even though there were several scholarly works concerning this side of the issue, it can still be argued that the Eastern Enlargement which took place in 2004 ignited the discussion on the adoption of European rules into the domestic politics of those states. The treatment of the EU towards the Central and Eastern European Countries (CEECs) which were willing to become EU members sets an exemplar since they were faced with strict conditions

attached in the form of rule transfer. The “second generation” studies about Europeanization are mainly concerned about this phenomenon which gave EU an “unprecedented influence on the restructuring of domestic institutions and the entire range of public policies in these countries” (Schimmelfennig and Sedelmeier, 2004: 661). The transformative power of the EU has become a matter of discussion for Europeanization studies. This is not actually an alien concept to IR scholars given the “second image reversed” understanding which indicates the international sources of domestic change (Gourevitch, 1978).

There are various understandings of Europeanization; these vary from considering it as a form of governance, to labeling it as a discourse but Europeanization is most commonly defined as “the emergence and development at the European level of distinct structures of governance, that is, of political, legal, and social institutions associated with political problem solving that formalize interactions among actors and of policy networks specializing in the creation of authoritative European rules” (Risse, et al., 2001: 3). According to a definition, Europeanization can be understood in the maximalist sense which considers structural change as a phenomenon “exhibiting similar attributes to those that predominate in, or are closely identified with, ‘Europe’” (Featherstone, 2003: 3). In the minimalist understanding, the adaptation of domestic structures and national policies to the European ones as a response, is among the major assumptions (Featherstone, 2003: 3). Institutionalization at the European level which in turn leads to domestic change is an essential point of Europeanization theory, which gained acceptance from scholars of the

field. However, this adaptation or harmonization in a broader sense, does not occur in a uniform manner where total convergence or divergence of national policies and institutions with European ones is expected; it is rather defined as “domestic adaptation with national colours” (Risse, et al., 2001: 1). Europeanization as discourse determines that “discourse helps create an opening to policy change by altering actors’ perceptions of the policy problems, policy legacies and ‘fit’, influencing their preferences, and, thereby, enhancing their political institutional capacity to change” (Schmidt and Radaelli, 2004: 188).

According to the theory, Europeanization is a process where domestic structures, institutions and policies do alter as a response to making of common policies and alignment with the institutions at the EU level. Domestic change caused by Europeanization takes place if and only if “some degree of ‘misfit’ or incompatibility between European-level processes, policies and institutions, on the one hand, and domestic-level processes, policies and institutions on the other” exist (Börzel and Risse, 2000: 1). In that sense, the “penetration” of European rules, practices and norms into “the otherwise differentiated domestic spheres” is the ultimate cause of the domestic transformation throughout Europeanization (Mair, 2004: 4). The concept of “otherwise differentiated domestic spheres” leads to the counterfactual thinking which enhances the tune measuring of the Europeanization impact that can clearly be confused with other internal and external factors shaping national policies. It should be kept in mind that this is a reciprocal process where Europeanization affects policies in the member states and at

the same time, the trajectory of integration is shaped in accordance with the feedback coming from the members (Schmidt and Radaelli, 2004: 185). To put it in another way, it can be stated that “activities at the domestic level affect the European level and vice versa” (Risse et al., 2001: 4).

According to Europeanization theory, domestic change takes place in a candidate country if there is “misfit” which indicates that European and domestic policies, processes and institutions do not match with each other (Risse et al., 2001: 6). Another phenomenon which explains how the dose of misfit affects the Europeanization process is the hypothesis that the greater the misfit the greater will be the adaptational pressures (Börzel and Risse, 2000: 5). To put it in another way; this view can be summarized as “poor fit implies strong adaptational pressure; good fit implies weak pressure” (Risse, et al., 2001: 2). In addition to the level of misfit, there are other factors shaping the nature of domestic change. This is why, the target countries which are subjected to similar pressures for adaptation do not always reply with same domestic structural change thanks to the existence of the mediating factors specific to each country (Risse, et al., 2001: 2).

It should also be highlighted that ‘goodness of fit’ is argued to be a subjective matter as long as “fits and misfits are politically constructed” (Schmidt and Radaelli, 2004: 187). There are no definitive points of reference which determine the ‘fitness’ of any policy or institution and that is why “there is no absolute match or mismatch” between the domestic level policies and European ones (Schmidt and Radaelli, 2004: 187). Moreover,

this is up to national and EU-level authorities to decide what a good fit or a misfit is. Here it should be taken into account that the degree of misfit can also vary according to the policy sector it involves (Risse et al., 2001: 8). Here, actors' preferences play an important role given that the willingness of the domestic authorities to alter the national policies in accordance with the EU norms in the case of misfit is the determinant (Schmidt and Radaelli, 2004: 187). Though, it seems obvious that such decision about the misfit as well as the degree of adaptational pressures are generally given by the European side due to the power asymmetry which is determined by dependence of the candidate country on the EU (Börzel and Soyaltin, 2012: 11). This is why "misfit" also implies "membership conditionality" given the transformative power of the EU, in the well-known example of the integration of the CEECs (Börzel and Soyaltin, 2012: 7). Conditionality is the most significant EU-driven source of alteration in rule adoption behavior of a non-member state which proposes membership as a reward of well complying with the European norms (Schimelfennig and Sedelmeier, 2004). The effectiveness of the principle of conditionality mainly stems from the commitment of the candidate country for membership, and this commitment is strongly dependent on the rewards of membership which should be higher than the costs of domestic adjustment (Avci, 2013: 202). Therefore, the conditionality mechanism works efficiently if the compliance with the European norms do not endanger the power of the actors.

Misfit can be observed at policy level or institutional level and as a consequence, the adaptations also take place at these levels. "Institutional misfit is less direct than policy

misfit” but these lead to domestic change if other factors supporting this change are in effect (Börzel and Risse, 2000: 5). The domestic change can be realized in accordance with “logic of consequentialism” as rationalist institutionalism embodies or in terms of “logic of appropriateness” like sociological institutionalism puts forward (March and Olsen, 1998; Risse, et al., 2001: 10; Börzel and Risse, 2000: 6-7, Featherstone, 2003: 15). According to “logic of consequentialism,” which determines the rational and utility-maximizing actors’ policies, adaptation is based on obtaining additional opportunities, resources and power. “Logic of appropriateness” purports that adaptation can take place in “the existence of a consensus-oriented or cooperative decision-making culture (Risse et al., 2001: 10). It is worth investigating both approaches in order to provide a better understanding of the scope of Europeanization theory.

2.1 Rationalist Institutionalism⁸

There are scholarly works that put emphasis on the interest-based rationality or game-theoretic behavior, institutional path-dependencies and historically shaped patterns of development as well as social constructions of culture and identity; and lately ideas and discourse (Schmidt and Radaelli, 2004: 183). Some others (Schimmelfennig and Sedelmeier, 2004) determine the modes of rule transfer from the European side to the countries in question with different names but similar concepts; the external incentives

⁸ Rationalist Institutionalism is also known as; Interest-based Rationality, Rationalist Bargaining Model and External Incentives Model

model (rationalist bargaining model), social learning and lesson-drawing models. Despite different naming, the discrepancy between the concepts put forward by scholars is minor. There are basically two approaches; one is where the domestic actors act in accordance with the logic of consequentialism and the other where they act according to the logic of appropriateness. Therefore the basic divergence between the two types of rule adoption mainly derives from the motivation behind and the level of the responsiveness of the domestic authorities. The Europeanization theory anticipates a domestic change due to high level of “misfit” only if there are some factors that enable this change in the country. At the domestic level, the mediating factors which are sine qua non for a change are identified as: “multiple veto points in domestic structure, facilitating public institutions, a country’s organizational and policymaking cultures, the differential empowerment of domestic actors, and learning” (Risse, et al., 2001: 2).

Rationalist institutionalism considers actors to be rational utility maximizers and goal-oriented so that they act in a way to maximize their interests and in this understanding Europeanization is perceived as an emerging political opportunity which offers additional resources to those actors who would like to exert more power (Börzel and Risse, 2003: 63). Even in cases where European values, legacies or policies do not match with the domestic ones, the will of the domestic political actors may resolve the opposition of preferences if they perceive the situation as an opportunity for their own interests (Schmidt and Radaelli, 2004: 188). Moreover, the political institutional capacity is also tightly linked to the political interactions such as party politics, dynamics of elections,

interest coalitions and so on. What matters in that context is the “single actor” system which functions much better given the “problem-solving capacity” of the national authorities (Schmidt and Radaelli, 2004: 188). Since the executive has the “capacity to impose” the European norms can penetrate much easier compared to the cases of “multi-actor systems” where there arises a need to negotiate and convince other policy actors (Schmidt and Radaelli, 2004: 188). Despite all these observations, a significant remark of the scholars of Europeanization is that their findings do not support the general impression that “Europeanization tends to strengthen state autonomy vis-à-vis society” (Risse et al., 2001: 2).

On the other side of the coin, it can also be argued that single actor system has different implications for the parts of the Europeanization process. First, in countries where there are weaker veto points, a single-actor has the leverage to impose the European norms, legacies and policies only if these lead to further empowerment of that actor in the country. In other words, the existence of single-actor in a given country facilitates the penetration of the European norms and in return, Europeanization itself empowers that actor by legitimizing the actions in domestic politics and weakening the multiple veto points. This principle is called as the “differential empowerment” impact and it is explained that it occurs under such circumstances:

Europeanization only leads to a redistribution of resources and differential empowerment at the domestic level if (1) there is significant misfit providing domestic actors with additional opportunities and constraints ... and (2) domestic actors have the capacities to exploit such new opportunities and avoid constraints, respectively... (Börzel and Risse, 2003: 64)

In the absence of “multiple veto points” which again fortifies the position of the single-actor in the country, penetration of the European norms is smoother (Börzel and Risse, 2003: 64). Conversely, the more power is dispersed in the political system of a country, the more it becomes harder to create a domestic consensus or a ‘winning coalition’ which has interest in fostering the change in line with the expectations of Europeanization (Börzel and Risse, 2003: 64). However, in the single-actor system, it is much easier “to introduce domestic reforms which are to a large extent in line with its own political agenda” (Börzel and Soyaltin, 2012: 13).

The second aspect is that single-actor systems have more leverage for projecting their preferences on the EU which means that in case the rational single-actors play the card of Europeanization correctly; their position is consolidated both at the national level and vis-à-vis the EU (Schmidt and Radaelli, 2004: 188). In some cases, existing formal institutions provide domestic actors further action capacity by offering them material and ideational resources in order to increase their bargaining power and exploit European opportunities (Börzel and Risse, 2003: 65). However, it should be noted that Europeanization does not “systematically favor one particular group of domestic actors over others” (Börzel and Risse, 2003: 64). Thus it implies that the determination of the actors to be active in this process is dependent on the domestic dynamics specific to each country.

In some cases, the adaptational pressures would be so high that the “European institutions seriously challenge the identity, constitutive principles, core structures, and practices of national institutions” (Risse et al., 2001: 8). This process might be deep and it can end up with a “system of convergence or increasing similarity among entire political, economic and social systems” (Risse et al., 2001: 16). Other terms utilized by rationalist institutionalists to define this process are “structural isomorphism” and “structural convergence” and they expect a “negative integration” as Europeanization becomes more about market integration rather than norm internalization (Risse et al., 2001: 16). In this way, it is anticipated that “more adaptational pressures will lead to structural isomorphism” (Risse et al., 2001: 16).

2.2 Sociological Institutionalism⁹

According to sociological institutionalism, “Europeanization leads to a domestic change through a socialization and collective learning process, resulting in norm internalization and the development of new identities” (Börzel and Risse, 2003: 59). Europeanization can transpose very different rules for compliance ranging from highly specified rules, to less specified ones, to suggested rules or to no rules at all as it is the case in mutual recognition (Schmidt and Radaelli, 2004: 190). The nature of the compliance rules varies according to the goodness of fit of norms, policies and institutions at the domestic and

⁹ Sociological institutionalism is also known as Constructivist, Social learning and Lesson-drawing Models

EU levels. Whatever the rigidity of the compliance rules the penetration of those rules is dependent on the mediating factors which are unique to each and every country and this is what makes integration with national colors possible. It can be observed that ‘misfit’ has more potential for the empowerment of national actors as rationalist institutionalism puts forward whereas in cases where there is greater ‘fit,’ the options of absorption and social learning are more likely to occur. As long as the adaptational pressures will be low due to the lesser misfit, minor structural adaptation would be sufficient (Risse et al., 2001: 8). Moreover, “actors easily incorporate EU institutions and regulations in their domestic ways of doing things” (Risse et al., 2001: 8).

According to sociological institutionalism, actors define their goals under the effect of collective understandings to fulfill social expectations and in this view Europeanization is considered as the “emergence of new rules, norms, practices, and structures of meaning” which should be incorporated into domestic practices and structures (Börzel and Risse, 2003: 66). For sociological institutionalists, structural convergence is anticipated for different reasons than the rationalist institutionalists. They expect that “institutional convergence occurs because institutions frequently interact or are located in similar environments” (Risse et al., 2001: 17). In other words, interaction among the institutions at domestic and European levels, will cause over time the formation of resemblances in “formal organizational structures, principles of resource allocation, practices, meaning structures, and reform patterns” (Börzel and Risse, 2003: 66). Therefore, developing similar rules and structures over time is likely to happen given the similar informal

practices and collective understandings (Börzel and Risse, 2003: 66). Other than this institution-based approach of sociological institutionalism, there is also a more agency-centered view where the actors learn to “internalize” the European rules and norms (Börzel and Risse, 2003: 66). These actors take part of the environments where those norms are transcended through arguing, persuasion and social learning; and as a result, they redefine their interests and identities (Börzel and Risse, 2003: 66). What makes possible this way of internalization is actually, the high level of resonance between the domestic and European norms, practices and rules. In that case Europeanization leading to a noticeable domestic change is less likely to occur (Börzel and Risse, 2003: 67).

In the case of a high misfit, social learning can still be an agent for Europeanization which leads to a domestic change according to sociological institutionalism. In order that social learning takes place in case of high level of misfit, sociological institutionalist approach demarcates that at least one of the two mediating factors conducting internalization should be present. One of these mediating factors is the existence of ‘change agents’ or ‘norm entrepreneurs,’ who mobilize at the domestic level and convince the rest for redefining interests and identities (Börzel and Risse, 2003: 59). The second mediating factor is the presence of a political culture and other informal institutions which are active in consensus-building and cost-sharing (Börzel and Risse, 2003: 59). “The internalization of norms and the development of new identities” occur if one of these factors is present in the domestic structure and that is why it is important to understand how they function (Börzel and Risse, 2003: 59).

Europeanization in line with the “logic of appropriateness,” foresees that change occurs through socialization and collective learning process (Börzel and Diez, 2003: 66). Therefore, whether a government adopts EU rules depends on its persuasion about the appropriateness of those norms (Schimmelfennig and Sedelmeier, 2004: 18). This persuasion can take place in two ways; either the EU side convinces the government or societal groups and organizations can convince the government for rule adoption (Schimmelfennig and Sedelmeier, 2004: 18). Norm entrepreneurs have a role in the internalization process of convincing the domestic actors by moral arguments and strategic constructions in order to make them reconsider their interests and identities. In “epistemic communities,” this system works by offering scientific knowledge about the cause-and-effect relationships about the new norms and ideas without exerting pressure on policy-makers (Börzel and Risse, 2003: 67). If there are “advocacy or principled issue networks” in the country bound together with shared values, “the appeal to collectively shared norms and identities in order to persuade other actors to reconsider their goals and preferences” is possible (Börzel and Risse, 2003: 67). In addition, despite the fact that persuasion and social change are generally branded with policy change, they also convert the domestic institutions (Börzel and Risse, 2003: 67).

When it comes to the second mediating factor, the political culture of the country matters in the sense that with the presence of additional informal institutions, consensus-building and cost-sharing would be possible which in the end enhance domestic change under the impact of Europeanization (Börzel and Risse, 2003: 68). In such an environment, where

consensus-oriented decision making culture is present, multiple veto points can be contained. What is more, in a country where consensus-oriented political culture is rooted, the adaptational costs can be carried by many actors so that the pressure for adaptation diminishes; it implies that “rather than shifting adaptational costs upon a social or political minority, the ‘winners’ of domestic change compensate the ‘losers’” (Börzel and Risse, 2003: 68).

The sociological institutionalist account which deals with norm-based issues and interconnects Europeanization with the “logic of appropriateness” anticipates ‘absorption’ of the European norms through simple institutional learning in case where no ‘transformation’ takes place (Schmidt and Radaelli, 2004: 189). The “logic of appropriateness” foresees an institutional isomorphism which puts forward homogenization of organizational structures over time (Börzel and Risse, 2003: 66).

2.3 Explaining Change in the Legal Structure by Europeanization Theories

The impact of Europeanization on domestic legal structures is important to analyze since Europeanization has remarkable implications on this structure too. Those implications can be said to be more direct since it is easier to observe whether domestic legal structures comply with the European norms or not. For almost every field, norm adoption can be contemplated in domestic jurisdiction given that the countries under the impact of

Europeanization are part of the international agreements that determine the norms to be embraced. The Universal Declaration of Human Rights and the European Convention on Human Rights (ECHR) are among those agreements which determine not only European but also universal norms that should be followed. Compliance with the values indicated by those agreements is of great importance in determining internalization of Europeanization. However, the decisions of the ECJ and ECtHR in the specific fields provide more accurate views about how the countries respond to the expectations of the European side in the case of legal 'misfit'. The verdicts of the ECtHR, which is not an EU institution, are as binding and determining in the course of Europeanization. They are binding for non-members and non-candidates but those judgments are vital for the EU candidates in measuring the level of misfit, adaptational pressures and the willingness to comply with the European norms. It is explained:

Europeanization of the law places identical demands on national judges. However, the goodness of fit between domestic institutions and European requirements determines the extent to which Europeanization generates pressures for adaptation in national legal structures. (Conant, 2001: 100)

The verdicts of the ECtHR for the country that is sued are determinant about "the pressures for domestic adaptation that emanate from the European legal system" as well as the response of domestic legal structures (Conant, 2001: 99). Given that "Europeanization leads to redistribution of power among a variety of domestic actors, from legislatures, courts, regional governments, to interest groups and companies" according to the rationalist institutionalist account, the compliance of national jurisdiction with the European ones would empower the legal structure of that country (Risse, et al.,

2001: 11). It means that if a country is sued and the case is brought before the ECtHR, domestic courts are expected to embrace the principles set by the ECtHR in its judgment in similar cases. There are for sure monitoring mechanisms to pursue whether the decision of the ECtHR is executed in the country in question but it is also examined whether the national courts embrace the case-law and the principles set by the ECtHR. If the domestic legislature prefers not to comply with the decisions of the ECtHR in their judgments for similar cases, the existence of conflicts between national and European law will cause “grievances that motivate legal challenges” (Conant, 2001: 99). That is why the impact of Europeanization in the means of norm transfer is among the determining factors of the internalization of European values by the country in question. Goodness of fit between the European and domestic norms in the legal structure is among the prominent indicators of the state of Europeanization.

As a matter of fact, in recent years, there are scholarly works delineating that Europeanization does not only involve EU membership but also a manner of rule and norm transfer in the form of external governance (Schimmelfennig and Sedelmeier, 2004; Lavenex and Schimmelfennig, 2009). The EU’s transformative power on the candidate countries is already mentioned above but what is more, the only way of integrating European norms is not the accession process of the candidate countries. The main instrument of aligning the non-member states with the EU *acquis*; which is based on European rules, norms and values, is the enlargement policy. According to the European Commission the EU’s most successful foreign policy is “the most prominent case of

external action based on the projection of the EU *acquis* is enlargement” (Lavenex and Schimmelfennig, 2009: 791). This is why “studies of EU governance and ‘Europeanization’ have already expanded from their previous focus on the member states to the accession process and the candidates for membership” (Lavenex and Schimmelfennig, 2009: 793).

In this context, it is plausible to define Europeanization as a concept which comprises the rule transfer of the EU to the member and candidate countries in terms of compliance with the EU *acquis*, but beyond that, Europeanization is a means of making the third countries embrace European values. To put it in another way, Europeanization aims at adoption of the European norms through many institutions appertaining to the EU and outside of the EU. In the scope of this study, while investigating the cases of Poland and Turkey, Europeanization will be evaluated in terms of both the theories it involves; which are displayed above, and as a source of European norms and values which are also transferred by other sources than the EU *acquis*. To be precise, the ECHR and other international agreements are taken into account; other European institutions like the ECtHR and the Council of Europe as well as its organs like Committee of Ministers and the ECRI are considered. Therefore, in analyzing the impact of Europeanization on religious education at schools as an indicator of state-religion relations in Poland and in Turkey, European institutions which do have a role in setting and diffusing norms concerning this issue are determined as part of the analysis.

CHAPTER 3

HISTORICAL AND LEGAL CONTEXTS IN THE CONDUCT OF RELIGIOUS EDUCATION IN TURKISH CASE AND THE IMPULSES FOR EUROPEANIZATION

This chapter delineates the historical and legal contexts in which religious education evolved in Turkey. The historical outlook starts with the late-Ottoman era, which had also an impact on the Republican era. The issues concerning religion, education and religious education in the Republican era are also analyzed in this part in order to offer a framework in which contemporary developments can be investigated. The legal context of religious education is also taken into account for the purpose of displaying the status of religion and state's stance towards the conduct of religious education which can also be retrieved from the domestic legal documents. With regard to the legal framework, not only the domestic sources but also international binding documents are delineated. In this sense, the impulse for Europeanization from the European institutions in the field of religious education can be contemplated. The relevant documents, the judgments of the ECtHR and the relevant reports on Turkey will be depicted in this chapter. The impact of Europeanization which can be better analyzed in terms of Turkey's responses to this

influence in the form of policy change will be evaluated in the next part. In order to be able to make an accurate examination, it is worth starting with the historical framework.

3.1 Historical Outlook to Religious Courses in Turkey

3.1.1 Late-Ottoman Period

As a general understanding, in evaluating how religious education was provided in Turkey, it would be appropriate to have a brief look into the late Ottoman period. It is crucial to understand religious education in the Ottoman Empire and to situate the education of non-Muslims in this framework in order to evaluate their reflections, if any, on Turkey. Mainly, four major types of schools come to the forefront regarding the scope of this study; *medreses*, *mekteps* (by Tanzimat reforms) minority schools and foreign schools. It should be highlighted that until the nineteenth century, more specifically; Tanzimat¹⁰ reforms (1839-1856), education was conducted in a chaotic environment (Sakaoğlu, 1991: 77). *Medrese* was the oldest institution of education in the Ottoman Empire where primarily religious education was provided. As this education was costly, it was not accessible to the most part of Ottoman Muslim society (Unan, 1998: 192). In that sense, *medrese* was unable to satisfy the need in terms of the number of educated people necessary both in the state affairs and in society as a whole (Kaymakcan, 2006:

¹⁰ *Tanzimat* is a period in Ottoman history which is characterized by the attempts to modernize the Empire. The reforms attempted to integrate non-Muslims and non-Turks within the Ottoman society by ameliorating their rights and granting them equality.

22). In the nineteenth century, with the general spread of modernization, those institutions became inadequate to cope with this stream especially in the field of education. These were the main reasons for the resurgence of a new institution of education; *mektep*. These schools were established in order to respond both to the need of expansion of education and to the efforts of modernization in the Tanzimat Era (Sakaoğlu, 1991: 71). Therefore they were settled down with a Western understanding in the nineteenth century. *Mektep* is the most similar institution to contemporary schools in Turkey and in the sense that it constituted the basis for the schools of the republican era. They were similar in means of the materials taught; they were not religious-oriented but included secular courses like math, science and history (Kaymakcan, 2006: 22). There were courses on Islam religion for sure, but they were general religious courses. *Mekteps*, with those characteristics, were even considered as the agents of the process of secularization (Fortna, 2000: 369).

When it comes to the foreigner schools and minority schools, it would be better to underline the difference between the two concepts. In general terms, the concept of non-Muslim comprises of people living on Ottoman territory, who professed religions other than Islam and were subjected to the legislation of the community they belonged to (Ertuğrul, 1998: 24). In that way they differed from Muslim citizens who were subjected to Islamic law. The minority concept in the Ottoman Empire meant the communities which were formed according to the “*millet*” system, on the basis of religious affiliation (Braude, 1978: 69). Each religious community constituted a “*millet*” and the assemblage

of them formed the “*millet* system” (Küçükcan, 2003: 482). But this system “was not an institution or even a group of institutions, but rather it was a set of arrangements, largely local, with considerable variation over time and place” (Braude, 1978: 74). There were three major *millet* in the system; Greeks, Armenians and Jews. Therefore when we talk about the minority schools, generally speaking, it is meant Greek, Armenian and Jewish schools (Sezer, 1999: 5). Foreigners, on the other hand, were people who came to the Ottoman Empire for a reason like trade and lived especially in coastal towns for a while (Ertuğrul, 1998, 26). These were mostly Europeans, and the Ottoman state was responsible to provide them security in addition to the privileges they enjoyed according to the treaties signed with those states.

The establishment of the first minority school on Ottoman territories, which is the one founded by Greek community, dates back to 1454 (Ertuğrul, 1998: 98). This has taken place within the general environment of freedom of religion and conscience provided to non-Muslim minorities. At the beginning, minority schools gave primary education but in the following years secondary schools were also opened (Vahapoğlu, 1997: 19). All minority schools were established and regulated by the communities they belonged to. It should also be highlighted that these schools were ruled by the spiritual leaders of these communities which means that they were institutions where both secular and religious subjects were taught (Ertuğrul, 1998: 98). Even if at first these schools were founded with the aim of providing religious education, in the 18th century, due to the reflections of Enlightenment, they were converted to formal education institutions and they became the

centers of culture due to the substantiality of their curriculum constituting of secular courses (Ertuğrul, 1998: 120). However as the number of these schools increased, they started to be considered as threat since they remained out of the state control and were guided by foreign countries (Haydaroğlu, 1993: 8). This is why, especially by the late nineteenth century, the Ottoman state took measures to exert control over those schools.

In addition to the minority schools which were founded within the understanding of *millet*, the foreign schools were established with the initiative of foreign countries on Ottoman territories. Those schools were increased in number especially after the seventeenth century. It is argued that the aim of the European countries as well as the United States was to establish centers of evangelical movements on Ottoman territories that would weaken the Ottoman Empire (Ertuğrul, 1998: 102). It should be noted once more that despite the efforts of the Ottoman state especially in the regression era of the empire, the state was unsuccessful to apply control over foreign and minority schools. The control could be employed only after the establishment of the Republic, when most minorities had anyhow disappeared.

This brief information on how the Ottoman state conducted education and the educational rights of minorities and foreigners living on Ottoman territory is given in order to be able to make a comparison with the contemporary situation in Turkey. In the following parts, the attitude of the Turkish state will be analyzed in terms of its stance towards

educational rights of non-Muslims living in the country; more specifically, the attendance of those pupils to the religious courses.

3.1.2 New Republican Era

With the foundation of the Republic of Turkey as a new nation-state, where unity was one of the priorities, such diversity in education reflecting different worldviews could not coexist. The idea of uniting the education system was on the agenda of Mustafa Kemal Atatürk, founder of the Turkish Republic, and he shared his views on the issue in some occasions before the declaration of republic (Gökaçtı, 2005: 127). Nonetheless, Mustafa Kemal did not put any emphasis on this, since such reforms would interrupt the unity among society which was the major source of power during the War of Independence (ibid.). Right after the declaration of the Republic, the reform planned for education has been implemented. With the Law on Unification of Education amended in 1924, *medreses* have been annulled and *mekteps* were declared as the only institutions of education (Baltacı, 1993: 14). Mustafa Kemal underlined in his speeches prior to the declaration of the law that every individual has to learn one's religion; that is why there is need of an institution where every individual—man and woman—can learn one's religion and this institution is *mektep* (Unan, 1999: 230). In that sense, religious education has not been subtracted from the education system but it was decided to provide both religious and secular education in the same institution by the state, under the Ministry of National

Education (Kaymakcan, 2006: 23). As a natural outcome of national, secular and unified education system, minority and foreign schools were subjected to the supervision of the Turkish state which means that they had to comply with the rules and restrictions set by the state and if not, they were going to be closed down (Sezer, 1999: 47). According to the legislation for foreign schools, the state expected them to emphasize the Turkish language and culture and to be cautious on not making religious propaganda (Sezer, 1999: 49).

The reform in the education system should be evaluated within the framework of overall secularization of the country. Locating religious instruction within the secular education system was functional in the sense that it would impede the divergence that would come out as a result of different sects and teachings of Islam (Ayhan, 1999: 64). In order to put an end to the manipulation of religion by *tarikats* leaders, Mustafa Kemal introduced a new understanding of laicism. Here it is worth emphasizing that Kemalist laicism was mainly based on rational thinking. In Mustafa Kemal's perception, secularization meant to deprive the traditional power of *ulema* in order to consolidate the understanding of "rational religion" (Tank, 2005: 6). What is meant by "rational religion" is "to reduce the social significance of religious values and to eventually disestablish cultural and political institutions stamped by Islam" (Küçükcan, 2003: 486). The main goal was to teach people to refer to positivist thinking in their social lives, rather than the sayings of *ulema*. With the intention of introducing rational thinking, Mustafa Kemal had to omit the effect of the interpreters who used to take advantage of their impact on people. He was for

reducing Islam to “a personal negotiation between the self and God” whereas the organization and regulation of the state affairs were left to the hands of “human actors” (Shankland, 2005: 49). Therefore, Kemalist secularism was not “irreligion” given that “its purpose was not to destroy Islam, but to disestablish it-to end the power of religion and its exponents in political, social, and cultural affairs” as well as “to limit it to matters of belief and worship” (Lewis, 1968: 412). In doing so, the main aim was to introduce rational thinking to Turkish people, free from religious dogmas and open to modernization.

Mustafa Kemal foresaw the need for raising religious consciousness of the Turkish people. One of the fundamental steps for secularization was taken in the field of education in order to “establish a program of functional differentiation of institutions” (Küçükcan, 2003: 488). The well-known outcome of this move was the Law for the Unification of Education of 1924, which gave an end to the bifurcated nature of the education where religious-oriented instruction was provided by *medreses* and secular one by *mekteps*. With the Law for the Unification of Education, all education institutions were associated to the Ministry of National Education but this was not the only initiative; there should have been some institutions where people could get information about their religion. There had been two important steps which led the country to get rid of the negative effect of the interpreters: Directorate of Religious Affairs (DRA) was established in 1924 in order to manage the administrative affairs of religion (Berkes, 1964: 484). Mustafa Kemal also found it necessary to train religious personnel and that it

should also be provided by the state. In order to realize this, İmam-Hatip Schools (Religious Vocational High Schools) and Faculty of Divinity (at İstanbul University) were established (Berkes, 1964: 484). This new faculty of divinity was going to serve “as the centre of a new, modernized, and scientific form of religious instruction” (Lewis, 1968: 414). As a result, not only the state affairs got rid of the burden of religious dogmas but also religion has been “cleansed” due to the elimination of mysticism, saints, and independent religious institutions (Shankland, 1999: 23). These remarks help to understand Mustafa Kemal’s vision of Islam at the level of state affairs. To summarize the new position of religious education within the general education system, it can be stated that religious education in its new form mainly aimed at enhancing the formation of individual belief and separate schools were established to train religious personnel (Unan, 1999: 250-251). This was going to be held with the idea of “Islam would be approached through reason rather than tradition” (Berkes, 1964: 484).

The one-party period in Turkey, which indicates the period between the foundation of the Republic and transition to multi-party politics; from 1923 to 1946, needs to be evaluated from different lenses. The enthusiasm during the first couple of years of the new Republic, the ideal model put forward by Mustafa Kemal where religious education takes part of the secular education system was pursued. The general climate in Turkey at that time was mainly focused on the implementation of reforms in the light of modernization and secularization (Ahmad, 1999: 71). Nevertheless, from the beginning of 1930s onwards, the country faced religious-oriented rebellions which can be interpreted as the

facts that laicism has been accepted as a principle in the transformation of society and that it has been inserted to the Constitution did not necessarily mean that laicism was embraced by all parts of society (Gözaydın, 2009: 26). These rebellions caused the feeling that religion still posed a threat to the principles set for the new Republic.

Religious education was inevitably affected by this atmosphere and faced several problems (Kaymakcan, 2006: 23). All these developments ended with the closure of İmam-Hatip Schools (Prayer Leader and Preacher Schools) and Faculties of Religious Studies, and the gradual removal of religious courses at schools in the beginning of 1930s (Unan, 1999: 273). It is obvious that the ideal program where religious education is given in secular schools could not be sustained especially at the stake of laicism. Even the existence of religious education at schools, as well as the existence of İmam-Hatip Schools, were perceived as tools for the continuum or take-over of the old mentality of governing the state and society with religious rule; *shari'a* (Unan, 1999: 272). The measure taken by the one-party rule in order to prevent the damage that could be given by the old thinking was to abolish all institutions giving religious education and removing religious courses at schools. The reason of this severe decision is interpreted as one-party system being ideological and trying to rule each and every institution of the state in accordance with this ideology (Baltacı, 1993: 14).

3.1.3 Transition to Multi-Party Period

The political party which has been set up by Mustafa Kemal and his companions; Republican People's Party (*Cumhuriyet Halk Partisi* - CHP), was the only party in the system until 1946. There had been attempts to initiate new political parties, which were also supported by Mustafa Kemal himself, but they could not survive since they became the source of religious-oriented movements (Ahmad, 1995: 75). The opposition party which was established with the initiative of Mustafa Kemal in 1924 was closed down one year later and the proponents of religious rule were penalized severely (Ahmad, 1995: 75). In 1946, long after this unsuccessful attempt, a new party was established; the Democrat Party (*Demokrat Parti* – DP). Unlike during the one-party system, with the transition to multi-party politics, people started expressing their needs more explicitly due to democratic environment in the country. Among their demands, expanding the place of religion in their daily life constituted a major issue (Ahmad, 1995: 132). In line with democratization steps taken where the need of society to practice its belief more liberally and assertively did not escape from the attention of political parties on the scene. Therefore, it was neither the requisites of religion nor solely the need of Turkish people to live their religion but the will of political parties, which wanted to make use of this inclination (Gözaydın, 2009: 28). The need of Turkish people for reinsertion of religion into daily life was so obvious that even CHP, founded by Mustafa Kemal and strongly attached to the principle of laicism, had to restore its discourse on religion and laicism and to follow a more flexible policy (Gözaydın, 2009: 28).

In that respect, religious education became a critical issue to be emphasized and discussed in the Parliament (Baltacı, 1993: 16). With the decision of the Parliament in 1948, religious courses started to be offered in the primary schools in fourth and fifth grades as elective courses, apart from the ordinary school hours (Ayhan, 1999: 118). When the discussions in the parliament are evaluated, the reasons for including religious courses in the curriculum display diversity but they mostly stem from social concerns (Kaymakcan, 2006: 23). Among the main reasons for a positive attitude towards religious courses, it can be counted; teaching students respect to elderly people and utilizing the impact of religion against the threat of Communism (Gözaydın, 2009: 29; Kaymakcan, 2006: 23; Ayhan, 1999: 113). Another development related to religious education is the foundation of a new Faculty of Divinity in Ankara University. This can also be assessed as the result of the policy followed by CHP for democratization and flexibility in the interpretation of laicism in favor of religion (Kaymakcan, 2006: 23).

With the change in the leading party; DP coming into power in 1950, due to the new policies followed which took into account the vulnerability of society, the role of religion in social engineering became evidently concessive in comparison to the previous period (Gözaydın, 2009: 32). This was firstly reflected on the developments in religious education; starting from 1950, religious courses started to take part of the curriculum in primary schools – but they were still elective (Ayhan, 1999: 125; Gözaydın, 2009: 33). In 1951, İmam-Hatip Schools were opened (Gökaçtı, 2005: 189). For the next step, in 1956, religious courses were added to the curriculum for both primary and secondary schools

(*ilkokul-ortaokul*) (Kaymakcan, 2006: 23). The insertion of elective religious courses to the curriculum of high schools (*lise*) was made in 1967 under the rule of Justice Party (*Adalet Partisi*) (Ayhan, 1999: 132). All of these steps were discussed widely in the Parliament and different views were raised. Nonetheless, the spread of religious education in almost every level; primary, secondary and high school levels, as well as the quantity of İmam-Hatip Schools have incremented gradually. In the following years, the governments enhanced religious education and in line with that, the need for courses of ethics (*ahlak*) has been considered so that in 1974 ethics courses became compulsory at secondary and high schools (Kaymakcan, 2006: 23). To summarize the situation in terms of religious education, the number of İmam-Hatip Schools increased, so did the number of High Islamic Institutes,¹¹ there were elective religious and compulsory ethics courses. This was the general atmosphere right before the military coup of September 12, 1980.

3.1.4 September 12, 1980 Military Coup

The major idea brought up by the 1980 military coup and which had great impact on conduct of religious education in Turkey was that the polarization in the country in terms of the clash between rightist and leftist ideologies among youth was derived from the lack of knowledge about religion. To put in another way, lack of appropriate understanding of Islam caused young people in the country to be influenced by ideologies spreading from

¹¹ The first one founded in 1959 in İstanbul reached the nine at the end of the 1970s.

different parts of the world. General Kenan Evren, who led the coup, underlined that if Turkish youth had known Islam properly, they would not be affected especially by Marxist ideology. Heper (2006: 349) analyzed this in his work by asserting that the interventionists of 1980 were aware of the fact that religion is both a system of ethics and glue for solidarity so that they perceived religion as the antidote to social and political polarization. Therefore, the status of religious courses has been an important matter of discussion in means of making it compulsory or elective. Scholars from the Faculties of Divinity prepared reports on the defects of religious courses being elective and on how compulsory religious courses could contribute to social solidarity (Kaymakcan, 2006: 24).

The underpinnings of this thinking lie in an ideology that has been developed by some intellectuals, university professors mainly, starting from the 1960s. The “Turkish-Islamic Synthesis” which was put forward by “Intellectuals’ Hearth” (*Aydınlar Ocağı*) was founded as a discussion club without political ambitions and came into being mainly as a reaction to the 1968 student movements (Toprak, 1990: 10). At first sight, this was an attempt to integrate nationalists and Islamists on the grounds to revitalize the essence of Turkish culture. However, the propositions they offered in seminars they organized and on other platforms constituted the basis of the policies followed in the post-1980 period. Their main thesis was that the polarization in the country in 1960s and 1970s was mainly dependent on the “wrong” educational policies followed by strictly secular republican governments who admired Western culture. According to these intellectuals, Ziya

Gökalp's differentiation between culture and civilization¹² should have been followed (Berkes, 1959: 269). For Turkish-Islamic Synthesis to be implemented, the Western impact on education which stuck students in a materialistic worldview should have been put away (Toprak, 1990: 11-12).

In line with this thinking, to take a concrete step, the military rule decided to unify the courses of ethics and courses of religion under one course called "Religious Culture and Knowledge of Ethics" and make it compulsory (Ayhan, 1999: 246). This arrangement defining the status of religious courses at primary and secondary schools has been inserted to the Constitution of 1982, which was prepared under the military regime (ibid.). In Article 24 of the 1982 Constitution, the courses of Religious Culture and Knowledge of Ethics were included to the curriculum as mandatory courses in primary and secondary schools. Thus, the Constitution of 1982 differed from the previous one (1961 Constitution) in its positioning of religious courses in the related article of "Freedom of Religion and Conscience" (Gözaydın, 2009: 46). This step "is seen as reflecting the recognition by state authorities that the neglect of an Islamic upbringing was an important element behind the rebellious youth of the previous decades" (Toprak, 1990: 13). At the same time, with the promulgation of the law on YÖK (Higher Education Council), one of the nine High Islamic Institutes was closed down and the remaining eight institutes were converted to Faculties of Divinity (Kaymakcan, 2006: 24). It should be highlighted that the total number of those faculties in different

¹² This understanding indicated that concepts of culture should be specific to nation whereas civilization should be regarded as universal.

universities was 21 in 1992, which would be a good indication for analyzing the increment in institutions giving academic education on religion and the overall situation of religious education in the country (Kaymakcan, 2006: 24). There was also an advantageous step taken for İHS; with the amendment of the law on education, the graduates of these schools were allowed to continue their studies in any field for university education (Bozan, 2007: 30).

In the 1990s, there had been no significant change in the status of religious courses in formal education despite the tension between the government¹³ and military that peaked in 1997, which is known as “February 28 process” or “post-modern coup” or “soft coup”. The major outcome of this process for the education system was the eight-year compulsory primary education law¹⁴ and as a result, the role of İmam-Hatip Schools was reduced to train religious personnel since the secondary schools (*orta kısım*) of İHS were closed down with the decision of Ministry of Education (Bozan, 2007: 20). In addition to this, due to new arrangements that were made, it became harder for the graduates of İHS to continue their studies in the field of their preference but in Faculties of Divinity (Gökaçtı, 2005: 246). These two factors had a significant impact on the number of students who wanted to adhere to İHS which have been identified as the “backyard of

¹³ There was a coalition government at that time, which was formed by a central-right party; Doğru Yol Partisi and an Islamic-rooted party; being the source of the intense discussions, Refah Partisi. The military was concerned about the practices of this government given its religious orientation

¹⁴ The Law for Eight-year Compulsory and Uninterrupted Education no. 4306: “The primary education institutions shall comprise of eight-year schools, non-stop education shall be provided by these schools and primary education diplomas shall be given to graduates of such schools.” Available online at: http://www.meb.gov.tr/Stats/apk2001ing/Section_4/CompulsoryEducation1.htm

political Islam” by secularists (Bozan, 2007: 5). As an extension, a secularist emphasis was added to the curricula of all primary and secondary schools (Cizre and Çınar, 2003: 312). As already indicated, the soft-coup did not make any change in the position of religious courses; they remained obligatory both in primary and secondary education.

After such a brief outlook at the historical development of religious education in Turkey, it would be appropriate to continue with the clauses related to the status of the religious education in international legal documents and the legal arrangement of compulsory religious courses in Turkish domestic legal documents.

3.2 Legal Context Concerning Religious Education

3.2.1 International Legal Documents

Rights and freedoms of individuals concerning religion and conscience as well as education are determined in international legal documents that are binding upon the international society. The discussions on the religious education are concentrated mainly on the articles related to freedom of religion and conscience in the legal documents that designate the main principles of human rights and their interpretations in terms of religious education at schools. Therefore, before proceeding with the contemporary

discussions on this matter it would be useful to highlight the relevant articles from related documents.

3.2.1.1 Universal Declaration on Human Rights

Article 18¹⁵

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 26¹⁶

Parents have a prior right to choose the kind of education that shall be given to their children.

3.2.1.2 European Convention on Human Rights

Protocol 1, Article 2¹⁷

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect

¹⁵ Universal Declaration on Human Rights, Article 18, Available online at: <http://www.un.org/en/documents/udhr/index.shtml#a18>

¹⁶ Universal Declaration on Human Rights, Article 26, Available online at: <http://www.un.org/en/documents/udhr/index.shtml#a26>

¹⁷ European Convention on Human Rights, Article 2 Protocol 1. Available online at: http://www.hrcr.org/docs/Eur_Convention/euroconv8.html

the right of parents to ensure such education and teaching in conformity with their own religions and philosophical convictions.

Regarding this article, there have been objections to compulsory religious courses which underlined that parents should have the right to raise their children according to their beliefs, given that no exceptions are indicated. The opponent view articulates that there is no direct opposition to the compulsory religious courses in this document and in the similar ones (Kaymakcan, 2006: 27). The controversy appears if in the religious courses one religion or sect is taken as the basis and if it is tried to make it embraced by students who obligatorily take the course (Kaymakcan, 2006: 27). The existence of religious courses – elective or compulsory – in many countries, including European Union member states, highlights that not necessarily the religious course itself but the way that it is applied can be contradictory with the article above.

3.2.2 Domestic Legal Documents and the Case-law

3.2.2.1 1982 Turkish Constitution, Article 24¹⁸

Education and instruction in religion and ethics shall be conducted under state supervision and control. Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools. Other religious

¹⁸English version of the Constitution of the Republic of Turkey: http://www.anayasa.gov.tr/images/loaded/pdf_dosyalari/THE_CONSTITUTION_OF_THE_REPUBLIC_OF_TURKEY.pdf

education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives.

As discussed in the previous part, compulsory religious education was inserted to the Constitution right after the military coup of 1980 with the aim of teaching students their religion properly. However, in the Constitution of 1961, religious education had been left to the will of individuals and to the legal representatives of children.¹⁹

3.2.2.2 Basic Law of National Education No. 1739, Article 12; of date 16.06.1983 and No. 284220

Secularism shall be the basis of Turkish national education. Religious culture and ethics shall be among the compulsory subjects taught in primary and upper secondary schools, and in schools of these levels.

This article is the arrangement of the related law on education in accordance with the principle indicated in the Constitution.

Both Article 24 of the Constitution and the amendment that has been made in the Law of Education determine clearly that religious courses are compulsory at primary and secondary schools. However, with the amendment which was made on July 9th, 1990 by

¹⁹ 1961 Constitution of the Republic of Turkey <http://www.tbmm.gov.tr/anayasa/anayasa61.htm>

²⁰ For the English version of the Article which provided the legal basis for the decision of European Court of Human Rights in the case of Zengin vs. Turkey with *Application no. 1448/04* <http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&highlight=zengin&sessionid=80962997&skin=hudoc-en>

the Supreme Council for Education, some exceptions were introduced to the obligation of this course.²¹ The decision adopted indicates:

Following the proposal by the Ministry of Education, pupils of Turkish nationality who belong to the Christian or Jewish religions and who attend primary and secondary schools, with the exception of schools for minorities, are not obliged to follow the classes in religious culture and ethics, provided they affirm their adherence to those religions. If, however, such pupils wish to attend such classes, they must submit a written request from their legal representative.

Accordingly, students who have other beliefs than Islam, in other words; Christians and Jews have the right to not attend these lectures but no alternative religious courses are provided to those students. In addition, the fact that they have to affirm their adherence to other religions (only Christianity and Judaism are recognized) can be considered as potential violation of human rights.

3.2.2.3 The Decision of the Constitutional Court on Religious Courses

In order to substantiate the fact that the existence of compulsory religious courses in the curriculum does not contradict but rather enhances the laic character of the state, the Constitutional Court had a verdict in 1998 indicating that the reason for making obligatory such courses is to provide religious education under state control. State

²¹ The arrangement made by Supreme Council of Education on the status of religious minorities in Religious Culture and Knowledge of Ethics courses on July 9th, 1990 can be found in English in the Judgment of European Court of Human Rights in the “Case of Hasan and Eylem Zengin vs. Turkey“ (*Application* *no.* *1448/04*): <http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&highlight=zengin&sessionid=81026159&skin=hudoc-en>

supervision was considered as the guarantee of impartiality in teaching of religion; in other words, under the control of the state, impartial information on religions will be provided so that to impede misconduct freedom of education. The Constitutional Court underlined that the name of the compulsory course is not “religious education” but rather “religious culture” and that even this nuance makes the aim of these courses clear; to provide impartial information about religions and make the rules of morality embraced.²² Nonetheless, this statement that was put forward to legitimize the compulsory nature of the religious courses was challenged on the basis of the content of the courses.

The historical and the legal contexts that have been depicted so far display that the field of religious education has been commensurate with the domestic political environment in the country. The political atmosphere had remarkable implications for the education system as a whole, and religious courses in particular. It is plausible to assert that decisions about the change in the position of religious courses; varying from totally removing them from the curriculum to making them compulsory, had always connotations with the making use of religion a tool by rational actors in the country. Religious courses were considered to be one of the best means of manipulating the religious sphere and sensitivities of people.

²² Decision of the Constitutional Court of date September 16th, 1998 and of number 52. Full text of the decision is available online at: http://www.anayasa.gov.tr/index.php?l=manage_karar&ref=show&action=karar&id=1420&content=

Current issues will be assessed in detail in the next part of the work. It should be reminded that the legal documents concerning religious education in Turkey which came out of the interpretation of the domestic structures by the rational political actors only reflect one part of the whole story. It is undeniable that the international environment had always an effect on making of domestic politics, however, in the globalizing world one can feel this impact in the last two or three decades more than ever. Turkey, as a new republic which is motivated by modernization had always an eye on the West. In the following parts, it will be evaluated how the conduct of religious courses has been a matter of controversy in the country, how European actors were involved in the process and how the Turkish state responded to them. The part on historical and legal contexts will also give an opportunity of comparison with the other case of this dissertation; Poland. It will be enlightening in making a comparative analysis between the two cases on the impact of historical and existing legal contexts on the conduct of religious courses before the Europeanization process started. In other words, the historical and legal frameworks portrayed till now do not necessarily give insights about the connection between Europeanization and the state of religious courses in the country; however, they both provide background information and contexts of comparison with the other case of this work.

3.3 European Institutions Imposing Norms on Turkey

3.3.1 The Judgments of the European Court of Human Rights: The Case-law and the Case of Zengin vs. Turkey

Within the scope of this dissertation, the Europeanization phenomenon can be perceived to be utilized interchangeably with the EU membership. In addition, when Europeanization theories are applied in order to understand the domestic impact of the European integration, it reminds ipso facto the integration with the Union; internalizing its principles and complying with its norms. This assumption is partially true given that the Commission Reports are determining, though it is also referred to the provisions of the ECHR, to the decisions of the ECtHR and less frequently, to the European Convention against Racism and Intolerance (ECRI) reports. Given that the ECtHR is not an organ of the EU but of the Council of Europe, the connection between Europeanization and the decisions of the ECtHR should be clarified. As the CHP MP from Izmir, Rıza Türmen²³ clearly pointed out during our interview; the decisions of the ECtHR are very decisive in measuring the compliance with the Copenhagen criteria given that there is no other court for human rights in Europe. Mr. Türmen alleged that this is the reason why the decisions of the ECtHR constitute a point of reference for

²³ Rıza Türmen; Ambassador, judge and columnist. He is currently Izmir Deputy from CHP, during the 61th Government of Turkish Republic. He has been charged as the Ambassador to the Council of Europe, and nominated as the Judge of European Court of Human Rights by the Council of Europe Parliamentary Assembly on 1998 where he served for ten years. He currently holds the position of Member of the Constitution Commission and of the Constitutional Reconciliation Commission in Turkey. He was interviewed at the Turkish Grand National Assembly (TGNA) on 15 April 2013, on the day where the 4th Jurisdiction Package (4. Yargı Paketi) was voted at the TGNA.

European societies in terms of compliance with the membership criteria. According to the MP, to be in line with the decisions of the ECtHR is the first ring of the membership chain which is a sine qua non for moving to other stages. This clarification makes it obvious why the decisions of the ECtHR are that vital in the Europeanization of a country; the compliance with the European norms indicated on the international agreements constitutes the fundamental phase of Europeanization.

When it comes to the DKAB²⁴ (*Din Kültürü ve Ahlak Bilgisi*) courses, the case-law of the ECtHR is straight. There are a number of cases brought before the Court against different countries. The cases that are delineated below contributed to the formation of the case-law on the grounds of breach of Article 2, Protocol 1 under which provision the complaints about the religious courses are evaluated. Therefore it can be stated that those judgments set the main principles in evaluating the case of Turkey.²⁵

As regards the general interpretation of Article 2 of Protocol No. 1, the Court has set out the main principles in its case-law (see, in particular, *Kjeldsen, Busk Madsen and Pedersen vs. Denmark*, judgment of 7 December 1976, Series A no. 23, pp. 24-28, §§ 50-54; *Campbell and Cosans vs. the United Kingdom*, judgment of 25 February 1982, Series A no. 48, pp. 16-18, §§ 36-37; *Valsamis vs. Greece*, judgment of 18 December 1996, *Reports of Judgments and Decisions* 1996-VI, pp. 2323-2324, §§ 25-28; and, most recently, *Folgerø and Others vs. Norway* [GC], no. 15472/02, § 84, 29 June 2007). The two sentences of Article 2 of Protocol No. 1 must be read not only in the light of each other but also, in

²⁴ DKAB is Turkish acronym for “Religious Culture and Knowledge of Ethics” courses. In the literature concerning compulsory religious courses in Turkey, the acronym “DKAB” is widely used. That is why in dealing with current issues, DKAB will be frequently used in this work.

²⁵ European Court of Human Rights in the case of Zengin vs. Turkey with *Application no. 1448/04* <http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&highlight=zengin&sessionid=80962997&skin=hudoc-en>

particular, of Articles 8, 9 and 10 of the Convention (see *Kjeldsen, Busk Madsen and Pedersen*, cited above, § 52) (paragraph 47).²⁶

As already mentioned, not all of these cases are about religious education but breach of Article 2, Protocol 1. The claims put forward in these cases vary from use of corporal punishment (in United Kingdom) to sex education (in Denmark) or from exemption from national day celebrations (in Greece) to exemption from religious courses (in Norway) but the common denomination is that the Court had a verdict that the right of parents to seek for their children to get education in accordance with their religious conviction has been violated. In one way or in another, the practices of the State regarding the education system contradicted with the religious beliefs or philosophical convictions of parents even if those states differ in terms of having a state religion (like Norway) or having compulsory religious courses (like Greece). In the case sued against Turkey, the ECtHR referred to these verdicts as case-law.

When the cases that were brought before the ECtHR about religious education at schools are examined, one can observe the change of attitude of the Court in due course. Though, it should be reminded that the lack of uniform principle for state-religion relations among the European countries makes the ECtHR leave a greater margin of appreciation to the states in charge (Özenç, 2008: 195). Unlike the common norms on corporal punishment, for instance, the variety of principles in the field of religion is reflected on the decisions

²⁶ European Court of Human Rights in the case of *Zengin vs. Turkey* with *Application no. 1448/04*, Paragraph 47: <http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&highlight=zengin&sessionid=80962997&skin=hudoc-en>

of the ECtHR (Özenç, 2008: 195). Therefore a minimum standard is aimed to be embraced for religious education and that is the “prohibition of systemic indoctrination” (Özenç, 2008: 193). As long as there is a great cultural and doctrinal variety in the conduct of religious affairs and state-religion relations in the states which are part to the Convention, it was necessary to determine a principle that would be omnipresent. The prohibition of systemic indoctrination, which is decided to constitute the crux of the breach of Protocol 1 Article 2 of the Convention, is embraced as a universal principle. For the part of the ECtHR, the issues touching upon religion and conscience have always been delicate as they are multifaceted phenomena which also comprise the right to education and the rights and freedoms of (religious) minorities. That is why almost for forty years, since its foundation until 1993, the ECtHR omitted to deal with cases concerning freedom of religion and conscience thanks to the negative decision of the Commission about the admissibility of those cases (Özenç, 2008: 197).

An important case which was decided to be inadmissible was the case of Saniewski vs. Poland.²⁷ The Court found the case which was mainly about parents’ obligation to declare their conviction in order to get exemption from religion course for their child was found "manifestly ill-founded" on the grounds that in principle, the elective religion courses at schools or the compulsory ones, in case there exists ways to opt out, do not violate the Article 9 of the Convention. This judgment made it clear that the existence of the compulsory religion courses does not constitute a breach to the Convention if and only if

²⁷ For more information about the case of Saniewski v. Poland please visit: <http://echr.ketse.com/doc/40319.98-en-20010626/view/>

it is associated with the obligation to provide ways to opt out. However, in the other case which is subsequently sued against Poland²⁸ with very similar complaints and got the final judgment in 2010, the Court found the case admissible and had a verdict in favor of the applicants. This can be considered as a change in the attitude of the ECtHR in an emancipatory direction which might be explained with the secularization trend in Europe, as many scholars purport (Bruce: 1992, 1996, 2002; Davie: 2002, 2008). The reason of such an alteration in the case law lies beyond the scope of this work whereas the impact of this phenomenon on the case sued against Turkey is worth investigating.

3.3.1.1 The Case of Folgero and Others v. Norway²⁹

Before going into detail of Zengin vs. Turkey case, it makes sense to refer to the case of Folgero and others vs. Norway, which set a precedent to the Turkish case. The applicants were complaining about the absence of the right of full exemption from compulsory religion course (named as “KRL” – Christianity, Religion and Philosophy). During reform in the education system between 1993 and 1997, this subject became compulsory with its content comprising teaching of the Christian faith, the information of other religions and contribution to the enhancement of dialogue among different cultures. Only

²⁸ European Court of Human Rights in the Case of Grzelak v. Poland, 15 June 2010, Application no. 7710/02. This case is discussed in detail in this work in the part about Poland. The full text of the judgment is available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-99384>

²⁹ European Court of Human Rights in the case of Folgero and Others v. Norway, 29 June 2007, Application no. 15472/02. Available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-81356>

the right to partial exemption is provided which ought to be read as “exemptions should be limited to parts of the subject, especially material of a confessional character and participation in rituals” (paragraph 15). This meant that pupils have the right to be exempted from religious practices but they have to learn the doctrines; in other words the methods of teaching might be modified but they will be responsible for the content. This method of education is called as “differentiated teaching” where the practice and other means of teaching were decomposed (paragraph 23). Parents should follow the courses and decide which parts contradict with their convictions and then they should write a petition explaining in detail why the part in question challenges their belief. If their request of exemption is approved by the authorities, then the pupil is exempted from attending the rituals about the indicated part of the course. The path to be followed for the partial exemption is defined in detail by laws and decrees. However there were many parents who were not satisfied with this application and were also suffering from the difficulties arising from the practice.

In contrast to the case of *Saniewski v. Poland*, which was found inadmissible in 2001, the Court made a very detailed examination of the laws and practices in Norway in the *Folgero* case. The method of differentiated teaching was found inadequate for advocating the sufficiency of partial exemption and the ECtHR made the final judgment by stating that the absence of right to full exemption constitutes the breach of law. In addition, the Court made a special emphasis on the fact that parents are obliged to declare their convictions in order to get the exemption for their children. According to the ECtHR, this

declaration also violates the Article 9 of the Convention which enhances the right to keep silent about one's own conviction. Both of these judgments were of great importance as they set precedent to the following cases; this can be best observed in the case of Zengin v. Turkey.

In our interview, Mr. Rıza Türmen also made special emphasis on Folgero v. Norway judgment by highlighting the fact that this judgment is of great significance given that there exists a state religion in Norway whereas Turkey is known for its laic character. It means that by considering the relation of the state with religion, the ECtHR could reach even a more courageous decision in the Turkish case than in the Norwegian one. He asserted that there are two principles concerned; for one, freedom of religion and conscience and second, right of parents to educate their children according to their own convictions. In the light of these principles, the right to stay silent about one's own conviction has been also a matter of investigation by the Court. Mr. Türmen stated that even though there is no uniformity among European countries on state-religion relations, these principles are to be respected according to the international treaties. He also added that even though in some countries like Scandinavian, where there is even no distinction between the state and religion, there always exists a way to opt out from religious education. Therefore, in a laic country like Turkey, the exemption from religious courses should not be that difficult, if not impossible, in the domestic law.

Moreover, Mr. Türmen underlined the problem of obligation of parents to declare their belief in order to get this exemption by making reference to the judgment of the Court in the case of Folgero and states that ECtHR considered this declaration as a breach of the freedom of religion and conscience. Another important point raised by Mr. Türmen about the Folgero judgment and which set an exemplar for Zengin case was that the content of the compulsory religion course being examined in means of providing pluralistic, objective and critical education that must be free from indoctrination. Therefore, even though the ECtHR did not declare that the existence of a compulsory religious course violated the relevant articles of the Convention, it made very clear that there should have been well functioning ways of exemption from these courses.

In the light of the investigation of the case which set an exemplar to the case sued against Turkey; the case Zengin v. Turkey, will be better substantiated. The case-law of the ECtHR, thanks to the case of Folgero and Others v. Norway, has become clear. The court made very comprehensive examination of the teaching of religious culture and knowledge of ethics courses, the curriculum as well as the content of the textbooks. Before going into detail of the case of Zengin v. Turkey, there are few factors to be underlined. First of all, this is the only case where Turkey was sued at the ECtHR for its conduct of compulsory religious courses and finalized in favor of the applicants. Second, the final verdict not only was comprised of implications for the Zengin family, special measures in other words, but also of general measures which criticized the malpractices and delineated how these should be corrected in the field of religious instruction in the

formal education in Turkey. Third, due to those general measures which portrayed the practices that constitute breach of the related articles of the Convention, in the similar subsequent cases, organs of the domestic law embraced the principles set by the Court and complied in their decisions with its judgment. The execution of the ECtHR decision in Turkey will be investigated in the following parts but it should be highlighted that each and every piece of work on religious instruction in the formal education in Turkey makes reference to the Zengin judgment and it has been also the case for all the interviews conducted within the scope of this work. For all these reasons, it is worth investigating the Zengin v. Turkey case in detail.

3.3.1.2 The Case of Hasan and Eylem Zengin v. Turkey³⁰

Hasan Zengin made the application on his own and his daughter's behalf when she was attending seventh grade of a state school. The applicant stated that himself and his family were adherents of Alevism. In 2001, the applicant submitted a request to the Provincial Directorate of National Education at the Istanbul Governor's Office, seeking to have his daughter exempted from religious culture and ethics classes, indicating that under international treaties,³¹ parents had the right to choose the type of education their children were to receive. He also argued that the compulsory religious culture and ethics course

³⁰ “Case of Hasan and Eylem Zengin vs. Turkey” ECtHR, 9 October 2007, Application no. 1448/04: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-82580#{"itemid":\["001-82580"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-82580#{)

³¹ The reference is made to the Universal Declaration of Human Rights Article 26: <http://www.un.org/en/documents/udhr/index.shtml#a26>

was incompatible with the principle of secularism. Two months later, the Directorate responded that it was impossible to grant the exemption request due to the provision indicated in Article 24 of the Constitution and Article 12 of the State Education Act (Law no. 1739).

The applicant appealed to the Istanbul Administrative Court for judicial review. “He alleged that the compulsory classes in religious culture and ethics were essentially based on the fundamental rules of Hanefite Islam and that no teaching was given on his own faith. He challenged, inter alia, the compulsory nature of this school subject” (paragraph 12). The Administrative Court dismissed the applicant's request stating that the dismissal of the plaintiff's request by the Provincial Directorate of National Education is not contrary to the law given the Article 24 and section 12 of Law no. 1739.

Then, the applicant appealed to the Supreme Administrative Court on points of law against that judgment, relying, inter alia, on the Convention. The Court dismissed his appeal and “upheld the first-instance judgment, holding that the latter complied with the procedural rules and the legislation.”³² This was the last application for the request of exemption in the domestic law. When the ways of national law came to an end, Zengin family applied to international law.

³² Ibid.

In 2004, Hasan Zengin appealed to the European Court of Human Rights. The court examined the steps followed within the domestic law, the national legislation in the related issue, the binding international agreements and relevant Recommendations of the Parliamentary Assembly of the Council of Europe as well as comparative law (similar cases from other countries and the decisions). The ECtHR also investigated the syllabus of the religious culture and knowledge of ethics courses in order to decide upon the impartiality of the content.

The Court concluded that “the instruction provided in the school subject ‘religious culture and ethics’ cannot be considered to meet the criteria of objectivity and pluralism and, more particularly in the applicants' specific case, to respect the religious and philosophical convictions of Ms. Zengin's father, a follower of the Alevi faith, on the subject of which the syllabus is clearly lacking.” (paragraph 70).

Furthermore, it was emphasized by the Court that given the exemption of Christian and Jewish pupils with the affirmation of adherence to other religions than Islam, the state accepts that the instruction given at school will conflict with the religious convictions of their parents (paragraph 72 and 74). In that sense, the Court confutes the defense of the State on religious culture and knowledge of ethics courses being impartial and giving general information about religions, as well as confirming the power of parents over the education of their children. Therefore, “the Court notes that, according to the Government, this possibility for exemption may be extended to other convictions if such

a request is submitted (paragraph 75). However, the Court also highlighted that the fact that “parents are obliged to inform the school authorities of their religious or philosophical convictions makes this an inappropriate means of ensuring respect for their freedom of conviction” (paragraph 75) The Court added that as there is no preset legal text, the school authorities can always refuse those request like in the case of Zengin family (paragraph 75).

The conclusion of the Court was that the exemption procedure did not provide sufficient protection to the parents who are concerned about the conflict of allegiance that their children will be faced in the case where what they learn at school and at home will contradict (paragraph 76). “This is especially so where no possibility for an appropriate choice has been envisaged for the children of parents who have a religious or philosophical conviction other than that of Sunni Islam...” (paragraph 76). For these reasons, the Court unanimously decided that there was a violation of Article 2 of Protocol No. 1; that no separate question arises under Article 9 of the Convention. With that decision, the Court imposed on Turkey a fine to be paid to the applicants jointly for non-pecuniary damages.

The verdict of ECtHR became a landmark for Alevi families seeking to have their children exempted from compulsory religious courses. With this decision it has been made legally obvious that the presence of compulsory religious courses, with the existing content that has been subject to the Court, constitutes breach of law (of Article 2,

Protocol 1). This decision opened up a path for Alevi families to apply to the domestic legislation more confidently (Alevi Çalıştayları Nihai Raporu, 139). Furthermore, the content of the religious culture and knowledge of ethics lessons was challenged by ECtHR indicating that it prioritized the Sunni sect of Islam and that it shall not be compulsory with its current substance. In that sense, the major claim of Alevis about these courses on not reflecting the Alevi teaching has been approved by the Court. Besides, the procedure that enforces Alevi families to request exemption has also been criticized by the Court on the grounds that such an affirmation challenges the principle of freedom of religion and conscience (paragraph 76). The decision of the ECtHR resonated greatly in Turkey, especially among the Alevi community. The media covered the issue widely and this contributed to the enhancement of public opinion.³³

In order to evaluate this decision of the ECtHR and its repercussions in the field of religious instruction in formal education in Turkey, the lawyer of the Zengin case; who is also the legal representative of most of the Alevi cases in Turkey, Mr. Kazım Genç³⁴ was interviewed. His views about the prosecution process, the subsequent developments and the execution of the judgment were explored. He introduced the process by stating that they applied to the ECtHR on the year of 2004 when all the domestic legal ways were

³³ “AİHM: Din Dersi Zorunlu Olamaz” Radikal, 10.10.2007. Available online at: <http://www.radikal.com.tr/haber.php?haberno=235282>

³⁴ Mr. Kazım Genç, the lawyer of the Zengin v. Turkey case before the ECtHR was interviewed on 6 February 2013, in his office in Ankara – Genç Hukuk Bürosu. He kindly told the process, gave information about the demands of Alevis in Turkey and shared the basic information about the recent cases sued in the domestic law by Alevi families about the religious culture and knowledge of ethics courses. Other than the interview, the meetings with Mr. Genç were held for the examination of the meetings of Committee of Ministers about the execution of the Zengin Case.

exhausted. Mr. Genç mentioned that there are approximately 30-35 cases of Alevi families that were sued in Turkey about the compulsory DKAB courses and that almost twenty of them were represented by his law office. As the main axis of the case was the content of the DKAB courses and the substance of the textbooks, Mr. Genç told that he sent the textbooks of all grades (fourth, fifth, sixth, seventh and eighth classes) to the ECtHR for detailed investigation. He said that the report prepared by the authorities and submitted to the Court gave the information that the textbooks of fourth, fifth, sixth, and eighth grades consisted only of the information about Islam; its rituals and its understanding of ethics, and that only the seventh grade textbook was containing information about the five fundamental religions. Obviously, he added, there was not even a word about Alevism. When this report was publicized, there had been some amendments in the textbook of the ninth grade, a part was added like “philosophers of religion who contributed to the enhancement of Islam.”³⁵ He stated that the names of the prominent philosophers of Alevism were given and that it was indicated that those information was retrieved from a book on Alevi-Bektasi tradition. This was the only word of “Alevi” in the new textbook and then the newspaper declared that Alevism entered to the DKAB textbooks, said Mr. Genç. However, the fact that the lawyers defending Turkish state structured their defense on this argument and Mr. Genç admitted that it was not really difficult to refute this statement since Alevism was far from taking part of the textbook.

³⁵ “*İslamın gelişmesine katkı sunan din bilginleri*”

Asked about the following developments about the content of the textbooks Mr. Genç indicated that there had been some modifications after the decision of the ECtHR and that Alevism was included. His criticism which is also shared with many others is that the part about Alevism inserted in the textbook is prepared from the Sunni perspective of Islam so that it did not reflect the essence of Alevi culture. In her research, Gözaydın (2009) examined the DKAB textbooks³⁶ which were prepared right before the Zengin Case and she constantly found violations of human rights. The major deficiency she pointed out is the general understanding in preparing those textbooks is based on a theological standpoint rather than a scientific one giving objective, pluralistic and critical views. When Prof. Dr. İřtar Gözaydın³⁷ was interviewed, she asserted that the content of the DKAB textbooks which was utilized in the school year 2007-2008 explicitly embraced Sunni Islam as “our religion” and even the information given about other religions was considered as “other.” Even this stance made it clear that in the above-mentioned textbooks of DKAB course, a religion (Sunni Islam) had been prioritized. Prof. Dr. Gözaydın also approved the argument which was put forward by Mr. Genç and purported that Alevism was envisaged from the lenses of Sunni Islam. Other scientific reports³⁸ also

³⁶ The textbooks of all classes where DKAB is compulsory which means the 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 11th grades were examined in detail.

³⁷ Prof. Dr. İřtar Gözaydın is now faculty in Doęuř University, İstanbul. She was interviewed on 30.03.2013 about the religious education and the attitude of the Directorate of Religious Affairs, as she is an expert on both issues. For the book section she prepared about the new program and textbooks of the DKAB courses which were to be followed by 2007-2008, she has made an extensive research about the compatibility of those courses with human rights.

³⁸ Eęitim Reformu Giriřimi (Education Reform Initiative) was launched within Istanbul Policy Center at Sabancı University in 2003, with the aim of improving education policy and decision-making through research, advocacy, and training. They prepare reports about the recent developments in the field of education. They have also reports published about the DKAB course and its textbooks. The report

shared the view that the change in the Program of the DKAB in 2005³⁹ and the modifications in the textbooks were necessary but insufficient steps for complying with the principles of plurality, objectivity and being critical.

Nonetheless, the judgment of the ECtHR had implications on the national law and even while the prosecution process was moving on, the courts in Turkey started to comply with the decision of the ECtHR. Mr. Genç indicated that the principle embraced by the Council of State in few cases about DKAB could not be compulsory with the current content and that right of exemption should be granted to the applicants who request it; did not last long. The two prominent cases which were finalized in favor of the applicants by the Council of State are summarized below in order to give an idea about the atmosphere created in Turkish domestic legislation by the judgment of the ECtHR on the Zengin case.

published in 2007 investigates the new program of Secondary School DKAB was prepared by Doç. Dr. Recep Kaymakcan. For bibliographical information, please see the References.

³⁹ Change in the program of “Ortaöğretim Din Kültürü ve Ahlak Bilgisi” (Program of Secondary School Religious Culture and Knowledge of Ethics) by the amendment of the related law dated 31.03.2005 and no.16.

3.3.1.3 The Impact of the ECtHR Ruling on the Case of Zengin v. Turkey

3.3.1.3.1 The Impact on the Domestic Judiciary

The first case to be examined here is the one submitted by Mr. Ali Kenanoğlu⁴⁰ as a request to Provincial Directorate of National Education at the Istanbul Governor's Office to have his child, who at that time was attending the fourth grade, be exempted from the compulsory religious course. This request was refused by the Directorate on the grounds that attendance to the compulsory religious courses was an obligation indicated in the Constitution Article 24, Paragraph 5. The applicant appealed to İstanbul Fifth Administrative Court for the annulment of the decision of Provincial Directorate of National Education. The Administrative Court had a verdict in favor of the applicant asserting that the student should be exempted from the religious culture and knowledge of ethics course on the grounds that the compulsory nature of the course contradicts with the first paragraph⁴¹ of the Article 24 which delineates the protection of freedom of religion and conscience. The Court also referred to the decision of the Supreme Council for Education on the exemption of non-Muslim students from religious courses and added that the applicant's affirmation that the content of the religious culture and knowledge of

⁴⁰ Hürriyet, 25.11.2006, "Zorunlu din dersi özgürlüğe aykırı." <http://hurarsiv.hurriyet.com.tr/goster/haber.aspx?id=5501653&tarih=2006-11-25>

⁴¹ For the English version of the 1982 Constitution: http://www.anayasa.gov.tr/images/loaded/pdf_dosyalari/THE_CONSTITUTION_OF_THE_REPUBLIC_OF_TURKEY.pdf

ethics course does not comply with his religious and philosophical view, should be evaluated under the clause of freedom of religion and conscience regardless to which religion he adheres. In line with these arguments, the Court decided the exemption of the student.⁴² This decision was very important since it marked the first decision by the domestic jurisdiction taken in favor of the applicant on the exemption from the compulsory religious course for an Alevi student on the grounds that compulsory DKAB course contradicts with the principle of freedom of religion and conscience. The İstanbul Governor's Office applied to the Council of State (Eighth Chamber) for judicial review of the decision given by the Administrative Court. The decision of the Administrative Court in favor of the applicant has also been approved by the Council of State. The significance of the judgment is that it is the first time that a case for the exemption from the compulsory religious course has been decided in favor of the applicant by Administrative Court, approved by the Council of State and was executed.

In the second prominent case, Hatice Köse⁴³ submitted her request to Provincial Directorate of National Education at the Istanbul Governor's Office seeking to have her child, attending the fourth grade, be exempted from the compulsory religious course and was refused by the Directorate. The applicant appealed to İstanbul 6th Administrative Court (on March 8th 2005) for the annulment of the decision of Provincial Directorate of National Education. The Administrative Court dismissed the applicant's request on the

⁴² From the decision of the Council of State (Eighth Chamber) Decision No.: 7481. Decision Date: 28.12.2007

⁴³ Decision of the Council of State (Eighth Chamber) Decision No.: 7481. Decision Date: 28.12.2007

grounds that attendance to the compulsory religious courses was an obligation stemming from the Constitution Article 24, Paragraph 5.

Hatice Köse appealed to the Council of State (Eighth Chamber) for reversal of the decision of the Administrative Court the same year. The verdict of the Council of State is of great significance since the decision of the Administrative Court which was against the applicant was reversed by the Council of State. The verdict of the Council of State was based on several legal provisions stemming from both the Constitution and the international agreements, however the investigation is made on behalf of the syllabus of the religious culture and knowledge of ethics course and the claim is evaluated in terms of the compatibility of the syllabus with Alevi teaching of Islam. The Council of State also made reference the case of Hasan and Eylem Zengin vs. Turkey which was brought before ECtHR and was also taken into consideration the investigation of the syllabus of the course in question made by ECtHR. As already mentioned, according to this examination, ECtHR decided that the current syllabus of the Religious Culture and Knowledge of Ethics course did not comprehend and reflect religious diversity of society.⁴⁴ In line with the verdict of the ECtHR, the Council of State made its judgment stating that there is no compliance to law to make this course compulsory with its current content and had a verdict on the annulment of the decision by İstanbul 6th Administrative Court. This decision is of great significance given that the incompliance of the

⁴⁴ Judgment of European Court of Human Rights in the “Case of Hasan and Eylem Zengin vs. Turkey“ (*Application no. 1448/04*): [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-82580#{\"itemid\":\[\"001-82580\"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-82580#{\)

compulsory religious courses to international law with that content is confirmed by the Council of State.

Turning back to the decisions of the Council of State, another point which has been highlighted is the distinction between “religious education” and “instruction of religious culture and ethics.”⁴⁵ The difference of instruction and education is significant since Turkish state substantiates its defense about the compulsory nature of those courses on this argument. That is to say that “religious education” recalls indoctrination of a specific religion which also comprises the teaching of its rituals and practices whereas “instruction of religious culture and ethics” should give information about religions in a critical, pluralistic and objective manner.

During the interview conducted with Prof. Dr. Mehmet Aydın,⁴⁶ he emphasized the distinction and he asserted that giving the name of “religious culture and knowledge of ethics” was directly targeted at preventing this course to become a course of religious education. Prof. Dr. Aydın claimed that after the 1980 coup, when the Constitution was being prepared, he was the one who first proposed this name for the religious courses but that he was not the one who invented it; in the West, many countries used to utilize this

⁴⁵ In Turkish, this is the difference between “*eğitim*” and “*öğretim*.” “*Eğitim*” comprises the practice of a religion whereas “*öğretim*” aims at informing pupils about religions.

⁴⁶ Prof. Dr. Mehmet Aydın, was a Minister of State in the 58th, 59th and 60th Governments and Izmir MP from AKP for 22th and 23th terms of Turkish Grand National Assembly (TBMM). He graduated from the Faculty of Divinity and conducted his doctoral studies in Philosophy at the University of Edinburgh. He held many academic positions in different universities in Turkey. He is currently faculty member at the Department of Political Science at Bilkent University.

name. He determined the reason in line with the detailed ruling of the ECtHR, and asserted that with a content based on teaching one religion with all its practices, a religion course could not be made compulsory. So, the content of the course was of great significance. As Prof. Dr. Aydın was also among the first scholars who prepared the very first textbooks right after insertion of compulsory DKAB courses in the Constitution in 1982, he underlined that they made special attention to put more emphasis on the ethics part of the course. He alleged that due the preparation of the new textbooks which focused more on Islam and the educational background of the DKAB teachers, who are generally graduates of Faculties of Divinity, the content of the course has been altered by time.

Among the interviews that were conducted within the scope of this study, the one which shed light on how the decisions of the domestic courts would vary and how the application for the exemption from the DKAB course affects the individual life of families was the one made with an Alevi family.⁴⁷ This was the only case from Ankara⁴⁸, and it resulted in favor of the applicants in 2009. That year, the pupil was attending the sixth grade and he was exempted from the course for the sixth, seventh, and eighth grades. When he passed to the secondary school, his father did not apply for a new exemption decision for the rest of his school years because of the discrimination his son faced. The Alevi father mentioned that he realized that his son started to get confused

⁴⁷ The father of the Alevi family was interviewed on 6 February 2013 in Ankara. No voice recording was made. Due to the request of privacy, their names will not be mentioned in this work.

⁴⁸ The decision was made by the Ankara 16th Administrative Court with the application no. 2008/43 and decision no. 2009/635.

because the content of the DKAB course was conflicting with the Alevi teaching which was taught and practiced at home. Nonetheless, as this pupil was the only one who was exempted from this course, he was faced with discrimination. This is the main reason why the Alevi father did attempt to apply for the exemption for his son for the secondary school. He was relieved with the idea that his son has reached a level of mental and psychological maturity so that he would not be influenced by others and no other religion would be imposed. The father emphasized the fact that Alevis prefer to hide themselves since they are afraid of discrimination and social exclusion. He also criticized Alevis and their representatives for not being courageous enough and leaving his family and his son alone in this struggle.

This individual experience demonstrates how the system based on declaration of religion for the exemption from the course is malfunctioning and causing fear among adherents of other convictions than Sunni Islam in Turkey. In other words, in Turkish society, it seems difficult to solve the problem by settling a system based on making the exemption process easier. This interview displayed that the decision of the ECtHR which indicated that forcing someone to declare one's own belief also infringes the rights protected by the Convention was well-suited for the Turkish case.

3.3.1.3.2 The Amendments of the Textbooks of Religious Courses (2007-2008)

As already indicated, by taking into account the criticisms and determinations of the ECtHR about the content of the DKAB courses, the national courts started to comply with the verdict of the ECtHR. In some of those cases, the administrative courts and in some others, the Council of State followed the judgment of the ECtHR. However, even during that period where the ruling of the ECtHR was so influential, not all the courts embraced the principles delineated by the ECtHR (Altıparmak, 2013: 13). In 2010, the Council of State ceased to embrace those principles and adhered to the expert opinion (ibid.). In the report prepared by the experts, the amendments made in the syllabi and the textbooks of DKAB courses were considered to be adequate and sufficient to comply with the norms indicated by the ECtHR in the Zengin case (Altıparmak, 2013: 13). It was argued that with the modifications made, the program which entered into force in 2007-2008 school year met the criteria of pluralism; which reflected the religious plurality in the country, Alevism in specific, where a “supra-sectarian” (*mezheplerüstü*) understanding that does not prioritize any conviction or applies positive discrimination to a religion or a sect was embraced (Altıparmak, 2013: 13).

Initiating from 2010, the Council of State, started to decide in line with this report based on experts’ view. According to the Council of State the applications made after 2007-2008 school year term shall not be assessed under the incompliance of the DKAB

program and its textbooks but rather under the Article 24 of the Constitution. This decision implied another landmark which consolidated in the domestic law the understanding that the modifications made in the DKAB program and textbooks, after the term of 2007-2008, were satisfactory and this closed the door for application for the exemption from this course. However, many scientific researches (Gözaydın 2009; Özenç 2008; Kaymakcan 2007) pointed out that the modifications made in the DKAB program and textbooks were inadequate to comply with the norms laid down by ECtHR. Moreover, it is also argued that such an investigation about the textbooks should have been made by the organs of judiciary rather than theologians who were appointed as experts. As a matter of fact, the aim of such an examination was not to decide whether religion was theologically taught in the right way but whether the rights of pupils and their parents were protected according to the international law (Altıparmak, 2013: 15).

There are still controversies between the decisions of the administrative courts and of the Council of State; even though some administrative courts decide in favor of the applicants, there is a powerful tendency of the Council of State about reversing those rulings.⁴⁹ According to both Mr. Kazım Genç and Mr. Rıza Türmen, the reversal of this process is mainly based on the political environment in the country. They claim that the referendum on the Constitutional amendment of September 2010 and the change in

⁴⁹ Mr. Kazım Genç shared with me two very recent decisions about the requests of exemption from DKAB course; one from Samsun Administrative Court and the other from the Council of State. The one from Samsun Administrative Court is in favor and the one from the Council of State is against the applicants' requests. These rulings reflect that the decisions of the administrative courts still vary whereas the general attitude of the Council of State is almost constant in those cases after 2010.

structure and attitude of the higher judicial bodies, which is argued to be in favor of the Government, resulted in such a reversal of the process. They both attract the attention to the new judicial system where applications will directly be made to the Constitutional Court⁵⁰ and they comment that this will have implications on the forthcoming process about the DKAB courses in the system.

This is the general framework of how Turkish authorities responded to the judgment of the ECtHR by making amendments in the textbooks of religious education. Furthermore, the domestic courts found these amendments satisfactory and concluded that the edited content was in line with the expectation of the ECtHR so that no further application by Alevi families would be admissible. This attitude of the domestic courts ignited the defenders to apply to the international organs to supervise the execution of the judgment by Turkish authorities.

⁵⁰ According to Mr. Rıza Türmen, the prominent outcome of the judicial reform process is making the Constitutional Court target of the questions about its reliability. In other words, as the way for individual application to the Constitutional Court is opened up, a probation period of two years is given to this Court. Mr. Türmen explains that ECtHR will observe for two years whether the Constitutional Court in Turkey complies with the principles set in the ECHR, and if it decides so, it will recommend the applicants to apply to the Constitutional Court like it is the case in Germany and in Spain.

3.3.1.3.3 Application to the Committee of Ministers of the Council of Europe for the Execution of the Case of Zengin v. Turkey⁵¹

As a fundamental rule, international law and the treaties prevail over domestic law. The countries that are part of international treaties like the European Convention on Human Rights must comply with all the norms indicated unless they put a reservation. Turkey is among the countries which signed the Convention without any reservation. Moreover, the judgments of the European Court of Human Rights are also binding for those countries. The organ that is responsible for the investigation of the execution of the decisions of the ECtHR is the Committee of Ministers of the Council of Europe. Therefore all the members of the Council of Europe can be under scrutiny of the Committee of Ministers about the execution of the ECtHR rulings.

One year later than the verdict of the ECtHR, in 2008, the lawyer of the Zengin case; Mr. Kazım Genç, applied to the Committee of Ministers of the Council of Europe with the claim that the general measures that ought to be taken by the Turkish Government have not been implemented. Given the fact that Eylem Zengin reached the age of university, no individual measures were foreseen. However the general measures were quite clear. There would be three options in order to comply with the norms indicated by the ECtHR: first, DKAB courses would cease to be compulsory; second, the program, content and the

⁵¹ Hürriyet, 13.08.2008, “Zorunlu din dersi Avrupa Konseyi'ne şikayet edildi” <http://www.hurriyet.com.tr/gundem/9651509.asp>

teaching practice of the DKAB would be reorganized to comply with the norms indicated in the ECHR; third, adequate tools for exemption would be developed which would absolutely not enforce parents and pupils to declare their convictions. Turkish Government obviously chose the second option and made some amendments in the program and textbooks of the DKAB course.

As already specified, according to the Council of State the amendments which were made for the 2007-2008 term were considered to be sufficient to comply with the norms of plurality, objectivity and critical thinking. That is why all the cases sued after that new content went into force were found ill-founded by the domestic courts. Nonetheless, the Turkish Government must have found the new program of 2007-2008 insufficient to comply with the principles indicated in ECtHR ruling since a new program was presented for the DKAB course starting in 2011-2012. According to a view, the Council of State can be criticized for falling behind the government in the implementation of the ECtHR decision (Altıparmak, 2013: 15). It means that the Council of State, depending on the experts' report, found the 2007-2008 program of DKAB adequate to comply with the decision of the ECtHR whereas the government found it necessary to make further and deeper amendments to the DKAB program and textbooks. These were the domestic incidences taking place when the lawyer of the Zengin Case applied to the Committee of Ministers complaining about the non-execution of the ECtHR ruling.

The Committee of Ministers accepted to inspect the execution of the ECtHR ruling under “standard supervision.”⁵² Given that there had been a complaint about the non-execution of the decision, the Committee of Ministers invited the Turkish authorities “to present an action plan for the execution of this judgment, taking into account the European Court’s specific indication of an appropriate general measure.”⁵³ The lawyer of the Zengin Case criticized that it took very long time for the Turkish Government to provide such an action plan to the Committee of Ministers and that the Committee waited without taking any action. He stated that the representative of the Human Rights section of the Council of Europe came to Turkey 2011 and wanted to meet the lawyer of the Zengin Case and that they talked about the contemporary situation of the execution of two cases; Hasan and Eylem Zengin and Sinan Işık.⁵⁴ Mr. Genç affirmed that they have applied to the Committee of Ministers for both cases as long as the general measures were not executed in Turkey. He admitted to the representative that for the Zengin Case, the application to the Committee of Ministers was made in 2008 and that they did not get any response yet;

⁵² The Committee of Ministers can inspect the cases in two ways; with “standard supervision” and “enhanced supervision.” Enhanced supervision is needed (1) for the judgments requiring urgent individual measures; (2) for the pilot judgments; (3) for the judgments disclosing major structural and/or complex problems as identified by the Court and/or the Committee of Ministers and (4) for the interstate cases. For detailed information about the classification of the cases for standard and enhanced supervision please see the Ministers’ Deputies Information Documents: <https://wcd.coe.int/ViewDoc.jsp?id=1700777&Site=CM>

⁵³ The website of the Committee of Ministers given below provides information about the current state of execution of the pending cases. The state of execution of the Zengin Case can be searched with the Application no: 1448/04 and with the “standard supervision” for the type of supervision. http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_en.asp?CaseTitleOrNumber=1448%2F04&StateCode=&SectionCode=

⁵⁴ The Case of Sinan Işık v. Turkey to ECtHR with the Application no. 21924/05. It was about the religion box on the Turkish identity cards. Sinan Işık, an Alevi Turkish citizen, who was also represented by Mr. Kazım Genç, complained about the religion section on the identity card stating that indication of Islam constituted a violation of the Article 9 of the Convention. The ECtHR ruled in favor of the applicant in the year of 2010.

in 2011 when this meeting was held. Mr. Genç stated that the representative made an investigation afterwards and let him know that no reply was given from the Turkish Government about the application to the Committee of Ministers and that they were waiting for the response to be able to proceed. The lawyer also criticized the Committee of Ministers for waiting so long for the response of the Government without taking any action.

In 2011, Turkish authorities informed the Committee of Ministers that:

a number of workshops were organized under the auspices of the relevant Ministry of State between June 2009 and January 2010 with the participation of scholars, theologians and leaders of the Alawite community. The necessity to re-design the curriculum of the course was established in order to solve the problems. A commission composed of scholars and eminent Alawite intellectuals was founded in the Ministry of the Education, in order to specify the subjects related to the Alawite belief which should take place in the text books and in the curriculum.⁵⁵

Even though it is not overtly indicated in this information, the workshops that are mentioned are the Alevi Workshops, which will be investigated in detail in the following sections of this part. It is highlighted by Turkish authorities that the new content which aimed to comply with the ruling of the ECtHR has been prepared by addressing the opinions of Alevis. It is also underlined that a commission has been established within the Ministry of Education. These have been the main steps taken by the Turkish Government so far.

⁵⁵ About the state of execution of the case of Zengin v. Turkey: http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_en.asp?CaseTitleOrNumber=1448%2F04&StateCode=&SectionCode=

Furthermore, on 28 February 2011, the authorities submitted a CD to the Committee of Ministers concerning the change in the curriculum of the lessons on religious culture and knowledge of ethics to be followed in 2011-2012 school year. However it is not evident whether these were considered as an action plan or there existed a plan apart from these. In any case, the Committee of Ministers was expected to investigate the submitted materials in order to decide about the execution of the ECtHR ruling. The Committee ought to resume consideration at the meeting which was held on March 2011⁵⁶ but apparently the submission of the Turkish government has yet to be examined. According to Mr. Rıza Türmen, the former judge to the ECtHR, this delay is because of the multitude of the pending cases. For the time being, both the complaint of Alevis and the measures taken by the government are transmitted to the Committee of Ministers and they are under scrutiny; no final evaluation is made about the execution of the ECtHR decision.

For the process standing before the ECtHR, it might be plausible to transmit the supervision of the case from standard supervision to enhanced supervision, given that the execution is being supervised by the Committee of Ministers for more than five years (Altıparmak, 2013: 17). During our interview, Mr. Rıza Türmen indicated that the Committee is changing the status of supervision for the Zengin Case and it may imply that the case is now considered among “the judgments disclosing major structural and/or

⁵⁶ For the 1108DH meeting of the Ministers' Deputies on 8-10 March 2011 please visit: <https://wcd.coe.int/ViewDoc.jsp?id=1718797&Site=&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679>

complex problems as identified by the Court and/or the Committee of Ministers,” which requires enhanced supervision.

Mr. Rıza Türmen expressed his aspiration from the Committee of Ministers to demand the opinion of Alevi about the new amendment made by the Turkish authorities since Alevi are the main subject of this issue. Given his expertise and experience about the process, Mr. Türmen was requested to comment about the expected forthcomings; the procedure to be followed by the Committee of Ministers. He explained the procedure by stating that an execution committee meets regularly with the participation of the president, the president of the human rights department and the ambassador of the relevant country. The ambassador is inquired about the state of execution of the decision; the individual and general measures. For the general measures, the expectations are about the change in law and for the individual measures, the state is expected to compensate for the damages. Mr. Türmen indicated that the ambassador has to delineate the current state of execution and may advocate the need of time if a change in law is necessary. The Committee reconsiders the situation in the next meeting and provides some time to the country in question. Mr. Türmen affirmed that if no progress is made then the Committee of Ministers augments the pressure incrementally. At first, letters would be written the Ministry of Justice or Ministry of Foreign Affairs in order to interrogate why no progress has been made yet. If no response is provided, the measures would be tightened, said Mr. Türmen. When he was requested to inform on the probable sanctions that would be applied if the authorities of the state in question omit to implement the decision, Mr.

Türmen indicated that for example, the presidency of the Council of Europe would not be given to that country, the meetings that were scheduled to be held in that country might be cancelled and the process may even end up with the total exclusion of that country; which means the withdrawal of its membership as it has been the case for Greece during the Regime of the Colonels.

According to Mr. Türmen, the forthcoming process can be best understood by investigating the past incidences. There are two important decisions of the ECtHR on Turkey which were suspended to be executed and where Turkey was faced with sanctions. The first one that Mr. Türmen highlighted is about the Loizidou case⁵⁷ where all these procedures started to be applied since Turkey refused to pay the compensation. At the end, Turkey had to pay much more than the initial price since the compensation was doubled as the time passed. The second one is the case of Hulki Güneş vs. Turkey.⁵⁸ He stated that there had been a great pressure from the side of the Council of Europe about the execution of the judgment of that case. While we were doing the interview at the Turkish Grand National Assembly, the fourth legislation package was being voted and the law of criminal procedure, which has been the target of the decision of the ECtHR in the case of Hulki Güneş, has been amended. As a consequence, Mr. Türmen emphasized that the Council of Europe makes the countries implement the decision of the ECtHR in one way or in another despite reluctance of the country in question. Therefore,

⁵⁷ For the final judgment of the ECtHR for the case of Loizidou v. Turkey (Application no. 15318/89) on 28 July 1998, please see: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58007>

⁵⁸ For the judgment of the ECtHR for the case of Hulki Güneş v. Turkey (Application no. 28490/95) on 19 June 2003, please see: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-61169>

turning back to the case of *Zengin v. Turkey*, Mr. Türmen was quite sure that Turkish authorities will make the necessary amendments to comply with the general measures foreseen for Turkey. The question at that point was about the new program proposed to the Committee of Ministers, whether he believed that it would suffice to convince the Committee. He indicated once more that the Committee shall ask Alevis whether they were satisfied with the modifications in the DKAB program and textbooks or not.

The examination of the Committee of Ministers on the content provided the Turkish authorities will be based on interrelated domains such as; the impact or the success of the Alevi opening; which will be evaluated in the following parts, Alevi contribution to the preparation of the new content of the DKAB courses and evaluation of the new program and textbooks in terms of their acquiescence with the norms of plurality, objectivity and critical thinking. The Committee may also take into account the ways of exemption, if they find it necessary to investigate. For the time being, there is no determinate date for the Human Rights Meeting where the execution of the *Zengin* case will be supervised.

As a matter of fact, the only point of reference of Turkey for complying with the European norms in this specific field is not the judgment of the ECtHR. Turkey has been subject to many criticisms concerning religious education in the country from the European institutions. The next section displays other important impulses for further Europeanization of the country by adjusting to the European values.

3.3.2 The Reports by European Convention against Racism and Intolerance and European Commission and their Implications for Religious Education in Turkey

As already mentioned, in line with the general understanding and the scope of this work, Europeanization is not only constrained to the EU membership. That is why the judgment of the ECtHR which is examined above and the report of the European Commission against Racism and Intolerance (ECRI) that will be analyzed in the next part are also taken into consideration. It is obvious that the responsibilities stemming from being a member of the Council of Europe are contributing to the Europeanization process of the country. The Commission Reports on Turkey's Progress are also of great importance for sure, and in the previous sections there have been some references to those reports. A further investigation on Progress Reports will be made in the following parts. All these sources having an impact on Turkey's Europeanization pace shall be analyzed in terms of their relevant provisions.

3.3.2.1 The ECRI Reports⁵⁹

ECRI prepared four reports on Turkey until now and has drawn attention to the compulsory religious courses in Turkey. In the second report on Turkey, ECRI noted that “the compulsory nature of religious education is currently the subject of public debate in Turkey and considers that, in order to guarantee the respect of personal choice in matters of religion, thereby contributing to the respect of genuine plurality, religious education should not be compulsory” (ECRI, 2000: 9).⁶⁰ In the third report, ECRI repeated that religious course is still compulsory in Turkey and added that “[t]he syllabus covers all religions and is chiefly designed to give pupils an idea of all existing religions. However, several sources have described these courses as instruction in the principles of the Muslim faith rather than a course covering several religious cultures” (2005: 19). ECRI noted that only Muslim pupils are required to follow these courses, while pupils belonging to minority religious groups can be exempted. ECRI considered the situation as unclear: if this is indeed a course on the different religious cultures, there is no reason to make it compulsory for Muslim children alone. Conversely, if the course is essentially designed to teach the Muslim religion, it is a course on a specific religion and should not be compulsory, in order to preserve children’s and their parents’ religious freedom”

⁵⁹ The ECRI, established by the Council of Europe to work as an independent human rights monitoring body on questions related to racism and intolerance. This Commission monitors all members, country-by-country in order to find out the situation of these countries in terms of racism and intolerance and then, draws up proposals and suggestions. ECRI Report on Turkey (fourth monitoring cycle). Adopted 10 December 2010, published on 8 February 2011: <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/turkey/TUR-CBC-IV-2011-005-ENG.pdf>

⁶⁰ ECRI Second Report on Turkey. 15.12.2000: http://hudoc.ecri.coe.int/XML/ECri/ENGLISH/Cycle_02/02_CbC_eng/02-cbc-turkey-eng.pdf

(2005: 19-20).⁶¹ ECRI proposed to the Turkish state in the same report: “... to reconsider their approach to instruction in religious culture. They should take steps either to make this instruction optional for everyone or to revise its content so as to ensure that it genuinely covers all religious cultures and is no longer perceived as instruction in the Muslim religion” (2005: 20). This is a very strong argument which indeed falsified the whole argument of the Turkish state about religious courses being objective, universal and critical. The ECtHR made reference to this statement and recommendation of ECRI in the case of *Zengin vs. Turkey*.

In its latest report on 2011⁶² it is indicated that the instruction of compulsory religious education is still based on the principles of Sunni Muslim faith and that even if the authorities assert that the courses are given in order to provide a general insight about all religions, the focus is on Islam. ECRI report made reference to ECtHR decision on *Zengin vs. Turkey* case and recommended that in compliance with the judgment of ECtHR, Turkey shall ensure that the rights of religious minorities are protected and respect the will of families who do not want their children to get religious education at school (ECRI, 2011: 28).

⁶¹ ECRI Third Report on Turkey. 15.02.2005:
http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle_03/03_CbC_eng/TUR-CbC-III-2005-5-ENG.pdf

⁶² ECRI Report on Turkey (fourth monitoring cycle). Adopted 10 December 2010, published on 8 February 2011:
<http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/turkey/TUR-CBC-IV-2011-005-ENG.pdf>

These determinations and recommendations of ECRI contributed to the cause of Alevi community in the sense that they substantiated their assertion that the compulsory religious courses, with their current contents, contradict with the rights of parents stemming from international agreements. It is a matter of query that to what extent these reports had an implication on the decision for the change in program of the DKAB courses which had taken place in 2011-2012 school year. It is more widespread to make reference to the Commission Reports while reflecting about the impact of Europeanization on the amendment of the religious courses given the target of EU membership. However, these should be evaluated altogether in order to understand the magnitude of this impact.

3.3.2.2 Commission Reports on Turkey's Progress Towards EU Accession

In line with the Progress Reports prepared by the European Commission, it is easier to observe the developments in Turkey in terms of compulsory religious courses. The EU Progress Reports also consider the difficulties experienced by the Alevi community. From a broader perspective, it can be argued that despite the controversies that arise in the country, like the reactions of the government to the criticisms made in the Progress Reports, they can be told to be served as pioneer of the improvement.

Starting from 2000, the Commission has made emphasis on the compulsory religious instruction each and every year, stating that the fact that Alevi pupils have to attend these courses causes controversy among the adherents of this conviction. It is thus plausible to state that Progress Reports as well as other documents delineating the position of Turkey in terms of religious education created a pressure to make changes (Çarkoğlu and Bilgili, 2011: 358).

In the Progress Report of 2004, the Commission noted that there was a case sued by an Alevi family pending before the ECtHR and that “most Alevis claim that as a secular state, Turkey should treat all religions equally and should not directly support one particular religion” (European Commission 2004). The Commission made emphasis on state’s privileging religion of the majority, and its reflection on the compulsory religious instruction in schools which “fails to acknowledge non-Sunni identities.” The 2007 Progress Report highlighted the decision of the ECtHR on violation of Article 2 of Protocol No.1 and special attention has been made to the content of the religious culture and knowledge of ethics lessons in terms of its failure to acknowledge religious diversity that prevails in Turkish society (European Commission 2007). In the same report, the Commission provided an in-depth analysis that “the religious instruction syllabus in Turkey could not be considered to meet the criteria of objectivity and pluralism necessary in a democratic society, and that there is no appropriate method to ensure respect for parents' convictions” (European Commission 2007). The Commission underlined the

suggestion of ECtHR on the need for Turkey to bring “its educational system and domestic legislation into conformity with the ECHR” (European Commission 2007).

The suggestions delineated both by the ECtHR and the Commission were faced with reaction from the side of Turkish government (Özenç, 2005: 120). The deputies and the ministers of the AKP reacted to decision of the ECtHR as well as the Progress Report of 2005, stating that religious culture education is the responsibility of the Turkish state and that international society should not intervene in the domestic legislation of Turkey especially when they do not have appropriate information on the issue.⁶³ Abdullah Gül, who was the Minister of Foreign Affairs at that time mentioned that it is just the opinion of the Commission and that this is up to the will of the state to comply with the suggestions or not.⁶⁴

The decisions of the Council of State in two cases for the exemption from the religious culture and knowledge of ethics courses in favor of the applicants have also been matter of controversy, especially from the side of the government. Nonetheless, the government has made a change in the syllabus of this course to include information about Alevism, effective from the school-year of 2007-2008. It should be noted that both the criticisms of the Commission Reports and the decision of the Council of State in line with those criticisms had an undeniable pressure so that the syllabus has been modified. In other

⁶³ “Avrupa Konseyi Kızdırdı”, Milliyet, 16.02.2005. Available online at: <http://www.milliyet.com.tr/avrupa-konseyi-kizdirdi/siyaset/haberdetayarsiv/16.02.2005/105283/default.htm>

⁶⁴ Ibid.

words, this step has been taken by the state, which would probably not have been taken otherwise, because of the pressures coming mainly from the EU and supported by the national jurisdiction. In that way, it seems that the authorities aimed to reply to the criticisms about the content of the religious courses in order to impede further discussions about changing their compulsory nature. The Minister of National Education highlighting that the verdicts of the Council of State were based on the previous syllabus and thus were not valid anymore⁶⁵ signifies the rationale behind this move. However, this change in syllabus was not considered to be sufficient from the part of the EU and Alevi community did not find this initiative sincere. The government had to work more on the compulsory religious courses, especially regarding the complaints of Alevis in the country.

In the Progress Report of 2011, the Commission has given credit to the Alevi workshops held in the context of the 2009 Alevi opening and made emphasis on the preparation of new religious education textbooks by the Ministry of National Education which contain information on the Alevi faith. The concrete step taken by the Turkish State has been underlined by indicating that these textbooks are to be used as of the 2011-2012 school year (European Commission 2011: 29). This has been a concrete outcome of Alevi workshops and the environment of reconciliation between the state and the Alevi community. The minister Faruk Çelik who took part in the process of Alevi workshops declared that they prepared the content of the course and the textbooks according to what

⁶⁵ “Çelik: Zorunlu Din Dersi Mevcut Müfredatla Sürer”, Radikal, 05.03.2008. Available online at: <http://www.radikal.com.tr/haber.php?haberno=249280>

has been offered in those workshops and that this step will resolve the conflicts in this area.⁶⁶ However, the Progress Report of 2011 designates that “under Article 24 of the Turkish Constitution and Article 12 of the Basic Law on national education, religious culture and ethics classes remain compulsory in primary and secondary schools” and that the “2007 ECtHR judgment regarding compulsory religious education has yet to be implemented” (European Commission 2011: 29). It is added that “exemptions from attending such classes are rare and difficult to obtain, particularly if the identity card of the applicant does not list a religion other than Islam or if the religion entry on the card is blank. No alternative classes are provided for students exempted from these classes, and there are reports that students not attending these classes have been given lower marks” (European Commission 2011: 29). Therefore it seems that even the content of the course alters, the Commission will not be satisfied with the current application of compulsory religious courses.

On the latest Commission Report specific emphasis is made to the new content of the DKAB textbooks and the positive steps taken were appreciated but the difficulties that non-Sunnis are encountering are also highlighted: “New religious education textbooks were more inclusive. In practice, though, citizens professing a faith other than that of the majority, or with no faith, continued to experience discrimination” (European Commission 2013: 14). Moreover, the new textbooks are credited for including

⁶⁶ “Yeni Din Dersi Müfredatı 2011-2012’de”, Radikal, 29.10.2010. Available only at: <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1026358&Date=29.10.2010&CategoryID=77>

information about Alevism: “The Ministry of National Education issued new textbooks for religious culture and ethics courses, including information on the Alevi faith, and non-Muslim students were exempted from these classes” (European Commission 2013: 55). Nonetheless, the Report took into consideration that “Alevi groups have been critical about the information on Alevis in the revised religious culture and ethics textbooks. Alevis’ perception is that they are discriminated against, including in the civil service and the education system” (European Commission 2013: 55). Other positive steps taken by the Turkish authorities about the status of non-Muslim minorities in the country are stated as follows:

The Ministry also informed all Turkish schools of their obligation to respond positively to requests from non-Muslims to be exempted from compulsory religious culture and ethics lessons. As a result, the number of complaints dropped. Further to a Court decision that became final in August 2013, Syrians can now open their own schools. In 2012, the authorities, together with stakeholders, started preparing textbooks and curricula so that Christian students can have classes on Christianity at school (European Commission 2013: 61).

It is also repeated on the Report that “an ECHR compatible legal framework has yet to be established on matters of faith and conscientious objection” and that “the European Court of Human Rights’ 2007 *Zengin v. Turkey* judgment on religious culture and ethics classes, which remain compulsory in primary and secondary schools, has yet to be implemented” (European Commission 2013: 14, 55).

The major observations of the Commission about Turkey’s progress in means of religious education are of great significance which created resonance in policy-making. The following parts will demonstrate in which terms Turkish authorities have responded to

those criticisms and complied with the norms indicated on these reports. As the primary actors of the conduct of religious education in the country, the position of non-Sunnis will be explored. The steps taken by the Turkish authorities in the course of Europeanization can be best contemplated in the operations taken for the adherents of other convictions than the one of the majority.

CHAPTER 4

TURKEY'S RESPONSES TO EUROPEANIZATION AND CONTEMPORARY ISSUES

This chapter comprises of the contemporary issues in Turkey in the field of religious education. This part which is substantiated with interviews primarily aims at displaying policy alteration and change in the attitude of domestic legislation in response to the impact of Europeanization. The impulses for Europeanization resulted in remarkable policy changes in the conduct of religious education which otherwise would not be altered so deeply. The findings of this chapter demonstrate that the actors in the country behaved rationally so that they became receptive to the demands from the European side in terms of complying with the norms. Nonetheless, the nature of the amendments determines that Europeanization is experienced relatively superficially in Turkey given the repercussions in the policies followed. The contemporary situation in Turkey in the conduct of religious education is explained by the rationalist institutionalist account of the Europeanization theories which foresees that goal-oriented actors in the country are inclined to comply with the European norms as they are in line with their interest. This explains why full-fledged reforms cannot be implemented in the Turkish context despite

its highlighted misfit with the European standards in means the conduct of religious education. The chapter will determine the contemporary issues in the field of religious education which are very dense and dynamic in Turkey.

4.1 Alevi Question in Turkey, Alevi Opening and Alevi Workshops

Before moving on with the Alevi Workshops, it might be appropriate to give brief information about Alevism and Alevis in Turkey. Alevism is commonly defined as a sect of Islam⁶⁷ constituted of a community which has faith in the fourth caliph, Ali, following the Prophet Muhammed, and has different traditions and rituals from the Sunni sect. Alevi population in Turkey constitutes approximately 15 percent of the total population. Even if there are several Alevi associations representing the Alevi identity, it is difficult to talk about a consensus among those associations on the complaints and proposals for resolutions to those problems, though it is questionable whether such a consensus is reached within the other teachings of Islam. However, in that sense it is hard to state that “the Alevis are organizationally or politically united” (Özdalga, 2008: 187). Despite the EU documents that display a tendency to treat Alevi community as a religious minority, Alevis do not seem to have such a demand from the Turkish State; they are rather seeking to have recognition (Özdalga, 2008: 194). In fact, “the Lausanne Treaty grants a religious

⁶⁷ There are variety of opinions on this issue both among Alevis and Sunnis. According to a group among Alevis, Alevism is the core of Islam whereas for others, Alevism is beyond Islam. Some consider it as a religion itself, and most of the Sunnis embrace the view that Alevism is a sect of Islam; which is also the official view of the Directorate of Religious Affairs in Turkey (Diyanet İşleri Başkanlığı).

definition of minorities only for non-Muslims; no such explicit recognition can be found for...sectarian minority groups such as the Alevis” (Çarkoğlu and Bilgili, 2011: 351). That is why they are not exempted from the compulsory religious courses. Their complaints were about two major issues; the compulsory religious courses and places of worship; Cemevi. For this study, the focus will be on the religious education at schools which they perceive as the infringement of “their parental right to educate their children in accordance with their own religious beliefs...” which are protected under Article 2 of Protocol 1 of European Convention on Human Rights (Akbulut and Usal, 2008: 434).

At first it should be noted that “Alevis consider these courses to be part of an assimilation policy” (Stewart, 2007: 55). The claims of Alevis about the compulsory religious courses revolve around three major points. For one, they want exemption from mandatory religious courses for Alevi students. Yet, this will oblige them to proclaim their religious identity which is argued to contradict with the Turkish Constitution (Article 24) and with the related clauses of universal treaties. In fact, this is the general rule applied for religious minorities (non-Muslims) for the exemption from religious courses. The shortcomings of such declarations seem obvious for religious minorities but this would have more severe consequences for Alevis who are part of the Islamic community (Çarkoğlu and Bilgili, 2011: 355). The second claim of Alevis is a more reconciliatory one in the sense that they suggest that if the DKAB course will continue to be compulsory because of the Constitutional provisions, then the content should be modified in order to comprehend accurate information on Alevism. They argue that equal stance of

the state to all religious convictions is a necessity that stems from both its secular character and international agreements it is part of. Therefore, due to its secular nature, Turkish State should neither prioritize one conviction nor discriminate against the other (Keyman, 2007: 216). For the DKAB courses, given that they are compulsory, the state is expected to pay much more attention to their content and give proper and adequate information about all religions as well as sects of Islam in order to enhance its equal stance. The last and the least debated issue is the total abolition of religious courses on the basis that state should not provide religious education in its schools so that any kind of religious course shall be prohibited in formal education and shall be left to the NGOs (Alevi Çalıştayları Nihai Raporu, 2010: 140).

In the Progress Report of 2009, the Commission highlighted the positive steps taken by the government about Alevi community: “In December 2008 the Minister of Culture participated in the opening of the first Alevi Institute and apologized to the Alevis for past sufferings caused by the State. In January 2009 the Prime Minister attended an Alevi fast-breaking ceremony for the second consecutive year” (Commission 2009: 21). It is obvious that despite the criticisms made by the government to the suggestions of the Commission, the urge for the “Alevi opening” which is followed by Alevi workshops can be considered as their most obvious outcomes. As a matter of fact, “the Alevi issue was a blind spot in the policy agenda of governing AKP until the second half of 2007” (Köse, 2010: 147). The pressures of the decision of the ECtHR and the Progress Reports of the Commission seem to have a remarkable impact on putting this issue on Turkey’s political

agenda (Tekin, 2011:107). In the following year, it can be observed that the process was supported by the Commission; it is indicated on the Progress Report of 2010: “Opening to the Alevi community continued. Seven workshops were held, as initially planned, with different social and professional groups and with Alevi representatives” (European Commission 2010: 23).

The “Alevi opening” process is defined as “the first systematic effort to deal with identity-based discontents of the Alevis” (Köse, 2010: 143). In line with “Alevi opening” of the AKP Government, a series of workshops were held with the participation of representatives of the government, presidents of the Alevi Associations who present diverse positions (Subaşı, 2010: 166-167). Starting from 2009, seven meetings were held with more than 400 participants in a two-year time (Subaşı, 2010: 166). The first workshop was held on 3-4 June 2009 and the last one on 28-30 January 2010 (*Ön Rapor*, 2010: 6).

Minister of State, Mr. Faruk Çelik was the minister in charge for those workshops. He indicated in the Preliminary Report (*Ön Rapor*) that the prominent demands of Alevis were to get recognition by the Turkish State, the reorganization of education to comprehend adequate and comprehensive information about Alevism and the reconsideration of the position of Diyanet (Directorate of Religious Affairs) (*Ön Rapor*, 2010: 7). As already mentioned, one of the most controversial issues that widely discussed during Alevi Workshops was the compulsory DKAB courses. In the final

report of the workshops, the DKAB courses and how the religious instruction shall be organized were evaluated (Nihai Rapor, 2010: 133-160).

Before going into detail of the debate about the religious instruction phenomenon, it would be worth stating the common major points declared by Alevis. The fundamental claim of Alevis about DKAB courses is that they should cease being obligatory. This compulsory nature annoys Alevis because of political and cultural underpinnings of the term “obligation” (*Ön Rapor*, 2010: 20). Moreover, the need to make amendments in the program and textbooks from a comprehensive perspective which is prepared with a supra-sectarian understanding has been declared explicitly. In order to achieve this goal, there had been a general consensus for the need to set commissions which would determine the technicalities of the new program. In addition, in the Preliminary Report, it is affirmed that religious education based on demand; in other words, providing religious education in the form of elective courses is also an option that has been assessed during the workshops. Therefore, it is determined that since the DKAB will continue to be compulsory due to the Constitutional provisions, then the focus should be on how to ameliorate the content so to comply with the international norms and satisfy the needs of Alevis. A second result derived from those workshops and indicated in the report is that elective courses of religious education can be provided as there is no legislative restriction about this.

The above-mentioned consequences that are retrieved from the workshops seem to provide the image only partially. Because first of all, on the reports the compulsory status of the DKAB courses are considered as given; in other words unquestionable. However the main argument of Alevi is that these courses should not be compulsory. When the debates on this issue are investigated for the individual workshops, one can remark that these resolutions do not totally reflect the spirit of the whole debate. On the other hand, for the new elective courses that would come into being the need for Alevi teachers have been foreseen and indicated in the reports (Ön Rapor, 2010: 22). It is even proposed that as a first step, Alevi specialists would teach pupils Alevism and then the necessary infrastructure to promote Alevi teachers would be established (Ön Rapor, 2010: 22).

In order to get more information about the content and outcomes of the Alevi Workshops, the coordinator and moderator of the workshops, Dr. Necdet Subaşı⁶⁸ was interviewed. Dr. Subaşı wanted to clarify one point; he stated that he is not involved anymore in this process. He affirmed that this was an initiative of the Ministry of the State and that his responsibility was to organize and conduct those workshops. Then, the first important remark he made is about the representation of all Alevi groups on that platform; he wanted to underline that from the most radical ones to the moderates, all voices have been raised during the Alevi Workshops. He added that all kinds of views from the Sunni side have been declared too. Dr. Subaşı admitted that there were those who wanted to

⁶⁸ Dr. Necdet Subaşı was the coordinator and the moderator of the Alevi Workshops. He is currently the President of the Department of Strategy Development of the Directorate of Religious Affairs since 2011. The interview was held on 18 March 2013 at the Directorate of Religious Affairs.

block the process and those who wanted to provide solutions from both sides. With this statement, he wanted to make it clear that this was not a homogenous group like some argued. This view was criticized by another respondent; Mr. Hüseyin Aygün⁶⁹ by stating that the Alevi associations mostly withdrew their support after the second workshop and that the ones who stayed were not eligible to have a say about the demands of Alevis. That is why he said, most of the Alevis were not satisfied by the final report.

To get more information about the outcome of these workshops, Dr. Subaşı was requested to inform us about what he has proposed to the government. He stated that what he has suggested and also indicated in the final report was that given the DKAB courses are compulsory due to the Constitutional provisions, then the status of those courses should be reevaluated. The respondent offered that these courses shall have the status of real culture courses which is targeted to teach religious phenomenon with pedagogical concerns in mind and where a general knowledge would be provided for an average citizen. In that sense, no religious identity shall be imposed on the pupils. This was his first proposition. The second one was about the introduction of elective religious courses; which will depend on the demand of the parents but in a procedure where the parents will not have to declare their beliefs. In his view, this should only target Alevis but also other sects of Islam and other convictions too. He gave the example of Hanefi and Şafî sects of Sunni Islam, he said that these can be taught too and added that this

⁶⁹ Mr. Hüseyin Aygün is the CHP MP from Tunceli. He was interviewed on 10 April 2013 at the TGNA, Ankara. He is known for his Alevi origin, his efforts to promote rights and freedoms of religion and conscience and for his critical stance.

should not be understood as a privilege provided to Alevi. In that case, an Alevi family will have the opportunity to choose for their pupil the elective course on Alevism and they can also select the course on Sunni Islam if they want to. Dr. Subaşı admitted that he was aware of the fact that the implementation of this formula will not be as easy as it will be in Istanbul compared to other provinces given that there would be discrepancy about the distribution of families adhering to different convictions. For example, in a province there can be only one Alevi family whereas there may exist only one Sunni family living in another city. All these obstacles can be surpassed with good will, according to Dr. Subaşı.

Another point that was highlighted by the interviewee is about the reliable written sources for Alevism. He stated that Alevism is orally transmitted from generation to generation and there is no written source upon which Alevi agree. In his opinion, this is the source of many problems because anyone can interpret and determine what Alevism is according to one's own view. He also thinks that because of this characteristic, Alevism is open to be abused by ideological concerns. In light of all these assessments, Dr. Subaşı defined the main aim of the Alevi Workshops as taking into consideration the issue with all its aspects on the basis of good will.

Despite these efforts, the structural impediments are also envisaged by the Coordinator of the workshops. The first and maybe the most prominent one was the lack of a written source; a domain for Alevism, and the second one is the problem of appointing teachers

to teach Alevism. He mainly highlighted the difficulty of promoting Alevi teachers and mentioned that there should be universal means to organize this in order to cover Alevis living abroad. With the current setting, he says, the Alevi organizations do not want to give *Dede*⁷⁰ such a responsibility; they rather prefer to keep *Dede* in a spiritual position and that is why they cannot be appointed as teachers at schools. His observation was that there is an indeterminate situation between *Dedes* and Alevi intellectuals about who should transmit the knowledge and how. The respondent affirmed that intellectuals have different interpretations of Alevism which may go hand in hand with diverse ideologies diverging from atheism to materialism or Marxism and these views clash with the ones of *Dedes*. Therefore he attracted attention to the source of information and the representation problem among Alevis. He immediately added that the difference among the viewpoints is not specific to Alevis but that it is also the case among Sunnis; intellectuals and *ulema* fall apart due to their diverging interpretations.

On the other side of the coin, Alevis are not necessarily seeking to find out the ways to have an optional course on Alevism at schools. Some Alevi organizations, as Mr. Kazım Genç clearly pointed out, are against any kind of state intervention in the teaching of Alevism. So it is understandable that they might not be seeking for solutions to incorporate Alevism within this system. However, there are more moderate fractions who advocate that if the system will remain more or less the same, then the ways to protect the

⁷⁰ Dede is spiritual leaders of Alevis who teach the essence of this belief. For detailed information please see: Ali Yaman, 2000. "Anadolu Aleviliği'nde Ocak Sistemi ve Dedelik Kurumu." http://www.alevibektasi.org/index.php?option=com_content&view=article&id=81&Itemid=66

rights of Alevi is essential. However, according to Dr. Subaşı, what is controversial for Alevi is that due to the wide gap between interpretations, which is to be solved among Alevi if they find it necessary to do so, the issue was put for the first time on the table in such a wide range for seeking solutions to the problems that were neglected for centuries. As a matter of fact, this perception makes the dialogue much harder. But when all these theological discussions, matters of representation and all the bad experiences are put on the table all together, the path to the solution is narrowed.

To continue with the discussion in the Alevi Workshops about the religious courses at schools and the proposition of introducing Alevism as an elective course, Dr. Subaşı was queried about whether he had a concrete suggestion. He clearly indicated that a pilot application can be made in provinces where there exists a greater Alevi population. According to his view, until the adequate settings are prepared for appointing teachers for the elective course on Alevism, such a transitory plan based on pilot cities can be applied by appointing prominent Alevi who gained recognition by the majority of the community. The difficulty he foresaw is again about deciding the names; the main question is who is eligible to teach Alevism? He admits that the state has articulated a means of conduct of religion; but only for Sunni Islam. There is no such context for Alevi; neither Alevi have such a culture of teaching their belief nor does the state have a mindset for the teaching of Alevism.

About the overall Alevi issue, Dr. Subaşı stated that the main responsibility for the resolution of this problem lies with the state. He indicated that there are radical Alevi organizations who are for totally omitting the state, and that is why they refuse all means of dealing with the state. However he thought that this attitude brings the issue to the point of irresolution. He furthermore stated that the Alevi question will become the first issue on the agenda in a few months. He was then requested to make it clear how the state can resolve this issue and what were the main outcomes of the Alevi Workshops. His duty was over with the preparation of the Final Report on Alevi Workshops.

When it comes to the outcomes, the first demand was to convert the Madımak Hotel,⁷¹ which had a symbolic meaning for Alevis, into a museum⁷² and this was realized. Secondly, the content of the DKAB courses were modified in order to insert adequate information about Alevism into the program and textbooks (is being followed since the 2011-2012 school year). About the legal status of *Dedes*, which was another demand of Alevis, no amendment could be made due to the related laws.⁷³ Actually, no consensus was reached among Alevis about the request on this specific issue, indicated lawyer Mr. Kazım Genç, since some Alevi organizations wanted *Dedes* to have a legal status

⁷¹ “Madımak Olayı” is the event that took place in Sivas, on 2 July 1993. During the festival organized by an Alevi association in the memory of an Alevi spiritual leader, Pir Sultan Abdal, the hotel where the organization took place was set to fire. 33 people, most of them were Alevi intellectuals, writers, journalists, artists, were died

⁷² Milliyet, 30.06.2011, “*Madımak Otelı Bilim ve Kültür Merkezi oldu.*” <http://gundem.milliyet.com.tr/madimak-oteli-bilim-ve-kultur-merkezi-oldu/gundem/gundemdetay/30.06.2011/1408705/default.htm>

⁷³ Legal Commission could not solve the issue since this request was against the Revolutionary Laws of Turkey (*Devrim Kanunları*). To be specific, it is meant the law abolishing the Islamic monasteries; *Tekke ve Zaviyelerin Kapatılması Kanunu*. Law no 677 promulgated in Official Gazette on 13 December 1925.

whereas there are some others who defend that state shall no interference in this symbolic representation.

To make some concluding remarks about Alevi Workshops, it can be stated that the main points raised during those workshops seem to be responded by the state to some extent but whether Alevis are satisfied with these steps is highly questionable. Though, when the opinion of Alevis was asked, only 14.9 percent of the respondents claimed that they were happy with this “Alevi opening” (Köse, 2010: 148). However the observation of the EU about these workshops and which was mentioned in the Progress Report of the Commission was quite different at the beginning of the process: “The government held workshops aimed at discussing openly problems and expectations of the Alevis; this effort was received positively by the Alevi community” (European Commission 2009: 21). In the Commission Report of 2011, it was maintained that:

Following seven workshops held in the context of the 2009 Alevi opening, a final report was issued in March 2011. The Ministry of National Education has prepared new religious education textbooks containing information on the Alevi faith, too. These are to be used as of the 2011-2012 school year. A small number of municipal councils have recognized *de facto* Cem houses as places of worship. The government expropriated Madimak Hotel³⁰ in Sivas. Alevis have demanded that the hotel be turned into a museum (Commission Report, 2011: 29).

When it comes to the latest Progress Report on Turkey, one can easily remark the change in perception of the Commission about the Alevi opening: “Concrete follow-up of the opening made in 2009 to the Alevis is lacking” (European Commission, 2012: 25). This determination summarizes that from the EU side the expectations from the Alevi Opening

and Alevi Workshops were not met. For the implementation of specific demands of Alevis it was stated:

Cem houses were not officially recognized and Alevis experienced difficulties in establishing new places of worship. Alevis were concerned by the marking of many houses of Alevi citizens in a number of provinces and by incidents against them. Complaints were submitted to the prosecutors' offices by Alevi associations; judicial and administrative investigations are continuing. [...] Some Alevis encountered job discrimination in the civil service (Commission Report 2012: 25).

As previously indicated, even though there was no consensus among Alevis about the DKAB courses, there had been two major demands which were agreed upon. First, Alevis want DKAB courses not to be compulsory. Second, if it is impossible to change their status because of the Constitutional provisions, then the content must be modified and should become a supra-sectarian one which is impartial and treats all religions at a distance. Thirdly and in conjunction with the second demand, they seek for the adequate means for exemption where no declaration of belief is necessary. As far as Alevis were not satisfied with the change in the syllabus made in the school-year of 2007-2008, they continued to seek more effort and sincerity. Therefore, one of the most prominent outcomes of the Alevi Workshops became the change in the syllabi and the textbooks where (relatively) extended information was added about Alevism. A brief evaluation on the new content, started to be followed by the 2011-2012 term, will be offered in the next section.

4.2 Change in Curricula and Textbooks of the Religious Courses (2011-2012) and the Toledo Guiding Principles

The new DKAB program and the new textbooks started to be followed as of 2011-2012 school year unquestionably came into being as a result of the ruling of the ECtHR on the Zengin Case, ECRI Reports and the Commission Reports on the progress of Turkey. The Alevi Workshops served as a means to determine what the demands of Alevis are and how they can be resolved. As already delineated, Turkish authorities embraced the most moderate form of change to comply with the judgment of the ECtHR and criticisms made in the Commission Reports; they decided to make amendments in the content of the courses. By providing an impartial content for the DKAB courses, Turkish authorities should have thought that no facilitating options for the exemption shall be offered. It seems that they focused on the enhancement of the content rather than providing facilities for exemption from the course. When the issue is investigated in detail, it can be seen that there had been almost no concrete steps taken for changing the status of these courses from compulsory to elective. During the Alevi Workshops, introduction of the elective religion courses have only been discussed additionally to the existing compulsory DKAB courses.

Given that the Turkish Government chose to make amendments in the content of the DKAB courses and such a process was initiated right after the verdict of the ECtHR, Mr. Rıza Türmen submitted a written question to the TGNA seeking response from the

Ministry of Education.⁷⁴ In that written question, Mr. Türmen queried what the government did to comply with the ruling of the ECtHR in terms of making amendments to the DKAB textbooks. The questions asked were mainly based on the execution of the ECtHR ruling on the Zengin Case; about which modifications were made, whether those amendments were made by asking opinions of the Alevis, and what was provided for pupils to be educated in accordance with the beliefs of their parents. The written question was submitted on October 2011 and the response was given after the legal time was surpassed; on January 2012. In the response by the Ministry of Education⁷⁵ it is mentioned that prior to the judgment of the ECtHR on Zengin Case a commission was convened under the supervision of three academicians and specialists of DKAB courses. Former Minister of Education; Ömer Çelik, highlighted that while this commission was examining the issue, the Alevi Workshops were held by the Ministry of the State and that during those workshops the opinions and the suggestions were heard from the representatives of Alevi organizations about the program of DKAB courses. It is also asserted that in the new programs the main concepts of the Alevi-Bektaşî tradition have been explained and the information was given about prominent figures and main events of this tradition by placing quotations from the sayings of those persons. Minister Çelik also accentuated that the principle of laicism has been underlined throughout the program and it was this principle emphasized several times in the textbooks. It was repeated once again that the opinions of Alevi and Bektaşî organizations were taken into account.

⁷⁴ For the content of the written question by Rıza Türmen on 18.10.2011 and no. 7/1000, please see: <http://www2.tbmm.gov.tr/d24/7/7-1000s.pdf>

⁷⁵ For the full text of the response to the written question of Rıza Türmen of no. 7/1000, please see: <http://www2.tbmm.gov.tr/d24/7/7-1000sgc.pdf>

During our interview, Mr. Rıza Türmen stated that this response from the Ministry of Education was not satisfactory in the sense that it did not make it apparent who took part in the commission which prepared that program, who the academicians are and the question about their eligibility is still there. Moreover, Mr. Türmen criticized that information on which Alevi organizations' opinions were taken into account and whether or not these were sufficient efforts were lacking. Mr. Kazım Genç, the lawyer of the Zengin Case also highlighted the ambiguity of the process in preparing the new DKAB program in the sense that it is not declared which Alevi-Bektaşî organizations took part in that. Furthermore, Dr. Aykan Erdemir,⁷⁶ mentioned that the insertion of information about Alevism and marking the important dates and weeks for Alevis on the curriculum caused greater discrimination against Alevi pupils since those insertions only served to make Alevi students more visible and yet target of mistreatment by both teachers and students. He stated that he has heard several complaints from Alevis stating that it was better not to have manifested in the classrooms due to the new content of the DKAB courses. It can be concluded that in the absence of social learning and intimidation, the new content inserted about Alevism led to more discrimination.

As these are very recent applications, there is a very slight amount of scientific research conducted about the new program and the textbooks that have been followed since the 2011-2012 school year. According to her detailed investigation, Yıldırım (2012)

⁷⁶ Mr. Aykan Erdemir (Assoc. Prof.) is CHP MP from Bursa. He has been active in matters of religious freedom and rights of non-Sunni communities both as an academician and politician. He was interviewed on 10 April 2013 at TGNA, Ankara.

determines the modifications made in almost all the textbooks at all grades. The main conclusion of the study is that compared to the previous program the amendments are not made within a holistic understanding where impartiality and objectivity are taken into account (Yıldırım, 2012: 2). The modifications are rather based on making some additions and changing the position of few sections. The insertions are primarily aimed at providing information about different traditions within Islam, such as the Alevi-Bektaşî tradition, and the terminology, practice and the sources of knowledge were offered. In addition, it is asserted that the main goals of the program, the general content, the values and concepts embraced and taught were not altered (Yıldırım, 2012: 2). One of the remarkable amendments is about practicing of religion; it is mentioned in the related part⁷⁷ that the pupils will not be enforced to practice, to learn by heart the verses and hadiths which take part in the textbooks (Yıldırım, 2012: 4).

As a matter of fact, the latest program of the DKAB courses is expected to comply with universal norms. In addition to the decision of the ECtHR and the emphasis of the Commission Reports on Turkey's progress towards membership, the universal criteria set by the Organization for Security and Cooperation in Europe (OSCE) about the teaching of religion at public schools should also be taken into account. The "Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools"⁷⁸ prepared in 2007

⁷⁷ In the textbooks it is indicated in the part: The Principles and the Explanations about the Application of the Program (Programın Uygulanmasına İlişkin İlke ve Açıklamalar)

⁷⁸ In line with the OSCE's conflict prevention role and its commitment to fostering a culture of mutual respect and understanding, the Advisory Council of the ODIHR Panel of Experts on Freedom of Religion or Belief, together with other experts and scholars, met in Toledo, Spain, in March 2007 to discuss

is aimed at providing regulatory guidelines for the education about religions in order to enhance mutual understanding and social cohesion (OSCE, 2007: 13). In that way, the respect to everyone's right to freedom of religion or belief will be improved. Toledo Guidelines determines that the curricula being used for teaching about religions and beliefs should be prepared with the concerns of: "...determining whether they promote respect for freedom-of-religion rights and whether they are impartial, balanced, inclusive, age appropriate, free of bias and meet professional standards" (OSCE, 2007: 15). These universal principles overlap with the norms indicated in the ECHR and repeated in the verdict of the Zengin Case. What is more, the Toledo Guideline also emphasizes to addressing the views of the adherents of other convictions in a country while preparing the curricula. It is indicated that the authorities should "assess the process that leads to the development of curricula on teaching about religions and beliefs to make sure that this process is sensitive to the needs of various religious and belief communities and that all relevant stakeholders have an opportunity to have their voices heard" (OSCE, 2007: 15).

The Toledo Guideline clearly determines that the courses involving teaching of religions and beliefs may be compulsory if and only if they are "sufficiently neutral and objective" (OSCE, 2007: 14). When those criteria are met, "requiring participation in such courses as such does not violate the freedom of religion and belief (although states are free to

approaches to teaching about religions and beliefs in public schools in the 56-state OSCE region. The experts came from a wide range of backgrounds and included leading scholars, policy makers, educators, lawyers, and representatives of inter-governmental and non-governmental organizations. The Toledo meeting launched an intensive process, involving subsequent meetings in Bucharest and Vienna, and extensive collaboration among members of the Advisory Council, the larger Panel, and other experts, resulting in the formulation of the *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools*. For the full text please see: <http://www.osce.org/odihr/29154>

allow partial or total opt-outs in these settings) (OSCE, 2007:14). Nonetheless, Toledo Guiding Principles also foresaw the cases where objectivity cannot be sustained for a compulsory course on religions and beliefs, it is mentioned that sensitive measures should be taken by the authorities in order to provide the right to exemption from those courses:

Where a compulsory program involving teaching about religions and beliefs is not sufficiently objective, efforts should be made to revise it to make it more balanced and impartial, but where this is not possible, or cannot be accomplished immediately, recognizing opt-out rights may be a satisfactory solution for parents and pupils, provided that the opt-out arrangements are structured in a sensitive and non-discriminatory way (OSCE, 2007: 16).

Whether the new DKAB program of 2011-2012 satisfied these principles is open to question but by considering the response given by the Ministry of Education to the written question of Mr. Rıza Türmen, one can remark that the Minister pretended to affirm that the new program is in line with those principles, even though no reference is made to the Toledo Guidelines. According to the scientific research conducted for the investigation of the 2011-2012 program of the DKAB courses, the amendments made are unsatisfactory to cope with the principles like being inclusive, free from indoctrination and impartial (Yıldırım, 2012: 8). Given that no opt-out facilities where parents do not have to declare their conviction are offered, it can be stated that the 2011-2012 DKAB program does not necessarily cope with the related provision of the Toledo Guiding Principles. On the other hand, even though the content about Alevism inserted to the DKAB program is questionable about whether it fits to the expectations of Alevis, it should be admitted that a significant improvement has been made about reflecting the

principle of plurality within Islam due to introduction of different traditions. Though, the program was not generated from the beginning but the amendments are rather made by adding some parts and this is far from the understanding of preparing a holistic content reflecting the religious pluralism. In the final analysis, despite the enhancements made in the program especially in including information about Alevis, it is far from being a course about religions and beliefs. The DKAB courses with the latest content of 2011-2012 program are argued to be falling apart from being impartial since the terminology such as “our religion,” “our Holy Book” and “our Prophet” makes the course where Islam religion is embraced as the major religion to be taught and where limited information is provided about other religions and beliefs (Yıldırım, 2012: 8). In addition, this limited information is said to have caused further discrimination against Alevis due to the fact that the DKAB teachers are generally from the Sunni tradition and have no adequate information about Alevism.

Turning back to the main question about the position of religious communities other than Sunni Islam, Alevis can be considered to be the most visible community having demands from the state about religious freedoms and this primarily emanates from their population size. However, other religious communities living in Turkey have also difficulties in means of religious education at schools since they also suffer from discrimination originating from the practice. This field should be analyzed from different angles; first, the legal status of religious minorities defined in the Lausanne Treaty is different from

the other religious communities⁷⁹ in the sense that the latter enjoys rights and freedoms emanating from the Treaty. Therefore the difficulties that these two groups encounter should be evaluated separately. The second dimension is the religious courses taught in the minority schools. Even though the scope of this work is limited to the religious instruction in public schools, the findings of the field survey displayed that the attitude of state towards religious education in the minority schools is also remarkable for the evaluation of rights and freedoms. Although the discussion about the DKAB courses mainly revolves around the Alevis, in many of the interviews the question of other denominations and the position of religious minorities were raised. This is the main reason of the need to talk to those communities, to their representatives. Therefore the field survey was not limited to Alevis and their complaints but tried to take into account all the groups suffering from the current practice in Turkey. The next section will investigate the position of religious communities other than Alevis with regard to their status in religious instruction at schools.

4.3 The Status of Non-Muslim Communities in Turkey with regard to the Religious Instruction at Schools

According to the decision no. 1 of 9 July 1990 of the Supreme Council for Education on exemptions from religious culture and ethics classes: "...pupils of Turkish nationality

⁷⁹ Atheists and agnostics are counted in this group whose status was not defined in the Lausanne Treaty.

who belong to the Christian or Jewish religions and who attend primary and secondary schools, with the exception of schools for minorities, are not obliged to follow the classes in religious culture and ethics, provided they affirm their adherence to those religions...” After this law entered into force in 1990, the religious culture and ethics courses have not been a major issue of controversy among non-Muslim minorities. However, the facts that they have to affirm their adherence to Christianity or Judaism and that no alternative course is provided by the state are evaluated as violation of right to religious freedom. With the new system of education in Turkey (“4+4+4”) and the introduction of elective religious courses, some steps have been taken for minority religions but this issue will be evaluated in the section about the new system.

Even though the decision no. 1 of 9 July 1990 of the Supreme Council for Education on exemptions from the religious culture and ethics classes impeded the potential challenges for the most part, recently some complaints have been raised by Protestants about these courses. These complaints were mentioned in a report prepared by the Association of Protestant Churches in 2010.⁸⁰ The president of the Association of Protestant Churches has also written a letter to the Ministry of Education stating that non-Muslim pupils are faced with difficulties about religious courses at schools even if they are legally exempted.⁸¹ In the letter, it is reminded as well that those students should spend that time

⁸⁰ Protestan Kiliseler Derneği Hukuk ve İnanç Özgürlüğü İzleme Kurulu, 2010, “‘Tehdit’ mi, Yoksa Tehdit Altında mı?: Türkiye’deki Protestanlar’ın Yasal ve Sosyal Sorunları.”

⁸¹ “Protestan Öğrenciye Zorunlu Din Dersi”, Milliyet, 18.11.2010. Available online at: <http://www.milliyet.com.tr/protestan-ogrenciye-zorunlu-din-dersi/siyaset/haberdetay/19.11.2010/1315788/default.htm>

in the library of the school which is a practice encouraged by the Ministry of Education. He also attracted attention to the obligation of families to declare their religious conviction in order to have their child to be exempted from the course and that this causes bias among students toward non-Muslim pupils. The letter was also sent to the Directorate of Human Rights at the Prime Ministry seeking for a solution.

The complaints of Protestants revolve around both the implementation of the decision no. 1 of 9 July 1990 of the Supreme Council for Education and the difficulties that pupils are faced with when they are exempted from religious courses. For both cases, the grievances of non-Muslim families started to appear more on media⁸² since 2011. In some cases, it is argued that the school administrators or teachers oblige students to attend those courses⁸³ and in some others, families complain about the reactions of other students and teachers towards non-Muslim pupils who are exempted from religious culture and knowledge of ethics courses. Due to the correspondence of the Association of Protestant Churches with the Ministry of National Education, the Ministry informed all the school administrations about the issue and as a result, in the report of 2013,⁸⁴ it is indicated that the problems stemming from requests of exemption from DKAB courses. However, because of the decision of the Council of State indicating that after the change in syllabi of 2007-2008

⁸² “Protestanların Din Dersi Şikayeti”, Milliyet, 02.01.2011. Available online at: <http://www.milliyet.com.tr/protestanlarin-din-dersi-sikayeti/guncel/haberdetay/02.01.2011/1333649/default.htm>

⁸³ “Hıristiyan Öğrenciye Kelime-i Şahadet Dayağı”, CNN Türk, 01.11.2011. Available online at: <http://www.cnnturk.com/2011/turkiye/11/01/hiristiyan.ogrenciye.kelime.i.sahadet.dayagi/635272.0/index.html>

⁸⁴ Protestan Kiliseler Derneği Hukuk ve İnanç Özgürlüğü İzleme Kurulu, 2012 Hak İhlalleri İzleme Raporu.

there was no more need for exemption from the DKAB course, a school administration in Izmir and another one in Diyarbakır made the exemption difficult. Only after the correspondence of the Association of Protestant Churches with the Directorate of National Education, the problems were resolved (Protestan Kiliseler Derneği, 2013: 6).

4.3.1 Religious Education at Minority Schools

As already indicated, the status of non-Muslim minorities was determined by Lausanne Treaty. Non-Muslims (Greeks, Armenians and Jews) who were defined according to *millet* system, were accepted as minority and they gained some rights stemming from this status (Oran, 2007: 37). Religious rights of non-Muslim minorities were protected under Lausanne Treaty (Article 40)⁸⁵ and they were given the right to establish institutions of education and train pupils of their community in their own language (Vahapoğlu, 1997: 191). In those institutions⁸⁶ non-Muslim minorities were also given the right to practice their religious convictions as well as to give religious instruction to their community. However, in the following years, especially with the promulgation of the law⁸⁷ that expanded the scope of the state control over private educational institutions, Heybeliada

⁸⁵ Lausanne Treaty, July 24th 1924. Full version of the Treaty (in Turkish and in French) is available online at: <http://www.ttk.org.tr/templates/resimler/File/Antlasmalar/lozan/lozan30-39.pdf>

⁸⁶ Currently, the status of the private schools is regulated according to “Milli Eğitim Bakanlığı Özel Öğretim Kurumları Yönetmeliği.” Official Gazette: 08.03.2008. Available online at: <http://ookgm.meb.gov.tr/kategorigoster.asp?id=190>

⁸⁷ 8/6/1965 tarihli ve 625 sayılı Özel Öğretim Kurumları Kanunu. Available online at: <http://www.memurlar.net/haber/1194/>

(Chalki) Religious Seminary which provided the means to educate Orthodox clergy was closed down (Grigoriadis, 2009: 172). It has been repeatedly indicated in the Commission Reports that the seminary should be reopened in line with the principle of freedom of religion and conscience (European Commission 2011: 29). Turkey's response to this appeal is that the "religious nature of the school" contradicted with the secular principles of the state (Grigoriadis, 2009: 172).

In order to understand the position of minority schools and conduct of religious education in those schools, two interviews were conducted. In both of the interviews, the general image is that the pupils attending minority schools enjoy greater freedom in terms of religious education. The first interviewee, Mr. Andon Parizyanos⁸⁸ informed about how the DKAB courses are applied in minority schools. He said that like in other schools linked to the Ministry of Education, minority schools also follow the same curriculum and as the DKAB are part of that curriculum, they offer these courses as compulsory ones but with a totally different content. The content that is applied in the Zografyon Greek School for the DKAB courses is prepared autonomously by the teachers of the relevant course under the supervision of the school administration. Mr. Parizyanos mentioned at first that they were currently working on the preparation of a new program for the DKAB course since the Ministry of Education requested to see the program followed in those schools. He stated that there was an old program prepared in the 1950s and the current

⁸⁸ Mr. Andon Parizyanos is the teacher of Literature and of Religious Culture and Knowledge of Ethics lessons at T.C. Milli Eğitim Bakanlığı Özel Zografyon Rum Lisesi (Turkish Ministry of Education Private Zografyon Greek Highschool) in Istanbul. The interview was conducted 29.03.2013 at the Zografyon Greek Highschool where there are currently 50 pupils.

one is still under construction. Mr. Parizyanos mentioned that until today, every school was following its own program for DKAB but that for the first time they got together and prepared this draft. Both the draft program that Mr. Parizyanos kindly shared and the way that he explained, display that this course teaches Christianity with specific emphasis on the Orthodox Church, and in addition, those courses give information about other religions and beliefs. It can apparently be observed that the content of the DKAB courses is based on teaching a specific religion; Orthodox Christianity, and only in a small part of the curriculum information about other religions is given.⁸⁹

Mr. Parizyanos also indicated that they can bring pupils to the Church in order to display the practice but that this does not necessarily imply that they are giving religious education rather than religious instruction. The textbooks for the DKAB that are followed are the ones which have been imported from Greece in the 1970s and Mr. Parizyanos claimed that even though they cannot cover the whole books, they try to stick to the main principles indicated in those books. It was asked Mr. Parizyanos whether exemption from these courses is possible if the pupil or parents request so. He said that as the pupils in those schools are of Turkish nationality and of Greek Orthodox origin, in general all families want their children to attend religion courses. But in a case where one of the parents adhere to another origin, the pupil and his/her parents are asked whether they want to attend these courses. In case they would prefer not, then, a petition would be sufficient to provide exemption for that pupil, explained Mr. Parizyanos. According to

⁸⁹ Information about other religions is given at the Unit 2 of the 10th class' syllabus in the draft program which is not finalized and official yet.

Mr. Laki Vingas,⁹⁰ the religious courses should be elective at schools in Turkey and in line with this practice; they should also be at the minority schools in order to respect freedom of religion.

Mr. Parizyanos was also requested to give information about the evolution of the process and the relations; how religious courses used to be conducted and when such a change in attitude occurred. He started with his own studentship, and asserted that the religious courses were given by clergymen who were graduated from Religious Seminary but that in the mid-1960s those teachers were barred to teach at those schools although religious courses remained. Then, civil teachers, who were not priests but theologians, were appointed but as the Heybeliada Religious Seminary was closed down in 1971, no theologian remained. Later on it was decided by the state authorities that those courses shall be given by the teachers of literature. As one of those teachers who graduated from Greek Language and Literature Faculty but giving at the same time the DKAB course, Mr. Parizyanos finds this application unhealthy given that some literature teachers might have more knowledge and some less but for sure, they have no theology education background. This is the only problem that he can observe for the conduct of the DKAB in their minority schools. According to Mr. Parizyanos, the only way to overcome this obstacle is to open the Heybeliada Religious Seminary.

⁹⁰ Mr. Laki Vingas is the Representative of the Minority Foundations. He was interviewed on 15.04.2013 in Ankara at the General Directorate for Foundations.

The turning point for the change in attitude of the Turkish state corresponds to the liberalization period of the country, the 1980s with the Özal government. Until that time Mr. Parizyanos claimed that there had been discriminations against religious minorities. The liberalization process had a very positive impact on respect to religious rights and freedoms and this trend went on slowly until the 2000s. Mr. Parizyanos underlined that the Europeanization process in line with the prospect of Turkey to become an EU member enhanced the environment of toleration and respect.

Mr. Parizyanos was requested to compare the contemporary situation with the past in order to be able to analyze the impact of Europeanization and the EU integration on Turkey's policies towards religious minorities in the specific field of religious education at schools. He asserted the change of attitude can be observed very clearly, he stated that in the past when they requested permission about an issue regarding religious education, the Turkish authorities used to seek for a secret agenda behind this demand whereas today they are faced with almost no difficulty in getting permissions. The good will of the state authorities can be felt, said Mr. Parizyanos, and that they cannot complain of lack of confidence on the part of Turkish authorities. He added that in the past they were subjected to strict state controls whereas now relations are based on mutual respect and confidence. The change of attitude can also be related to the decrease in number of Turkish nationals of Greek Orthodox origin. Mr. Parizyanos concretizes the situation by giving example from their school; he says that when he graduated in 1967 there were 750 students, when his son graduated in 1994 there were 250 pupils and today they are 50

students total. The decrease is not because Greek Orthodox pupils attend other schools but because their population is diminishing. That is one of the reasons why Greek Orthodox minorities are not considered as a “threat” anymore.

When he was asked his opinion about the fate of Heybeliada Religious Seminary, Mr. Parizyanos highlighted that this issue should be evaluated separately since they have almost no difficulty in getting what they request from the state except for the Seminary. Then he concluded that there should be a rationale behind this specific issue which is based on the principle of reciprocity between Turkey and Greece. The best instance, according to the view of Mr. Parizyanos is the fact that the state has reinstated the properties belonging to religious minorities. Mr. Laki Vingas approved that there had been many positive steps taken to return the properties of minorities. Another common point they made is that the amelioration of the relations from the part of the state is highly related to the Europeanization process of the country and the pressures that emanate from Regular Reports on Turkey about its progress. However, the enhancement of relations between the religious minorities and Turkish state is a twofold process where state policies are modified in accordance with the general political environment of the country as well as the impact of Europeanization.

The attitude of the state towards religious minorities is of great importance while analyzing state-religion relations. The respect to rights of the religious minorities is one of the most significant indicators in determining the conduct of religious affairs by the state.

That is why this dimension is a good reference point in defining the impact of Europeanization on state-religion relations. Both the content analysis and the field survey displayed that the problems that religious minorities encountered despite their legal right of exemption from the DKAB courses in the Turkish state schools were solved to a great extent with the initiative of the associations of those minorities. For the religious education at minority schools, the example of Greek Orthodox Zografyon High school displayed that they are not subjected to strict state supervision and that they are enjoying greater freedom. Both of the interviewees indicated that they saw a correlation between the Europeanization of the country, the motto of EU membership more specifically, and the enhancement of the relations with religious minorities.

4.3.2 Non-Sunnis within the Formal Education System: Instances of the Specific Cases

As already designated, the status of the religious minorities defined in the Lausanne Treaty is more unequivocal compared to the rest non-Sunni communities. In Turkey, there is variety of beliefs and convictions; both the sects of Islam and other religions are adhered by a remarkable part of society. Despite this fact, as some of the interviewees pointed out correctly, this variety is not known within the country. Prof. Dr. İřtar

Gözaydın and a specialist⁹¹ from the Delegation of the EU Commission to Turkey as well as Alevi who were interviewed asserted that as in Turkey it is hard to declare one's own (religious) identity especially if it is different than the majority, Turkish people are unaware of the religious diversity in the country. In most of the interviews, it is emphasized that discrimination is made against Yezidis, Caferis, Şafis who are mainly the adherents of the sects of Islam, is made unconsciously since their very existence is neglected and they are reluctant to declare their identity. They are generally not organized to seek their rights and this makes them unrecognized.

This is also the case for atheists and agnostics in the country. It is even more difficult to state that one does not have any religious conviction. That might be the reason why there is much less cases publicly visible in media. As a matter of fact, the cases sued by atheist families are much rarer than the ones brought by Alevi. Given the population rates⁹² of Alevi and atheists in Turkey, the difference in numbers may explain the reason of rarity of the cases sued by atheist families. It should be reminded that even if the right of exemption from these courses for Christians and Jews can be considered as positive, the fact that unbelievers and adherents of other convictions do not enjoy the same rights constitutes a breach of Article 14 which determines discrimination on the basis of

⁹¹ The specialist who was interviewed did not want voice recording and reference to one's name due to privacy policies of the Delegation of the EU to Turkey. The specialist provided information sources that constitute the basis for the preparation of the Progress Reports and contact persons from minority groups who also provide input for those reports.

⁹² According to the surveys conducted by Toprak and Çarkoğlu (2007: 41), 6.1 percent of the respondents said that they are of Alevi origin and 1.6 declared that they do not have faith in any religion (Table 4.10).

religion of the ECHR (Özenç, 2005: 126). In one prominent case⁹³ of an atheist family seeking for the exemption from the religious culture and knowledge of ethics lesson for their child was finalized in favor of the applicants. The parents of the pupil attending fourth grade requested the exemption for their child claiming that they do not have religious faith. The District Governorate dismissed the request of the family on the grounds that the Article 24 of the Constitution. Then, the family applied to the İstanbul 8th Administrative Court for the suspension of execution. The Administrative Court made its decision in favor of the applicants referring to Article 24 of the Constitution, Article 9 of the European Convention on Human Rights, and the decision of the Presidency of the Higher Council of Education (*Eğitim Öğretim Yüksek Kurulu Başkanlığı*) on the right to exemption of adherents of Christianity and Judaism. In this verdict it can be observed that the scope of the decision of the Presidency of the Higher Council of Education shall be extended to comprehend non-believers. However, it is still a matter of controversy since these are single cases and are dependent on the interpretation of national courts in the absence of a law determining the status of non-believers.

That is why in a recent case⁹⁴ from Antalya sued by an atheist family for the exemption of the pupil from religious course, the Council of State followed the case-law generated after the change of the DKAB curriculum which went into effect by the 2007-2008 term. Likewise, most of the cases that were finalized in favor of the applicants are being

⁹³ “Ateist Aileden Din Dersi Davası,” Posta Gazetesi, 25.05.2010, Available online at: http://www.posta.com.tr/turkiye/HaberDetay/Ateist_aileden_din_dersi_davasi.htm?ArticleID=30881

⁹⁴ “Ateist Öğrenci Yargı Kararıyla Din Dersinde,” Radikal, 31.08.2012. Available online at: <http://www.radikal.com.tr/radikal.aspx?atype=radikaldetayv3&articleid=1098770>

reversed since the case-law of the Council of State has altered since 2010 due to the fact that it found the content of DKAB courses fitting to the universal principles laid down in the ECHR and underlined with the decision of the ECtHR in the Zengin Case.

In comparing the position of religious minorities determined in the Lausanne Treaty and other non-Sunni communities in regard to the religious education at schools, it can be stated that both because of their legal status and the right of exemption, religious minorities are enjoying greater freedom in Turkey. In addition, any violation against religious minorities; Christian or Jewish pupils, stemming from the practice is taken into account seriously so to resolve the problem immediately. However, it can be observed that when it comes to the different sects of Islam or other religions and beliefs, it seems much difficult to get over them. For Alevis, it is argued that the major reason of irresolution of the problem is about determining the position of this belief; whether it is a sect of Islam or a different religion, but it seems that it should be the concern of theologians rather than policy-makers. From the side of the state, this is a general problematic of rights and freedoms of non-Sunni communities in the country. Some argue that the population size of Alevis is one of the reasons why they might be considered as threat to unitary character of the state. However, the steps taken to consider the complaints of Alevis, like the Alevi Workshops, make one think that the perception of “threat” is changing.

Overall, the situation of non-Sunni communities is delineated with the consideration that Sunnis are satisfied with the current practice or they have never been subject to discrimination in regards to religious education in Turkey. However, among the interviewees, Prof. Dr. Mehmet Aydın and Dr. Necdet Subaşı highlighted a different point of view and stated that Sunnis have been faced with discrimination in the field of religious instruction in Turkey for a long time. Prof. Dr. Mehmet Aydın attracted attention to the situation of the religious courses at schools prior to the 1982 Constitution showed up as the discrimination against pupils who attended those courses and against their families who wanted their children to learn their religion in a proper manner. Therefore, he finds it very necessary that the state provides courses teaching religion, and he also thinks that this course must be compulsory in order to prevent discrimination against pupils or parents who want their children to attend this course given that the majority of Turkish population is Muslim. Prof. Dr. Aydın raises this aspect of the issue in order to highlight the complaints of families who wanted their children to learn Islam religion at school prior to 1982 Constitution and to elucidate the problematic practices of that period.

This view that appeals to consider another dimension of the issue is also raised by Dr. Necdet Subaşı during our interview. He even stated that one's need to declare his/her religiosity and being faced with discrimination because of this religiosity has been a reality of this country which has been reversed in the last decade. This reversal in the trend of religiosity, according to his opinion, had other implications and it went to the

opposite direction where people tried to make their religiosity much visible. In addition, the fact that the content of the compulsory DKAB courses are mainly based on Sunni version of Islam does not necessarily mean that Sunnis are satisfied with this content and convinced that the proper religious education is provided for their children. This is one of the reasons why elective religious courses were introduced with the new system of education called “4+4+4” and the new debates revolving around both the remaining of the compulsory DKAB courses and the introduction of the elective religion lessons will be evaluated in the next part. Moreover, the status and the determination of these new elective courses, the current complications coming out of the practice of these courses and the contemporary environment in terms of the religious education at schools will be discussed with reference to the interviews conducted, new reports and the news appearing in the media.

4.4 Latest Version of the Religious Courses in the New System of Education

4.4.1 The New System of Education (“4+4+4” System) and the Ruling of the Constitutional Court

With the promulgation of the new education Law⁹⁵ in April 2012, the education system has changed fundamentally. The new system consists of four years of primary

⁹⁵ The law on the new education system was approved by the TGNA on 30 March 2012. For details please see:

(*ilköğretim*), four years of secondary (*ortaöğretim*) and four years of highschool (*lise*) education. The “4+4+4 system,” which makes twelve-year total, is compulsory. There had been several discussions about the implications of this system but for the scope of this work, the focus will be on the religious education within this new program. However, it is worth noting that in addition to the pedagogical denunciations,⁹⁶ most of the criticisms revolved around one of the outcomes of the new system which implies the opening of secondary schools of İmam Hatips. In line with this thinking, some argued that this is a project of elevating a prototypical citizen who would promote the ideology of the current government in Turkey. As a matter of fact, a short time before the declaration of a new system of education, the Turkish Prime Minister declared their willingness to raise a “pious generation.”⁹⁷ The amendment in the education system which came right after this declaration is ipso facto associated with the Islamic roots of the government and has become the target of criticisms in that respect.

<http://www.radikal.com.tr/radikal.aspx?atype=radikaldetayv3&articleid=1083412&categoryid=86&rdkref=6>

For the full text of the new education law, with the no: 6287, promulgated on the Official Gazette of 11 April 2012 please see: <http://www.resmigazete.gov.tr/eskiler/2012/04/20120411-8.htm>

⁹⁶ The age of pupils for attending to the primary school has been debated since some educators as well as parents found the age determined by the law too early. A solution was offered ; parents who do not want their children to attend primary school when they reach 66 months would apply to health centers in order to get a report that the pupil did not reach the age of maturity mentally or physically. About this practice please see: <http://www.sabah.com.tr/Yasam/2012/07/22/66-aya-saglik-raporu-ayari>

⁹⁷ “*Dindar nesil*” debate stemmed from a declaration of Turkish Prime Minister where he informed about a nationwide project which aims at providing technology-enhanced learning in the formal education at all levels, is called FATİH Project. For the content of that speech please see: <http://www.hurriyet.com.tr/gundem/19825231.asp>

For detailed information about FATİH Project please visit: <http://fatihproject.com/?p=14>

The adjustments which were made regarding religious courses within the new system of education strengthened the criticisms about the motto of elevating a pious youth in Turkey given that two elective religion courses were inserted to the curricula while compulsory DKAB courses remained with their modified contents. Actually, this was an unexpected move since “At the beginning of 2012, if one were asked to comment on the forthcoming policies on religious education in Turkey, one would state that more room for religious freedom could be expected with the preparation of the new constitution and an amendment of the article about compulsory religious education” (Grigoriadis and Gurcel, 2012: 20). The two elective courses which are “Koran” and “the Life of our Prophet” are determined by Law no. 6287, and the rest of the elective courses were left to the determination of the Board of Education and Discipline (*Talim Terbiye Kurulu*) under the Ministry of National Education. This implies that each and every school in Turkey has to provide the predetermined elective religion courses; in other words, lack of teacher or infrastructure would not be considered as an excuse for not providing these courses. On the other hand, there is no such obligation for the school administrations to offer the rest of the elective courses. The obstacles stemming from this practice will be displayed in the following parts. Given these instances, most of the interviewees, when they were questioned about the implications of the new elective religion courses, they highlighted that the insertion of those courses were meaningful but that this was just the tip of the iceberg. According to their view,⁹⁸ this was just a part of a greater project of molding a specific type of citizen.

⁹⁸ Mr. Rıza Türmen, Mr. Aykan Erdemir and Mr. Kazım Genç emphasized on the parallels between the aim

On these grounds, CHP, the main opposition party which voted against this new system of education, applied to the Constitutional Court for the annulment and adoption of the stay of execution for a number of provisions of the related law on the new education system. Within the detailed ruling of the Constitutional Court⁹⁹ the most remarkable point and which most attracted the attention of the media was about statements regarding the elective religion courses which are associated with the laic character of the state, the principle of laicism and the freedom of religion. In the ruling, the distinction is made between the two interpretations of secularism; which have also been subject of academic research especially in the last decade. The Constitutional Court made the difference by stating that according to one interpretation of secularism, religion is delimited to one's own conscience and should not penetrate or be visible in daily lives; whereas in the other understanding, the state has the responsibility to provide a political and social environment where each and every belief or unbelief can live together peacefully. The latter understanding also expects from the state to maintain an equal distance to every belief and unbelief. The first version is similar to the French laicism whereas the second form is generally known as Anglo-Saxon tradition of secularism. It is commonly argued that in the foundation of the Republic of Turkey, the first version which is similar to the French model of laicism was embraced. The distinction put forward by the Constitutional

of raising a pious generation and the new system; and they suggested that the new elective courses is part of the greater program. According to Dr. Necdet Subaşı, the main target of the project of cultivating citizens is not religion; religion is just a means to promoting the "ideal citizen" ("*makbul yurttaş*"). This citizen will not be an unbeliever but one's belief will not interfere with daily life but ensure moral behavior.

⁹⁹ For the detailed ruling of the Constitutional Court promulgated in the Official Gazette of 18 April 2013, please see: <http://www.resmigazete.gov.tr/eskiler/2013/04/20130418-10.htm>

Court also reminds another classification such as assertive and passive secularisms (Kuru, 2007).¹⁰⁰

The ruling makes it clear that the Court embraced the second version of secularism which emphasizes the role of the state in providing a political and social atmosphere where everyone in the country enjoys religious freedom. In the ruling the Constitutional Court highlighted that it is the responsibility of the state not to provide privileges to a belief or religion over others; in other words, not to make positive discrimination and the state shall protect all religious groups and unbelievers. According to the Constitutional Court, the separation of the state and religion is a requisite for protecting freedom of religion and conscience but at the same time, it is the duty of a laic state to protect religion from any political interference. The Court made a very detailed explanation about the responsibilities of a state stemming from its laic character and indicated that laicism encumbers both negative and positive responsibilities to the state. With negative responsibility, it is meant not to embrace a belief or religion as official religion and not to intervene to the freedom of religion and conscience of individuals except for the

¹⁰⁰ A contemporary differentiation made between secularisms is based on a historical view: assertive and passive secularisms are determined according to the historical evolution of state-religion relations in countries. According to his view, assertive secularists aim to contain religion to home and private conscience while passive secularists are in favor of allowing a public role for religion. France and Turkey are the cases where we can see assertive secularism and the US is the one where passive secularism can be best analyzed. According to this classification, in a country what determines assertive or passive secularism is the consensus or conflict between religious and secular groups. The conflict or consensus is determined according to the existence of an *ancien régime*; if there was an old regime that brings together monarchy with hegemonic religion like the one in Ottoman Empire or France, then the hostility of secular group toward religious one is of greater probability if not inevitable. On the other hand, America as a new country of immigrants has no *passé* of *ancien régime*. Therefore, the tradition of secularism is determined as a result of historical heritage.

compelling reasons. The positive responsibility of the laic state is to provide an environment where people can enjoy freedom of religion and conscience peacefully and live according to their convictions. The Court interrelates this principle with the one indicated in the Article 24 of the Turkish Constitution and argues that providing compulsory religious culture and ethics courses is among the positive responsibilities of the laic state. Due to its positive responsibilities, the state cannot stay indifferent to the religious needs of society. The Court also made reference to the western countries by indicating that according to the investigation of the ECtHR in the Zengin Case, in 43 countries among the 46 members of the Council of Europe, religious courses are provided at school and in 26 of them these courses are compulsory. However, the practices and the procedures determining the right of exemption vary from one country to another. According to the Constitutional Court this is a proof that the principle of secularism in the West, where it flourished, is not applied as negative responsibilities of the state and does not lead to the exclusion of religion from the public sphere. As a consequence, the Court delineated that the compulsory nature of the DKAB courses requirement stems from the positive responsibility of the laic state about religious education.

When it comes to the elective religion courses, the emphasis is made on the fact that these courses are on a voluntary basis and in that respect; they are also related to the positive responsibilities of the laic state. However, in the application of CHP, it is mentioned that the name of the elective course itself “the life of our Prophet” directly creates a connection of belonging between the state and (Sunni) Islam. The Court refuted

this claim by stating that this course is provided for the adherents of (Sunni) Islam, therefore no discrimination is made. For the Koran (*Kur'an-ı Kerim*) course, it is the same. For both courses, as they aimed at the adherents of (Sunni) Islam, the Court finds it plausible to utilize the words that display their sacredness.

It is remarkable that the Constitutional Court admitted ties of the state with Islam despite its laic character. It is mentioned that there exists an institutional tie between the state and Islam religion and that the best instance of such connection is the existence of Directorate of Religious Affairs (Diyanet İşleri Başkanlığı), determined by the Article 136 of the Turkish Constitution. Therefore, the Court concludes that the principle of laicism indicated in Turkish Constitution both prevents regulating state affairs according to religion and provides the opportunity to the state to offer religious services including religious instruction and education. According to the Court, the state providing Koran courses in formal education does not challenge the principle of “unity in education” consolidated by the Law on Unification of Education, as claimed by CHP by making reference to the Koran courses organized by Diyanet.¹⁰¹ The Court held that the practices of these two educations are different and that one education is offered within the formal education and the other is within non-formal education. So, according to the Court this does not violate the principle of unity in education. As a result, there is no challenge in the state to provide religion courses which aims at teaching Islam as elective courses. The

¹⁰¹ Diyanet İşleri Başkanlığı provides Koran courses after the school hours and in the summer time in almost all provinces in Turkey. It is a very widespread application where great number of pupils and grownups attend. There are currently approximately 11.000 Koran courses under the supervision of Diyanet. For statistical data please visit: <http://www.diyamet.gov.tr/turkish/tanitim/tanitimistatistik.asp>

Court also highlighted that there is no restriction about offering new elective courses where other religions would be taught; this is upon the decision of the Ministry of National Education. Therefore the Court ruled that no discrimination is made against the non-Muslims in the country.

4.4.2 The Position of the Directorate of Religious Affairs (Diyanet İşleri Başkanlığı-DİB) about Religious Courses

As a matter of fact, DİB is an institution which has no autonomy to comment on matters especially touching upon state policies; it rather declares the requirements of Islam religion and makes determinations according to Islam and its traditions. That is why, as Dr. Necdet Subaşı clearly indicated, DİB has no responsibility and autonomy to comment on the position of the religious courses unless it is asked by the state authorities. As a state institution, DİB is not eligible to make such determinations given the principle of laicism. However, it is known that DİB is for the compulsory nature of the DKAB courses and supportive on the insertion of new elective religion courses on Sunni Islam.

The position of the DİB in mandatory religious courses matters even if the existence of the institution itself is a matter of controversy especially among Alevi community as well as for non-Muslims (Alevi Çalıştayları Nihai Raporu, 2010). From a very brief outlook it can be asserted that DİB perceives the requests of Alevi families for the exemption of

their children from compulsory religious courses as a threat.¹⁰² In its strategic plan for the period of 2009-2013, DİB considered the request of some communities for the annulment of compulsory religious education among “threats.”¹⁰³ This statement makes the position of DİB clear about the compulsory religious courses. However, along with the government’s attitude towards Alevi community and in line with Alevi opening, DİB started to take concrete steps. For instance, it prepared a program for commemoration of religious leaders of Alevis and Shi’ites¹⁰⁴ for the first time the Head of DİB attended this program.¹⁰⁵ Even if the Sunni sect of Islam recognizes Husain Ibn Ali as one of the most important religious leaders, the DİB had not taken part of commemoration ceremonies previously. It would be appropriate to evaluate this step within the overall environment where ministers of the AKP Government attended traditional ceremonies of Alevis and gave messages of unity and solidarity among Muslims.¹⁰⁶

This rapprochement gives a clue about the position of the DİB; it is parallel with the state’s attitude towards other religions and sects. Since Alevis are seeking the

¹⁰² Özgür Mumcu, “Aleviler Tehdit mi?”, Radikal, 17.01.2011. Available online at: <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalYazar&ArticleID=1036784&Yazar=ÖZGÜR MUMCU&Date=02.11.2011&CategoryID=97>

¹⁰³ Diyanet İşleri Başkanlığı, Stratejik Plan (2009-2013). Available online at: http://www.diyanet.gov.tr/turkish/strateji/dokumanlar/diyanet_stratejik_plan.pdf

¹⁰⁴ The ceremony of commemoration for martyrs of Karbala is held every year by Alevis and Shi’ites. The grandson (Husain Ibn Ali) of the prophet Mohammad was killed in the Battle of Karbala with his family and followers since he refused to follow Yazid I as caliph.

¹⁰⁵ “Diyanet’ten Bir İlk”, TRT Haber, 04.12.2011. Available online at: <http://www.trthaber.com.tr/haber/turkiye/diyanetten-bir-ilk-18743.html>

¹⁰⁶ “Kerbela Şehitleri Ankara’da Anıldı”, TRT Haber, 04.12.2011. Available online at: <http://www.trthaber.com.tr/haber/turkiye/kerbela-sehitleri-ankarada-anildi-18738.html>

abolishment of both the DİB and of the religious courses,¹⁰⁷ DİB perceives the requests of annulment of the religious courses not only as wrong but also as threatening. Hence, the DİB even though it criticized the decision of the Council of State about exemption of an Alevi pupil from religious course in 2008,¹⁰⁸ it seems that the stance of DİB is in compliance with state's policies on religious courses. Lastly, on the strategic plan of the DİB for the period 2012-2016, it is indicated that the DİB should enhance the education program within formal education (*Stratejik Plan 2012-2016: 57*).

4.4.3 The New Elective Religion Courses and the Current Debates

As already delineated, two elective religion courses have been inserted to the curricula to be followed by the 2012-2013 term, in the secondary level and high schools. "The life of our Prophet" and "Kur'an-ı Kerim" are the elective courses that are determined by the law which introduced the new system of education (4+4+4). However, there is a third elective religion course which has not been determined by law but introduced to the curricula by the Ministry of Education named "Basic Religious Information" (*Temel Dini Bilgiler*). The difference in the status of this latter course with the former is that as it is

¹⁰⁷ Hacı Bektaş-ı Veli Association which is a foundation that defends the rights of Alevi community will give its report concerning their views on the DİB and religious courses to one of the sub-commissions for preparing the Constitution with reconciliation. Their view is the total withdrawal of the DİB, which they criticize for not being impartial. They also argue for the abolishment of religious courses. Available online at: <http://www.anayasa2011.com/?p=7744>

¹⁰⁸ "Diyanet'ten Danıştay'ın Zorunlu Din Dersi ile İlgili Kararına Sert Tepki," 06.03.2008. Available online at: <http://www.haberler.com/diyanet-ten-danistay-in-zorunlu-din-dersi-ile-haberi/>

determined by the Ministry of Education, it can be removed or altered by the Ministry and the schools are not obliged to provide this course. It is the case for the rest of all elective courses, if the school proves to lack infrastructure or teacher it is not an obligation to offer these optional courses. However, for the elective religion courses determined by law, the schools are obliged to offer these two courses.

The problems arising from this principle during the 2012-2013 term have not been widely publicized yet, there are only minor reflections of the debate on media.¹⁰⁹ According to the interview held by a specialist from the EU Delegation to Turkey, it is obvious that in the forthcoming progress report on Turkey, complaints about the practice of the new elective courses will be included. However, there are also positive developments for the recognition of religious rights and freedoms within the context of the elective religion courses. On September 2012, the Ministry of National Education asked the religious communities to prepare the relevant content for the elective course “Basic Religious Information.”¹¹⁰ The Association of Protestant Churches perceives this step taken by the state as a very positive move towards further enhancements of rights and freedoms of non-Muslim communities in Turkey. It is highly probable that this initiative will also take part in the Progress Report of 2013. There had been widespread debates about those courses mostly for the reasons delineated above within the context of application of CHP

¹⁰⁹ For the article that depicted the issue from different sides and which overlaps with the content of this study please see: Milliyet, 15.01.2013, “Türkiye’de Alevilik: ‘seçmeli Din Dersinde Dışlanacağım’ Kaygısı” <http://gundem.milliyet.com.tr/turkiye-de-alevilik-secmeli-din-dersi-nde-dislanacagim-kaygisi-gundem/gundemdetay/15.01.2013/1655403/default.htm>

¹¹⁰Radikal, 19.09.2012, “Seçmelide Tarihi Adım.” http://www.radikal.com.tr/turkiye/secmelide_tarihi_adim-1100843

to the Constitutional Court arguing that two main principles of the Constitution have been breached; the principle of laicism (Articles 2 and 24), impartiality of the state regarding religious freedom, the principle of unity in education (Article 174) and the principle of equality before law (Article 10).

Dr. Aykan Erdemir, as an MP from CHP emphasizes the situation about religious education in Turkey had been a regression with the introduction of the elective courses. He stated that at the beginning of his political career he was fighting for the change in the Article 24 of the Constitution that makes the DKAB courses compulsory but that now, there are two more “compulsory elective” religion courses, as he calls them, which infringe on human rights according to his opinion. Mr. Erdemir provides an example from his electoral district, Bursa, and stated that he had seen a form for elective courses where an Alevi pupil had to attend three religion courses since no other elective courses are offered. Such examples and complaints were also expressed by Mr. Hüseyin Aygün. He further alleged that he was worried that the policies of assimilation and discrimination would turn into physical violence directed at Alevis.

A similar complaint about the “compulsory nature of the elective religion courses” came from Diyarbakır. In the report of the Association of Protestant Churches, it is mentioned that the daughter of the Pasteur of Diyarbakır Protestant Church had to attend one of the elective religion courses since no other elective course was offered. In the report, it is indicated that the school administration did not enforce the pupil to attend those courses

but as there is no other optional course, if she does not attend one of those courses she was going to fail since she would not be able to fulfill the credit to pass to the next grade. The reason for not offering other elective courses is explained by the school administration by the fact that other students did not want to attend any other course. The request of the parents for their child to attend other elective courses in another school nearby is refuted by the school administration. After many meetings with the Provincial Directorate of National Education, it was decided to change the school of the pupil. However, the problems that the pupil can face due to changing his/her school because of such a reason are still matters of question, as it is indicated on the report. This problem arising from local practices, which does not seem to be unique, is also taken into account in the latest progress report on Turkey for 2013. Nonetheless, the Report indicated that non-Muslim students are faced with lesser difficulties in getting exemption and that a new content is being prepared for Christian pupils by the Christian authorities.

A matter of debate has been again about the practice of Koran courses. With the new system of education there had also been an amendment about school dress codes. The standard clothing for pupils attending all grades used to be uniforms but with the amendments made, the obligation to wear uniforms was annulled. This implied that female students were going to be able, if not expected, to attend Koran courses with headscarf. As a matter of fact, this is a sensitive issue in Turkey and such a debate

concerning the religious symbols in primary, secondary and high schools seem to cause very fervent debates in Turkey.¹¹¹

Another important debate about the religious courses that Dr. Erdemir expressed his concerns is the insertion of the questions concerning religion in the university entrance exam (*Yüksek Öğretime Geçiş Sınavı – YGS*).¹¹² During our interview, he was requested to inform about his rejection to the question and argument for the cancellation of one question among DKAB questions; the one concerning Alevism.¹¹³ Dr. Erdemir pointed out that his main criticism is directed to the very existence of such courses in the university entrance exam. He attracts attention to the fact that it is indicated on the questionnaire that the questions on DKAB are only to be responded by pupils who are legally obliged to take those courses, the students and graduates of İmam Hatip Schools. For those who are not obliged to attend DKAB courses or the ones who take them with a different curriculum, five alternative questions on philosophy were offered. However, in the view of Dr. Erdemir, with this indication on the questionnaire it gives the impression that the questions are not “compulsory” but “elective.” He stated that given the difficulty, if not impossibility in the recent years, of the exemption from DKAB courses, many students who are obliged to attend those courses as long as they could not be legally exempted are also obliged to answer those questions.

¹¹¹ NTVMSNBC, 27 November 2012, “Kıyafet Zorunluluğu Kalktı.” Please see: <http://www.ntvmsnbc.com/id/25401220>

¹¹² The questions concerning the DKAB courses are inserted for the first time to the university entrance exam (YGS) in the year of 2013. Five questions were asked based on the content of the DKAB courses.

¹¹³ For the statements of Dr. Aykan Erdemir about the YGS question concerning Alevism, please see the related part his personal webpage: <http://www.aykanerdemir.net/basindaki-yankilar/731/>

About the course concerning Alevism, Dr. Erdemir affirmed that he perceives the insertion of this question among other religion questions as again aimed at giving the impression that the questions on religion were asked from a supra-sectarian perspective. Nonetheless, when the question on Alevism is examined, Dr. Erdemir indicated that it is based on a Sunni understanding of an Alevi notion. According to his view, as this question determines a different understanding (Sunni version) for the Alevi notion than what Alevi pupils learn at home, it causes discrimination. In addition, due to this discrepancy of interpretation, the question can be considered as distractor for Alevi students. For these reasons, Dr. Erdemir argued that the question concerning Alevism should be cancelled and the authorities owe an apology to Alevis. Moreover, during the interview he mentioned that the alternative questions on philosophy proposed for the pupils who are not legally obliged to attend the DKAB courses, were mainly based on philosophy of religion. Therefore the aim of all those questions is to indoctrinate the Turkish youth in accordance with the teachings of Sunni Islam. According to his view, this general attitude cannot be solved only with an amendment to the Constitution or by making new laws concerning religious education in the country. Dr. Erdemir highlighted that creating “otherness” and discrimination against the “other” as well as the feelings of hatred became widespread in Turkish political culture.

4.4.4 The View of the Opposition Parties on the Religious Education in Turkey

The main position of CHP about religious instruction in formal education is that they should not be compulsory. Leaving aside this principle embraced by all CHP MPs, it is argued that there are discrepancies among CHP deputies about how to conduct religious education. In order to have an understanding about the issue, Dr. Erdemir was requested to inform us about whether the main opposition party, had concrete proposals for the religious education in Turkey. Especially, given the sensitivity of the party for Alevi in the country, he was queried about whether they were going to propose content for a new elective religion course on Alevism, whether they engaged in such a preparation and or for the elevation of Alevi teachers who would teach those courses. Dr. Erdemir replied that their concrete policy about religious education they put forward is the annulment of the Constitutional provision concerning compulsory DKAB courses. In addition, despite different views within the party, as Dr. Erdemir is against the idea of providing religious education by the state but rather argues that it should be left to individuals and religious communities, he has no proposal that would be integrated within the current system which he opposes.

Mr. Hüseyin Aygün, shared this view with Dr. Erdemir and stated during our interview that religious affairs should be left to the individuals and communities with only limited state supervision in terms of protecting rights and freedoms. However, Mr. Türmen

indicated during our interview that he perceives state control on religious education in terms of determining its principles as necessary to protect the laic character of the state since some religious communities may pose a threat to that principle. At the end of the day, it seems that the reasons for CHP of not offering concrete policies are first, the lack of consensus among the MPs on how to conduct religious education and secondly, their rejection to offer any kind of proposal that would be integrated to the existent system to which they are commonly against. This stance of CHP can be observed in the draft Constitution they have prepared; it is suggested that religious courses should not be compulsory in order to strengthen the emphasis on laicism.¹¹⁴

As a rightwing political party, the Nationalist Action Party (MHP) defends that religious culture and ethics courses should keep their compulsory status and in addition, the obstacles before religious education should be removed.¹¹⁵ The Independence and Democracy Party (BDP) is also for the compulsory religious courses. Furthermore, as Mr. Türmen and Dr. Erdemir highlighted during the interviews, the law on the new system of education has been approved with consensus between AKP, MHP and BDP despite the strict opposition of CHP. At the end of 2011, a commission of reconciliation was established to prepare the new Constitution with the participation of representatives

¹¹⁴ “CHP laikliđi deđiřtirecek”, Radikal, 17.03.2011. Available online at: <http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetayV3&ArticleID=1043196&Date=03.11.2011&CategoryID=77>

¹¹⁵ “Eđitimde hak, özgürlük ve sayđı”, Radikal, 08.06.2011. Available at: http://www.radikal.com.tr/yorum/egitimde_hak_ozgurluk_ve_saygi-1052095

from all political parties.¹¹⁶ In such an environment of diverse opinions, it is questionable to what extent these political parties will reach a consensus on the status of religious education and instruction in the new Constitution.¹¹⁷

4.4.5 Preparation of the New Constitution and Religious Courses

As already mentioned in the above sections, prior to the introduction of the new system of education, the discussion about religious instruction in formal education revolved around the compulsory nature of the DKAB courses and the matter of the question was whether they would become elective in the new Constitution. Due to the change in the system and the insertion of elective religion courses, some¹¹⁸ argued that this was a step back and that reversing the process, which made religious education provided by the state, has become much difficult. Mr. Türmen, who is also member of the Parliamentary Commission for the preparation of the new Constitution, stated that he was very pessimistic about annulment of the compulsory DKAB courses from the Constitution. Dr. Erdemir also highlighted that given the Sunni majority in the country both as voters and as political parties in the parliament (AKP, MHP and BDP), it is almost impossible to

¹¹⁶ “Anayasa uzlaşma komisyonu toplantısı sona erdi”, Cumhuriyet, 19.10.2011. Available online at: <http://cumhuriyet.com.tr/?hn=286656>

¹¹⁷ Prof. Dr. Levent Köker is currently employed at Atılım University, the Department of Law. He has taken part of the Alevi Workshops and is involved in the process of Constitution-making. He was interviewed on 22 March 2013 at Atılım University, Ankara.

¹¹⁸ Among the interviewees; Dr. Aykan Erdemir, Mr. Rıza Türmen, Mr. Hüseyin Aygün and Mr. Kazım Genç.

think of the annulment of the compulsory DKAB courses from the Constitution. Such a movement would come into being only with an understanding of “doing a favor” for non-Sunni communities in Turkey, according to Dr. Erdemir, and not as a result of the enhancement of rights and freedoms; a very low probability.

However, Prof. Dr. Levent Köker, as a member of the Constitutional Commission, commented that the introduction of the elective religion courses can be interpreted as an indicator of the intention for the annulment of the compulsory DKAB courses. He argued that given that the electorate of AKP would not accept total abolishment of the DKAB courses without a replacement and that the insertion of the elective religion courses would be commented as a prerequisite of the abolishment of compulsory nature of the DKAB courses with the new Constitution. Therefore, he was optimistic about this move which would give an end to the challenges arising from the compulsory nature of the DKAB courses and at the same time, would lead to a smooth transition from compulsory to elective courses. However, given the general atmosphere in the country, it seems that the need for a course within formal education which informs about religions from objective and pluralistic perspectives without prioritizing any of them and free from any kind of indoctrination would still be a matter of feverish debate.

Mr. Ayhan Bilgen,¹¹⁹ who is also taking an active role in the Constitution making process on the part of the NGOs, expects just small steps about the position of the DKAB courses in the new Constitution. He stated during our interview that the best indicators to understand the intention of the government about the position of the DKAB courses were Alevi Workshops, where the needs and expectations of Alevis were clearly put forward. Given that Alevis agreed that the compulsory nature of those courses should be abolished but no step has been taken yet by the government, it seems that this status will be kept in the new Constitution. The best option in his opinion is not to make religious courses elective, which means that the ones who would like to attend those courses will affirm it. Nonetheless, Mr. Bilgen foresees that at best, the margin for exemption can be expanded and this practice which will still be based on negative affirmation contradicts the very essence of rights and freedoms.

Mr. Hüseyin Aygün was also pessimistic about the new Constitution, in the sense that he was not expecting more space for rights and freedoms in a general sense. For the specific issue of religious courses, he indicated that the attitude of the state was based on further emphasis on the Sunni version of Islam rather than a comprehensive understanding which embraces other beliefs than Sunni Islam. With the insertion of these new elective courses, Mr. Aygün claimed, Alevi students are facing more discriminatory practices. The new Constitution will not annul the existing provision about the compulsory DKAB course, in

¹¹⁹ Mr. Ayhan Bilgen is human rights activist who has been head of MAZLUM-DER and had taken part of the formation of *İnsan Hakları Ortak Platformu* (İHOP). He is currently taking part of the administration of the Human Rights Association and is actively involved in the Constitution-making process with other NGOs. Mr. Bilgen was interviewed on 20 February 2013 in Ankara.

his view. Moreover, he admitted that he is expecting more polarization in the country in the near future not only because of the preparation of the new Constitution but also due to the discriminatory policies followed by the government based on belief. Mr. Aygün also expressed his perception about the new environment in which the Constitution is debated and indicated that the Kurdish issue is considered to be so vital that no one is interested in Alevis. His main resentment here was that Alevis were ignored since they did not attempt at terrorism and violent actions despite the great population they have in this country.

From a broader perspective, it seems obvious that the main focus of the discussions about the new Constitution for Turkey is not the position of the religious courses. The contemporary debates are revolving around the Presidency system, which was proposed by the AKP government, and the status of Kurds. Therefore, even though the specialists and the actors taking part of the constitution making process were questioned during the interviews about their projections concerning the position of religious courses in the new Constitution, they rightly referred to the general atmosphere in Turkey. Given the density of the issues on the political agenda of the country, religious education is not always a hot topic. Despite this fact, there are still considerable number of aspects and debates concerning the regulation of religious courses in Turkey, which were displayed in this section.

CHAPTER 5

HISTORICAL AND LEGAL FRAMEWORKS CONCERNING THE RELIGION EDUCATION IN POLAND

This chapter consists of two main parts which are aimed to offer an appropriate ground for analyzing the impact of Europeanization on religious education in Poland from the theoretical perspective. The first part of the chapter depicts the historical context where the religious education is evaluated within a broader understanding of the role of religion and education in the foundation of the country. The second part consists of the legal documents regulating religious instruction both in domestic and international law.

The chapter portrays how the historical role of religion and education provides evidence for the sociological institutionalist approach of Europeanization theory in explaining the Polish case. In other words, the historical and legal contexts which give an insight on Poland's path of Europeanization can be best explained by the social learning model of sociological institutionalism. To be precise, the investigation of the historical background of Poland delineates that the political culture of the country; which is counted among the mediating factors for the domestic change according to sociological institutionalism, has

been harmonious with the necessary changes emanating from Europeanization. The legal context also displays that the domestic legal documents concerning the conduct of religious education have not been subject to severe criticisms from the European institutions which results in smooth integration of the country.

5.1 Historical Outlook on Religion and Education in Polish Identity

The historical evaluation initiates with the 16th century, where one can start to overtly observe the role of religion and education within the Polish culture. For sure, it is not a given date and the analysis could have started with another époque. Nonetheless, in the literature references are made to this century while attracting attention to religious tolerance as one of the main characteristics of Polish history. In addition, many interviewees pointed at the 16th century while framing the underpinnings of contemporary Poland with specific reference to religion and education. Therefore, for the scope of this work, it seemed plausible to initiate with the 16th century and move on from there.

5.1.1 The Polish-Lithuanian Commonwealth (1572-1795) (Also known as the Noble Republic (1569-1795))

By the 16th century, Poland was transformed into a decentralized state where power was accumulated in the hands of regional assemblies and the noble estate (Biskupski, 2000: 11). The country was ruled at that time by an elected King and a common *Sejm* (parliament) (Davies, 1986: 296). This state was called *Respublica* or *Rzeczpospolita*, the united Republic of Poland-Lithuania or the Polish-Lithuanian Commonwealth (Davies, 1986: 296). “The Commonwealth was a more cumbersome federation than a unified state” and that is why it is difficult to consider it as a well-functioning state (Lukowski and Zawadzki, 2006: 86). Poland, or the Commonwealth as it was usually called, displayed a western inclination with the Latin alphabet it used, Catholicism and later on with the inclusion of Protestantism when it became widespread in Europe (Biskupski, 2000: 11). The Royal Republic allowed one class; the *szlachta* to dominate the country, to have exclusive rights, freedoms and privileges (Biskupski, 2000: 13). This class was not mainly based on wealth but on nobility and they held monopoly over the law courts, church offices, and the legislature (Parker, 2003: 104). During the creation of Royal Republic in 1572, the Protestant Reformation had adherents in Poland especially among the *szlachta* and this religious heterogeneity had a positive impact on the inclusion of the principle of religious toleration to a nation’s constitution for the first time in a European country (Biskupski, 2000: 14). The existence of the *szlachta* which constituted itself a threat to the unity of the country and their having word on state affairs are highlighted

among the reasons that precipitated the loss of national sovereignty. The legal status of the *szlachta* was annulled when the country went into total partition at the hands of three states; the Russian Empire, the Habsburg Empire and Prussia in 1795 (Davies, 1986: 331).

Given the dominance of the *szlachta*, the education system aimed at providing instruction to children (sons) of nobles and was under the rule of the Roman Catholic Church, but specifically in the hands of Jesuits. Therefore, the education, similar to the rest of Europe; consisted of classical subjects like Latin, rhetoric and grammar which required less reasoning and more memorization (Parker, 2003: 107). With this specificity, the education was in line with the religious underpinnings of society. Most of the people living on that territory did not have the opportunity to access education and the ones who could get instruction were educated in a way that no practical knowledge was provided. *Collegium Nobilium*, for instance, was a school founded in Warsaw in 1740 with the aim of cultivating future political elites of Poland among the sons of nobles with adequate practical knowledge (Kloczowski, 2000: 180). Therefore, reform in the education system was going to serve as a vehicle for the survival of the state where nobles were going to actively participate in the economic production of the country.

The need for educational institutions raising children, at least the sons of nobles who would be successful entrepreneurs, gave rise to the foundation of the first secular education institution in Warsaw; *Szkoła Rycerska* (Knight's School) in 1765 (Parker,

2003: 107-8). This step was taken under the influence of the Enlightenment and the statesmen like Stanislaw Konarski, an educator, and Stanislaw-August, the last Polish King, who were impressed by that philosophy (Davies, 1986: 307). Both nobles and church educators have been supportive of the implementation of a more modern school system so that the progress in this field was made by those who were already working within the church system of schools (Parker, 2003: 108). In addition, the formation of a new model of the Church of the Catholic Enlightenment that was materialized in the Constitution of 1791, with the acknowledgement of Catholicism as the dominant religion, created a highly favorable atmosphere given that it was original in its openness to development (Kloczowski, 2000: 186).

5.1.2 Progress in the Education System: The National Education Commission (1773)

Reform in education system that took place in the eighteenth century is worth investigating since it can be considered as the beginning of the most prevalent mentality that affected the education system of Poland in the subsequent periods to this day. The turning point for the education system of Poland thus dates back to the 18th century where the *Komisja Edukacji Narodowej* (KEN) (National Education Commission), was established in 1773 as the first of its kind in Europe (Davies, 1986: 310). The foundation of the Commission was directly linked to the philosophy of the Enlightenment which

embraced a universal understanding for education indicating equal access regardless of class. The Commission primarily aimed at providing secular and civic education which would contribute to the elevation of the nation both economically and politically (Parker 2003). KEN has been the first centrally-organized national education system in Europe which made particular emphasis on the importance of equal opportunity for education stating that education should not be in the service of one privileged class but rather work as an agent of overall growth of the nation. In that sense, the Commission worked as a kind of ministry of education which held universal control over the system of education including universities and parish schools (Kloczowski, 2000: 182).

The Commission also acted as the driving force behind the consolidation of culture and nationhood. KEN asked opinion of intellectuals both in Poland and abroad for shaping the new system. Those opinions shared the same point about the general character of the education to be provided; it was expected to be useful and practical and ethics, which would serve as social glue for solidarity, was planned to be taught rather than religion which would spread spirituality (Parker, 2003: 112). All these propositions were incorporated in a curriculum prepared in 1794. The universality principle for education was consolidated with the opportunity for all children from all classes to be admitted at state elementary schools. Nonetheless, for the secondary school such universality could not be embraced given that the provision of “qualified” students was added to the admission criteria which implicitly meant the sons of nobles (Parker, 2003: 113).

However, despite the good will of the Commission, the conditions of the country were inadequate to actualize the plans. First of all, there was a severe material constraint in terms of both lack of investment and infrastructure. New schools, textbooks, preparation of curricula required financial resources which were scarce at that time in Poland. Secondly, the destruction of Jesuits, whose property constituted the material basis for the Commission, had a very negative impact on the schooling system (Kloczowski, 2000: 182). Thirdly, the Church did not support this reform because anything new would be threatening. Lastly, Polish peasants were conservative and they had religious concerns in complying with these innovations (Parker, 2003: 113). Therefore, no concrete progress could be made in the field of education given the material and ideational constraints.

5.1.3 Religion and Education in Poland under Partition (1795-1918)

Poland under partition between the years 1795 and 1918 was subject to different legacies which were also reflected in the field of education. The first partition took place in 1772 with Russian, Habsburg and Prussian invasion of the country (Biskupski, 2000: 18). With the second partition by Russia and Prussia, the remaining independent territory was condemned to disestablish in 1793 (Biskupski, 2000: 18). Lastly, “the three partitioners joined in a final act of extermination, and Poland disappeared from the map of Europe” in 1795 (Biskupski, 2000: 18).

As the Polish population was divided among three nations, they were faced with the assimilation policies of these countries. Under those circumstances Polish culture should be credited for having survived despite the lack of national sovereignty for more than a century. Polish culture and language were preserved due to “both formal (via schools and universities) and informal (via social and religious organizations) networks of knowledge transmission” (Parker 2003). Therefore, the demise of Poland as a state has been a tough task which certainly had implications for building of the education system.

Under Russian partition, Poland was faced with the most severe restrictions given the historical enmity between the two nations. In the field of education, particularly, there was a bifurcated policy followed for Poles living on the territory now acquired by Russians. Since the first partition took place in 1773 where the Commission of National Education was newly founded, the Polish lands gained in this partition by Russia were not affected by the reforms of the Commission. On those lands, the reign of the Church over education continued which was still to the advantage of the nobles (Wroczynski, 1996 quoted in Parker, 2003: 121-2). But the schools on the territories acquired in the following two partitions were influenced by the reforms of the Commission and thus were not treated positively by the Russian authorities as they were perceived as a threat to Russian power. Despite this negative attitude, Polish educational tradition can be said to have survived under Russian rule.

The Prussian Partition mainly brought the Germanization effort to the lands occupied. Russification and Germanization efforts reached a peak in the 1870s so that the two nations intensified their struggles over control of the education (Davies, 1986: 170). The Germanization of Poles by Prussians was smoother than Russification in the sense that they tried to make it happen by providing progress in the fields like urbanization and industrialization; in fact this was the natural and painless way of doing it (Davies, 1986: 171). In an environment of mutual respect, “Polish elementary schools continued to exist wherever the population was predominantly Polish” (Parker, 2003: 122). So, education of Polish people under Prussian rule, with a possible exception of the Ken schools, could preserve its status.

When it comes to Austrian Partition, unlike Russians and Prussians, Austrian authorities aimed to gain loyalty of the Polish people “by granting them regional autonomy” (Davies, 1986: 171). When Austria occupied Galicia, it was the poorest region of the three partitions so that education was seen as a luxury (Davies, 1986: 171). Therefore, there was not much demand for primary and elementary schools. Given the heterogeneous character of Austrians, no language was dictated for Polish people and thanks to that, despite the economic deficiency of Austrian rule, Poles experienced a relative tolerance for their education and preservation of their culture.

The legacy of Poland that was brought from the era of partitions can be summarized as the difficult but successful survival of the Polish culture. Even though the Commission of

National Education could not do much in the country mainly because of the partitions, it should be noted that education remained as a major factor of the collective memory. The universality principle does not seem to be applied on the lands of partition; nobles preserved their privileged position in society, specifically in the admission to schools. In addition, contrary to what has been aimed by the Commission, the conduct of the curriculum and the content of the subjects taught at schools were left in the hands of the Church and monastic orders which were in a very strong position in the country at that time (Kloczowski, 2000: 186). During the years of partition, providing wide access to education was the main purpose of Poles, while the contents and the curricula had been almost overlooked (Eurybase, 2010: 17). Here it is difficult to talk about religious education as a separate subject; religion rather seems to be the factor shaping and regulating the overall structure of education. This highlights that the impact of religion rather than rational thinking reigned over education of the Polish population during the years of partition. It should be noted once more that Polish culture shall be given credit for having survived under the rule of different nations.

5.1.4 The Second Republic 1918-1939

When the First World War was terminated in 1918, there was no country as Poland; there were no borders, established territory, government or constitution (Davies, 1986: 115). In such an environment the resurgence of Poland can be correlated with the outbreak of war

itself, which caused the dissolution of the partitioning empires. Though another factor which gave rebirth to Poland was “the existence of a large concentration of Poles who exhibited a high degree of national consciousness” (Biskupski, 2000: 38). The reason of calling this period the Second Republic lies beneath in the belief of Poles that it is the reincarnation of the First Republic which demised at the end of the 18th century under partitions of various nations. The Second Republic was constituted of different nations; no unity of language could have been acquired among those people. The economic sources of the country were scarce and the wealth was dispersed among the particular national minorities and particular social classes (Davies, 1986: 120). The lack of financial resources did not impede improvements made in the fields of culture and education but the country was unable to support extra demarches.

By the end of the First World War, Poles had to continue to fight to determine their frontiers in three-year time. From 1921, the country only saw political instability. Like most of the states in the Central and Eastern Europe, a democratic regime could not last long in Poland. There had been many coalition governments between 1921 and 1926 which could not bring the country stability and prosperity (Davies, 1986: 122). In May 1926 a military take over took place headed by Jozef Pilsudski¹²⁰ and the coup took its name from the slogan of *Sanacja*, which means “a return to political health” (Davies, 1986: 125). This is not considered a formal dictatorship since the parliament, the political

¹²⁰ Marshal Jozef Pilsudski is an important figure in Polish history who was the first President of the Second Republic. He was a prominent leader who gave an end to the partitions in Poland after two centuries and fought for the freedom of the country. He was also a remarkable figure in European politics during the period between the two World Wars.

parties and the opposition all continued to exist. Nonetheless, the army made its power felt in social areas like culture and education; in order to consolidate cultural assimilation (Davies, 1986: 125). In line with the goal of Pilsudski, the cultural intensification, sense of nationality and belonging, devotion to the state were enhanced within a more clearly defined system of education (Davies, 1986: 125). However, the environment both within the country and abroad were hostile enough. Dictatorships in the neighboring countries posed threat for this country which was unable to consolidate its regime which struggled with political instability and economic scarcity (Biskupski, 2000: 7).

In terms of the education system, there had been an important attempt right after the war, on 1919, known as the Teacher's Assembly (*Sejm Nauczycielski*) (Parker, 2003: 126). This was a meeting held by educators to determine the appropriate methods for a democratic system of education regardless of class. They proposed a seven-year universal primary school, instead of four and five-year ones; and reduction of one-teacher schools. It also offered that professional educators rather than bureaucrats should have control over school administrations (Parker, 2003: 127). These propositions could not be implemented given the general atmosphere; with ongoing political and economic struggles in the country. To be highlighted here, however, was the willingness of the educators to provide a democratic and universal education for all children with the aim of seeding the idea of nationalism and devotion to the state. Therefore, a fair evaluation of the success of the *Sejm* shall be based on the principles it tried to purport rather than the extent to which those principles could be implemented. This is a remarkable point in

assessing the importance given to education at the foundation of the Polish nation, especially after very long decades of partition, even in an environment of political and economic frustration. “The Decree on seven-year compulsory school of 7 February 1919, and the Act on establishing and running common public schools of 1922 served this purpose” and at the end of the day, compulsory primary education has been a significant achievement given that it led to a considerable fall in the illiteracy rate (Eurybase, 2010:18). The compulsory seven-year elementary education has been reaffirmed in 1921 Constitution despite the lack of infrastructure in terms of both number of teachers and schools (Stachura, 2004: 104). With further major reform legislation in 1924 and 1932 further enhancement in the education system has been achieved (Stachura, 2004: 104).

Another turning point in the field of education was the introduction of a new law on schooling in 1932; this law is also known as “School Reform of Janusz Jędrzejewicz.”¹²¹ As Minister of Religious Denominations and Public Enlightenment (from 1931 to 1934), he introduced a reform of the school system. In compliance with his statist ideology, the reform offered a uniform seven-year primary education (Parker, 2003: 132). According to this law, there were different types of elementary schools; the first type (Level I Schools) was for rural children and because of the education it offered, the graduates were not eligible to continue their studies in the secondary schools (Parker, 2003: 132). Nonetheless, there had been an expansion in the number of the secondary schools. The

¹²¹ Janusz Jędrzejewicz was an important political figure who has been active in the Second Republic. He was deputy in the *Sejm* between 1928 and 1935. For more information please see: http://www.premier.gov.pl/en/prime_minister/history/janusz_jedrzejewicz.2039/

state system where the impact of the Catholic Church was high, religious instruction became compulsory and crucial part of the curriculum (Stachura, 2004: 205). Only a small number of private ethnic minority schools could exist, especially for Germans and Jews, where pupils were educated according to those cultures (Stachura, 2004: 205).

The law on the education reform was criticized by educators from different political views. The main criticism was directed at the universality of the program; in other words the facts that there was inequality among the different classes of society in terms of the education they receive at elementary school and the lack of opportunity for the admission to secondary schools was highlighted. The organization established by the teachers that shared a more libertarian view, Society for Democratic Education, indicated on their monthly journal that they were demanding “children to be freed from the mandatory school requirement, that there be established a uniform and completely free system of universal education in children’s native language, ... that compulsory religious education be stopped...” (Wroczynski, 1996: 264-5 quoted in Parker, 2003: 133). Once more, both the reform and the criticisms targeted the education program were overshadowed by the international environment where the Great Depression as well as the military threats from Germany and Russia were on the scene. Here what is noteworthy is that the School Reform of Janusz Jedrzejewicz inserted religious education to the curriculum as a mandatory subject. This suggests that the education had not been detached from the Church and its influence was still present.

The role of religion in the Second Republic should also be taken into consideration as it was a matter of fervent debates. At the end of the First World War, the controversy was mainly between the rightists who advocated that Catholicism was inseparable from Polish culture and the leftists who viewed the Catholic Church as an impediment to the modernization of the country (Stachura, 2004: 102). Until the 1921 Constitution state-church relations were not determined within a legal framework. The promulgation of the 1921 Constitution and the signing of the Concordat between Poland and the Vatican in 1925 were the first attempts to define this relationship (Stachura, 2004: 102). The fact that the position of the Church was not defined properly caused ambiguity but it was a deliberate move of the government that primarily aimed at leaving itself more room for maneuver. The 1921 Constitution rejected the complete separation of church and state, and acknowledged close ties with Catholicism even if it did not recognize Catholicism as the official religion (Stachura, 2004: 103). The Constitution rather defined the status of the Church as *primus inter pares*¹²² among other Polish institutions (Stachura, 2004: 103).

After 1930, the Catholic Church assertively held a confrontational stance against Communism, atheism and non-Catholic religions in Poland and a more positive attitude towards the *Sanacja* (Stachura, 2004: 102-3). The Constitution of 1935 did not make any amendments for the position of the Church determined in the prior constitution. The *Sanacja* was at best distant to the Church but at the end of the day “the influence of the

¹²² First among equals

Catholic-patriotic ethos was felt, directly or indirectly, in many areas of cultural and educational activity” in the Second Republic (Stachura, 2004: 103).

5.1.5 Preservation of Polish Culture during the Second World War (1939-1945)

Poland is among the countries which suffered the most in the Second World War and the wartime lasted very long in this country which resulted in a loss of six million Polish citizens out of thirty-five millions (Davies, 1986: 64). The war has not ended all of a sudden, it has rather suspended even after 1945 in Poland. During the long years of war, Poland had been occupied both by Nazis and the USSR and it had to fight against the tyranny of both on its territory. During the era of Nazi-Soviet pact (1939-1941), Polish priests, teachers, and political leaders were transported elsewhere or were shot (Davies, 1986: 66).

In the period of Nazi supremacy (1941-1943) more severe policies were followed against Polish culture and education since it saw education as the main source of the Polish ethos. Nazis closed down the schools in the western territories they occupied (Parker, 2004: 138). In those schools, teachers were replaced by Germans and courses were started to be given in German language (Parker, 2004: 138). This was not only a change of content or medium of education; children of that age were compelled to work in forced labor

(Davies, 1986: 73). Polish people resorted to illegal ways in many fields and in education alike; Polish language lessons which were banned in schools above the elementary grade were offered by a Secret Teaching Organization in order to preserve the Polish culture and language (Davies, 1986: 73). One of three children was educated in this way so that the great numbers could learn Polish language and intellectual culture could survive during the occupation which also empowered the resistance forces. Therefore, contrary to what had been expected, under tough pressure of the Nazi regime, Polish people could preserve their culture through underground education. It was so successful that many children, especially from the rural areas could receive education in Polish (Parker, 1986: 140).

5.1.6 Religion and Education under the Communist Rule in Poland (1945-1989)

After the war, between 1945 and 1948, Poland became part of the Soviet Bloc. In this period, the country went into deep political instability. None of the governments stayed in power for more than few a months. In 1948, the two prominent political parties decided to unite to form the Polish United Workers' Party – PZPR, which had a hegemonic position for several years (Davies, 2005: 408). This new term was going to be the era of 'Stalinist Poland' enhancing the idea of communism in the country. In 1952, a new constitution that was amended by Stalin himself determined the working class as the

‘leading class in society’ and proclaimed the foundation of the Polish People’s Republic (Lukowski and Zavadzki, 2006: 286). It is difficult to talk about a democratic environment in the country where the lists to be elected were dictated by the PZPR and the role of the *Sejm* was reduced to the approval of the decisions made by the government (Lukowski and Zavadzki, 2006: 286-7). All the institutions in the country were under the rule of the Communist Party, which left no room for democratic maneuver for them. The Church had been separated from the State, in fact, they have never been unified (Davies, 2005: 436). The judicial system, trade unions, youth and student organizations and the press faced severe Party control (Lukowski and Zavadzki, 2006:287).

This was one side of the coin and on the other side, Poland was experiencing homogeneity for the first time both in religious and national terms with the unfortunate killings of Jews by Germans and many others by the Soviets and later the expulsion of millions of Germans (Biskupski, 2000: 125). In addition to that extermination, the frontier and population changes also contributed to the homogenization of religion, in other words, “for the first time since the fourteenth century, Poland was now an overwhelmingly Catholic country” (Lukowski and Zawadzki, 2006: 283). This situation had an impact on the status of the Church. Even though the 1925 Concordat was annulled by the Soviet government in 1945, both the homogeneous society and the patriotic behavior of the Church enhanced the position of the Church in Polish society (Lukowski and Zawadzki, 2006: 283). This attitude of the Church during wartime which was greatly appreciated by Polish people led to a closer self-identification of Poles with the Church

even more than the period prior to 1939 (Lukowski and Zawadzki, 2006: 283). However, the Marxist view which is generally associated with atheism has been incorporated in the policies of Stalin that overtly treated the Roman Catholic Church in a very antagonistic way.

With the intent of the change of economic structure, the need for an educated youth emerged more than ever after the Second World War. With a new arrangement made in 1945, the school system has been determined to consist of three stages. The first level from grades 1 to 5 were going to be elementary school, the second level which means grades from 6 to 8 were called *gimnazjum* (lower secondary school) and grades between 9-11 were going to be *liceum* (Parker, 2004: 142). The first two stages were planned to be compulsory (Fizman, 1972: 32). The education system was shaped in accordance with the mentality which encouraged raising of children who were prepared and conditioned to further progress (Fizman, 1972:28). Despite the shortage of the post-war economy as well as the lack of schools and teachers, secondary education was promoted in Poland in the 1950s (Levitas and Herczyski, 2002: 117). The level of education became a determinant in one's status in society.

In that sense, one of the most important goals of the education system was to instruct students parallel with the expected industrial development in the country. Another one was to raise the youth in line with the Marxist ideology which was going to lead the formation of a new intelligentsia (Lukowski and Zawadzki, 2006: 288). "Youngsters

from peasant and proletarian homes were encouraged, through positive discrimination, to enter higher education, while opportunities were narrowed for children with 'bourgeois or 'reactionary' backgrounds" (Lukowski and Zawadzki, 2006: 288). This has been another new mentality which seems to fit the ideology of that day. The obvious influence of the Marxist ideology could have been seen in the syllabi as well as the in the translation of many Soviet textbooks to Polish (Davies, 2005: 452). Russian became a compulsory subject in schools with extended political propaganda (Davies, 2005: 452). As a matter of fact, the education system attained high importance; the schooling rates in Poland became higher than in Western European countries but due to the authoritarian method of education, the students were alienated from the essence (Davies, 2005: 452).

The election of Wladyslaw Gomulka as the first secretary of the PZPR in 1956 was a landmark in terms of constituting a rupture in the Stalinist regime and providing a milder form of communism (Lukowski and Zawadzki, 2006: 297). With many other developments in the country, relations with the Church were relatively ameliorated and religious education was restored in the schools (Lukowski and Zawadzki, 2006: 297). The regime under Gomulka rule gained recognition and support from the people, but this was not enough. The economy of the country based on autarchy was worsening and those who expected further liberalization and democratization in the country were disappointed (Davies, 2005: 441). As Gomulka could not stand behind the steps taken anymore, there had been a regress in the concessions made to the Catholic Church. "By 1961 religious instruction in schools had ended and drastic official limits had been placed on the

building of new churches” (Lukowski and Zawadzki, 2006: 300). By simply looking at the numbers, an assessment can be made about the policy followed for religious instruction. During the 1959-1960 school year, there were 21,500 schools where religious instruction was provided (out of a total of 28,000) whereas in the following year, this number decreased to 6,500 (Ramet, 2006: 120). The church-state relations were diminished to a minimum level in the period between 1965 and 1966 because of Church’s attempt for reconciliation between Germany and Poland, which was interpreted as interference to the foreign policy of the country (Davies, 2005: 445). However, considering the significance of the Church for the Polish people, Gomulka did not want to cause further confrontation with Cardinal Wyszyński (Lukowski and Zawadzki, 2006: 301). He could not prevent political destabilization in the country, and the Soviet rule decided to replace Gomulka with Edward Gierek as the first secretary of the PZPR in 1970 (Lukowski and Zawadzki, 2006: 303).

Gierek tried to gain confidence by promising to improve the life standards of workers. At the same time, he followed a reconciliatory policy with the Church as he appreciated its importance in making social peace (Davies, 2005: 470). Despite the progress made in the economy and enhancement of the living conditions of the workers for a few years, the economic policy was lacking a structural plan and was associated with the external crises (like the 1974 oil crisis), the positive atmosphere could not keep long (Lukowski and Zawadzki, 2006: 305). The Soviets asked Gierek to make amendments to the Polish constitution to comprehend provisions about Party’s leading role in the society as well as

a reference of Polish-Russian relations dating back to 18th century and the permanent nature of the Soviet alliance (Lukowski and Zawadzki, 2006: 306). This offer was protested by a group headed by the Church, but they were not be effective. Nonetheless, the position of the Church was enhanced in the society as it contributed to the grass-roots movements for human rights (Lukowski and Zawadzki, 2006: 308). Here again, the protests of the working class gave an end to the rule of Gierk. With the formation of a single trade union called ‘Solidarity,’ and their gaining power against the Gierk government resulted in Stanislaw Kania’s coming into power (Lukowski and Zawadzki, 2006: 311).

“Solidarity represented a challenge to the communists’ monopoly of political control within Poland, and ultimately to the Soviet empire in Eastern Europe” (Lukowski and Zawadzki, 2006: 311). In the following years, the union expanded both in number of adherents and in terms of its impact area. The Church undertook a conciliatory role between the government and Solidarity but due to the attempt of the assassination of Cardinal Wyszynski and his death in 1981, the effort of the Church was suspended (Davies, 2005: 461). The new Cardinal Jozef Glemp was not such a charismatic leader who had a mediatory power between the two sides (Lukowski and Zawadzki, 2006: 311). The country underwent a crisis arising from the dichotomy between the Party and Solidarity as well as the economic difficulties which resulted in declaration of martial law on December 1981 which lasted two years (Lukowski and Zawadzki, 2006: 313). This was a coup d’état called Military Council of National Salvation and was headed by

Jaruzelski, a loyal communist general (Lukowski and Zawadzki, 2006: 313). The military takeover succeeded in restoring public order to some extent but political and economic troubles remained (Lukowski and Zawadzki, 2006: 313).

5.1.7 Drastic Changes after the Fall of Communism

Nineteeneightynine was a landmark in the history of Poland; as a result of the “round table” agreements between the government of the day and the representatives of the opposition, after which the first partially free elections were held in the country (Eurybase, 2010: 8). The first totally free and democratic elections took place two years later, in 1991. The country underwent political and economic transformation; the foundation of political parties, freedom of speech, independent mass media, and market economy with limited state intervention were all new to the Polish people (Eurybase, 2010: 8-9). Unexpectedly, Poland started to work to reach the level of democratic countries so that a parliamentary democracy was established, civil rights were restored to a great extent, the death penalty was abolished and an incremental depoliticization of the armed forces has taken place (Lukowski and Zawadzki, 2006: 320). With the end of the authoritarian rule, many institutions were put in place and in such an environment; the Church could finally set its priorities (Ramet, 2006: 121).

Religious instruction in public schools rose as an issue on the top of the agenda so that in early 1990, the Church put forward its willingness for the re-insertion of religious education. A special subcommittee of the Joint Commission of the Government and the Episcopate¹²³ declared the importance of the restoration of religious instruction (Ramet, 2006: 123). This decree was challenged by the Ombudsman but the Constitutional Court held that it was in conformity with the Constitution and other existing statutes.¹²⁴ In the following year, the hours of religion classes were increased from one hour per week to two hours and a new subject; ethics, was offered as an alternative to religion courses (Ramet, 2006: 123). At the beginning, there were concerns from the non-Catholics stating that their children would be faced with pressure either from teacher but most probably from their schoolmates, to attend Catholic religious instruction (Ramet, 2006: 123). However, religion classes became popular and in almost every school these classes were organized.

As a matter of fact, religious instruction was not the only priority of the Catholic Church, they had been seeking for a concordat with the state. A joint governmental-ecclesiastical commission was held to prepare a draft concordat to submit for the approval of the Holy See (Ramet, 2006: 123). The Holy See rejected the draft and prepared a new one, which was this time submitted to the side of the state for approval. This was in conflict with many of the existing laws, codices and decrees; among which there was the law on liberty

¹²³ Episcopate is the area of jurisdiction of a bishop.

¹²⁴ The challenge of the Ombudsman and the decision of the Constitutional Court will be assessed in detail in the section on the domestic legal framework.

of conscience and faith and the law concerning Church-state relations (Ramet, 2006: 123). Despite those conflicts with the existing laws, the Prime Minister signed that draft in 1993 and then it was sent to the Parliament for approval. The Parliament did not approve the Concordat¹²⁵ until 1997, and then approved it without reservations given that it was no more incompatible with the existing laws since most of them had been amended with the enactment of the new constitution of Poland in 1997 (Ramet, 2006: 123).

The Catholic Church considered very seriously the creation of a new constitution so that its involvement to the process of constitution-making had a negative impact on the relations with the government after 1993. The concerns of the Church concentrated on four issues; for one, the suggested reference to God in the Preamble; secondly, they advocated for a constitution of ‘Polish Nation;’ thirdly, they demanded the insertion of ‘right to life from conception to natural death,’ and finally and probably most fervently, they were opposed to any idea of separation between state and Church (Millard, 1999: 48). The concerns of the Church were taken into account given that word of ‘separation’ was not spelled in the constitution and a reference was made to the relations between the state and the Church (in the Article 25 § 4) indicating that those relations are determined according to the Concordat (Millard, 1999: 48-49). The societal role played by the Catholic Church for centuries was extended to the constitution building process and even to the EU membership of the country. The Church has been influential in almost each and every important turning point in the country as well as the daily lives of Poles. The role

¹²⁵ The full text of the Concordat is available at: <http://www.concordatwatch.eu/topic-1331.843>

of the Church in the Polish nation-building process will be explored in the following sections.

5.2 Related Legal Documents

In analyzing the conduct of religion education in Poland, the international agreements that the country is part of, are binding and thus need to be considered. The responsibility to comply with the provisions of these documents does not stem from EU membership but from just being part of the international agreements and organizations. Poland, as a democratic modern state, signed those agreements and embraced the standards determined by the international society. In 1991, right after the fall of Communism, the country joined the Council of Europe and bound with the norms envisaged by this organization. Moreover, the highest standards for the protection of human rights have been incorporated into the constitution and the domestic law of Poland. The international legal documents that guided Poland as well as the related judgments of the ECtHR and the domestic legal framework display the extent to which this country complies with these norms. The parallelism between the European norms and their transposition to the national law also validates the sociological institutionalist approach which foresees a smooth transition for the countries that have a political culture receptive to transformation as well as the “ongoing reform agenda” (Börzel and Soyaltin, 2012: 9). The related

binding legal documents and the judgment of the ECtHR are analyzed in this part for better portraying the impact of Europeanization on domestic legal structures.

5.2.1 International Legal Documents: European Convention on Human Rights

Protocol 1, Article 2:¹²⁶

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

Article 9:

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 14:

The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

¹²⁶ European Convention on Human Rights, Article 2 Protocol 1. p. 34. Available online at: <http://www.echr.coe.int/nr/rdonlyres/d5cc24a7-dc13-4318-b457-5c9014916d7a/0/englishanglais.pdf>

5.2.2 Domestic Legal Documents

The fundamental provisions of the 1952 Constitution and of the Freedom of Conscience and Religion Act constituted the basis for religious freedom in the country. Even though there have been substantial improvements in terms of the rights and freedoms within the legal framework after the fall of Communism, when it comes to religion, it is undeniable the Communist era had specificity on this matter. However, since the effort of the Communist regime was not to provide religious freedom but to totally abolish it, one of the main acquisitions of the new state was to consolidate the freedom of religion and conscience within the domestic legal framework. The following articles from the national legal documents make it evident the progress towards the consolidation of those rights and freedoms as well as the legal underpinnings of the contemporary legal structure.

5.2.2.1 Article 82 of the 1952 Constitution¹²⁷

(retained in force by the Constitutional Act of 17 October 1992):

1. The Republic of Poland shall ensure to its citizens freedom of conscience and religion. The church and other religious organizations may freely exercise their religious functions. Citizens shall not be compelled not to participate in religious practices or rites. No one shall be compelled to participate in religious practices or rites.
2. The church shall be separated from the State. The principles of relations between the State and church and legal and financial position of religious shall be determined by statutes.

¹²⁷ European Court of Human Rights. 2010. "Case of Grzelak vs. Poland". *Application no. 7710/02*. p. 6.

5.2.2.2 The Law of 17 May 1989 on guarantees for freedom of conscience and religion (“the Freedom of Conscience and Religion Act”)¹²⁸

Section 1 (relevant parts):

1. Poland ... shall secure to its citizens freedom of conscience and religion.
2. Freedom of conscience and religion shall include freedom to choose one's religion or beliefs and freedom to manifest one's religion or beliefs, either alone or in community with others, in private and in public. ...

Section 2 of the Act:

In the exercise of their freedom of conscience and religion, citizens may in particular: ...

- (2)(a) belong, or not belong, to churches or other religious communities;
- (3) express their religious opinions;
- (4) raise their children in conformity with their religious convictions;
- (5) remain silent as to their religion or convictions”

After the fall of Communism, with the aim of founding a new state different from the previous one which is compatible with the modern world and especially with Western Europe, there had been attempts to create an education system that could compete with the most developed parts of the world. As a concrete step, a report was prepared by Polish experts on education. The “Report on the Condition and Directions in the Development of National Education in the Polish People’s Republic”, published in 1989 by a Committee of Experts under the title of “Education—a National Priority”, scrutinized the Polish education system in the 1980s (Tomiak, 2000: 180). The report

¹²⁸ European Court of Human Rights. 2010. “Case of Grzelak vs. Poland”. *Application no. 7710/02*. p. 6.

highlighted the main deficiencies of the education system and offered alternative ways for reforming it. However, as the preparation of the report coincided with the abolishment of Polish People's Republic and as it had been prepared with the mentality of the old regime, it became inadequate.

A further step was taken by the Parliament, with the declaration of *Strategia dla Polski* (A Strategy for Poland) produced by the *Sejm*, the Lower Chamber of the Polish Parliament. Concurrently, the Ministry of National Education prepared a related position paper in 1994 which put forward the main educational priorities as “the elaboration of a new comprehensive law on education in the country; changing the structure of secondary education; modernizing the contents of education; equalizing educational opportunities and restoring the broader concept of upbringing of all pupils” (Tomiak, 2000: 180). In the following year, the Ministry of Education published a document called “Education in a Changing Society” and this constituted the main source for the subsequent reports of OECD on the education system in Poland (Tomiak, 2000: 180). Those reports prepared by OECD mainly highlighted the deficiencies as well as proposing future prospects so that these reports served as guidelines but they could not be far-reaching given that they overlooked the financial side of the reforms (Education and Training in Poland during the transformation of the Socio-Economic System of 1992; the OECD Review of Education Policy in Poland of 1995; and the OECD Science and Technology Policy Review: Poland of 1995) (Tomiak, 2000: 183). Another proposal for reform was made in 1998 and was presented to an audience of educators as well as the representatives of local government

bodies, the Church, professional unions, public bodies, and individuals who were interested in having a word in the future of the education policy of Poland. The subsequent legislation steps made by the Ministry of Education have been more or less in line with these reports.

5.2.2.3 Circulars issued by the Ministry of Education (1990) ***(instrukcje)***¹²⁹

Introduction of instruction in Roman Catholicism and other religions into State schools on a voluntary basis has been implemented via two circulars issued by the Ministry of Education. According to these circulars, parents of primary school pupils and parents and/or pupils in secondary schools were to make a declaration as to whether they wished to attend religious instruction.

These circulars have been challenged by the Ombudsman in terms of their inconformity with the constitutional provisions and the relevant statutory law. According to the view of the Ombudsman, parents declaring their wish for the attendance of their child to religious classes constituted a public manifestation of their religious conviction and this constitutes a breach to the Freedom of Conscience and Religion Act. According to the decision of

¹²⁹ European Court of Human Rights. 2010. "Case of Grzelak vs. Poland". *Application no. 7710/02*. p. 6-7.

the Constitutional Court, the points raised by the Ombudsman were in conformity with the constitution and the statutory law. The related legal documents as well as the relevant provisions of the 1997 Constitution will be examined in the following part.

5.2.2.4 The 1991 Education Act

This has been a turning point for situating religious instruction within in formal education. In 1991, the Parliament enacted the law on education (“the 1991 Education Act”) of which Section 12 explicitly provided that religious instruction could be given in State schools at the request of parents or pupils who had reached the age of maturity.

5.2.2.5 The Ordinance of the Minister of Education (1992) Regulating Religious Education at Public Schools and Kindergardens

The Ordinance was issued in order to determine the practice of optional religious courses and ethics, and the details to provide a more democratic and universal rule. On 14 April 1992 the Minister of Education issued the Ordinance on the organization of religious instruction in State schools (*Rozporządzenie w sprawie warunków i sposobu organizowania nauki religii w szkołach publicznych* – “the Ordinance”). The Ordinance replaced the two circulars that had been issued in 1990 by the Ministry of Education.

The Ordinance determined religious education and ethics as optional subjects. Parents of pupils or pupils who reached the age of majority who wished [their children] to follow either of those subjects were to make a declaration to the school authorities to that effect. In order to organize the classes according to the number and needs of the students it is provided that “if the number of pupils in a given class interested in following any of these subjects was less than seven, then the school was to organize the relevant course for pupils of different classes from the same school (an inter-class group). If the inter-class group was smaller than seven pupils, the authorities were to offer the relevant course in cooperation with other schools in the municipality (inter-school group), provided that there was a minimum of three pupils interested in following it.”¹³⁰

For grading of the religion and ethics courses an arrangement was made, the Paragraph 9 of the Ordinance indicates:¹³¹

1. The mark for religion or ethics is placed on the school certificate directly after the mark for behavior. In order to eliminate any possible manifestations of intolerance the school certificate shall not contain any data that would indicate which religion (or ethics) course was followed by a pupil.
2. The mark for religion (ethics) has no influence on whether a pupil moves up to the next grade.

These provisions of the Ordinance directly aimed at a non-discrimination policy on the basis of religion. The facts that the school certificate does not indicate which religion (or ethics) course the pupil follows and the mark for religion having no influence on

¹³⁰ European Court of Human Rights. 2010. “Case of Grzelak vs. Poland”. *Application no. 7710/02*. p. 6-7.

¹³¹ European Court of Human Rights. 2010. “Case of Grzelak vs. Poland”. *Application no. 7710/02*. p. 6-7.

student's moving to the next grade seem to be very democratic solutions. In a sense, a country that provides optional religious courses should be very attentive in determining such rules in order to impede discrimination among students. However, contemporarily there are still controversies for both of the provisions.

In 1992 the Ombudsman challenged the conformity of numerous provisions of the Ordinance with the constitutional provisions and with the Freedom of Conscience and Religion Act. At first the Ombudsman objected to the indication of a mark for religion or ethics courses on school reports, which is mentioned on the paragraph 9 of the Ordinance, on the grounds that such an indication would be the prerogative of the Church. In addition, he highlighted the risk of intolerance as well as the possibility of the violation of the principles of separation between Church and State and State's neutrality as specified in the Freedom of Conscience and Religion Act (paragraph 35).

The Ombudsman also opposed to the obligation imposed on parents (pupils) to make a "negative declaration" to mention that they did not wish their children to attend any religious course in a State school (paragraph 3(3) of the Ordinance). He maintained that "no public authority in the State, which had a duty to remain neutral in the sphere of religious beliefs and philosophical convictions, could require citizens to make such declarations" (paragraph 36). Lastly, the Ombudsman purported his concern about religious symbols at schools, indicating that "paragraph 12 of the Ordinance allowed for

excessive display of crucifixes in other places in schools than classrooms designated for religious instruction” (paragraph 37).

The Constitutional Court issued a verdict about the challenges raised by the Ombudsman in 1993 (case no. U 12/92). The Court upheld the constitutionality and legality of the Ordinance and concluded that “the inclusion of religious instruction in the State school curriculum did not infringe the constitutional principle of separation of Church and State and the principle of the State's secular character and neutrality” (paragraph 38). The Constitutional Court further stated that the principles in question required that both State and Church remain autonomous in their fields of activity but that their autonomy should not lead to isolation or even competition between them. It should rather enhance their cooperation in the areas like the ethical education of children.

The Constitutional Court determined that the secular character of the State and its neutrality could not lead to a prohibition on providing religious instruction in State schools as long as religion/ethics courses are arranged according to the wishes of parents, which is also indicated on the Education Act. In addition, the Court noted that the State has to provide religious instruction in public schools in conformity with parents’ wishes and that this obligation emanates from Article 2 of Protocol No. 1 to the Convention (paragraph 38).

What has been proposed by the Constitutional Court is to interpret the Ordinance in a way that it deals with the concerns of the Ombudsman. It offered that the Ordinance should be construed as granting each pupil the right to follow classes in both religion *and* ethics as opposed to the alternative of choosing only one of them. This aimed at impeding the possibility of division between believers and non-believers (paragraph 39). The Court also offered a solution for the insertion of marks for religious instruction in school reports. It is stated that indicating the mark for each and every compulsory and optional course is a rule emanating from the Education Act (paragraph 40). In responding to the Ombudsman's concerns, the Constitutional Court held as follows:

In order to dispel possible doubts in this respect, the Constitutional Court indicated in the seventh point of the operative part of its judgment that a mark on a school report may refer not just to religious instruction alone or to ethics alone; in cases where a pupil follows both those courses he or she may be given a joint mark [for the two subjects]. The impugned provision therefore contains a dual safeguard. First, a mark shown on the school report does not indicate any specific religion, and secondly it is not known whether such a mark relates to religious instruction, ethics or both subjects jointly (paragraph 41).

In response to the objection made by the Ombudsman about the obligation to make a “negative declaration”, the Constitutional Court struck down paragraph 3(3) of the Ordinance on the grounds of its incompatibility with the Education Act. Paragraph 3(3) of the Ordinance as amended and entered into force in 1993 made no reference to a “negative declaration” (paragraph 42).

For the other concern of the Ombudsman about the place of religious symbols (crucifix) in schools, the Court held that the paragraph 12 of the Ordinance provided for such a

possibility but did not mandate the presence of the crucifix in schools so that this provision was compatible with Article 82 of the 1952 Constitution (paragraph 43).

In this way, the Ordinance which lays down the principles for the regulation of religion and ethics instruction has been legitimized with the judgment of the Constitutional Court. In the following years, there had been other controversies arising from the practice and the Constitutional Court as well as the ECtHR made judgments on this issue. Before moving with those debates it is worth considering the current Polish Constitution and the articles on freedom of religion and conscience.

5.2.2.6 The Relevant Provisions in the Constitution of 2 April 1997¹³²

Article 25:

1. Churches and other religious organizations shall have equal rights.
2. Public authorities in the Republic of Poland shall be impartial in matters of personal conviction, whether religious or philosophical, or in relation to outlooks on life, and shall ensure their freedom of expression within public life.
3. The relationship between the State and churches and other religious organizations shall be based on the principle of respect for their autonomy and the mutual independence of each in its own sphere, as well as on the principle of cooperation for the individual and the common good.
4. The relations between the Republic of Poland and the Roman Catholic Church shall be determined by international treaty concluded with the Holy See, and by statute.

¹³² The full version of the English version of the Polish Constitution is available at: <http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>

5. The relations between the Republic of Poland and other churches and religious organizations shall be determined by statutes adopted pursuant to agreements concluded between their appropriate representatives and the Council of Ministers.

Article 48 § 1:

Parents shall have the right to raise their children in accordance with their own convictions. The child's upbringing shall respect his degree of maturity as well as his freedom of conscience and belief and also his convictions.

Article 53:

1. Freedom of conscience and religion shall be secured to everyone.
2. Freedom of religion shall include the freedom to profess or to accept a religion by personal choice as well as to manifest such religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing rites or teaching. Freedom of religion shall also include the availability of sanctuaries and other places of worship designed to meet the needs of believers as well as the right of individuals, wherever they may be, to benefit from religious services.
3. Parents shall have the right to provide their children with a moral and religious upbringing and teaching in accordance with their convictions. The provisions of Article 48 § 1 shall apply as appropriate.
4. The religion of a church or other legally recognized religious organization may be taught in schools, but other peoples' freedom of religion and conscience shall not be infringed thereby.
5. The freedom to publicly express religion may be limited only by means of statute and only where this is necessary for the defense of State security, public order, health, morals or the freedoms and rights of others.
6. No one shall be compelled to participate or not participate in religious practices.
7. No one may be compelled by organs of public authority to disclose his philosophy of life, religious convictions or beliefs.

With these articles in the Constitution, freedom of religion and conscience was consolidated in Poland. It is the state's responsibility to provide moral and religious education for the case in which parents want their kids to get these instructions. Despite

the strong presence of the Catholic Church in Poland and its overt interference to state affairs, it should be noted that in the Constitution, no state religion is envisaged for Poland. Furthermore, the relations with the Roman Catholic Church were determined by a statute; Concordat, and no specific reference was made to the Catholic Church in the Polish Constitution. The European Union or other organizations which set the universal norms to be attained in terms of rights and freedoms do not foresee anything about state-religion relations but as a modern state, Poland assured freedom of religion and conscience in many ways.

CHAPTER 6

THE IMPACT OF EUROPEANIZATION ON THE RELIGION EDUCATION IN POLAND AND CONTEMPORARY ISSUES ON STATE-RELIGION RELATIONS

In this chapter contemporary issues are displayed and enriched with the field survey conducted in Poland. The in-depth interviews envisaged the current situation of religion courses, the practice within the general framework of the place of Church in nation and identity building as well as the modernization and Europeanization processes of the country. This means that it is difficult to consider Poland as a case of “misfit” and therefore in the course of Europeanization it experienced relative ease in internalizing the European norms. The Church in this case can be said to work as a “norm entrepreneur” which convinced the domestic actors that to be part of Europe and internalizing its norms are in harmony with collectively shared domestic values and identities. Given that the modernization process of Poland after the fall of Communism is parallel with the country’s course of Europeanization, it can also be defended that there had been no time for the emergence of misfit. In that sense, the historical and the legal contexts implied that the case of religious education in Poland can be best explained by the sociological

institutionalist account of the Europeanization theory. The field study also approved this determination; the in-depth interviews supported that Poland cannot be considered as a case of misfit and that it was not faced with strong adaptational pressures in the field of religious education. The major issues that were highlighted during the interviews pointed out that the controversies on religious education in Poland are about the practical problems which do not give rise to a legal or institutional amendment. This smooth Europeanization process which is accurately delineated by sociological institutionalism is investigated in the chapter in detail, and substantiated with the findings of the field survey.

6.1 The Religion Education Before and After the Fall of Communism: Personal Experiences

The fall of Communism which gave birth to the foundation of a modern state had great implications on the conduct of religious affairs. Religion education was one of the fields that was most affected by this immense transformation. Although the Communist regime could not abolish the religious underpinnings of the society, and religion education kept its presence even in times where it was removed from the state schools. During the Communist rule, especially while experiencing a milder form of Communism, there had been times where religion education was provided at state schools. However, as a general

practice, religion education used to be given in parishes¹³³ as the elimination of religion courses from schools was realized gradually after World War II. At the beginning of the war, the teaching of religion was permitted in the schools but it was practiced on a voluntary basis. It is obvious that the Communist regime was intentionally eliminating such teachings from schools; the empirical data displays: “It is estimated that in 1956 religion lessons were offered only in 20% of schools. The final elimination of religion lessons from schools took place in the sixties with the coming into force of a statute on the development of the educational system and teaching” (Written Comments by the HFHR, 2007: 2). The reinsertion of religion instruction into the state schools is thus a relatively recent phenomenon which can be adequately depicted from the experiences of Polish people. The interviews conducted in Warsaw highlighted some common points raised by the respondents about the transition from Communism to the current state. The issues emphasized by the interviewees constitute the framework for analyzing the impact of the Catholic Church on the reinsertion of religion education into the state schools.

Ms. Agata Ladykowska¹³⁴, an interviewee who experienced the Communist era as well as the fall of Communism and its aftermath, and had been a student during the transition time, shared her own experience. When she was in the primary school, which means during the Communist regime, religion education had been provided by the Catholic

¹³³ A parish is a church territorial unit.

¹³⁴ Ms. Agata Ladykowska was born in 1976. She had been student in the last years of communism and experience of its fall and the transition period. Currently, she is a PhD student who is conducting research on religious education in Russia. She is currently lecturing at the Institute of Ethnology and Cultural Anthropology, University of Warsaw.

Church in parish. She explained that the classes in the parish were organized in the same way as the ones at school. Ms. Ladykowska told that all the students were going to Church during the regular hours, except for her best friend who did not attend religion course. She comments that going to Church was not a matter being religious but rather a manifestation of having a moral position; not for children for sure but for parents. These courses were taking place before or after ordinary school hours. Ms. Ladykowska stated that the core of this education was the religious elevation; it was organized around how to grow up or be admitted to certain levels of Communion.¹³⁵ This is what mattered at the primary school, because at the age of nine, children receive the first Communion according to Catholic teaching.

When Ms. Ladykowska started high school in 1991, Communism collapsed but she commented that anti-clerical movements were still visible. For her, at the primary education level, the religion courses were just like mathematics courses that she did not like them at all. She admits that she started to realize that she did not like religion courses at high school either and that she felt trapped into that education. Ms. Ladykowska commented about religious education during the Communist rule and after its fall, and claimed that even during the Communist regime religion education was part of the moral tradition and national identity.

¹³⁵ Communion is the Christian rite involving the eating of bread and drinking of wine, reenacting the Last Supper

The personal experience of Ms. Ladykowska sheds light on how religious education kept its very presence in the society even during the Communist era but most importantly, displayed how a pupil attended those classes without any motivation but because of the societal pressure on her parents. This example also supports the point raised by other interviewees mainly with liberal or leftist ideologies that students would prefer not to attend religion classes if their parents would allow; and the parents felt obliged to send their children to those classes in order to display their morality.

For sure there are many cases where parents did not feel such a pressure and omitted sending their children to the religion class. The experience of Teacher Rashid¹³⁶ differentiated from what was portrayed by Ms. Ladykowska in the sense that his parents were not religious people and decided to send their kid to ethics instruction. Teacher Rashid commented that there are several students who do not attend religion courses at schools, especially in the big cities. He was one of them; even though his parents were Catholic, they were not very religious people so they chose ethics course for their child. The issue raised by Teacher Rashid when he was asked about his observation about Catholic children and their religion education was in line with Ms. Ladykowska's opinion. He said that his observation about Catholic children who attended religion course is that they did not like it very much since the teachers, usually priests, were very rigid. Therefore, he indicated that many of those students attend religion course because

¹³⁶ Teacher Rashid is a Polish citizen who embraced Islam few years ago and now he is teaching Islam at the Arab Mosque. He had been graduated from the University of Warsaw, Department of Arabic language.

of the pressure, so if they were asked, he claimed, many of them would prefer not to attend.

Another interview which was realized with Mr. Konstanty Gebert¹³⁷ was remarkable in the sense that it provided a different and critical point of view about the state-religion relations in Poland but especially about his family's experience with the religious courses. Mr. Gebert and his family are Polish Jews and that is why he had the opportunity to observe the transformation in the religion education from the lenses of both an insider and outsider. Mr. Gebert has four children; his elder daughter is 36 years old so she got her education under "deep communism," the two other children had difficulties at public schools and he says that his youngest son was lucky enough to have the opportunity to attend a Jewish school. Currently, there are three Jewish schools in Poland, one is in Warsaw.

Mr. Gebert mainly stated that they were very critical about religion education being brought back to schools but he underlines that not only him and the liberals but also many Catholic families he knows were critical about this application and he adds that the Catholic Church worked hard to achieve that. He stated that Catholic families were satisfied with the education their children used to get in the parish. He wanted to clarify a point; he mentioned that if Catholic children did not have an opportunity to learn religion

¹³⁷ Mr. Konstanty Gebert is a liberal and critical Polish Jewish journalist. He has been a democratic opposition activist. He is the Head of European Council on Foreign Relations, Warsaw. He was interviewed on 14 November 2012.

in the previous practice, in other words; in the parish, then himself and other opponents would be supportive for the reinsertion of religion instruction into the state schools but as long as all Catholic children had the opportunity to get this education in the parish, they opposed it to be brought into the state schools. The law concerning religion education, according to Mr. Gebert is a civilized one; it does not oblige schools to open religion classes but asserts that they can and it also foresees that these classes should be arranged during the first hour or the last hour of the school day. Nevertheless he claimed that all of these were nonsense because in practice, almost every school organizes religion courses and they do not pay attention as to whether it is the first or last hour or just at the midst of the school day.

In addition, the grade that the student gets from the religion course is part of his/her general cumulative and Mr. Gebert finds it a discriminatory practice. Moreover, he highlights that crucifixes are in each and every classroom. He perceived the religion education at public schools as an unhealthy practice. According to Mr. Gebert, religion instruction is ipso facto the teaching of Catholic religion because even though it is indicated in the law that if there are seven or more students of the same religion, a religion class will be organized, it is practically impossible to reach the number of seven for others given the religious homogeneity of the society. He also referred to the problem of the opening of the ethics classes and said that the schools do not usually organize these classes because they do not have enough teachers or money to hire them. He stated that the pupil who does not get Catholic instruction cannot get any instruction.

When the experience of Turkish families¹³⁸ was put forward, Mr. Gebert said that the religious instruction of children of foreigners is not problematic in Poland since they are not part of the national community. But if one is a Polish citizen, by not taking the course on Catholicism, one deprives the consensus and there is even an expression in Polish “Polak-Katolik” which means that a Pole is a Catholic. Therefore, according to his view, being Polish is twinned with being a Catholic and it ipso facto implies to get Catholic instruction at school. However, Mr. Gebert admits that Polish society started to embrace the idea that Jews are a legitimate part of society; different but still part of the Polish nation. Nonetheless, he highlighted the difficulties that Polish citizens of other convictions than Catholicism are faced in a critical way.

The experiences of the interviewees display that there had not been a sharp shift in terms of religion education as long as it kept its presence during the Communist era. For the Catholic Church on the other hand, reinsertion of religion instruction into the public schools has been a matter of representation of power in social affairs. As a matter of fact, attendance to those courses is considered as a moral stance and there is a societal pressure which is repeated on many occasions in this work. The notion of being Pole is entwined with being Catholic is manifested in receiving Catholic instruction at school and this strong correlation creates the very basis of the controversy on this issue.

¹³⁸ The group discussions conducted with Turkish pupils and their parents will be transposed in the following parts. They mainly asserted that Turkish students could get religion education outside of the school and that they were not faced with any kind of difficulty.

The main point that comes out of this interview is that there is a tendency in Polish society to be much more demanding of Polish citizens about religious education than the foreigners residing in the country. This phenomenon can be explained by a general tendency of imposing pressure on the ones who are from “us” and relative tolerance to the “other” in the case where the “other” does not constitute a threat for “us.” This issue will be discussed once more in the following sections when the experience of Turkish families will be explored.

6.2 Current Practice for the Religion and Ethics Courses

The current debates about religious education mainly revolve around the marking of pupils’ work on school reports, which is mainly a problem stemming from their being overtly indicated and being part of the grade average. Specifically, the Constitutional Court was asked several times to examine the constitutionality of the Ordinance. In 2007, the Ordinance which was amended by the Minister of Education, introduced for the first time the rule that marks obtained for religion or ethics courses, as well as other optional courses, would be counted towards the “average mark” obtained by a student in a given school year and at the end of a given level of schooling.¹³⁹ The Court was asked to scrutinize the constitutionality of this Ordinance in 2009 and it determined that marking of pupils’ work was compatible with Articles 25, 32, 48 § 1 and 53 § 3 (paragraph 47). It

¹³⁹ European Court of Human Rights. 2010. “Case of Grzelak vs. Poland”. *Application no. 7710/02*. Paragraph 46.

is also highlighted once more that recording of the marks for religion on school reports is a result of the constitutional guarantees of religious freedom rather than the support for theistic beliefs as long as the opportunity to choose between religion or ethics classes is provided to parents (and pupils).

Furthermore, the existence of ethics classes for non-believers can be assessed as an indicator that the state fulfills its responsibility in respecting religious freedom of its citizens and ensuring opportunities to impede discrimination. The court also noted that given the dominant position of the Catholic faith in the country, parents or pupils may feel an external pressure while choosing between religion or ethics courses but that the “choice of the additional subject depends to a large extent on the respect for the principles of pluralism and tolerance for different convictions and beliefs in local communities” (paragraph 47). The Court further alleged that the possibility that parents and pupils may be faced with external pressure while making a choice may be a consequence of the low level of democratic culture but that this important issue lies outside the jurisdiction of the Court.

In the light of these judgments and legal amendments, the conduct of the religion and ethics courses has taken its contemporary format. It is worth summarizing what has been said so far and indicating some technicalities of the current practice in order to clarify the controversies arising from them. First of all, as a fundamental principle determined by the Ordinance, the religion courses as well as the ethics instruction are optional subjects at

the state schools. According to the Ordinance, religion instruction shall be given in primary schools and in *gimnazjum* by the will of parents or legal custodians, and in *liceum*, by the will of parents or pupils (Rynkowski, 2008: 265). For the students who reach the age of 18, the will to choose these courses only depends on the student. In the Ordinance it is also indicated that the request for attendance to these classes shall be very easy and that attending religion class shall not lead to any kind of discrimination (Rynkowski, 2008: 265). Moreover, due to the judgment of the Constitutional Court, on the school report the grade of the student is put in a way that it is impossible to determine whether the pupil attended religion or ethics class because it is indicated as “religion/ethics.” In this way, it is also impossible to estimate which religion or denomination the pupil adheres. According to the Ordinance, as already indicated, there is a threshold of seven students for opening a class for religion or ethics and if this number is three then an inter-school group shall be organized.

The curriculum and the content of the course books for the religion instruction are determined by the authorities of a given religion or church and the Ministry of Education is informed about these (Rynkowski, 2008: 266). The teachers may both bring the pupils to Church during the regular school hours; during the hours of the religion class for practice. This is a two-hour course per week which is conducted partly at school and partly at Church. Whether or not religion courses are taught in accordance with the curriculum and the content are supervised by the school administration. The inspectors

who are appointed by the regional episcopate can go and inspect the religion classes anytime they like (Rynkowski, 2008: 266).

In the widespread practice of religion education in the state schools, all the teachers of this course are appointed by the related Church. For the Catholic Church, this appointment is made by the regional episcopate (Rynkowski, 2008: 266). The teachers of religion are appointed according to the regulation common to all teachers and their status is equal with others but they cannot be a “form teacher” (Rynkowski, 2008: 266). The religion course is given both by secular teachers and by priests, and both are paid by the state (Rynkowski, 2008: 266). This is also one of the controversial issues raised by the interviewees since a part of the Polish society is opposed to the fact that the salaries of the priests who are teaching at state schools are paid from the taxes collected.

In practice, as verified by the interviews conducted in the empirical part of this study, it is almost impossible to have seven students of the same religion or denomination at the same age, except for the Catholic pupils. Therefore, it is practically unachievable for other religions or denominations to open religion classes at public schools. Nonetheless, as it will be highlighted in the following parts, the adherents of other convictions can send their children to get religion instruction outside of the school and outside ordinary school hours (on Saturdays for example) so that they learn their own religion. The grade they get for this education is counted as the grade of religion course. Religious denominations are also allowed to establish private schools but they are very minor in

numbers¹⁴⁰ and for example, there are no Muslim¹⁴¹ schools in Poland (Rynkowski, 2008: 267). The religion education for other religions and denominations is evaluated in this work from the lenses of Muslim students and their parents living in Warsaw, and substantiated with the interviews.

The practice of religion instruction is well defined in the Ordinance as displayed above. For the ethics instruction, it is harder to make such an assessment since the practice is not defined in that much detail in the related documents. Nonetheless, one can observe how in the field of religion education, the domestic legislation went parallel with the European norms indicated in the international documents to which Poland is part. The problems arising from the practical issues are evaluated within the context of domestic legislation. It is also of great significance to analyze the current status of religion education in Poland from the perspective of European norms. The judgment of the ECtHR is determinant in deciding the harmony of domestic practice with the European principles.

¹⁴⁰ The number of religious minorities are approximately 1,75 percent of the schools in general. For detailed information about the statistics, please see: Michal Rynkowski, "Polonya," in Ali Köse and Talip Küçükcan (eds.). *AB Ülkelerinde Din-Devlet İlişkisi*, p. 267.

¹⁴¹ According to the official data, the number of the members of Muslim community in Poland is approximately 5000 out of Poland's total population of 38 million. According to Muslims, this number is six times higher with the total number of Muslims who got citizenship and who are living as foreigners. For more information and the numbers of other communities please see: Michal Rynkowski, "Polonya," in Ali Köse and Talip Küçükcan (eds.). *AB Ülkelerinde Din-Devlet İlişkisi*, p. 268.

6.2.1 Judgments of the European Court of Human Rights: The Case of Saniewski vs. Poland and the Case of Grzelak vs. Poland (Application no. 7710/02)

The first case sued against Poland about religious courses before the ECtHR, which was found inadmissible, was the case of Saniewski vs. Poland.¹⁴² The applicants were complaining about parents' obligation to declare their conviction in order to get exemption from religion course for their kid was decided "manifestly ill-founded" on the grounds that the elective religion courses at schools as well as the compulsory ones, in case there exists ways to opt out, do not violate the Article 9 of the Convention. This judgment was critical in the sense that it highlighted the principle that the existence of the compulsory religion courses does not violate the Convention if adequate ways to opt out are offered.

In the next case which was brought before the ECtHR, the Court made a comprehensive judgment which shed light on the conduct religion/ethics instructions and the controversies arising from this. The Case of Grzelak vs. Poland is the application of Mr. and Ms. Grzelak and their child Mateusz Grzelak to the ECtHR in 2002, complaining that a mark for religion/ethics courses was absent in the school report of Mateusz Grzelak. The applicants applied to the Court stating that they were victims of the violation of Articles 9 and 14 of the Convention and the Article 2 of the Protocol No.1. The parents of

¹⁴² For more information about the case of Saniewski v. Poland please see: <http://echr.ketse.com/doc/40319.98-en-20010626/view/>

the pupil were agnostics and in accordance with the wishes of his parents, he did not attend religion courses. He was the only pupil in his class who did not attend these courses. According to the parents of the pupil, their son was subjected to discrimination and physical and psychological harassment by other pupils for not attending religion courses. The course of religion was given in the middle of the school day, between compulsory courses and although the parents demanded several times for an alternative course on ethics, it has not been offered by the school administration. Their request for an alternative ethics course was rejected by the school administration on the grounds that without reaching the sufficient number of students and/or parents interested, they cannot provide ethics courses.

The applicants sent a letter to the Minister of Education stating that their child was faced with discrimination stemming from religious intolerance. As the response from the Ministry was parallel with the one of the school administration, the applicants applied to the Ombudsman and then sent a letter to the President of the Republic. In 2004, the third applicant; the student started secondary education where he has right to decide on whether to follow religious instruction or not. During his primary education, there had always been a straight line against the subject “religion/ethics” on the school report and this continued during his secondary education.

Before the ECtHR, the Government pleaded that the first two applicants; parents, were not victims in respect of their complaints under Articles 9 and 14 of the Convention but

that those issues concerned the rights of the third applicant, the pupil. The Court accepted the Government's argument and took into consideration the application of Mateusz Grzelak.

In declaring its decision, the Court made reference to the case law; cases regarding religious freedom.¹⁴³ The court determined that “the absence of a mark for “religion/ethics” on the successive school reports of the third applicant falls within the ambit of the negative aspect of freedom of thought, conscience and religion protected by Article 9 of the Convention as it may be read as showing his lack of religious affiliation” (paragraph 88). Therefore, the Court found that Article 14 taken in conjunction with Article 9 is applicable to the case. The Court concluded that there had been a violation of those Articles. For the application of the first two applicants on the violation of Article 2 of Protocol No.1, the Court decided that the complaints were ill-founded and must be rejected in accordance with Article 35 § 3 and 4 of the Convention. As a result, in 2010, the ECtHR unanimously declared that “the third applicant's complaint under the Article 14 taken in conjunction with Article 9 of the Convention about the absence of a mark on school reports was admissible” and that “the finding of a violation constitutes itself sufficient just satisfaction for non-pecuniary damage.”

This case highlights that even though the legal framework arranging the religion and ethics instructions in the country are promising, there are still complaints arising from

¹⁴³ Among the cases taken into consideration, there were: Leyla Şahin vs. Turkey, Alexandridis vs. Greece, Hasan and Eylem Zengin vs. Turkey.

practice. The judgment of the ECtHR which was concluded in favor of the applicant, Mateusz Grzelak, determined that the fact that no ethics class was organized and that the student got a straight line on the school report against the religion/ethics subject, constituted a violation of the Convention. Nonetheless, this judgment is worth analyzing from different scopes in order to shed light on the discussions revolving around the practice of religion/ethics instructions. In its judgment, the Constitutional Court determined that such discrimination that students faced because of not attending religion instruction does not seem to be resolved with further amendments in the legislation but with the consolidation of democracy in the country. The judgment which is parallel with this statement is criticized and the next part of the study elaborates those criticisms.

6.2.2 Third-Party Intervention to the Case of Grzelak vs. Poland

First of all, it should be noted that the judgment of the ECtHR on the case of Grzelak was disconcerting according to some parties involved, in the sense that the issues raised as well as the scope of the assessment did not seem to be reflected or replied in the final judgment. To put it in another way, it can be stated that the circumstances, the related legal documents and the domestic legislation were covered extensively in the document prepared for the case but the judgment was only directed to the situation of the applicant and seemed to lack general statements about the conduct of religion/ethics courses in Poland. Although *de jure* and *de facto* compliances of the religion/ethics courses were

widely discussed, no further comments and statements were made in the final judgment. It seems obvious that there has been a debate about the practice of religion and ethics courses during the trials, so that the conduct of religion/ethics instructions is evaluated in detail by the Court. Nonetheless, the Court did not foresee a legal or structural change for the religion/ethics courses in the country.

With this question in mind, one of the lawyers of the Helsinki Foundation for Human Rights (HFHR), Dr. Dorota Pudzianowska¹⁴⁴ who intervened to Grzelak case as the third party in 2007, was interviewed.¹⁴⁵ The lawyers of the HFHR prepared a document concerning their comments on the case and the legal and the practical situation of religion/ethics courses in the country¹⁴⁶. The Court took into account their comments in its final decision.

Starting from this last remark, Dr. Dorota Pudzianowska was requested to comment on the final judgment of the Court on the Grzelak case; it was inquired whether she perceived any disproportionality in terms of the scope of the judgment and the final

¹⁴⁴ Helsinki Foundation for Human Rights is a non-governmental organization established in 1989 by members of the Helsinki Committee in Poland, in order to promote human rights and rule of law in Poland as well as to contribute to the development of an open society in Poland. One of the activities of HFHR includes legal actions undertaken in the public interest, including the representation of parties and preparation of legal submissions to national and international courts and tribunals. The aim of such submissions is to influence the process of changing laws and practices that are found contrary to human rights. For further information about HFHR please visit: <http://humanrightshouse.org/Articles/5426.html>

¹⁴⁵ Dr. Dorota Pudzianowska was interviewed on 12th of November, 2012. She is one of the four lawyers (Dorota Pudzianowska, Adam Bodnar, Viola Vogel and Artur Bednarski) who prepared the written comments on the Grzelak Case on behalf of HFHR. Dr. Pudzianowska is Assistant Professor in the Department of Law in the University of Warsaw.

¹⁴⁶ Written Comments of the HFHR for the Grzelak vs. Poland (2007) was provided by Dr. Pudzianowska as soft copy right after the interview. This document was not published, only submitted to the Court.

verdict. Dr. Pudzianowska responded that given the scope of the judgment, it was expected that the final verdict would comprise general determinations about the status and the practice of religion/ethics courses in Poland. In her view, the final decision was disappointing in the sense that it fell short of providing adequate feedback on the issues widely raised in the context of the case and also highlighted by the HFHR. In their view, the Court missed to mention the obligation of Poland to make structural changes concerning the ethics instruction. Furthermore, Dr. Pudzianowska approved that there was an expectation from the Polish government to look for some solutions to fill the gaps in the law concerning religion and ethics courses. She stressed that after the judgment it is still the case that a very small number of schools provide ethics instruction in Poland mostly because of the threshold problem. However, the main argument of the lawyers of the HFHR is that the structural deficits in the law on religion and ethics instruction do constitute violation of Article 8 and Article 9 of the Convention.

In the document concerning the written comments of the HFHR, the statistics displayed the discrepancy between the numbers of students who attend religion course and the ones who attend ethics course. They refer to the data of the Ministry of Education: “out of 32,136 schools 27,500 schools organize religious instruction lessons (including all religions) (only 4,636 schools do not organize religious instruction lessons). Ethics is taught in only 334 schools. In public schools there are 21,370 teachers of religion and

only 412 ethics teachers (data for 2006/7)¹⁴⁷. Departing from this point, in the document they prepared for third party-intervention, the lawyers of the HFHR aimed to display that such a disparity between the religion and ethics courses is not basically dependent on the smaller number of parents and pupils who are interested in the ethics class. They suggest that the main reasons behind are the discriminatory provisions in the law and lack of adequate regulations concerning the organization of ethics courses (Written Comments of the HFHR, 2007: 4).

Among the discriminatory provisions they mainly deal are the threshold issue; the minimum number of students required to organize religion or ethics lessons in one class; that inter-class groups or inter-school groups is considered as an indirect discrimination of the religious or non-believer minorities (Written Comments of the HFHR, 2007: 4). They underline that an inter-school group for ethics course has never been organized in Warsaw (Written Comments of the HFHR, 2007: 6). So this application is not very widespread and when it comes to organizing religious instruction lessons for religious minorities, such inter-school groups are formed in an easier way. Dr. Pudzianowska commented on this specific issue by highlighting that the state does not attempt to provide the same opportunities for kids who want to attend ethics courses as the ones adhering to a minority religion. The position of Muslim students may shed light on this

¹⁴⁷ Data was provided on 28 August 2007 by the Information Office of Ministry of Education upon the request of HFHR to provide access to public information. Statistics can be found in the Written Comments of the HFHR for the Grzelak vs. Poland case. p. 4.

specific issue and we will come to that point in the part where we discuss religion education of minorities.

Another issue raised by the HFHR was the procedural deficiencies in arranging the teaching of ethics. The Ordinance is criticized for prioritizing the teaching of religion and mainly focusing on the adherents of the Catholic Church (Written Comments of the HFHR, 2007: 6). Dr. Pudizanowska emphasized the title of the Ordinance which is: “Ordinance of the Minister of Education on the organization of teaching religion in public kindergartens and schools,” and this makes it clear according to her view that ethics course is neglected even at the level of the title. Furthermore, the advocates pointed out the document they prepared that the pupils and parents were not informed about the curriculum of the ethics courses. It is not clear whether the wish of parents for their children to attend religion or ethics course should be made in a written or oral form of declaration (Written Comments of HFHR, 2007: 7). It is claimed that there is an ambiguity about when to make the declaration and to whom. These points are not clear in the Ordinance, according to the lawyers of the HFHR.

When it comes to the grades of religion/ethics course on the school report, the lawyers claimed that even though it is not obvious whether the student attended religion or ethics course on the school report, they highlighted that in the case where no ethics class is provided, students automatically get no grade or a straight line on the report which ipso facto display that the pupil did not attend religion course (Written Comments of the

HFHR, 2007: 8). This de facto obligation of attending religion course violates Article 9, in their view. Again, the advocates suggest that no grade on the school report implies non-attendance to the religion instruction, which means that the pupil and the parents are not Catholic. This indirect demonstration of religious conviction on a legal document also constitutes a violation of Article 8, according to the third party lawyers (Written Comments of the HFHR, 2007: 9).

In their third party intervention, the advocates of the HFHR tried to deal with the general framework of the laws and the organization of the religion/ethics courses and they stressed the deficiencies of the law and the obstacles generated by the lack of procedural arrangements. They mainly criticized both the legal documents arranging the practice of ethics courses and the discriminatory procedures. As Dr. Pudzianowska suggested, these comments directly called upon a systemic change where new and more concrete organization shall be made for the teaching of ethics at schools. Actually, this is the main reason of disappointment; Dr. Pudzianowska claimed, because in their view the final judgment of the Court in the case of Grzelak failed to address to the important issues which were raised especially in the third party intervention. No systemic change was suggested and the verdict only responded to the complaint of Mateusz Grzelak. In the final analysis, the judgment of the ECtHR and the judgments of Constitutional Court find no gap in the primary law as well as the Ordinance regulating religion/ethics instruction in the country and delineate that the current problems stem from the practice. The main opponent argument of the third party is that the malfunctioning of the system is

dependent on the ambiguity of the Ordinance especially in means of determining the procedures to be followed for organizing ethics classes. Therefore HFHR is seeking a legal amendment to clarify the organization of the ethics instruction at Polish schools in order to prevent discrimination. This view is shared by liberals and left-oriented part of the society whereas there are also opponents mainly from the more conservative side.

Despite the fact that religion education is not a highly debated issue in Poland in the recent years, the interviewees highlighted that the scope of the liberal attitude of the state in religion education of the minorities is much less problematic than the organization of ethics classes. Among interviewees, the ones who are more religious (Prof. Dr. hab. Piotr Mazurkiewicz¹⁴⁸ and Dr. Michal Gierycz¹⁴⁹ from the University of Cardinal Stefan Wyszyński) did not mention the problem of the ethics courses. Dr. Gierycz even stated that there are many schools where there is no religion course arranged but only ethics classes. However, people who are left-oriented or liberal (Dr. Dorota Pudzianowska, Mr. Konstanty Gebert and Ms. Agata Ladykowska) mentioned such problems. The liberals emphasized the arrangement for minority religions stating that they are not faced with the threshold problem which is an obstacle for ethics classes. It is indicated in the third-party intervention to the Grzelak case: “In case of religious instruction lessons, the minority religious denominations make sure that pupils are informed about the option of attending

¹⁴⁸ Prof. Dr. hab. Piotr Mazurkiewicz is a Priest and General Secretary of the Commission of the Conference of Bishops of the European Community. He was interviewed on November 13th, 2012 during the Conference: “Vaticanum II” held on November 13th-14th at Cardinal Stefan Wyszyński University by the Center of Thought for John Paul II.

¹⁴⁹ Dr. Michal Gierycz is Assistant Professor at Cardinal Stefan Wyszyński University, Institute of Political Science. He was interviewed on November 13th, 2012 during the Conference: “Vaticanum II” .

a given religious instruction lesson and, therefore, inter-school groups, which do not exist for ethics lessons, are established for minority religions.”¹⁵⁰ Even though contemporary Poland is a very homogenous society, it is important how the minority religious denominations are treated; what kind of alternatives they are provided and how all these are organized are important questions for the scope of this work. It is also worth investigating the situation of religious minorities in terms of their access to religion education in order to be able to make comparison with the current position of the ethics instruction in the country. Interviews were made with Muslim families and the religion instructors of Muslim religion, for this purpose.

6.2.3 The Position of Other Religious Denominations in Religion Courses in Poland: Turkish Muslim Students and their Families¹⁵¹

As already mentioned in the relevant parts, Polish society is contemporarily experiencing an ethnic and religious homogeneity for the first time in its history. The current situation can be summarized as follows:

...unlike the present-day Western countries, Poland has remained a virtually mono-religious and mono-cultural country ever since the World War II. The ethnic and religious minorities, which were integrated in a unique way in the era of Polish-Lithuanian Republic, now, following the Holocaust and the post-war

¹⁵⁰ “Information provided by Ms. Krystyna Kowalczyk, an official in Mazowieckie Kuratorium Oświaty” quoted in the third-party intervention by HFHR, the Written Comments, 2007, p. 6.

¹⁵¹ The framework for the position of religious minorities in the country and the selection of the interviewees were determined by the invaluable guidance of Prof. Dr. Yusuf Ziya Özcan, Turkish Ambassador to Poland.

frontier changes, make up very small proportion of society. On the other hand, Poland does not experience problems with any sizeable group of immigrants not integrated into the culture of their host country, bringing their religion and customs into the public sphere (Gierech and Dobrzynska, 2009: 183).

The interviews conducted more or less substantiated this statement. It is worth reminding here that there is no legal definition of “religious minority” and given that the majority of Polish society is Catholic, all the remaining adherents of other religions and denominations are considered to be minority (Rynkowski, 2008: 269). The religious communities in Poland are autonomous with their internal regulations and they only inform the state authorities about their internal affairs (Rynkowski, 2008: 270). As already mentioned, there are three options for the adherents of minority religions or other denominations in order to get religion instruction. For one, they can settle private schools as is the case for Jews for example. Secondly, if there is sufficient number of pupils of the same conviction and of the same age willing to be educated in their own faith, a religion class should be organized at the state school. Thirdly, parents can send their kids to the institutions where they can learn their religion outside ordinary school hours. During the interviews made with Muslim students of Turkish origin, it is observed that the third option was more frequently applied given the threshold condition of the first option and the absence of Muslim schools in Poland.

The interview with Prof. Dr. Yusuf Ziya Özcan¹⁵² constituted the framework of the research on the position of minority religious denominations in the country. The two subsequent interviews; with a group of Muslim students of Turkish origin, their parents and with the Imam and religion teacher of the Arab Mosque in Warsaw, were conducted to understand the practice of minority religion education in the country. Prof. Dr. Özcan shed light on the issue by stating that had always heard good things about the religious education of minorities in Poland since he became Ambassador in summer 2012. He claimed that Turkish families feel comfortable with the current practice in Poland concerning the religion education. Prof. Dr. Özcan underlined that Turkish pupils could go to the mosque upon the wish of their parents in order to get religion education and that the grade they obtained was inserted to the school sheet and counted. He stated that almost all Turkish families in Warsaw do the same thing and none of them complained about the system. On the contrary, Prof. Dr. Özcan emphasized that Turkish families are very happy with the system and they even argue that they raise their children more religious than the ones in Turkey. They are satisfied with the education their children get and the attitude of the school authorities. At this point, it was worth talking to pupils and their parents¹⁵³ whether they were faced with any kind of discrimination or isolation, or if they had difficulty in making school authorities approve the grade and let it appear on the school report.

¹⁵² Prof. Dr. Yusuf Ziya Özcan, Turkish Ambassador to Poland since July 2012. The interview was made on November 12th, 2012 at Turkish Embassy, Warsaw.

¹⁵³ With the aim of getting more information about the practice, Prof. Dr. Özcan kindly provided the opportunity to come together with Turkish families and the interview which was made in the form of discussion group was firstly conducted with the pupils and then, with their parents.

The group of pupils from different ages¹⁵⁴ and classes were queried about the practice of religion education outside of the school. Here, it should be reminded that in some schools a class can be arranged for Muslim students upon the wish of their parents and a secular Muslim teacher comes to school for the two-hour religion course. This practice is not very widespread since there is a minimum number required to open a class. Here, the point made by the lawyers of HFHR, third-party intervention to the case of Grzelak vs. Poland, is approved by parents and they stated that parents are well-informed at the beginning of the school year about the options for religion education and the process is much easier compared to organization of the ethics classes. However, the group which was interviewed consisted of pupils who were going to mosques (outside of the school) to get religion education. When they were asked about the process, they told that at the beginning of the school year, parents were asked whether they want their child to attend religion and/or ethics course. The parents make the choice; if they do not want their child to attend any of these, it is accepted and they do not need to declare, in other words, no negative declaration is necessitated. But due to the fact that the grade that pupils get from religion/ethics course is counted in the cumulative, both students and their parents prefer that their child attend one of these courses. Turkish Muslim families commonly choose religion course for their child and declare to the school authorities that the pupil will get the religion education outside of the school. After that point no strict control is applied. The Ministry of Education does not control the content of the courses Muslim students

¹⁵⁴ The group of Turkish students consisted of seven pupils, two girls and five boys. Five of them are attending primary school (six years), one is going to the secondary school (*gymnasium*, three years) and one to high school (*liceum*, three years). They were all born in Poland except for the older one; he came to Warsaw when he was two years old. All of the pupils speak Turkish fluently.

attend.¹⁵⁵ It is stated by parents that the grades given by the Imam of the mosques¹⁵⁶ approved by the Office of the Mufti directly appear on the school sheet and counted in the cumulative. The religion course that is taken outside of the schools (out of the regular school hours) shall be organized on Saturdays and no attendance is taken.

During the religion classes at school, these students are supervised by a teacher as it is clearly indicated in the Ordinance. What is remarkable here is that according to Turkish Muslim families, the school administration acts on good will and does its best to provide the best supervision. It is told that during these hours the teachers try to help pupils in the subjects they have difficulty. For example, a Turkish pupil who had difficulty in Polish was given lectures on that subject during the religion courses at school. Some school administrations seem to be renunciative whereas in some other schools those students who do not attend the religion course spend their time at libraries without adequate supervision, as it is argued to be the case for *Grzelak vs. Poland*. But the general sense is that both the Turkish pupils and their parents are satisfied with the attitude of the school authorities. The students also underlined that the number of Muslim Turkish students is so minor that it does not constitute a real problem for the system. Actually, this point might explain the relative ease of adherents of minority religions to get religion education compared to the students who would like to attend ethics course.

¹⁵⁵ The Ministry of Education does not supervise the Catholic religion courses either.

¹⁵⁶ In Warsaw, there are three different mosques approved by the Office of Mufti: the Arab Mosque, Fethullah Gülen Mosque, and Süleyman Hilmi Ünal Mosque. This was stated during the interview with the Turkish Muslim pupils.

When it comes to the visibility of religious symbols, the pupils state that except for the crucifix at the entrance of the school or in the classes at some schools; there are no such symbols. Some of the students claimed that in their schools crucifix necklaces are distributed to all the students except for adherents of other religious denominations. When they are asked whether such practices or just the fact that they do not attend religion course at school, which means ipso facto that they are not Catholic, cause any kind of discrimination or sense of “otherness” or leads to isolation, they all replied not at all.

Contrary to what was argued in the case of Grzelak, the pupils said that the religion course (for Catholic students) is not always arranged at the mid of the school day but that it can change according to the program in each semester. During these hours; two hours per week, they all say that they spend their time under the supervision of the teachers. They can play games, paint or just study. When they are queried about the total number of students in their schools who do not attend to religion course and spend time under the surveillance of the teacher they say there are maximum five students; for example from Madagascar, Ukraine, Romania. One student also claimed that Protestant and Orthodox students, one for each, do not attend religion course at school since only Catholicism is taught, and they spend those hours with pupils from other religious denominations under the surveillance of the teachers. So in the cases of those interviewees, none of the religious denominations reach the number of three in their schools, which is the minimum number to demand school administration to organize an inter-school group. But it should

be noted that the pupils interviewed did not complain at all about getting religion education at the mosque.

Turkish Muslim pupils who were interviewed commonly said that they like the time they spend at mosque. They go to mosque at the weekend, on Saturdays and they attend three-hour lecture where they are taught Arabic, Koran and the principles of Islam. After those hours they spend time in practicing. Some of them even state that they spend the whole day at mosque where they can also play games. The general sense that one gets is that there are no strict rules that would impose pressure on pupils. They mostly get high grades and as long as those grades are counted in the cumulative, the religion course they get at the mosque increases their cumulative.

During the interview it is questioned several times with different wordings whether they were faced discrimination from the side of their teacher and/or their schoolmates. The answer has always been the same; they repeated that they were not. They even underlined that the teachers are very thoughtful. One of the students exemplified the situation by stating that when they say that they are fasting during Ramadan, the teachers pay attention not to eat and drink when they are with Muslim students. It is declared that it is also the case for the followers of other convictions, for instance, one of the parents stated that there is a student in the class of his son whose parents are Jehovah's Witnesses. They have a more rigid stance against the practices that are done other times than the religion course, like coloring the Easter eggs. It is told that the wish of those parents was also

respected by the school authority and the student did not attend such activities. According to parents, such rituals do not aim at imposing the pupils the Catholic religion so they do not oppose their kids to attend. Moreover, it basically seems like the teachers simply do not want to exclude the children of different convictions. On the other hand, it is generally commented by Muslim parents that the Catholic religion is very visible in daily lives as well as at schools. Parents told that in each and every opening ceremony, you can see the priests at school. However, the public visibility of Catholic religion does not seem to bother Muslim families who were interviewed. As a general attitude, they are confident about their children's attachment to the Muslim faith and are comfortable with the education they receive. At the end of the day, from the side of the Muslim minorities who have an easy access to religion education is one part of the picture. For the other side of the coin, teachers of Muslim religion were questioned in order to have a more accurate understanding on the practice.

In line with the aim of evaluating the stance of the Polish state about the conduct of minority religion education as well as the practice of this education outside of the school, an interview was conducted with the Imam Nizar Sherif¹⁵⁷ and teacher Rashid who educate Muslim children in the Arab Mosque in Warsaw. They gave information about how they organize the content and the practice of the religion courses. Imam Nizar Sherif

¹⁵⁷ Imam Nizar Sherif is of Syrian origin but became a citizen of Poland. He had come to Poland in order to study when he was young and then he realized that there was a demand of Muslims for the teaching of Islam in Poland. He started to educate Muslim children in the Arab Mosque several years ago. There are other teachers in the Arab Mosque; for girls there are two female teachers and for boys there are Imam Nizar Sherif and teacher Rashid.

told these classes take place on Saturdays, at the mosque and that they teach for two hours and twenty minutes. As a principle, the students attend religious instruction at the mosque during the semester and when their formal schools are on holiday, they do not go to religion schools either. They teach Arabic, Koran and fundamentals of Islam as well as the practice. The number of hours and the content of the courses can vary from one school to the other; every school¹⁵⁸ has its own program. The content or the hours are not supervised by the Ministry of Education or another state institution. Given this autonomy, one of the main questions that should have been asked was about the funding of these mosques for providing such a service and Teacher Rashid who took part in our interview at the mosque said that there are few communities which fund these schools. Among these communities, he counted Islamic League and Islamic Union, and indicated that they sometimes supervise the instruction given and in some cases the school property (mosque or *mescit*) is the property of these communities. He added that there are also some Embassies which provide funding for those schools. Imam Sherif said that as they do not ask for funding from the state, the state does not have a control mechanism for those schools.

From a broader scope, the fact that the students of a minority religion have such an easy access to religion instruction did not necessarily imply that they did not face any kind of discrimination and this was overtly asked to Muslim pupils who were interviewed and the

¹⁵⁸ Imam Sherif mentioned that there are two other schools in Warsaw where Islamic religion is taught. Both of them are managed by female teachers; one Polish woman who was once Christian but then embraced Islam and the other one is Muslim and comes from Sudan. In one of the schools, they teach three hours and in the other five hours.

response was negative. It was also noteworthy to query the observations of religion teachers and Imam Sherif shared his personal experience when he was asked about the attitude of Polish people towards Muslims in the society. He said that he has been living in Poland for thirty years and he never felt offended. Actually, he was wearing religious clothes and stated that his wife is in hijab and that they were never attacked or even discriminated but rather they were respected every place they go. That is why, he said, Muslim pupils in Poland should not encounter big difficulties in attending religion schools outside, like the Arab Mosque.

As already mentioned, grading does not constitute a problem for minority religions; parents can bring the grade of the pupil to the school administration and it is automatically recorded on the school report. The grade is calculated toward the cumulative and this procedure is not different from the ones followed for Catholic pupils who attend religion class at school or the ones who take ethics instruction. For Muslim pupils, the grade they get outside of the school is approved by the Mufti and it is the case for other minority religions; in other words those grades are approved by the regional religious authorities before submitting to the school authority. Relying on the statements of Muslim families who were interviewed, it can be deduced that religious minorities are not encountering remarkable obstacles in practice.

The religion education of minorities was very remarkable in the sense that Poland, which is a country known for its high level of religiosity, provides that much facility for

adherents of other convictions than Catholicism. During the communist rule, most of the churches and religious denominations were under state control and their functioning was limited by the National Security Agency.¹⁵⁹ But given that after the World War II society became very homogenous, there was no need for excessive control on religious denominations in the country. In addition, as it has been stressed several times as self-perception, toleration of different convictions is a historical tradition in Poland. Although the Roman Catholic Church dominates in many fields like social life or politics, the experience of Turkish families living in Poland sheds light on the principles of tolerance and respect in the field of minority religion education. Here, it is noteworthy to state that minorities in Poland are very small in number and therefore they do not necessarily constitute a threat for the Polish nation. At this point, a reference should be made to the discussion raised in the previous part about relative tolerance to the “other” and pressure on “us” to comply with the societal norms. When the experiences of the interviewees that will be dealt in detail in the following parts are put on one side and the affirmations of the Turkish students and parents on the other, it could be observed that being Polish is tightly associated with Catholicism and that this is the main source of perceived pressure on Polish people in means of religious affiliation. Relative tolerance to Turkish Muslim students might be rooted in different dynamics and it should be explored attentively. To decide on whether or not Europeanization had an impact on this tolerance, maybe one should first recall the position of the Catholic Church in the accession process of Poland

¹⁵⁹ The statistical data about religious denominations in Poland are widely given in: Elzbieta Bilaska-Wodecka. 2009. “Secularization and Sacralization. New polarization of the Polish religious landscape in the context of globalization and European integration,” *Geographica* (1-2), pp.3-18.

and the current stance of religious leaders about the EU membership in relation to state-religion relations and religion education.

6.3 The Role of the Catholic Church in Polish Identity, Policy-making and Religion Education

Poland in general terms is recognized with its strong ties with the Catholic Church. In the Polish context, national and religious identities are characterized by a sense of belonging to Polishness and Catholicism (Borowik, 2002: 240). Due to this character, *Polonia semper fidelis*¹⁶⁰ worked as a motivation behind the strong ties between church and state. Depending on the magnitude of relations between church and state, this fidelity showed up occasionally as militancy or tolerance (Casanova, 1994: 92). In the ‘republic of nobles’ (between 1569 and 1795) which implies the reign of the *szlachta*, the country experienced frustration of both centralized absolutism of the state and the identification of church and state. Although this period had weakened the position of the Catholic Church given the popularity of Protestantism among the *szlachta*, it enhanced the environment of religious toleration in the country. This is noteworthy since the principle of religious tolerance could coexist with the strong presence of the Catholic Church in the following centuries.

¹⁶⁰ *Semper fidelis* is Latin for "always faithful" or "always loyal". The term is used to identify Polish nation's fidelity to Catholic faith. See Jose Casanova, "Poland: From Church of the Nation to Civil Society," in *Public Religions in the Modern World*, p. 92.

This kind of national identity strongly tied with the religious identity was definitely rooted in historical circumstances, especially the partitions that devastated Polish nationhood for more than a century so that the political enemies were labeled with their religious alien-ness (Borowik, 2002: 240). Nonetheless, during the years of partition, the Church lost its autonomy and influence it used to exert, given that Catholic Austria, Protestant Prussia and Orthodox Russia tried to convert Churches on their lands as the instruments of their policies (Kloczowski, 2000: 191). Therefore, there have been times where Poland was 40 percent non-Catholic and included large Lutheran and Jewish communities (Demerath III, 2000: 128). Nonetheless, Catholic religion was strengthened by turning its focus on resistance to the conquerors and in that sense those partitions served the identification of Church and nation together, since the Church was perceived as the only institution capable of confronting the division (Casanova, 1994: 92).

In the nineteenth century, a new Polish civil religion arose from the mixture of Catholicism, romantic nationalism and Slavic messianism (Casanova, 1994: 92). When industrialization started to spread all over the world, most of the capital was accumulated in foreign hands in Poland thus the church has not been perceived as the as a source of capitalist exploitation (Casanova, 1994: 93). As a consequence, the workers in Poland have neither been de-Christianized nor denationalized (Casanova, 1994: 93). However, after World War I, for a short period of time the Catholic Church lost its popularity as the nation gained its independence. Under the influence of Enlightenment and Marxist critiques of religion, Polish exceptionalism was interrupted (Borowik, 2002: 240). The

exceptionalism reappeared with the outbreak of the Second World War as the Catholic Church became an actor in political opposition.

In the period from World War II to the collapse of the communist regime in Poland (1945-1989), the position of the Catholic Church could not be repaired that easily. Each and every time where the role of the Church was confined, the Catholic Church passed the test with remarkable success. Despite the secularist policies pursued by Gierek, especially in the economic field, the country has not ended up with an overall secularization as has been the case in the West (Casanova, 1994: 96). Even though religion could not be marginalized to the private sphere as aimed by the communist rule, many restrictions have been exerted on the Catholic Church. As a matter of fact, “the church had won the war of secularization as well as all the main battles” including the control of religious education, each time when there has been a confrontation between church and state (Casanova, 1994: 96). This undoubtedly enhanced the strength and prestige of the Church. Especially in the 1980s, the Church exercised extra-religious activities by taking an active role as defender of human rights, and a legitimizing power for resistance against the national political authorities (Borowik, 2002: 241). Furthermore, during the martial law in 1981, where the activists of Solidarity were imprisoned, the Church became the symbol of freedom and acted as the shelter for political transparency (Borowik, 2002: 241). The Church even became the source of hope for freedom and democratization of the country.

The level of religiosity of society increased under the communist regime in Poland to the contrary of expectations of sociologists of religion (Casanova, 1994: 96). The general perception among Poles was that the Church worked in the public interest (Borowik, 2002: 242). As a matter of fact, during that period, a change in the position of the Catholic Church can be observed; it quitted its defensive stance and “became heavily involved in promoting recognition of its own past role in Poles’ struggle for independence” with specific reference to the partition era (Ramet, 2006: 120). The Church began to act as a third force which was apart from both the regime and Solidarity, and extended its area of influence by promoting cultural activities that would enhance Polish culture (Ramet, 2006: 121). In that sense, the Communist era has witnessed the Church gaining both institutional and popular recognition.

From the perspective Mr. Piotr Kazmierkiewicz,¹⁶¹ who was interviewed in Warsaw, starting with the 1960s where Polish people, even the secularist intellectuals started to feel closer to the Church and indicated that by the mid-1970s; the Church became a refuge for the whole society. According to his observation, it is noteworthy that religious education at schools was partly available until 1960, even under the Communist regime. As a matter of fact, under the Communist rule, “the Catholic Church, in spite of numerous abridgements, enjoyed some level of autonomy, especially in comparison with other countries under Soviet domination. For example, in communist Poland, until 1961, religious classes were not excluded from public schools” (Daniel, 1995: 403). He

¹⁶¹ Mr. Piotr Kazmierkiewicz is researcher at the Institute of Public Affairs, Warsaw.

mentioned that the shift came around 1990, when the Church reasserted its priorities; like return of property that was taken away by the communist rule and like the return of religious education into schools. After signing the Concordat, the official diplomatic agreement, the return and compensation of the Church property, return of religious courses to schools and a compromise about the abortion issue (limited abortion) were regulated. Mr. Kazmierkiewicz highlighted that when the consensus within the Solidarity had been broken down, the secularist intellectuals in the country became alarmed because of the return of the Church into the public sphere. Actually, this has been an opportunity for the Catholic Church to remind its presence and significance for the Polish nation and this fact has been displayed by the opinion polls made in 1989: the Church was trusted by 87 percent of Poles; which is followed by 70 percent for the army, 68 percent for the government and 66 percent for Solidarity (Ramet, 2006: 121). What is more, the Catholic Church did not only gather practicing Catholics but skeptical intellectuals and non-believers as well (Daniel, 1995: 404). At the edge of a new term for Poland, the Church seems to have restored trust so that it held its strong position in the country. Thus it can be stated that what gave Polish Catholicism its exceptional position are its militant as well as reconciliatory characters that it maintained throughout centuries.

With the fall of Communism, the Catholic Church that had secured its position in society started to work on increasing its influence in social affairs. Among its priorities, the introduction of religious education to schools, a total ban on abortion and the Concordat have been prominent. Given such interferences of the Catholic Church to the state

policies opened up the discussions about secularization of the state. The attempts of the Church to intervene in the constitution-making have been already depicted and its interference to the EU membership where we can observe the contemporary impact of the Catholic Church, is going to be evaluated in the following part.

6.3.1 The Impact of the Catholic Church and Other Historical Factors on Poland's Relatively Easy Membership to the EU

In 1989, right after the abolishment of the Communist regime, diplomatic relations between Poland and the European Community (EC) were initiated and in the same year, an agreement on trade and economic cooperation was signed. Next year, Poland submitted its official application to the EC to initiate an association agreement and in 1991 the EC and Poland signed the European Agreement (EA).¹⁶² The agreement was ratified by the Polish Parliament in 1992 and went into force in 1994. This created the legal framework according to which Poland was going to determine its internal reform program. The agreement also determined the principles of multilateral cooperation in economic, political and cultural terms (Öniş, 2004: 489). In that period, the European

¹⁶² Commission of the European Communities, 1997, *Agenda 2000 – Commission Opinion on Poland's Application for Membership of the European Union*, p. 8. For detailed information please visit: http://ec.europa.eu/enlargement/archives/pdf/dwn/opinions/poland/po-op_en.pdf

Union mainly supported the economy of Poland by giving technical assistance and financing, with the program of PHARE.¹⁶³

In the year of 1993, the Copenhagen Summit was a milestone given that the political and economic criteria for membership were prescribed. Poland applied to the EU for membership in 1994, and one year later the Council of Ministers decided to implement the procedure. The Accession Negotiations were initiated in 1998 and were conducted in accordance with the “Strategy for Poland” that had been created in 1994 (Öniş, 2004: 489). The negotiations were conducted between 1998 and 2004 with a relative ease. No major controversy was raised in the progress reports; on the contrary, the reforms which were expected to be realized and indicated in Agenda 2000 were accomplished. The accession negotiations with Poland were successfully concluded on 13 December 2002 and the Treaty of Accession was signed on 16 April 2003. In a referendum held on 7-8 June 2003 in Poland,¹⁶⁴ a majority of Poles expressed their support for membership of the European Union. Following ratification of the Treaty of Accession, Poland joined the EU on 1 May 2004.¹⁶⁵

As a matter of fact, there were people who opposed to membership for different reasons.

Among the prominent concerns of Europhobes in Poland, we can enumerate firstly the

¹⁶³ PHARE: Poland and Hungary Assistance for Restructuring of the Economy.

¹⁶⁴ More than 59 percent of Poles took part of the referendum and 78 percent of the participants voted in favor of the accession. For more information please see: Sabrina P. Ramet. 2006. “Thy will be done: the Catholic Church and politics in Poland since 1989,” p. 141-2.

¹⁶⁵ Comprehensive Monitoring Report on Poland’s Preparations for Membership: http://ec.europa.eu/enlargement/archives/pdf/key_documents/2003/cmr_pl_final_en.pdf

communist ideology that was opposed to integration with capitalist Europe. Secondly, nationalist concerns, which are more or less common in most of the countries that are seeking membership, which primarily derive from the fear of loss of sovereignty. Thirdly, given the historical background of Poland, German expansionism was still considered as a potential threat. Lastly, the Catholic Europhobes were mainly concerned with the loss of religious identity in the case of integration with the EU given the secular character of Europe (Casanova, 2006: 69). Actually the religious concerns of the Catholic Europhobes were tightly associated with the position of the Catholic Church on this matter.

The attitude of Polish bishops and clergy, which was ambiguous if not negative in the second half of the 1990s, turned to be positive most probably because of the fact that the Catholic Church wanted to be decisive in defining European values (Ramet, 2006: 137). The positive attitude of the Catholic Church in Poland's membership to the EU greatly influenced society and created an overall support for the accession process. Obviously, Poles had concerns about the membership since they were afraid of losing their deep ties with national identity and most remarkably, with Catholicism. Those concerns were alleviated by most trusted religious leaders who subsequently paid visits to Poland in the late 1990s. Likewise, the visit of Polish Cardinal Jozef Glemp and other bishops to Brussels in 1997 and their useful contacts with the European Commission worked as an agent for stronger ties (Bilska-Wodecka, 2009: 12). Another important step was the decision of Archbishop Henryk Muszynski to attend the Commission of Bishops'

Conferences of the European Union (COMECE)¹⁶⁶ as an observer (Bilska-Wodecka, 2009: 12). As a further move, Cardinal Jozef Glemp met the EU Commissioner for the EU Enlargement in Brussels and after that meeting, the Cardinal was totally convinced that the membership of Poland to the EU was a “historical necessity” (Bilska-Wodecka, 2009: 13). The concrete step was taken by Polish bishops in November 2001, in a meeting where they decided to issue a communiqué indicating their support for the integration of Poland to the EU.

With that motivation, the Polish episcopate issued the first official document on Poland’s potential membership to the EU in 2002 and stated that “the Church regards the EU as a community of the spirit” (Ramet, 2006: 139). However, a few months later the European Parliament called member countries as well as the candidates to legalize abortion with a non-binding appeal (Ramet, 2006: 139). This was in very line with the concerns of Catholic Europhobes and made them think that Europeanization would undermine Polish values (Ramet, 2006: 139).¹⁶⁷ Although this development caused resentment, the Church

¹⁶⁶ Commission of the Bishops' Conferences of the European Community (COMECE) is an organization of Roman Catholic bishops in Europe to examine European Union (EU) policy and legislation from a Catholic perspective. COMECE is made up of bishops delegated by the 24 Catholic [bishops' conferences](#) of the European Union and has a permanent Secretariat in [Brussels](#). It was launched on 3 March 1980. The objectives of COMECE are: to monitor and analyze the political process of the European Union, to inform and raise awareness within the Church of the development of EU policy and legislation, to maintain a regular Dialogue with the EU Institutions (European Commission, Council of Ministers and European Parliament) through annual Summit meetings of religious leaders, Dialogue Seminars, various Conferences and by taking part in Consultations launched by the European Commission, to promote reflection, based on the Church's social teaching, on the challenges facing a united Europe. COMECE is funded by the Bishops' Conferences of the European Union. For more information about COMECE please visit their website: <http://www.comece.org/site/en/home?ts=0.067939001389831835>

¹⁶⁷ Polish Archbishop of the time; Archbishop Muszynski demanded to insert a clause to the EU constitution guaranteeing that no interference would be made to Poland about the regulations of abortion but the government rejected to open abortion issue to discussion. Only Ireland and Malta put special clauses to

did not give up its motivation for membership. The main idea was that if Poland would become part of the EU, it would “restore Europe for Christianity” (Casanova, 2006: 69). To put it in a more concrete way, the rationale behind was a Europe-wide evangelizing which would even show that secularization thesis was wrong: “Let *Polonia semper fidelis* keep faith with its Catholic identity and tradition while succeeding in its integration into Europe, thus becoming a ‘normal’ European country” (Casanova, 2006: 70). When the efforts of Poland for an explicit reference to Christianity in the Preamble of the EU Constitution are evaluated, one can realize the commitment to the “great apostolic assignment.” Nonetheless, no reference was made to Christianity in the preamble but this did not prevent Polish religious leaders to support the EU membership.

Here, it should be noted the great influence of Pope John Paul II in Poland’s membership to the EU. His support can be considered as the main reason for Polish Europhobes to calm down. John Paul II considered Poland’s membership as an occasion for defining the future of Europe in relation to its Christian roots: “Europe of the future could be identified with Europe of the past, which appeared on the stage of history thanks to Christianity” (Ramet, 2006: 137). Therefore, the decisiveness of religious leaders¹⁶⁸ in Poland, the Pope John Paul II being the prominent figure, led to the defining of Poland’s future within Europe.

their accession treaties for the safeguard of proscription of abortion. See : Sabrina P.Ramet. 2006. “Thy will be done: the Catholic Church and politics in Poland since 1989,” p. 140.

¹⁶⁸ Jozef Cardinal Glemp (1928-2013) was a Polish Cardinal of the Roman Catholic Church. He was Archbishop of Warsaw from 1981 to 2006 and primate of Poland. He greatly supported Poland’s EU membership. Bishop Tadeusz Pieronek (1934-) was the executive secretary of the Episcopal Council of Poland until 1998. He supported the EU membership of Poland

The positive attitude of the Church has been an important reason for the willingness of Polish people for the EU membership. However, there were other factors stemming from the very characteristics of Polish society that caused Poland's relative ease in its integration with the EU. Regarding the reforms made in compliance with the EU accession which went parallel with the modernization of the country, the first important feature to be highlighted is the homogeneous character of the society. This ethnic homogeneity has its underpinnings in the historical legacy of the country which has been delineated above. To be more specific, minorities account for only 1,3 percent of Poland's population which constitutes a small number (Ramet, 2006: 118). That is why neither national minorities nor other religious communities than Catholicism have been a major area of controversy in the country.

Furthermore, civil society in the country has been so unified and powerful that the commitment of the reformist elites for EU membership could end up with a widespread mobilization from below (Casanova, 2006: 70). In a sense, the homogeneity of society and the absence of religious and ethnic conflicts as well as the strong commitment of elites for EU membership have been the determining factors in relative ease of Polish membership. Here it should also be noted that a return to the old regime was no more an alternative for Polish people given their communist past and this might be the strongest factor why they have perceived integration to the EU as the "only game in town." This is

why the process of embracing the EU norms continued even after the EU membership and the collective learning has undergone.¹⁶⁹

In light of these evaluations, it can be stated that factors stemming from the historical legacy of Poland have eased the integration process and made the country receptive of further Europeanization. The presence of strong and committed reformist elites, the capacity of mobilizing from below; which implies an influential civil society and the Church, which is able to guide Polish society in the direction it determines, combined with the eagerness for membership -though different reasons- became facilitating factors for the integration with the EU. That is why Poland is faced with less adaptational pressures during its membership (Öniş: 2004:481). From the scope of Europeanization theories, the presence of all these elements makes it easier to embrace European norms.

6.3.2 Contemporary Politics in Poland: Debates on State-Religion Relations and Religion Education

The main discussions on state-religion relations revolve around limited number of issues and religion education is not currently on top of the agenda. According to the observation

¹⁶⁹ Among many initiatives, “Institute of Public Affairs” (IPA) is a leading Polish think tank and an independent centre for policy research and analysis, established in 1995. Their mission is to contribute to public debate on key Polish, European and global policy issues. The main areas of study include European policy, social policy, civil society, migration and development policy as well as law and democratic institutions. For more information please see: <http://isp.org.pl/>

of Turkish families in Poland, one of the recent debates on state-religion relations was about the pulling crucifix out of the schools; a similar debate took place about removing it from the Parliament. Liberals are for removing religious symbols from public spaces. Another important issue is about the funding of the Catholic Church. Turkish parents talked about their observations by stating that donations are collected in the name of the Church but it is done in a way that is based on the manifestation of who made the donation and who did not. This is done overtly, it is argued, people who collect the donation puts a mark on the door of the houses which give money. This is actually a way of displaying who is “religious” and who is not. Turkish parents think that this exerts pressure on Polish people. All the Turkish people who were interviewed claimed that the religiosity of Poles is exaggerated and the young generation is becoming less and less religious. According to the observations of Turkish people who were interviewed, church attendance is remarkably decreasing.

This observation is also supported by empirical data: “95 percent of Poles identify themselves as Catholic; but only 41 percent attend Sunday Mass regularly. In the big cities of Warsaw and Krakow, only about 20 percent attend Mass regularly on Sundays, according to the Institute of Statistics of the Church” (Slackman, 2010). This situation of the self-definition of Poles as Catholic but not attending church is interpreted as “the lack of effective church leadership against the secular tide” (Slackman, 2010).

Mr. Kazmierkiewicz determined the period between 1993 and 2005 as an interesting term where there had been first, a left-wing prime minister and government, then in 1995 a president; Alexander Kwasniewski, who was an atheist was elected. The strategy of post-Communists was to legitimize themselves in a conservative society, so the value-laden questions were left aside. This is a great discussion in the left wing nowadays because some argue that the changes would have occurred in Poland much earlier without those compromises. 2005 is a breaking point according to Mr. Kazmierkiewicz because a right-wing party came into power and has been trying to undertake the fundamental reforms of the state and it attempted to bring a more conservative agenda, for instance in the field of education. For example during the time of Roman Giertych,¹⁷⁰ uniforms for students were introduced and the government exerted greater control over teenage crimes. Mr. Kazmierkiewicz analyzed the political parties by emphasizing the diversification within the conservative movement; one part became pro-European (the Civic Platform) whereas the other part (the Law and Justice) became more and more nationalist more concerned with sovereignty. According to his view, it is interesting that the whole debate is going on among right-wing parties. He stated that he would consider Law and Justice as social democratic in economic terms but conservative in religious matters and the Civic Platform more liberal in value-laden social issues; for instance they would allow in vitro, settling gay partnerships and they are also more open to European integration but for the moment they would not go against the Church. On the other hand, according to a

¹⁷⁰ [Roman Giertych](#) was Minister of Education for the term 2006-2007

conservative point of view¹⁷¹ the Civic Platform, the party in the government is gradually detaching from its central rightist position and shifting to a more liberal stance which alienated the party from the Church. Its recent policies are much more in line with the leftist view.

Mr. Kazmierkiewicz highlighted that 2004 was crucial for the liberals and left-wing political parties because the decision to join to the EU was also a social mandate to change this consensus which was drafted in the mid-1990s. It is said that the Polish society became much more liberal than the political system itself which was in place. A remarkable explanation for the current political atmosphere was to refer to the economic environment of the country. According to Mr. Kazmierkiewicz, Poland was experiencing an economic growth in the last five years and the economic questions are not divisive issues among the parties and that is why many more social issues are now on the table. The crucial question here is the place of the Catholic Church; given that 95 percent of the believers in Poland are Catholic and the Church has a historical role recognized in the public space. According to his observation, politicians are not willing to put these value-laden issues to discussion. Mr. Kazmierkiewicz stated:

The debate over the education has been usually about technicalities rather. There was nobody except for 10 to 15 percent of the voters who would want to see religion out of the public schools system, but there is a question: Should it be counted towards obligatory grade, how much do students have access to optional to religion classes of ethics. If we have obligatory grade in religion which some people believe is one of the easy courses so you could easily get an (A) and so all

¹⁷¹ Pawel Gierech, from the Centre of Thought for John Paul II, who is a sociologist and mainly focusing on the sociology of religion gave information about the current politics in Poland, at the Conference of Vaticanum II.

the students abstaining should have an option to go to ethics classes. Another question is how much should the teaching of religion be in the hands of the Church or how much should it be religious studies, which would show different belief systems.

These statements about the religion education display that except for a more liberal, left-oriented part of the society, there is a general consensus about the religion instruction at public schools. The main concern is about the conduct of these courses as well as the ethics instruction. According to Mr. Kazmierkiewicz, from a general outlook the contemporary issues are mostly dependent on the domestic agenda of the country rather than the direct impact of the EU membership.

Even though Mr. Kazmierkiewicz made some references to religious education issue while describing the general atmosphere in the country, it seems that this is not among the most controversial issues. He was specifically asked to comment about why religious education is not on the political agenda; whether the issue is unproblematic or whether there are other social issues that are more important. He stated that he has a more cynical view about the political environment in Poland which says that politicians are basically preoccupied with the ratings. So the groups that tried to raise these issues declined and that is why the two dominant parties, the Civic Platform and the Law and Justice are still fighting over the middle ground. He added that the Palikot Movement was not able to move the discourse far to the left. It is also important to take into account the religiosity of the Poles; “they are more conventionally Church-goers and they are very much convenient looking people,” Mr. Kazmierkiewicz said that it is that simple as parents are

comfortable with their children learning religion at school without the need of any further effort. According to his opinion, the big parties do not want to raise this issue because they do not want to cause tension within society. As a matter of fact, it was very clear with the vote on abortion law which took place last month Donald Tusk (the party leader of the Civic Platform) lost control over his own party because this issue was brought. “In the times of crisis it is not a good idea to multiply the issues,” he added.

The main concern of the Church is financing system right now, so Mr. Kazmierkiewicz reaffirmed that it does not make sense to add another issue on the agenda. The government is currently trying to change the financing system from the one which they have a lump sum donation from the state to basically a tax deduction. The problem is the concern that the number of people going to Church is much lower and they will be paying less as there is a general problem of collecting taxes. He explains that the left side is usually against religion education in school on the grounds that Polish people are paying out of state money for the salaries of the teachers. Nonetheless, it seems that the Church still has concerns about its authority in the social and moral affairs of the country.

On the left-side, one of the most influential opposition parties is Palikot Movement, which recently changed its name as Your Move.¹⁷² This party is mainly criticizing the privileged position and the interference of the Catholic Church in Polish politics and

¹⁷² The Palikot Movement changed the name of the party as Your Move on 7 October 2013. A related article concerning this alteration and the new members is available online at: <http://www.warsawvoice.pl/WVpage/pages/article.php/26063/news>

social life. The assistant to the MP Robert Biedron from Your Move, Ms. Paulina Wawrzyńczyk¹⁷³ was interviewed to understand the position of the party and their agenda about religious issues. As the main stance of Your Movement is based on embracing European values and diminishing Church authority in Poland, she attracted attention to a controversial issue raised during the signing the Council of Europe Convention on Combating Violence Against Women. The Church was against the signing of this Convention because they mainly argued that Polish law already had "enough tools for resisting instances of violence, including aggression, toward women".¹⁷⁴ The Church always assigned itself the guardianship of societal norms and among them; the protection of women is of great importance. Polish Bishops argued that no international agreement can protect Polish women better than the Church does. They criticized the government for not taking into account the views of Bishops and not making any reservations while signing the Convention. The ratification of the Council of Europe Convention on combating against violence toward women is an important implication of Europeanization in means of complying with the European norms. That is why it is remarkable in the sense that the Catholic Church started to be concerned about its position and authority in Poland with regard to the ratification of international agreements concerning societal norms. This shows that when it comes to compliance with the

¹⁷³ Ms. Paulina Wawrzyńczyk is member of Your Movement, left-oriented political party in opposition since 2011 and she works as assistant to the MP Robert Biedron, the first openly homosexual member of the Parliament, from Your Movement. The party was founded in 2010 and got 10 percent votes in the general elections of October 2011. Ms. Wawrznczyk was interviewed on Skype.

¹⁷⁴ For a detailed investigation of the discussion please see:
<http://www.thenews.pl/1/9/Artykul/112369.Poland-to-sign-Convention-on-violence-against-women>

European norms, the Catholic Church in Poland seems to have difficulties in digesting them.

It was repeated several times during the fieldwork that religion education was not anymore a controversial issue in Poland but two press articles¹⁷⁵ about the political debate on religion education, which were published recently, display that this subject needs consideration since it can be put on the agenda in the short term. One was published on April and the other one, just a few weeks ago. The first one was dealing with a new regulation on the framework of education plans that entered into force in September 2012, indicating what a student should learn on which education stage. The debate broke out in Spring 2012 by the main opposition party; the Law and Justice Party (right-wing) and second smaller party (Loyal Poland - Solidarna Polska). They accused the government for the new regulation leading to the exclusion of religion from schools and making it fee-paying courses financed by self-government. The government answered that it is not true - the new regulation only put the issues in order but most of them remained the same, i.e. religion like ethics, family life education and minorities languages still belonged to the second group of courses which are not obligatory but elective. Moreover, the financing was still going to be provided from the state budget. As it is written in the article published in Rzeczpospolita: “PiS chce posiedzenia komisji ws. religii”¹⁷⁶ there are two main regulations about religion at schools; the first is the one

¹⁷⁵ Dr. Adam Szymanski kindly helped to follow the media, the publications in Polish, for the discussions about the religious education in Poland. He translated the below mentioned articles.

¹⁷⁶ For the article (in Polish) published on 26 April 2012: <http://www.rp.pl/artykul/866390.html>

which is just mentioned and the other is about the religious education at schools that regulate practical issues like the number of hours and indicating that changes must be with consent of the bishop.

The second press article was published in the Polish Press Agency and newspaper "Gazeta Wyborcza."¹⁷⁷ It gave information that the Polish bishops wrote a letter in which they call for introduction of religion subject to the *matura*.¹⁷⁸ Bishops indicated that in a democratic country they have the right to call for this. Due to the introduction the religion subject into the *matura*, it would be equal with other subjects and would enable young people to develop more integrated vision of the world. The reason why this issue became a matter of discussion is that a new version of final examination for the secondary school is on the agenda for 2015, where the upcoming parliamentary elections will be held.

Dr. Szymanski¹⁷⁹ foresaw that the controversial issues between the Church and the state may be multiplied after a few years of silence in this area. He stated that religion instruction is among those issues given these recent developments and that this issue can become another hot issue on the political agenda, apart from *in vitro* and Church fund

¹⁷⁷ For the article (in Polish) published on 23 November 2012 in Gazeta Wyborcza :

http://wyborcza.pl/1,75478,12908849,Kosciol_chce_matury_z_religii_Episkopat_nie_odpusci_.html

¹⁷⁸ *Matura* is final examination in finishing secondary school; *lyceum*, which is the last stage before attending university in Poland

¹⁷⁹ Dr. Adam Szymanski is Assistant Professor in the Department of Political Science and Journalism in the University of Warsaw. He kindly helped and guided especially for the interviews conducted in Poland. Dr. Szymanski conducted a comparative research on Poland and Turkey and the meeting was held during his stay in Turkey, in İstanbul on October 12th, 2012.

issues, which can ignite the tension between the Church and government. According to his opinion, the government is currently trying to cut off or at least diminish the subsidies paid to the Church and eventually, the Church wants to strengthen its position in political affairs. Actually, the government party was a right-oriented one, which tried to stick to the norms of center-right. However, its policies started to liberalize and is now more inclined to the left as indicated by other interviewees.

Nonetheless, Dr. Szymanski gave the information that the government, Minister Michal Boni, co-chair of common Church-government commission said that it would be difficult to introduce religion as an exam subject from the legal point of view. According to Ms. Pudzianowska, such an act would violate the related articles of the Constitution. However, the problem of people who want to study theology at university must be solved but not by making religion an exam subject. It should be reminded that in Poland now the final exams in the secondary school are very important because with some exceptions, they are the basis for university admission.

In the article, they also gave the information that there had been such plans in 2006 and 2008. In 2008, the Church even offered the exam standards necessary for the introduction of religion as an exam subject. According to the article, the current government does not have such an intention. As a matter of fact, there seems to be general consensus that the religion instruction is more about faith than knowledge and therefore cannot be included

in the exam. The opinion poll¹⁸⁰ conducted in 2008 displayed that a remarkable majority of Poles indicated that they are in favor of religion course to be taught at school with 66 percent yes votes against 31 percent no votes. However, when it comes to the grading of the religion course, the research showed that Poles are skeptical about including this mark to final school year average and allowing students to choose religion as a subject in the *matura*.

These very recent discussions about religion education at schools should be scrutinized very carefully to be able to make an accurate analysis on how state-religion relations are evolving. These developments may even provide an opportunity to comment on whether they are associated with general movements towards further liberalization and even secularization of the country. If so, then it should be followed up and examined very carefully in order to measure the impact of Europeanization since to focus only on the domestic politics may not present a comprehensive picture.

¹⁸⁰ Opinion poll was conducted by Public Opinion Research Center (Centrum Badania Opinii Społecznej) about the “Religion in the Education System.” The findings are available online at: http://www.cbos.pl/SPISKOM.POL/2008/K_136_08.PDF. The research is in Polish and was kindly translated by sociologist Pawel Gierech from Centre of Thought for John Paul II, Warsaw.

6.3.3 The Impact of the EU Membership and Europeanization on Poland's Domestic Affairs and Religion Instruction in Public Schools

In line with one of the main arguments of this chapter, it should be highlighted once more that the formation of the new state and Europeanization are the two parallel processes for Poland and it is difficult to differentiate the impacts of those processes on domestic politics and policy-making. The interview that was made with Prof. Dr. hab. Piotr Mazurkiewicz, who was the General Secretary of Commission of Bishops' Conferences of the European Union between March 2008 and November 2012, was very enlightening in the sense that he made the connection between state-religion relations with specific reference to religion education and Europeanization. Prof. Mazurkiewicz firstly underlined the primary law based on the Lisbon Treaty (Article 17-Chapter I) determining relations between the Churches, religions and the EU. He stated that the state-religion relations were organized under this Treaty and the main principle is the guarantee and the recognition of the status quo and national competence in member countries. That is why, he says, one should not expect a direct interference or activity infringing the state-religion relations in a member country. According to Prof. Mazurkiewicz, this is true to certain extent but there can be an indirect impact especially in the social sphere. For example, he highlighted the observation that after the accession which means in almost eight-years time, around two million Poles moved to Western European countries to work and this affected how people start to think and behave also in religious matters and about the Church.

During another interview, Mr. Kazmierkiewicz made a similar point and stated that EU membership had no direct political impact but it led to an increase in income and provided greater mobility. Both Prof. Mazurkiewicz and Mr. Kazmierkiewicz agreed that the EU membership had an indirect impact on religiosity of the Polish people. Mr. Kazmierkiewicz compared religiosity of Poland with Turkey and argued that Poland might be much less religious than Turkey. He explained the reason with the huge emigration; according to his view, in the countryside traditions are being eliminated day-by-day because of high rates of emigration. So, the breakup of social ties, which has been going on since the 1970s and has been accelerated by the European integration ended up with a decrease in religiosity, especially in the countryside. Therefore as an ultimate outcome, “as Poland becomes more tied to the rest of Europe, its inevitable secularization has itself become an article of faith, at least for those who view progress as necessarily separate from piety” (Kulish, 2010). In that sense, the spirit of secularization can be considered among the impacts of Europeanization which took place mainly due to emigration of the young generation even though it is hard to observe a direct impact of this spirit on religion education at schools.

Another interviewee; Dr. Gierycz also made reference to the emigration of the young people while commenting on the decrease in religiosity in the recent years in Poland. The statistical data shows that there is a comparatively low church attendance: “In 1982, shortly after martial law was declared by the Communist government, 57 percent of church members celebrated Sunday Mass, according to the Catholic Church Statistics

Institute” and in 2008, four years after the EU membership, this number was 40 percent (Kulich, 2010). It is remarkable that Poles do accept the decrease in religiosity and they are searching for the reasons behind of the fall in church attendance. Therefore, it seems that the EU has an indirect influence on ethical issues, but they are again mostly left in the competence of the member states and tightly related with the historical and domestic dynamics.

When Prof. Mazurkiewicz was requested to comment about the impact of Europeanization and the religious education, he again highlighted the fact that there are no prescribed EU norms in this field but rather about professional education. He mentioned that the education is considered as a service from the EU side and services are in the competence of the EU; there is an EU law and policy which should be applied also in Poland. Prof. Mazurkiewicz exemplified that when we see a challenge with education for the Catholic Church like it has been the case for sexual education, it is organized still under the competence of the member state. He adds that we can see here again the indirect impact of the EU which comes under the form of advices, declarations; in the form of soft law. Another interviewee, Mr. Gebert also indicated that the EU does not infringe into the domestic affairs concerning belief and conscience and leave those issues to domestic jurisdictions of the member states, what the EU tries to prevent is the discrimination on the basis of religion which can be clearly seen in the case of abortion that were brought before the ECtHR.

For the religious education on the other hand, Prof. Mazurkiewicz reminded that there are no EU level norms or laws that member states have to comply. He stated that religion education is also organized under domestic competence. When we look at the Polish law, it describes the relationship between the Church and civil authorities concerning religious education in the country. Teachers of religion education must comply with the same criteria with other teachers so in a sense religious competence is checked by the Church and secular competence by the Ministry. Prof. Mazurkiewicz claims that the issues of non-discrimination and equal treatment are more related to the EU context; for example, the employment of the teachers should not be based on their convictions. There had also been some discussions in Poland about the Catholic teaching on sexuality but the official Catholic teaching, which is grounded in the Bible and in the catechesis,¹⁸¹ is determinant.

Prof. Mazurkiewicz was also inquired on religious tolerance in relation with the position of other denominations in Poland and their opportunities to get the religion education according to their convictions. He mentioned that it was rooted in the Polish history rather than the country's EU membership. He first made emphasis on the religious homogeneity of the society, which is an outcome of World War II, and stated that in its history Poland has never been homogenous until today. He also referred to the Polish Commonwealth in order to highlight that Poland was the first country to make reference to religious tolerance in its constitution in the Western world and that this principle has become a state tradition.

¹⁸¹ Catechesis is basic Christian education of children and adult .

Contemporarily, in the Polish Constitution it is indicated the notion of “proportional equality”, meaning that the state should treat equally all churches and other denominations, which also imply that all religions have the same right and opportunity to organize religious education at schools. But in practice, he purported, it gives different results because of the different proportions of the religious communities. Prof. Mazurkiewicz related the religious tolerance to the state tradition which was mainly gained during the Polish-Lithuanian Commonwealth which he defined as the union and the contract of the nations. According to his view, as this tradition is still alive, Poles did not have difficulty in integrating with the EU.

As a consequence, the general sense that one gets is that the organization of religion education and the related practices (like religious instruction of other denominations) are mostly dependent on the historical underpinnings rather than the direct impact of Europeanization. EU membership had an indirect impact combined with the traditions and historical specificities of Poland on the arrangement of religion instruction in the country. That could be explained with the sociological institutionalism approach of Europeanization theories which purports that in some countries Europeanization occurs through collective social learning so that it is difficult to observe a direct effect.

CHAPTER 7

CONCLUSION

In examining the impact of Europeanization on religious education, the Polish and Turkish cases constituted two opposing examples in terms of experiencing this process. Not only for the field of religious education but also from a broader perspective; in terms of state-religion relations, the paths followed by the two countries in the Europeanization course differ from each other to a great extent. In this study, the relevant historical and legal contexts were investigated for both cases and substantiated with the field surveys which also aimed at portraying the contemporary situation in these countries in terms of religious education. This dissertation aimed to explain the altering ways in which Poland and Turkey responded to the impact of Europeanization. The different attitudes of these countries comprised good instances of the two approaches of the Europeanization theory which are rationalist institutionalist account and sociological institutionalism.

The study displayed that the influence of Europeanization on the conduct of religious education in Poland can be best explained by the sociological institutionalist account of

the theory whereas rationalist institutionalism is the most adequate approach to elucidate the case of Turkey. It can be stated that the domestic change occurred in Turkey under the impact of Europeanization has taken place in conformity with the “logic of consequentialism” whereas for Poland it has been the “logic of appropriateness.” In other words, the rational actors in Turkey shaped their policies by calculating the outcomes; they intended to benefit from the process as much as they can. For example, Turkish actors legitimized their domestic policies by making reference to the relevant European norms. When it comes to Poland, actors who behaved in accordance with the logic of appropriateness took into consideration European values while determining their policies. The country embraced them in a way that those values became the point of departure in redefining the domestic structures.

Poland is a case that envisages how enthusiasm of becoming part of the democratic and modern world could serve as a strong impulse for progress. In a very short time period, less than two decades, it could become a member of the EU by satisfying its membership requirements as well as undergoing a phase of transition in its domestic politics. Indeed, the creation of a modern democratic state is parallel with the Europeanization experience of the country given that right after the fall of Communism, Poland started to work for EU membership. This is why it is difficult to differentiate the reforms that have been actualized as a state-building process from the ones that have been made for integration to the EU. Nonetheless, it would not be an overestimation to assert that the EU works as an agent of reform in transitional societies like Poland and Turkey in the sense that it

motivates those countries located on the European periphery in terms of the material advantages it offers and becomes a ‘natural magnet’ with this potential (Öniş, 2004: 503). This phenomenon is explained by Europeanization theories as the impact of “membership conditionality” that encourages the candidate countries by rewards and sanctions.

The advantage of Poland, with its history which is full of struggle, was to be able to mobilize for any kind of domestic change. The historical legacy of Poland displays a strong attachment to culture; and the preservation of culture has been achieved through education policies which have always been given high priority even in times of war. With this character, especially due to the existence of reforming elites in the country, Poland seems to have faced with less adaptational pressures from the side of the EU.

In many terms, Poland is an accurate example of how Europeanization takes place with an understanding of sociological institutionalism in line with the logic of appropriateness. The historical context of the country displays how a nation could have survived under partitions, wars and with an experience of Communist rule for several years. The investigation of the history of Poland, starting with the 16th century, makes it clear that its identity has been preserved through the maintenance of education and religion as the two underpinnings of shared values and culture. In each and every period that was depicted in this study, it is remarked that the importance of education has been highlighted and it has been restructured many times in order to comply with the needs of the day. Religion has been another determinant part of the Polish identity, even under the Communist regime.

These two factors that come to the forefront in examining Polish history give significant clues about the political culture of the society.

As a matter of fact, when such a country which has deep ties with religion was faced with Communism, the experience it had differed from other countries around. Nonetheless, departing from an extreme practice; Communism, where a total abolishment of religion is expected, Poland did not go to the other extreme point where the Church became the main actor in ruling of the state. It rather chose to modernize and return to the European roots and what is more, the Church supported this process. As sociological institutionalism purports, the relative ease of Poland's accession to the EU, despite the suspicions of the European side, could take place due to the self-identification of Polish society with the rules, norms and values of the European Community.

The education and the place of religious instruction in Poland cannot be evaluated separately from its past; the evidence displays that under each and every circumstance, Polish people have prioritized education and tried to improve and universalize it. Stemming from this historical characteristic, Poland did not have difficulty in making reform in the education system in accordance with the expectations of the European Union.¹⁸² Besides, the insertion of religion courses to the curriculum has been a matter of

¹⁸² "In July 1998 the Sejm adopted the basic principles of reform of the educational system amending the 1991 Educational System Act. The new Act includes provisions on new school structures, the reallocation of management responsibilities to regional and local authorities, the redistribution of financial resources and the decentralization of education management." European Commission, 1998, Regular Report from the Commission on Poland's Progress Towards Accession, p.26.

domestic politics; in the periods of rapprochement with the Catholic Church the state included the courses of religion in public schools. That had even been the case in the Communist era which is known for its rigid stance towards religion and belief. Optional religion/ethics courses are in line with the expectations of the EU, especially for a country that has such close ties with church. Therefore, as sociological institutionalism purports, the Polish case is a good example of Europeanization can lead to the formation of new domestic policies, practices and structures which are smoothly incorporated into the state systems.

In the case of Poland, it is difficult to observe the differential empowerment effect of the EU, it seems rather a case like Europeanization by means of “logic of appropriateness” that sociological institutionalism puts forward. Instead, the change in Poland in line with Europeanization took place through socialization and collective learning process. This simply means that the reformist elites; in Polish case these were especially the religious leaders, who were supportive of the EU membership persuaded political authorities for the rule adoption.

This seems to be an appropriate explanation for the case of Poland since this is not the commitment of the political parties or leaders for EU membership, but rather of reforming elites thanks to the mobilization culture of society. . Civil society of which the Church constituted an important part, continued to be active even after the EU membership in order to foster a successful integration. Several occasions have been

realized for strengthening ties with the EU and internalize the Europeanization process. This is one of the main reasons why Europeanization has taken place in Poland through a deep collective learning process; where civil society worked as an agent for further Europeanization even after membership. It also explains how Poland could reach the level of meeting the Copenhagen Criteria in such a short time.

However, with the lack of clear definition for norms and rules, even though the rule exists in the EU context, its enforcement for compliance is expected to be low. This seems to be the case for religious instruction in member states. As a result, the discussion mostly revolves around the more obvious criteria of the EU such as religious freedom; and that is why religious education is evaluated within this scope. For the case of Poland, the resonance factor that is put forward by the social learning model also explicates relative ease of internalizing European norms. It highlights that the receptiveness of Poland to accept and adopt external norms has been high due to the absence of related domestic rules given the parallelism between the state-building and Europeanization processes. After the fall of Communism, there were plenty of gaps in rule-making so that European norms could set an exemplar for Poland to adopt.

Given the fact that there are no determinate rules of the EU or other European institutions about the conduct of religious education, except for the Toledo Guidelines which are not legally binding, any practice in line with the universal norms like right to freedom of religion, freedom of education or parents' right to educate their children according to

their philosophical conviction became the points of reference for any kind of law and norm-making for modern and democratic countries. The legal context of Poland concerning religious education is in conformity with the European norms given that the courses are optional and the attendance to those courses requires a positive affirmation. Moreover, as there exists an Ombudsman in the legal system of Poland, there had been enhancements in the legal arrangements on religion courses thanks to the application of Ombudsman. In the absence of any kind of pressure from the international environment, the Ordinance has been promulgated for regulation of the religious education and furthermore, the Constitutional Court gave a verdict in order to impede any kind of discrimination that would come out as a result of the practice. For those reasons, it seems that Poland is a good example of how in the absence of conflicting with or alternative to rules with the European ones, countries internalize the norms much easier. In other words, the reform agenda of Poland, like many other CEECs which experienced the rule and the collapse of Communism, specifically resonated with the European norms and the Copenhagen criteria.

Despite the fact that the legal context and practice of religious education comply with European values, Poland was sued on this specific issue before the ECtHR (Case of *Grzelak vs. Poland*). However, when that case is investigated one can easily remark that the judgment is lacking general measures for the legal system or practice concerning the religion education in Poland and just comprises individual measures for the applicant. This judgment displayed to a great extent that there was no need for structural

amendment in the domestic documents regulating religion instruction in the country and that there is no inconsistency between the legal status of religion courses and European norms. This view has been substantiated with the field survey conducted given that adherents of another conviction were interviewed and they commonly declared that there is a liberal and democratic environment where everyone has the right and easy access to the education of one's own belief in a country which is known for the strong presence of the Catholic Church. The practice for the religion instruction provided for the adherents of other convictions is also in line with the European norms of religious freedom and right to education according to one's own belief.

Here the other specificity of Poland which constitutes an exemplar for the sociological institutionalist account appears; the Catholic Church worked as "norm entrepreneur" in the Europeanization process of the country. Even though there had been some controversies, the Catholic Church, especially Pope John Paul II, supported the membership of Poland to the EU extensively by indicating that Poland is part of Europe. Therefore, there had been a strong consensus for the return to the European roots which enabled the decision-makers in the country to confute the domestic veto players. The interviews also supported the view that the Catholic Church in Poland has been an anchor of further modernization and democratization of the country.

It seems very reasonable that religion education is not at the top of the political agenda in Poland, with the exception of some contemporary debates. As religion courses at schools

are provided by the Catholic Church, it sometimes attempts to widen the scope of its authority. A current issue which did not cause severe controversies but made it to the news media was about the insertion of questions on religion to the final examination (*matura*) with the proposition of the Church. However, the rightist government did not necessarily support such addition which would have provided a greater space, even though a negligible one, to the Catholic Church. The fact that there are no discussions for making the religion courses compulsory or to proceed in a less democratic direction is not an option for Poland display that the European norms were internalized to a great extent.

On the other side of the coin, the Church can also be evaluated as a rational actor in the process of Europeanization which sought to maximize its power and enhance the scope of its authority in the country. The efforts of the Church mainly for the reinsertion of religion instruction into state schools were materialized with the promulgation of the Ordinance right after the fall of Communism. This can be considered as evidence to the aim of assuring its position in the new regime. As a matter of fact, there had been other priorities of the Church and they were commonly indicated during the interviews. The abortion issue and the funding of the Church are among the most debated subjects; so even though the Church could not impose its expectations on the state, it has the potential to ignite fervent public discussions on those matters as frequently as it wishes.

Furthermore, by supporting the EU membership of Poland, the Catholic Church might be argued to adhere to the differential empowerment impact of Europeanization. Being a

pivotal actor in the integration process gave the Church an opportunity to strengthen its position in the country which has been already been substantiated with the previous experiences that can be read from Poland's historical legacy. According to some scholars (Casanova 1994, 2006), the Catholic Church in Poland did not only intend to consolidate its position within the country but also took it as a mission to restore European religiosity through Poland's membership to the EU. The Church can be assessed to have acted according to the "logic of consequentialism." It also may be advocated that the differential empowerment impact of Europeanization among the domestic actors has been a motivation for the Church to support the EU membership. In consequence, the attitude of the Church in the EU membership of the country can also be explained by the rationalist institutionalist account of Europeanization theory.

As another remark for Poland, it can be asserted that in cases where domestic change can be explained by sociological institutionalism, it is difficult to measure the impact of Europeanization since it is hard to observe the structures that would not have changed in the absence of such an impact. In other words, counterfactual thinking is not very useful since it is difficult to foresee how, for example, the conduct of religious education would be in Poland if there was no Europeanization process. As long as this approach of the Europeanization theory anticipates resonance or 'goodness of fit' with the domestic structures and the European ones, it becomes harder to determine the otherwise differentiated spheres. This is the case for Poland as is for the most of the CEECs which went on a transformation process after the fall of Communism and at the same time

applied for the EU membership. However, the cases where domestic change can be best explained by the rationalist institutionalism, the impact of Europeanization is much more visible and measurable.

Turkey, in that sense, offered an invaluable material case on the issue of religious education for observing the impact of Europeanization. The historical context for the Turkish case displays how religious education has been a political matter which was shaped according to the interest-based policies of the political actors in the Republican era. Both education in a broader sense and in particular religious education, have been subjected to electoral concerns and thus there has been many alterations in its practice. The main evidence provided by the historical background of religious education in Turkey is about the political culture of the country and it clearly implies that Turkish policy-making had always an inclination towards rational actor model where actors are goal-oriented and purposeful; seeking to maximize their benefits. In other words, the conduct of religious courses, as one of the best indicators of state-religion relations in a country, has frequently been perceived as an opportunity for domestic actors in Turkey to gain power.

Moreover, with the changes made in the status of religious courses, different practices were experienced. In evaluating those practices from the angle of European norms such as the right to freedom of religion and conscience as well as the right to education, it can be stated that the current practice of compulsory DKAB courses is the most incompatible

one. The evidence that the compulsory religious courses with the present practice constitute misfit with the European legal and practical contexts can be driven from the decision of the ECtHR on the Case of Zengin v. Turkey. It is also clearly indicated on the ECRI Reports that if these courses were free from indoctrination there would be no need to provide exemption for non-Muslim minorities in the country; and if these courses are based on teaching and practice of one religion, then it should not be compulsory. The Commission Reports on Turkey's progress towards accession to the EU repeatedly highlight that with the current content, these courses shall not be compulsory and in addition those reports emphasize the complaints of non-Sunnis, especially Alevis who are the most populous non-Sunni community in the country. These instances display that although there are no determinate criteria about the status and conduct of the religious courses in European countries, the very existence of the article making the DKAB courses compulsory constitutes a misfit given the practice and complaints about the right to exemption. Due to this misfit, Turkey is faced with adaptational pressures from European institutions.

Even though ECRI Reports were very clear and direct, the Commission Reports can be said to have a greater impact on domestic policies in this specific field. The reason lies beneath the differential empowerment factor of the rationalist institutionalism. The motto of EU membership has always been a strong card for the domestic actors but for the AKP government, it has also been a way to prove that the party is detached from its Islamic roots (Dağı, 2005:24). Other opportunities that were provided by this process were the

legitimization of government actions and weakening of the veto points in the country like the military and the opposition in the judiciary and bureaucracy. It is plausible to assert that the membership enthusiasm led to significant reforms in the country and gained momentum with the initiation of accession negotiations with the EU in 2005.

In line with the motivation to acquire more power and additional resources as well as to enhance their position in the country and in the international arena, the government continued to behave as a rational actor. Some reflections of this inspiration can be observed in the amendments made in the content of the DKAB courses with the motto of complying with European norms delineated in the Progress Reports in the form of criticism for Turkey's practices and (non)implementing the judgments of the ECtHR. Material steps, then, have been taken both at the policy level and the legal context. For policy change, among the concrete instances; the organization of Alevi workshops and various amendments in the program and the textbooks of the DKAB courses can be counted. In the legal context, even though the compulsory status of religious courses did not change, there had been an attempt at least for a few years, to facilitate exemption from these courses. Most of the cases sued generally by Alevi families were finalized in favor. The Council of State referred the verdict of the ECtHR on Zengin Case and made the judgments accordingly. Even though the ruling political elites in the country were not generally very comfortable with such decisions of the ECtHR and the criticisms made in the Progress Reports, which exert pressure for the domestic change, they acted as rational actors. Actually, they complied with these policies and legal requirements despite the fact

that such liberal policies and institutions may challenge government's agenda and impose additional costs. An accurate analysis could be to state that despite the challenging expectations from the European side like change in the compulsory status of the religious courses or at least a fundamental alteration in their content in addition to the right to exemption, the differential empowerment factor has been so viable for the government that they accepted to comply with those norms regardless of their costs. In other words, it can be argued that as a rational actor it was calculated by the government that the benefits of complying with the expectations of the European institutions were greater than the costs of realizing those domestic changes.

The differential empowerment impact of Europeanization has not been a constant factor in Turkey and in 2010, there was a change of attitude in the Turkish domestic courts in line with the alteration of government's stance. The Council of State gave a verdict on a case of exemption from the DKAB course which indicated that due to the amendments made in the textbooks, the decision of the ECtHR was no longer a point of reference for the domestic courts. The execution of the general measures indicated in the judgment of ECtHR in the Zengin Case was implemented partially. This turn in the stance may be associated with diminishing of the electoral concerns of the government as the results of latest elections seem to have consolidated its position in the country. Here, the Europeanization fatigue which came out of the loss of credibility of the EU about Turkey's membership stems as a major reason for the reluctance to take further steps for domestic change in line with the European norms. This does not mean for sure that

Turkey would become irresponsible to the expectations of the EU; it sounds impossible given the accession process. However, it is obvious that it is not as easy to comply with the European values for the conduct of religious education as it is for the issues concerning fisheries, for example. Religion and religious education, as sensitive issues, will always remain as the fields of high cost to go for domestic change under the impact of Europeanization. Nevertheless, there can be an alteration in how Turkey responds to the impact of Europeanization; in other words it can shift from rationalist account to sociological institutionalism because of the temporal factors such as Eurocrisis which leads a further reluctance for membership.

Nonetheless, it would be an overestimation to state that the policy change in the field of religious education under the impact of Europeanization ceased all of a sudden after the 2010 referendum. Despite the decision of the Council of State implying that the change made in the DKAB textbooks in the 2007-2008 school year was sufficient, there had been another amendment which went into effect in the 2011-2012 term. In a sense, it was a way to declare that if the government decides to make a reform in this field, it will do so in its own manner. This is not an unfamiliar attitude given the prominent saying of the Prime Minister about Turkey's membership to the EU: "Turkey should be accepted into the European Union. If not, we'll change the name of the Copenhagen criteria to the Ankara criteria and continue with the reforms."¹⁸³ This statement purports that there might be a significant shift from the logic of consequentialism to the logic of

¹⁸³ Turkish Prime Minister Recep Tayyip Erdoğan: "Copenhagen criteria would become Ankara criteria." Journal of Turkish Weekly, 1 July 2005. Available at: <http://www.turkishweekly.net/news/14088>

appropriateness and that even in the absence of EU membership motto, Turkey would work for further intensification of the European norms. In that case, Turkey's Europeanization could be explained by sociological institutionalism but for the moment, it is hard to foresee whether it would be the case if Turkey ceased its membership journey.

The contemporary developments in Turkey in the field of religious education, substantiated with the interviews, display a trend of retrenchment in the process of Europeanization. The introduction of the elective religion courses as they were not combined with the annulment of the compulsory DKAB courses, are evaluated by the non-Sunni communities as a new source of discrimination. As a matter of fact, although the insertion of the elective courses to the curriculum is very new, there are several complaints which were raised during the interviews. Moreover, there are also steps taken towards enhancing religious freedom in the field of education; for example, the government called for Christian and Jewish communities to prepare a content to be taught at schools. Such developments are greatly highlighted in the Commission Reports and that is why this move can be evaluated as an EU-driven policy.

To summarize what has been concluded so far, when Turkey and Poland are evaluated comparatively in terms of the impact of Europeanization on the conduct of the religious instruction; it is determined that the Turkish case is better explained by the rationalist institutionalist account and the Polish case is more adequately explicated by the

sociological institutionalism. However, it should be noted that this is not a clear-cut distinction and that in both cases there are instances which can be analyzed from the other perspective. The concluding remarks consisted of an evaluation of the cases in terms of the explanatory power of different accounts of the Europeanization theory. It would be worth making a last comparative analysis in terms of the specific issues covered in the study.

At first glance, the difficulty to contemplate the impact of Europeanization in the specific field of religious instruction in schools in Poland, mainly derived from the fact that the state-building process coincided with Europeanization of the country. Even though the main policies on religious education have not been directly influenced by Europeanization, the practice in this field, which has also been subject to ECtHR, is worth considering. There are no contemporary fervent public debates about the religion instruction at schools but there are still controversies mainly about the organization of ethics classes. It is also remarkable that the Catholic Church ignites discussions about religion instruction and wants it to be considered more seriously because this is one of its fields of authority. The main, yet indirect, impact of Poland's EU membership on which many interviewees agreed is the emigration factor. It is argued that due to the emigration of the young generation to other European countries, Europeanization worked as a secularization agent and caused a decrease in religiosity of society. Turkey, on the other hand, with the latest amendments in the education system as well as the status of religious courses in public education seems to be affected by Europeanization to a greater extent.

The Commission Reports for Turkey which contained several criticisms about the conduct of DKAB courses and status of non-Sunnis in the country as well as the judgment of the ECtHR which envisaged structural amendments, were responded by remarkable domestic policy changes. The extent to which these amendments are in line with the core of European values is open to discussion, nonetheless, the effort should be credited.

Another point that should be highlighted while investigating these two countries comparatively is the homogeneity of the society. In examining the status of the adherents of other convictions than the majority religion, the homogeneity of Polish is frequently highlighted society whereas in Turkey is heterogeneous both in ethnic and religious terms. This determination has remarkable implications on the conduct of religion education. In Poland, as long as the religion instruction is optional and based on positive affirmation, and adherents of minority religions have very easy access to religious instruction of their own conviction either within or outside of the school; they do not complain about discrimination. On the contrary, they defend that they are raising their children very pious. This can be observed at the legal context but also in practice and it is tightly associated with the fact that these minorities constitute such a small part of the population that they are not perceived as a threat to the religious identity of Poland. Nevertheless, the study displayed that Turkey with its heterogeneous society is encountering many more problems in the field of religious education. The facts that the religious instruction is obligatory within formal education and the negative declaration is

needed for getting exemption from the course, make the situation more complicated. Alevis constitute a notable part of the society and in addition, they are not considered as a religious minority so that they cannot enjoy the rights of non-Muslim minorities. The existence of several cases before the domestic courts by non-Sunnis also gives another dimension to this issue in Turkey.

In the study, the Turkish case contains more detailed information and analysis concerning the contemporary issues, and the recent developments in the field of religious education under the impact of Europeanization. As it is argued, Turkey seems to be a case of misfit and thus is faced with greater adaptational pressures. As a response to those pressures, the country went through and is still undertaking plenty of amendments in terms of the conduct of religious instruction. The policy change and the steps taken for complying with the European norms indicated on the ECHR, addressed by the ECtHR in the relevant judgment, and mentioned on the Commission Reports; made Turkey more receptive to the impact of Europeanization. The domestic actors who acted rationally in terms of consolidating their power in the country and legitimizing their actions were mainly the political parties. For Poland, the practical difficulties arising from the conduct of religion/ethics courses did not become a matter of controversy during the membership of the country to the EU and thus were only discussed within the scope of the relevant judgment of the ECtHR and findings of the field survey. This relatively smooth integration of Poland with the EU constituted the core argument that the country has not been a case of misfit in this context. The main deficiencies about the legal arrangement of

the religion education has been challenged by Ombudsman and corrected by the judgment of the Constitutional Court. Therefore no further criticism was directed to the country from the European side. The main domestic actor in this framework has been the Catholic Church and both in the EU membership and the reinsertion of religion education in schools, the Church can be considered as a rational actor which sought to maximize its authority and consolidate its power within the country and even in the Union. Nonetheless, in combination with other domestic factors in the country, the Church can also be considered as a norm entrepreneur which incited the support of Polish society for the integration. Therefore, when the Church and other domestic actors are evaluated in conjunction with the historical legacy of the country, the goodness of fit can easily be observed and shed light on why this delicate issue has not led to further controversies in the country.

Further discussions about the Koran courses, which are predetermined as elective courses and will probably require religious symbols, i.e. the headscarf, enter to the public schools, will display some parallelism with the Polish case where religious symbols have been a matter of controversy a few years ago. Furthermore, the possible problems that will arise with the new optional status of religious courses in Turkey and their grading on the axis of discrimination and religious freedom, constitute another field of comparison between the two countries given the related debate in Poland a couple of years ago. An additional point that has become a matter of controversy in Poland when religious instruction was inserted in public schools was the Ombudsman's opposition on the grounds of

Constitutionality of the Ordinances. This may also become a matter of debate in Turkey with the recent introduction of Ombudsman in the Turkish legal system. In order to be able to make a projection about the forthcoming situation in Turkey regarding optional religious courses by looking at the Polish example, one needs to wait for the outcomes of the DKAB courses with the new content and the practice of elective religion courses.

This study aims at contributing to the Europeanization debate by providing two cases where the Europeanization process has been experienced in very different ways. Poland constitutes the case where the domestic structures and norms were in line with the European ones so that no strong adaptational pressures were present as a result of misfit; as rationalist institutionalism foresees. Conversely, the resonance between the two domains, substantiated with the political culture that enables the adoption of norms as well as the presence of norm entrepreneurs who have the capacity to convince the decision-makers seems to make the Europeanization process smoother for Poland, which is portrayed by sociological institutionalist account. Even in a field like religious education where identity-based concerns are at stake, Poland complies with the European values. On the other hand, Turkey appears to be a case of misfit in terms of the conduct of religious courses and is a good test case from the perspective of rationalist institutionalism. The differential empowerment seems to be the most determinant factor for decision makers who are goal-oriented. The attitude of rational actors in Turkey for regulating the conduct of religious courses sets an exemplar for any other sensitive issue area; when the benefit of resonating with the European values is greater than the costs of

going into a domestic legal or policy change in a given field, the rational actors go for it. This can be told to create a superficial Europeanization in the sense that the norms are not really embraced and internalized but are just applied superficially in order make use of the benefits provided by the process (Grigoriadis and Gurcel, 2012). In this respect, the comparison of the two cases offers an accurate frame for analyzing the impact of Europeanization. This dissertation which intended to offer a new dimension; namely religious education as an indicator of state-religion relations, to Europeanization studies for analyzing comparatively from the perspective of Europeanization theories, will hopefully contribute to the formation of further research at the intersection of religious studies and Europeanization.

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APPENDIX A

DECODINGS FOR INTERVIEWS ON TURKEY

LIST OF INTERVIEWEES FOR TURKEY

1. Mr. Rıza Türmen (Former Judge to the ECtHR; CHP MP)
2. Mr. Aykan Erdemir (CHP MP)
3. Mr. Hüseyin Aygün (CHP MP)
4. Mr. Kazım Genç (Lawyer of the Zengin v. Turkey case to the ECtHR and most of the Alevi cases in Turkey)
5. Dr. Necdet Subaşı (Head of the Department of Strategy Development of Diyanet İşleri Başkanlığı; Moderator of Alevi Workshops)
6. Prof. Dr. Mehmet Aydın (Former MP of AKP; Professor at Bilkent University POLS Department)
7. An Alevi father who got exemption for his son from the course; the only case in Ankara (No decoding presented)
8. Mr. Ayhan Bilgen (Human Rights Activist)

9. Specialist of Political Affairs and Human Rights, EU Delegation to Turkey (No decoding presented)
10. Mr. Andon Parizyanos (Former Head of RUMVADER; Teacher at Zoğrafyon Rum Lisesi)
11. Mr. Laki Vingas (Azınlık Vakıfları Genel Temsilcisi)
12. Prof. Dr. İřtar Gözaydın (Faculty of Law, Doęuř University)
13. Prof. Dr. Levent Koker (Professor at Atılım University; Faculty of Law) (No decoding presented)

DECODINGS FOR INTERVIEWS ON TURKEY

Interview with Mr. Rıza Türmen – CHP İzmir MP, Former Judge to the ECtHR, Permanent Representative to the Council of Europe

15.04.2013, TBMM

Tuğba Gürçel: Görüşme ricamı kabul ettiğiniz için çok teşekkür ederim. Az önce de bahsettiğim gibi, Avrupalılaşıma sürecinde din-devlet ilişkilerini inceliyorum, bunu da okullardaki din dersleri özelinde yapmaya çalışıyorum. Türkiye’de son yıllarda gözle görünür oranda AB’ye üyelik süreci ile ilgili olarak bir istek ve heyecan kaybı var. Dolayısıyla bu yöndeki çabaların düştüğü yönünde yorumlar yapılıyor ancak tam da Meclis’te “Dördüncü Yargı Paketi”nin tartışıldığı bugün, AİHM kararlarının Türkiye için bağlayıcılığı ile ilgili ne söylemek istersiniz? Türkiye alyhine sonuçlanmış olan Zengin davasının uygulanması konusunda Avrupa Konseyi Bakanlar Komitesi’nin izleyeceği yol ve olası yaptırımları hakkında yorumlarınızı almam mümkün mü?

Rıza Türmen: Öncelikle şunu netleştirmek lazım; Avrupa İnsan Hakları Mahkemesi bir Avrupa Birliği organı değil, Avrupa Konseyi’nin organı. Fakat AİHM’in kararları, tabi ki Kopenhag kriterlerinin gerçekleşmesi bakımından en büyük gösterge oluyor çünkü Avrupa’da başka insan hakları mahkemesi yok. O nedenle AİHM kararları insan hakları ile ilgili üyelik kriterlerinin gerçekleşmesi için Avrupa toplumlarına yol gösterici bir rol oynuyor. Yani bu üyelik zincirinin ilk halkasıdır. Ege bu ilk halkasına uyamıyorsanız, o zaman diğer halkaları zaten gerçekleştiremezsiniz. O nedenle Türkiye’nin Avrupa İnsan Hakları Mahkemesi’ndeki durumu elbette ki AB’ye üyelik bakımından da önemli.

Genel durumu bir tarafa bırakacak olursak, bu din dersleri konusu iki maddeyi birden kapsıyor. Bir taraftan din ve vicdan özgürlüğü, öbür taraftan eğitim özgürlüğünü kapsayan bir konu bu. Orada bir dizi içtihat var. Zengin kararı da o içtihatteki aslında daha önceki kararlardaki ikilemin uygulanmasından ibaret. Folgero Kararı var mesela, AİHM’de Norveç’e karşı açılan davada. Ondan önce başka kararlar da var. O kararlarda ve Zengin kararında da hep şunu görüyoruz; bir kere Avrupa’daki uygulama bakımından baktığımızda, aşağı yukarı her devlette, din dersi olsa bile mutlaka bundan bir “opt out” kapısı açık bırakılmıştır. Yani çocuklarının din dersi görmesini istemeyen veliler bir şekilde bundan çıkabiliyorlar. Türkiye’de bu imkan yok. Bir de tabi baktığımız zaman Türkiye laik bir ülke olduğunu söylüyor, ki mesela Norveç laik bir ülke değil; İskandinav ülkelerinde din-devlet ayırımı bile yok. Ancak buna rağmen Avrupa’da bu din dersini aşağı yukarı en katı uygulayan ülke Türkiye. Bunda büyük bir problem var. Tabi bu

Zengin kararında birkaç önemli nokta var. Birincisi, efendim diyorlar ki bu Alevi bir aile; Hasan Zengin, kızı Eylem Zengin; Hasan Zengin diyor ki ben çocuğuma kendi kültürümü öğretemiyorum, Alevi kültürünü öğretemiyorum diyor. İkincisi tabi evde öğrendiği kültürle okulda öğrendiği şeyler arasında çok büyük bir fark var. Yani bu çocuk bakımından çok travmatik etkileri olan bir şey. Evde öğrendiği ile okuldaki öğrendiği farklı olunca tabi soruyor, hangisi doğru diye ve bu kadar ufak yaştaki bir çocuk neyin doğru olduğunu şaşırıyor haliyle. Evde söylenenler mi doğru, okulda öğretilenler mi doğru... Çocuğun gelişmesi bakımından çok önemli bir sorun bu. Ve hükümetin şöyle bir savunması var, diyor ki Musevi ve Hristiyan ailelerin çocukları için dilekçe veriyorlar ve biz onları bu dersten muaf tutuyoruz. Hasan Zengin de böyle bir dilekçe verse biz onu görüşürdük, bakardık. Ancak AİHM bunu kabul etmiyor; birisinin inancını açıklamak zorunda bırakılmasını da din ve vicdan özgürlüğünün ihlali olarak görüyor. Orada tabi en çok üzerinde durulan şey, birincisi kültürler arasında çelişme, ikincisi de pluralistik, objektif ve eleştirel olmaması yani bir beyin yıkama şeklinde verilmesi. Ders sırasında dini pratiklerin öğretilmesi, mesela namaz nasıl kılınır gibi dinsel uygulamaların öğretilmesi ve bütün bu nedenlerle hem din ve vicdan özgürlüğü hem de eğitim haklarının ihlali olduğuna karar verildi. Ve diyor ki sonunda kararın, Türkiye din dersi kitaplarını değiştirsin. Şimdi tabi değiştirilsin denince nasıl değiştirilecek sorusu gündeme geldi ve Alevi Çalıştayları yapıldı. Alevi Çalıştayları'na bazı Alevi dernekleri katıldı bazıları katılmadı ve ders kitaplarında da bazı değişiklikler yapıldı. Ancak bu değişiklikler AİHM kriterlerini karşılayacak düzeyde değil. Niçin değil; çünkü bir kere yapılan değişiklikler Sünni İslam açısından yapıldı yani Aleviliğe Sünni İslam açısından bakıldı. Böyle bir problem var. İkincisi de yapılan değişiklikler de çok geç yaşlarda okutulan kitaplarda. Yani çocuğun kişiliğinin zaten olduğu son aşamalarda kitaplarda Alevilikle ilgili birtakım bilgiler veriliyor ve Aleviler bunu yetersiz buluyor. Bir kere bu hazırlanırken bize danışılmadı diyorlar; Diyanet İşleri'nden birileri, ilahiyatçı vatandaşlar bunları yapmışlar bize danışmadan bizimle ilgili birtakım şeyler konuyor diyorlar. Yani hem düzeltmenin yapılış şekli hem de yapılan değişikliklerin esası, özü bakımından Alevilikle ilgili gerçeği yansıtmadığını söylüyorlar.

Şimdi bütün bunlar Bakanlar Komitesi'nin önünde, çünkü uygulamayı denetleyen makam orası. Hükümet bu değişiklikleri bildirdi sanıyorum. Bakanlar Komitesi de bu değişikliklerin yeterli olup olmadığına karar verecek. Buna karar verirken Alevi derneklerinin görüşlerini alır diye ümit ediyorum, onlar çünkü bu işin öznesi.

Din dersi bakımından asıl problem, zorunlu olsun mu olmasın mı... Bizim CHP olarak Anayasa Mahkemesi'ne verdiğimiz önerilerde, din dersi zorunlu olmasın seçmeli olsun dedik. Ona karşı MHP ve AKP verdikleri önerilerde zorunlu olmasını istiyorlardı. AKP'nin kafasında hep şöyle bir ayırım var; ikiye ayırılım, bir ders din kültürü dersi olsun ve bu zorunlu olsun bir de İslam dinini öğreten bir ders olsun ve bu seçimlik olsun. Böyle bir ayırım da yetersiz kalacak çünkü din kültürü dersi de olsa, din dersi de olsa ikisinin de birtakım kriterlere uygun olarak yani objektif olması, eleştirel biçimde olması

yani beyin yıkama şeklinde olmaması gerekir. Bunun yanında diğer kültürlerle de doğru dürüst yer vermesi lazım ve bunu yapabilecek bir zihin yapısı da var mı Türkiye’de; bu çok kuşkuludur. O nedenle bütün bunlara gitmektense zorunlu olmaktan çıkarılması çok daha sağlıklı bir yaklaşımdır. Laik bir ülkede neden zorunlu bir din dersi olsun? Ateist bir aile olamaz mı mesela, yani Türkiye’de ateist aile yok mu? Var. İşte ateist veya agnostik bir aile çocuğunun din dersi almasını istemiyor, din kültürü de öğrenmesini istemiyor, dinle ilgili hiçbir şey olsun istemiyor. Yaşantısında böyle bir şey yok çünkü. Böyle bir aile ne yapacak? Böyle bir aile diyebilmeli ki, işte Avrupa İnsan Hakları Sözleşmesinin bir numaralı Protokolünün 2. maddesinde düzenlenen eğitim hakkı, ailelere böyle bir hak veriyor. Yani kendi görüşlerine göre eğitim verebilmeyi talep etme hakları olmalı. Din dersi ile ilgisi olmasın istiyorsa çocuğunun, böyle bir hakkı olmalı. O yüzden niçin zorunlu din dersinde ısrar ediliyor bilmiyorum. Yani biliyorum tabi...

TG: Karşı görüş olarak diyorlar ki, çoğunluğu Sünni Müslüman olan bir ülkede bir aile çocuğunun dinini doğru şekilde öğrenmesini istiyorsa...

RT: O zaman seçmeli olarak alacak, neticede isteyenlere öğretilsin ama istemeyenler ne olacak? Burada isteyenler için bir problem yok, istemeyenlerin problemi var.

TG: Anlaşılan Türkiye AİHM kararını, “madem bu içeriğiyle din kültürü ve ahlak bilgisi dersini zorunlu tutamıyoruz, içeriğini değiştiririz” şeklinde yorumladı. Sadece Sünni İslamın anlatıldığı değil, diğer din ve inanışların da anlatıldığı bir ders olarak kurgulanması öngörüldü. Ancak varılan noktada bunun gerçekleşmediği yönünde eleştiriler sürüyor. Peki Bakanlar Komitesi de yapılan değişiklikleri, yani hükümetin ders kitaplarında ve müfredatta yaptığı değişikliği kararın uygulanması adına tatmin edici bulmazsa ne olur? Avrupa Konseyi’nin Türkiye’ye ne gibi bir yaptırımını olabilir?

RT: Şimdi şöyle, Bakanlar Komitesi her ay bunun için toplanır yani kararların uygulanmasını izlemek için. Orada bir “execution committee” var, AİHM kararlarının uygulanmasını denetleyen bir ünite var orada. Her ay toplanır ve başkanın yanında, insan hakları departmanı’nın başkanı oturur. Sorarlar oradaki büyükelçiye; “böyle bir karar var sizinle ilgili, bu kararın uygulanması için siz ne yaptınız?” Yani genel önlemler ya da özel önlemler – genel önlemler yasanın değiştirilmesi, özel önlemler onun sonuçlarının kaldırılması – anlamında neler yapıldı ülkenizde? Orada büyükelçi de anlatır, yasayı değiştireceğiz biraz zaman lazım vs... Peki derler, gelecek ay bir daha konuşulur bu konu. Uygulama olmuyorsa, o zaman yavaş yavaş baskı artırılır. Ne yapılır? Mesela bir karar kabul edilir, bu kararda denir ki Türkiye şu şu kararların uygulanması için gereken kararda belirtilen şu şu önlemleri alsın, ya da Dışişleri Bakanlığı’na ya da Adalet Bakanlığı’na mektup yazılır; niye hala uygulamıyorsunuz diye. Bunlardan da hiçbir şey çıkmazsa, yavaş yavaş vidalar sıkıştırılır. Mesela Türkiye’ye başkanlık sırası geldiğinde başkanlık verilmez. Yine Türkiye’de toplantı yapılacaksa bunlar iptal edilir... Bu giderek, Albaylar Dönemi’nde Yunanistan’da olduğu gibi, bu Avrupa Konseyi’nden ihraca kadar gidebilir.

Türkiye bununla ilgili iki deneyim yaşadı; birisini Loizidou kararı sırasında yaşadı, Türkiye tazminatı ödemedi. Tazminatı ödemeyince işte bütün bu söylediklerim yavaş yavaş gerçekleşmeye başladı ve iki sene sonunda ödemek zorunda kaldı. Tabii ödediği zaman iki misli ödedi çünkü faiz işledi... 500.000 Euro iken 1.000.000 Euro oldu. İkinci deneyimi çok yakın bir geçmişte hatta hala şimdi bugün yaşıyoruz. Bu Hulki Güneş kararı; ceza muhakemesi kanunundaki bir maddeden kaynaklanıyor, o madde AİHM'den çıkan iptal kararlarını davanın yeniden görüşülmesi için bunu talep etmek için bir neden olarak sayıyor. Ama orada bir parantez var; o parantez diyor ki, bundan önce kesinleşmiş ve bundan sonra kesinleşecek kararlar için bu geçerlidir; bu hak vardır. Dolayısıyla, o sırada AİHM'de görüşülmekte olan davalar için bu hak yoktur anlamına geliyor. Şimdi diyorlar ki, "kardeşim böyle şey olur mu?" Çünkü zamanında Öcalan için konulmuştu bu madde, şimdi Öcalan bitti, kapandı fakat yüzlerce dava o paranteze girdi. Bakın Güneş pilot davası açıldı, diyorlar ki "yahu kardeşim öyle şey olur mu?" bir kanun çıkarıyorsun, sonra da bazıları için uygulanacak, bazıları için uygulanmayacak diyorsun. Bunu tabii savunmak imkansız ve Türkiye üzerinde bu sebeple muazzam baskı oldu. Delegation Komitesi'nde kararlar kabul edildi ve işte bugün burada (Meclis'te) görüşülecek olan 4. Yargı Paketi'nde Hükümet bunu düzeltiyor, o parantezi kaldırıyor. Yargısal olarak mutlaka onu uygulatırlar.

TG: Bu durumda Türkiye bu Zengin kararının uygulamasını ne kadar ertelerse ertelesin sonunda bir şekilde uygulamak zorunda kalacak, öyle mi?

RT: Pek tabii.

TG: Peki süreç nasıl işleyecek? Çünkü madem DKAB derslerini mevcut içeriğiyle zorunlu tutmak karara aykırı, içerikte düzenleme yapalım diyorlar. Ders kitaplarını ve içeriği değiştirdik, bir daha inceleyin diye Bakanlar Komitesi'ne sunuyorlar, diyelim ki yeterli görülmedi; bu durumda Hükümet öyleyse bir daha düzenleyelim tekrar bakın diyebilir mi? Ya da nereye kadar diyebilir, bunun bir sınırı var mı? Tekrar tekrar içerik değiştirilerek Bakanlar Komitesi'ne sunulabilir mi?

RT: Hükümet bunu yapmaya çalışacak tabii, süre kazanmaya çalışacak, yeniden değiştiriyoruz diyecek vs... Bu içeriği kabul eden Alevi dernekleri var, Cem Vakfı falan var mesela ama kabul etmeyenler çoğunlukta. Alevi Bektaşî Derneği falan reddediyor hep bunu, ki burada en büyük olan örgüt de bu sanırım yani Cem Vakfı daha küçük. Ancak bunları ileri sürecekler tabii, zaman kazanmaya çalışacaklar bir daha değiştirelim falan diyecekler. Fakat her şartta DKAB dersini zorunlu olmaktan çıkarmaya yanaşmayacak yani bir anayasa değişikliğini kabul etmeyecek. Bu hükümet zaten böyle bir hükümettir; böyle muhafazakar, din referanslı bir hükümettir o yüzden din referanslı bir toplum yaratma projeleri bakımından, bu din derslerinin mutlaka zorunlu olması gereklidir. Buna mazeret olarak şöyle şeyler söylüyorlar; bunu kaldırırsak veya zorunlu olmaktan çıkarırsak bunlar devletin denetiminin dışında kurslar olarak mantar gibi türeyecektir ve onlar çok daha zararlı olacaktır. Efendim denetleyin o zaman;

ürettirmeyin, yasaklayın. İzin vermeyin böyle kurslar açılmasına... Kurslarla ilgili yaş haddini kaldırdılar mesela şimdi, böyle bir yaş haddi koyabilirdiniz buysa eğer mazeret. Din kurslarına 55 yaşından sonra gidilsin deyin mesela... O kadar da olmaz tabi de (gülüyor)...

TG: Kökten çözer o zaman diyorsunuz... (gülüşmeler) Peki siz ne düşünüyorsunuz bu konuda? Sizce de hala bir tehdit mi bu tür kurslar? Yani devletin din eğitimi alanından elini çekerek tam bir serbesti sağlaması ve din eğitiminin inanç gruplarının kendilerine bırakılması sizce bugün hala devletin bütünlüğü için tehlikeli mi?

RT: Şimdi bu sizin hangi gözlükle baktığınıza bağlı. Buna Batı'dan baktığınız takdirde, bu bir tehdit olmamalı hatta doğru olanın bu olduğu düşünülebilir. Ama Türkiye içinden baktığınız zaman, bir takım inanç grupları var bir takım dini tarikatlar var, devleti ele geçirmeye çalışıyorlar. Sadece dinle uğraşan tarikatlar değil ki bunlar... Devletin hakimiyetini elinde tutmak isteyen tarikatlar var. Şimdi böyle tarikatlara bırakırsanız bu sefer o da yurtdışından çocuklar tamamen belirli bir amaç için yetiştirilecekler. Sadece böyle saf dinsel kutsal amaçlar için değil, en başta siyasi amaçlar için... O yüzden Türkiye bakımından çok tehlikeli olabilirler. Bu şekilde yeni bir ordu, yeni bir gençlik yetiştiriliyor orada. Böyle bir gençlik Türkiye Cumhuriyeti'nin geleceği bakımından olumlu olmayacaktır.

TG: Bu durumda siz din eğitiminin tamamen inanç gruplarına bırakılması taraftarı değilsiniz; devletin denetiminin şart olduğu görüşüdesiniz. Doğru mu anlıyorum?

RT: Türkiye'de laiklik böyle gelişti. Türkiye'nin gerçekleri açısından laikliğin böyle olması yanlış değildir bence. Din her zaman devletle içiçeydi, bu Osmanlı'da da böyleydi. Her devletin dinle olan ilişkisi farklı, Türkiye'de de din-devlet ilişkisi böyle. Yani bu Fransa'da başka türlü, İskandinav ülkelerinde başka türlü, İngiltere'de başka... İşte orada kraliçe aynı zamanda dini lider, bazı devletlerde din-devlet ilişkileri ayrılmamış, bazı devletlerde anayasada tanımlanmış; Yunanistan veya Polonya anayasalarında olduğu gibi... Yani din-devlet ilişkileri her devletin kendi toplumsal gelişmesine göre, siyasal gelişmesine göre değişiyor. Bunu anlamak lazım, toplumun çıkardığı şey bu; Türkiye'de de böyle bir şey gelişmiş türlü nedenlerle. Sorgulamamak lazım. Tabi laiklik bu mudur, laikliğin tanımı bu mudur; belki değildir ama böyle gelişmiş devletin dinle ilişkisi. Bir yerde yanlış tabi, devletin kurduğu ilişki de yanlış. Bugün Diyanet İşleri'nin sahip olduğu güç, sahip olduğu kaynak hiçbir devlet kurumunda yok. Yani din-devlet ilişkisi bakımından da burada büyük yanlışlar var. Mevcut sistem de yanlış yürüyor. Diyanet İşleri'nin başlangıçta kuruluş amacı laikliği korumak, laikliği yaymak iken bugün DİB'in amacı Sünni İslam'ı yaymakla sınırlı. Diyanet İşleri yeniden yapılandırılmalı...

TG: Eğer bazılarının savunduğu gibi tamamen kaldırılmayacaksa; ki kaldırılmayacak gibi görünüyor, o zaman yeniden yapılandırılması şart diyorsunuz... Anlıyorum. Peki din

dersleri konusuna dönecek olursak, bu yeni seçmeli din dersleri sizce AİHM'e taşınacak yeni davalara konu olacak mı? Sizce süreç neleri getirecek?

RT: Bu konu ile ilgili başka davalar da var zaten bildiğim kadarıyla...

TG: Evet zorunlu din dersleri ile ilgili iç hukukta görülen ve farklı kararlara bağlanan çok sayıda dava var, seçmeli derslerle ilgili henüz yok bildiğim kadarıyla... İç hukukta da Zengin kararından sonra genellikle lehte verilen kararlar son dönemde yerini alehte verilen kararlara bırakmış gibi görünüyor. Hem yerel mahkemeler hem de Danıştay için durum böyle sanırım.

RT: Çünkü Danıştay'ın yapısı değişti. Türkiye'de adalet, mahkemelerin yapısıyla doğrudan ilişkilidir.

TG: Peki sizce Türkiye'deki mahkemelerin yeni yapılanması, uluslararası hukuk kurumlarıyla uyumu açısından değerlendirildiğinde ne durumda?

RT: Şimdi enteresan bir şey var; Anayasa Mahkemesi'ne bireysel şikayet yolu açıldı; anayasal şikayet, anayasa şikayeti yolu açıldı. Anayasa ile ilgili yapılan şikayetlerde, Anayasa Mahkemesi karar verecek. Bu kendisi bakımından da önemli çünkü iki yıl bir "probation" yani deneme süresi olacak. Bu deneme süresinde AİHM bakacak, Anayasa Mahkemesi'nin bireysel başvurulardaki kararlarına bakacak. Eğer Anayasa Mahkemesi kararları insan haklarını koruyorsa, AİHS'e uygun kararlar vermişse, Mahkeme Strazburg Mahkemesi kararlarıyla uyum sağlamışsa, oradaki kriterleri uyguluyorsa; AİHM diyecek tamam bu etkili bir iç yargıdır, o yüzden bana gelmeden önce Anayasa Mahkemesi'ne gidin. Almanya'da İspanya'da olduğu gibi... Ama tabii bunun tersi olur, bakarsa ki bu mahkeme doğru dürüst kararlar veremiyor, AİHM kararları ile uyum içinde değil, o zaman diyecek ki bu iş olmamış. O durumda siz yazın anayasa şikayetini; bireyler Türkiye'de Anayasa Mahkemesi'ne gitmeden doğrudan AİHM'e gidebilecekler. Yani bireysel şikayet yolu aslında anlamsız hale, içi boşaltılmış hale geliyor. Tabii şimdi bu durumda Anayasa Mahkemesi'nin nasıl karar vereceği önemli, yani Anayasa Mahkemesi uyum sağlayamazsa Folgero, Zengin vb. kararlarla, o kriterleri uygulayamazsa ve ondan sonra AİHM'den bir ihlal kararı çıkarsa Anayasa Mahkemesi kararına karşı, tabii Anayasa Mahkemesi bakımından çok kötü olur. Böyle bir mesele var. Yani uluslararası mahkemelere uyum sağlama zorunluluğu var şimdi. Böyle bir yükümlülüğü var; sağlayamazsa kendi varlıkları, yani bu yeni fonksiyonu ortadan kalkacak.

TG: Benim buradan anladığım, Türkiye'nin yeniden yapılanmakta olan iç hukuk düzeniyle de uluslararası hukuktan kopmadığı hatta belki daha da Avrupa normlarıyla uyumlanmak durumunda kaldığı... Hala AİHM kararlarının Türkiye'de ve iç hukuk üzerinde bağlayıcılığı olduğu söylenebilir bu durumda; hala yaptırım gücü var değil mi?

RT: Orada olan şey şudur, AİHM altmış yıllık içtihatıyla Avrupa'da ortak bir tarih, ortak bir "circle;" bir ortak hukuk alanı oluşturmuştur. Bu ortak hukuk alanının içindeki bütün

devletler, bunun içinde tüm AB üyeleri var, artı Avrupa Konseyi üyeleri var – AB üyesi olmayan – bu toplamda 47 ülke bu ortak hukuk alanı içinde oldukları için buradaki kriterlere uyum sağlamaya çalışıyorlar. Yani o anlamda AİHM kararları erga omnes bir içtihatdır. Bir dava ile sınırlı tabi, bir devlete karşı açılan dava ile sınırlı ama o karardaki ilkeler bütün Avrupa devletleri bakımından yol gösterici olmak durumunda. Avrupa ülkeleri kendi kararlarını değiştiriyorlar, kendileri ile ilgili bir dava olmasa bile, ortak alandaki kriterlere uyum sağlamak için yasalarını, uygulamalarını değiştiriyorlar; bunu görüyorsunuz pek çok Avrupa ülkesinde. Şimdi Türkiye bunu yapmıyor. Türkiye ortak hukuk alanına uyum sağlayamıyor. O nedenle çok sayıda dava var, o nedenle en çok ihlal kararı Türkiye aleyhinde çıkıyor. Görüyorsunuz uygulamaları... Tutuklama mesela; bu tutuklamaların neden hukuka aykırı olduğu, neden AİHM kararlarına aykırı olduğu, hangi konularda aykırı olduğu çok bellidir. Cahit Demirel kararında da bunu görürsünüz. Oralarda bu düzeltilmemiş. 4. Yargı Paketi’nde de bu düzeltilmemiş. Son derece kilit adımlar atılmış ama sonucu değiştirmeyecek. Yani yargıçlar, bu AİHM’i hala bir yabancı mahkeme gibi görüyorlar. Oysa bu kendi hukuk sistemlerinin bir parçası. Bunu hala anlamış değil Türk yargıçlar... Bazıları anlamamakta inat ediyorlar, bazıları yargı siyasallaştığı için anlamak işlerine gelmiyor. Fakat sonuç bu ki, tutuklama böyle, toplantı yürüyüş gösteri kanunları böyle, düşünce özgürlüğü bakımından başka kısıtlamalar var falan. Yani oradaki kriterleri Türkiye’de uygulamıyor yargıçlar. Şimdi bu anayasa şikayeti devreye girince büyüyecek tabi bu sorunlar, yeni bir boyut kazanacak. Anayasa Mahkemesi o yüzden çok büyük bir sorumluluk yüklenecek yani ayar vermesi gerekecek, hukuk düzenine ayar vermesi gibi bir sorumluluk altına girecek ama bu sorumluluğu yerine getiremezse kendisi de cezalanacak bunun sonunda.

TG: Öyleyse, sizin söylediklerinizden yola çıkacak olursak, Türk yargıçlar her ne kadar görmek istemese de Türkiye hala bu ortak hukuk alanına bağlı; öyle olmak zorunda...

RT: Elbette, şu anda içeride görüşülmekte olan 4. Yargı Paketi tamamen bununla ilgili; AİHM önündeki “görünümümüzü düzeltmek” için diyorlar. Yani görünüm düzeltmek için yapıyor bu... Onlar bizi iyi görsünler diye...

TG: Aslında bu tür imaj düzeltme çabaları benim de tezimde savunmaya çalıştığım Avrupalılaştırma teorileri içinde Akıllı Aktör Modeli’nin benimsediği tarzda eylemler. Türkiye’nin bu modele uygun hareket ettiğini düşünüyorum. Yani içselleştirme ya da sindirme süreci yerine Avrupa normlarının “görünüme yansıtıldığı” bir model.

RT: Tabi tabi kesinlikle. Bunu bütün insan hakları ve demokrasi meselesi için de söyleyebiliriz bunu. Yani insan hakları Türkiye’nin üstünde eğreti gibi duruyor hala ama başkaları istediği için ödünç olarak alınmış üzerimize de epeyce bol gelen bir palto gibi duruyor. Yani kendi öz değerimiz değil bu... O nedenle de siyasi partiler bunu bir türlü çözemiyorlar çünkü kimsenin böyle bir özgürlük demokrasi problemi yok gibi görünüyor ve halk desteklemiyor bu türlü bir mücadeleyi. Sokaktaki halk başka şeylerin peşinde çünkü kendi öz değeri değil bu...

TG: Türk insanının hak ve özgürlüklere dair bilincinin yeni oluşmaya başladığına ve bunun da geç bir farkındalık olduğuna ben de katılıyorum. Bu topraklarda ne yazık ki bu kültür pek yok...

RT: Altan gelen böyle bir talep olmadığı için bu hak ve özgürlükler meselesi hep bulutlarda dolaşan aydınların işi....

TG: Durumu din dersleri özelinde düşünmeye çalıştığımızda da elbette ki tüm bu olup bitenlerin dışında bir değerlendirme yapmamız da çok mümkün görünmüyor.

RT: Ama din dersi çok ideolojik bir şey ve tabii özellikle bütün Alevilerin hayatını etkileyen bir şey bu.

TG: Evet, özellikle kendi çalışmamda bu konuyu irdelerken, Polonya’da din dersi konusunun kilisenin bir iktidar alanı olduğunu gördüm. Buna rağmen bu kadar koyu Katolik olarak bilinen bir ülkede bile bu dersler seçmeli... Öğrenciler din veya etik dersini seçebiliyorlar ve her iki ders için karnede tek bir not görünmesi de ayrımcılık ihtimalini büyük ölçüde ortadan kaldırıyor. Türkiye’de benzer bir uygulama olması gibi bir ihtimali öngörüyor musunuz?

RT: Tabii bu karardaki ihlal de zaten “opt-out” sürecinin yetersiz olduğundan dolayı biraz. Öyle formaliteler getiriliyor ki seçmek konusuna seçmeyi zorlaştırıyor. Orada seçmeyi zorlaştırdığı için din ve vicdan özgürlüğünün ihlaline karar veriliyor.

TG: Ancak bu görüşmede daha net anladım ki, AİHM sonunda vermiş olduğu kararı o ya da bu şekilde sonunda mutlaka uygulatır. Sürecin nasıl işleyeceği konusunda özellikle merak ettiğim noktalar vardı, onları da açığa kavuşturduz...

RT: Elbette AİHM kararını eninde sonunda uygulatır yalnız bu ara bildiğim kadarıyla Bakanlar Komitesi’nde de muazzam bir birikim var, bekleyen çok dosya var ve bir türlü sıra gelmiyor, en büyük mesele de odur.

TG: Hulki Güneş Davası mesela gelmiş ama Zengin Davası hala görüşülmeye başlanamadı...

RT: Evet Hulki Güneş Davasının uygulanmasıyla ilgili görüşmeler sürüyor. Ama Zengin Davası ile ilgili olarak da orada bir öncelik verilecek davalar kategorisi var, zannediyorum Zengin Davasını o kategoriye aldılar, yakın zamanda görüşülür o. Hasan Zengin hatta mektup yazdı oraya niye görüşülmüyor diye...

TG: Evet, sanırım sivil toplum kuruluşları da bu konu ile ilgili bir kamuoyuu oluşturmaya çalışıyorlar. İnsan Hakları Ortak Platformu da AİHM kararlarının izlenmesi ile ilgili raporlar hazırlıyorlar, hatta ilk rapor Zengin kararı ile ilgili...

RT: Altan böyle bir hareketlenmenin olması sevindirici tabii ve gerekli...

TG: Zaman ayırdığınız için çok teşekkür ederim, daha fazla vaktinizi almak istemiyorum. 4. Yargı Paketi görüşmeleri sırasında Meclisi değerli görüşlerinizden mahrum bırakmak istemem...

RT: Rica ederim. Umarım çalışmanıza faydası olur...

Interview with (Assoc. Prof. Dr.) Aykan Erdemir, CHP Bursa MP

10.04.2013, TBMM

Tuğba Gürçel: Ben din-devlet ilişkilerini, Avrupalılaştırma bağlamında insan hak ve özgürlükleri çerçevesinde değerlendirmeye çalışıyorum, çünkü sekülerlik konusunda Avrupa kurumlarının bir beklentisi ve yaptırımı olamayacağı için bu kapsamda değerlendirmek mümkün değil. Dolayısıyla, din dersleri özelinde Avrupalılaştırmanın etkisini anlamaya çalışıyorum. Türkiye'yi Polonya ile karşılaştırıyorum, okullardaki din derslerinin zorunlu olma durumu bu yeni Anayasa ile birlikte tartışmaya açılacak bir konu olduğunu düşünüyorduk ama henüz bununla ilgili bir gelişme olmadı sanırım. Ayrıca yeni seçmeli din dersleri eklendi, Alevilikle ilgili bir seçmeli ders yok ve YGS'de ilk kez olarak sorulan DKAB soruları var. Sizin bu kapsamda kendi web sitenizde de bu soruların iptal edilmesi ile ilgili olarak düşüncelerinizi okudum. Okullardaki din dersleri, hukuksal durum ve uygulama ile başlayacak olursak, sizin bu bağlamdaki görüşlerinizi almam mümkün mü? Nasıl gelişmeler bekliyorsunuz? CHP neler yapmayı planlıyor? Var mı bu konu CHP'nin gündeminde?

Aykan Erdemir: Şöyle söyleyeyim; Türkiye'de inanç alanı Türkiye'de siyasi partiler için zor bir alan. İki sebepten dolayı; bir, 1983 tarihli Siyasi Partiler Yasası. Örneğin, Diyanet İşleri Başkanlığı söz konusu olduğunda çok açık bir yasak getiriyor. Anayasa Mahkemesi de çeşitli parti kapatma davalarında doğrudan bu maddeye referans veriyor; Diyanet İşleri Başkanlığı'nın yapısını dönüştürmek isteyen ya da kaldırmak isteyen partileri kapatmış. Dolayısıyla bu Türkiye'nin en hassas alanlarından bir tanesi, insanlar da çok haklı olarak girmek istemiyorlar çünkü yaptırımları çok çok ağır. İkincisi de, popülist çerçevede bakarsak bu çok riskli bir alan. İnsanlar da temel hak ve özgürlükler için bile olsa çok bir risk almak istemiyor. Genel geçer ve çoğunlukçu çerçeveden çıkmak istemiyorlar. Bu iki kısıtlılığın da gözönüne alırsak, benim bunlara pek uymadığım malum; çünkü hem akademiye hem siyasette bunlar üzerine çalışıyorum ve Türkiye'de eğer temel hak ve özgürlükler kurumsallaşacaksa, hak ihlalleri azalacaksa, ayrımcılık son bulacaksa, nefretin kurumsal temelleri zayıflayacaksa, mutlaka ve mutlaka bu alanda bir şeyler yapmak zorundayız. Din dersleri ile ilgili olarak benim açımdan mevcut çerçeve, çok açık

insan hakları ihlali. Zaten AIHM'in Hasan Zengin Eylem Zengin kararında da bu çok açık bir şekilde ifade ediliyor ve Türkiye Cumhuriyeti de ne yazık ki değişik hüllerle yoluyla, Cumhuriyet demeyeyim; hükümet, çeşitli hüllerle yoluyla... işte ne gibi hüllerle; mesela Alevilikle ilgili bir içerik ekledik diyorlar vs vs... Dolayısıyla Türkiye'de 12 Eylül vesayetinin çok açık bir ürünü olan zorunlu din dersleri hala hayatımızda devam ediyor ve insanları da; hem öğrencileri hem velileri mağdur etmeye devam ediyor. Bu çerçevede gönül isterdi ki, bir; Anayasamızın üzerinde olan, uluslararası hukuk niteliğinde olan AIHM kararının gereği yapılabilirdi. İki, gönül isterdi ki, Anayasa tartışmaları sürecinde temel hak ve özgürlükler ve eşitlik temelli bir tartışma hem mecliste hem de Türkiye kamuoyunda yaygınlaşabilirdi. Üçüncüsü, gönül isterdi ki, yalnızca Aleviler değil ama Türkiye'de geniş toplum kesimleri hak, eşitlik ve özgürlük temelli bir talep ve çıkışla bu konuları gündeme getirebilirdi... Hiçbiri olmadı. Olmayacak gibi de gözüküyor. Başladığımız noktanın da gerisindeyiz. Bir zorunlu din dersine karşı mücadele ederken siyasi kariyerimin başında, bugün ben fiili olarak seçmeli zorunlu olan üç din dersi ile mücadele ediyorum. Kendi seçim bölgem olan Bursa'da örneğin elime geçen bir ders formu var; bir kız meslek lisesinde seçmeli derslerin hiçbiri açılmadığı için Alevi bir öğrenci üç tane din dersi almak zorunda. Ki bu üç din dersi sadece dayatılan üç din dersi olması nedeniyle hak ihlali özelliği taşıyor, Türkiye Cumhuriyeti tarihinde ilk defa benim bildiğim kadarıyla, "Peygamberimizin Hayatı" ifadesiyle bir yasayla bir ders zorunlu kılınarak devletin laik niteliği de bence çok açık bir şekilde zedelenmiş oluyor. Çünkü peygamberin ismi yok burada, bizim peygamberimiz olduğu iddia ediliyor fakat hangi yurttaşlar adına konuşulduğu malum değil. Yani Musevi, Hristiyan ya da diğer inançlardan yurttaşların kendilerini doğrudan eşit hissetmeyecekleri; ötekileştirilmiş, marjinalleştirilmiş hissedecekleri bir süreç yaşadık ne yazık ki. Ve yalnızca bir partinin dayatması ile de olmadı. AKP, MHP ve BDP'nin de oylarıyla geçti bu yasa. Yalnızca CHP karşı oy verdi, bu da Türkiye için başka bir üzücü sonuç çünkü demek ki Türkiye'de temel hak ve özgürlüklere, eşitliğe ve ayrımcılıkla mücadeleye ilişkin toplumda ya da mecliste herhangi bir irade yok. Tam bir çoğunlukçuluk var ve çoğunlukçuluk, sayının egemenliği söz konusu olduğunda da üç partinin çok açık bir işbirliği yaptığını görüyoruz. Ama ben buna rağmen bir değer siyasetinin, vicdan siyasetinin yükseltilmesi gerektiğini düşünüyorum çünkü bu kemikleşmiş yapıyı yalnızca vicdanlı bireyler kırabilir. Değer, eşitlik, özgürlük, hak, insancılık temelinde siyaset yapan kişiler kırabilir diye düşünüyorum. O yüzden sık sık dile getirmek gerek. Yani izlemek gerek, raporlamak, farkındalık yaratmak, örgütlemek, koalisyonlar inşa etmek gerek. Bu şekilde çok genel bir çerçeve çiziyim, siz arasından ne isterseniz sorun.

TG: Bu Zengin kararı ile ilgili olarak Bakanlar Komitesi'nin, Türkiye'den bir rapor gitti ve o incelenme aşamasında ama, orada Bakanlar Komitesi'nin kararı uygulamak için Türkiye üzerinde bir yaptırım gücü nedir sizce? Yani Türkiye'de siyasi ortamda AB üyeliği, AB ile entegrasyon Avrupa değerleri de artık o kadar itici güç olma özelliğini kaybettiği için, bunun bir etkisi olabileceğini düşünüyor musunuz? Bunu tabii bu konuda

çalışmış bir akademisyen olarak soruyorum size daha çok... Avrupa tarafından herhangi bir baskı ile Türkiye’de bir değişim, ilerleme olabileceğine inanıyor musunuz? Diğer bir deyişle, sizce hala Türkiye’de Avrupa tarafından gelecek bir baskıya karşı Türkiye’de uyumlu politikalar oluşturmaya dair bir niyet ve irade var mı?

AE: Türkiye’de AB sürecinde bazı aşamalarda utandırma bir yaptırım oldu. Bazı reform süreçlerimiz usandırma mekanizması, “conditionality” demiyorum; usandırma mekanizması diyorum, ile oldu. Bu Avrupa Konseyi için de sözkonusu, Avrupa Birliği için de sözkonusu. Bazen AGİT için de sözkonusu olabiliyor. Fakat bugünkü süreçte, Türkiye’nin AB üyeliğinde desteğin %25’lere düştüğü bir süreçte, başmüzakereci Egemen Bağış’ın AB üyeliği benim umrumda değil diye çok net bir ifadeyle pozisyonunu ve sorumluluk anlayışını ifade ettiği bir ülkede çok tabi gerçekçi değil. Türkiye’nin utanma kapasitesi çok düştü. Dolayısıyla temel hak ve özgürlüklerin ihlali noktasında çok da böyle bir Avrupalı bir kitlenin yaptırımından, eleştirisinden çekinen bir hükümetimiz yok. Dolayısıyla Zengin kararına ilişkin de tabi ben çok umutsuzum çünkü Türkiye Zengin kararının ne gereklerini yerine getirdi, diğer yandan da geri adım attı. Geri adım attı derken, meseleyi daha da içinden çıkılmaz bir hale getirdi üç din dersiyle birlikte ve üniversite sınavlarına da din dersi sorusu koyarak ve bu arada da yine göz boyamaya yönelik olarak beş din dersi sorusundan birini Alevilikle ilgili sorarak mevcut hülle siyasetini devam ettirdiğini gösterdi. Ki ben kendi açıklamalarımda da ifade ettim, Alevilikle ilgili soru her açıdan yanlış bir soru, ayrımcı bir soru, asimilasyona yönelik bir soru, Alevi öğrencileri çeldirecek bir soru; bütünüyle sorunlu. Yine Müslüman olmayan öğrenciler için sorulan beş felsefe sorusunun niteliğine baktığımız zaman neredeyse hemen hepsinin din felsefesi ile yakından ilgili olduğunu ve hemen hemen bütün sorularda da aslında biraz ilahiyat içeriği olan sorular sorulduğunu gördüğümüzde, Müslüman olmayan öğrencileri de irşad etmeye çalışan, onlara da Allah’ın varlığını, birliğini ispat etmeye çalışan bir zihniyet görüyoruz. Şöyle söyleyeyim, yani bu yalnızca Anayasa’yla, yasayla ya da yönetmeliklerle düzenlenebilecek bir mesele değil. Üniversite sınavı zaten bunu çok net gösteriyor; çünkü siz hangi anayasayı, yasayı, yönetmeliği yaparsanız yapın, böyle ayrımcı, ötekileştirici, asgari bir siyasi ahlaktan, bürokratik ahlaktan, bilimsel ahlaktan yoksun insanlar olduğu sürece bir yere varılamaz.

Nasıl “holocaust”un tek sorumlusu Hitler değilse ve nasıl Almanya’da her şey baskıyla yol almıyorsa, gönüllü katılım çok önemliyse, Türkiye’de de bugün ayrımcılık, nefret, ötekileştirme söz konusu olduğunda yoğun bir gönüllü katılım var; siyasetçilerden, bürokratlardan, basın mensuplarından, sivil toplum örgütlerinden, toplumun geniş kesimlerinden. Bunu bugün çok açık bir şekilde yaşıyoruz. Bu süreci AB de Avrupa Konseyi de bence zaten doğru okuyamıyor. Okuyamadığı gibi, müdahil de olamıyor, müdahil olamadığı gibi yaptırım gücünün de her geçen gün azaldığının da farkına varmıyor. Çünkü, bunu Macaristan örneğinde de görüyoruz; ekonomik krizin derinleştiği, siyasi krizin derinleştiği bir ortamda AB’nin gündeminde çok da temel hak ve özgürlükler olamıyor. Nasıl Macaristan’da bir yeni otoriterliğin, ırkçılığın, anti-

semitizmin yükseldiğini görüyorsak, kaçınılmaz olarak Türkiye’de de aynı süreçlerin yükseldiğini görüyoruz. AB Macaristan örneğinde çok sessiz ve duyarsız kalmak durumunda kaldığı süreçlerde, Türkiye söz konusu olduğunda çok etkin bir şekilde mücadele edemez, etmesi de beklenilemez. Biraz böyle karamsar bir çerçeveden değerlendiriyorum. Ama önemli olan tarihe not düşmek, karşı çıkmak. Şunu önemsiyorum; nasıl Nazizme karşı çıkan Münih Üniversitesi öğrencileri, Beyaz Gül grubu bugün bize insanlık için umut veriyorsa, yolumuzu aydınlatıyorsa, geleceğe ilişkin bize güç veriyorsa, ben bugün de karşı çıkan çatlak seslerin olmasının çok önemli olduğunu düşünüyorum. Bir gün bu karanlık biter diye umut ediyorum. Karanlık bittiğinde şu önemli, geri dönüp baktığımızda; “karşı çıkılmıştı” denmesi önemli.

TG: Somut politika anlamında herhangi bir planı var mı CHP’nin? Ben şimdi Türkiye’yi Polonya ile karşılaştırdığım için, Avrupalılaşıma sürecinde Türkiye’nin daha çok rasyonel aktör modeline uygun davrandığını düşünüyorum. Yani AB entegrasyonunun ülke içindeki aktörlere güç kazandırdığı sürece destek gördüğünü ve buna göre politikalar üretildiğini görüyorum. Polonya’da durum böyle değil. Dolayısıyla AB’nin üye olmaya çalışan ülkelerdeki karar vericilere sağladığı gücü, doğru politikalar izlemek suretiyle CHP, AKP’nin elinden alamaz mı? Yani AB üyeliği yolunda rasyonel aktör modelinin ön gördüğü parametreleri CHP’nin uygulamaya geçirme şansı var mı? Mesela Alevilikle ilgili bir seçmeli dersin de müfredata eklenmesi gibi, içerik hazırlanmasına ön ayak olmak gibi çalışmalar var mı parti bünyesinde? Burada aslında biraz da sıklıkla dile getirilen “CHP muhalefet ediyor ama politika üretmiyor” eleştirisine gönderme yapıyorum ve konu ile ilgili somut politikalarınız var mı diye sormak istiyorum...

AE: CHP zaten zorunlu din derslerine karşı. Dolayısıyla bizim birinci somut politika önerimiz, yeni Anayasa’da zorunlu din derslerinin olmaması. İkinci olarak, belki parti içinde değişik görüşler olsa da inanç eğitiminin yeniden yapılandırılması konusunda hemfikiriz. Nasıl yeniden yapılandırılacağı şüphesiz yalnız CHP ile ilgili değil, tabi toplumdaki müzakere ile ilgili. Ben akademide de siyasette de hep devlet alanının dışında ve bireye, inanç topluluklarına hak ve özgürlüklerini tanıyan bir yapıyı savunmaktayım. Yani inanç eğitimi, inanç topluluklarına bırakılmalı; öğretmeniyle, müfredatıyla, içeriğiyle, usulüyle ve devletin bu konuda herhangi bir yetkisi olması fikrine, siyaseten de, fikri olarak da ahlaki olarak da, inançsal olarak da karşı çıkıyorum. Devletin hangi yetkisi olabilir? Denetleme ve düzenleme yetkisi olabilir, hayatın her alanında olduğu gibi. Bu konuda AB’nin açık bir çerçevesi olmadığını düşünüyorum.

TG: Yok evet.

AE: Avrupa Konseyi’nin de, AIHS’den yola çıkarsak bazı genel çerçeveler koyduğunu biliyoruz ama yani çok net bir şey aslında. O yüzden her toplum kendi mutabakatını bulmak zorunda ama benim şahsi pozisyonum bu. Diğer vatandaşlarımızı ikna etmek istediğim pozisyon bu. Dolayısıyla ben şu anda CHP’nin bir Alevi kitabı hazırlatmasına da karşı çıkarım, Sünni kitabı hazırlatmasına da karşı çıkarım, Hıristiyanlık, Protestanlık,

Yahudilik... hepsine karşı çıkarım. Bu inanç topluluklarının kendi bileceği iş. Kitaplı da olabilir, kitapsız da olabilir. Ne arzu ediyorlarsa onu yapabilmeliler. Diyanet İşleri Başkanlığı'nın kitap hazırlatma, ne diyeceğimi bilemiyorum artık, densizliği... ve bu kitabı nasıl hazırlattığını çok iyi biliyoruz. Bazı Alevileri bu sürece kattığını, bazı Alevileri sürecin dışında bıraktığını, onların görüşlerini en azından sürecin dışında bıraktığını, dayatmayla yapıldığını biliyoruz. Alevilikle ilgili haftaların öğrenciler için en ayrımcı haftaya dönüştüğünü biliyoruz; bu yönde şikayetler geliyor. Alevi öğrenciler en çok o hafta hakarete uğradığı, öğretmenleri tarafından aşağılandığı, arkadaşları tarafından aşağılandığı... Dolayısıyla, hiç olmasaydı daha iyiydi diyor pek çok Alevi bugün; ben de öyle diyorum. Keşke Alevilik konu olmasaydı da hala veli ve öğrenciler hep alışıktıkları ayrımcılık ve hakarete maruz kalsalardı, bir de özel bir Alevilik hakareti haftası yaşanmasaydı. Dolayısıyla CHP, seçim beyannamesine göz atarsanız göreceksiniz; ayrımcılıkla mücadele, eşitlik için çok net bir çerçeve koyuyor. Nefret suçları ile ilgili bir çerçeve koyuyor ve tüm inançlara eşit bir yaklaşım seçim beyannamesinde ifade ediliyor. Zaten yani bu temel ilkelerden nasıl bir politika çıkabileceği çok net. Mevcut ayrımcı politikanın bizim açımızdan devam ettirilmesi söz konusu olamaz. CHP iktidarında da mutlaka ve mutlaka eşit yurttaşlık temelli ve Cumhuriyet'in laik niteliğini güçlendirici ama bir yandan da inanç özgürlüğünü güçlendirici adımlar atılmalı. Çünkü ben bir geçmişe dönüş romantizminde de değilim, ben özgürlüklerin genişletilmesi taraftarıyım çünkü Türkiye'de inanç eğitimi söz konusu olduğunda da yani 12 Eylül öncesinde de işler güllük gülistanlık değildi.

TG: Değildi evet.

AE: Önemli olan şu; arzu eden her bir bireyin, her bir vatandaşın inanç hizmetlerine erişimini kolaylaştırmak. İkincisi de, çok atlanan bir konu var. Benim de açıkçası daha geç bir dönemde vakıf olduğum bir mesele; o da eğitimdeki artan yeterlilikler anlayışı. Artan yeterlilikler anlayışında, öğrencilerin, gençlerin, yaşı ilerledikçe kendi hayatları ve gelecekleri, kendi eğitimleri ile ilgili daha çok söz sahibi olması ilkesi vurgulanıyor. Dolayısıyla, on sekiz; evet reşit olmanın yaşıdır, on sekiz yaşından önce bir veli-öğrenci ilişkisi oluyor fakat nasıl on altı yaşında bir öğrenci kendi matematik, fizik dersini seçebiliyorsa, nasıl kendi kıyafetini seçebiliyorsa yni yetişkinliğe geçen bir birey olarak nasıl kendi hayatıyla ilgili önemli bazı kararları veriyorsa, inanç dersi alıp almayacağına, hangi inancın dersini alıp almayacağına da kendisi karar vermeli. Ve belki de on dört on beş yaşından itibaren bir geçiş süreciyle de belki veli haklarını da tekrar gözden geçirilmeli. Çünkü şu anda veli gençlerin mutlak hakimi konumunda. Şöyle düşünelim, on yedi yaşında farklı bir inanca sahip bir kişiyi zorla annesinin ya da babasının inancına göre okumaya öğrenmeye zorunlu kılmak; bu kabul edilebilir bir şey değil.

TG: Polonya'da da durum böyle yani belirli bir yaştan sonra öğrencinin kendi talebi doğrultusunda inanç eğitimi alıyor. Seçmeli ders olarak var ama öğrencinin velisi, belirli bir yaştan sonra kendi talebi doğrultusunda bu dersi alıyor.

AE: Evet yani AB konusuna dönecek olursak, benim açımdan önemli; AB de önemli, Avrupa Konseyi de önemli hatta Avrupa Güvenlik İşbirliği Teşkilatı da kendi siyasetimin çok önemli pusulaları. Hem ben siyaset yaparken, hak ve özgürlük talep ederken bu çerçevelere referans yapıyorum, hem bu çerçevelerin, bu süreçlerin bana yüklediği sorumlulukları ve yükümlülükleri dikkate alıyorum, hem şahsım adına bir rasyonel aktör olarak hem de partim adına bir rasyonel aktör olarak hem de Türkiye Cumhuriyeti'ni de bir rasyonel aktör olarak aldığımda, her üçünün de bu süreçleri dikkate alması gereken aktörler olduğunu düşünüyorum, yani olmalıyız. Ben kendim olduğumu düşünüyorum çünkü ben o çerçevelerden bağımsız siyaset yapmıyorum. CHP de bu çerçevelere çok dikkat ediyor, gittikçe artan bir oranda. Umuyorum ki, CHP'nin iktidar olduğu bir Türkiye'de de bu çerçeveler dikkate alınır. Hem yeni AIHM kararlarına yol açılmaz hem hem mevcut AIHM kararlarının gerekleri yerine getirilir. AIHS'de inanç özgürlüklerine ilişkin tüm maddelere uygun davranırız diyelim. Bu mağduriyetleri gideririz.

TG: Son bir şey sormak istiyorum; bu yeni Anayasa sürecinde zorunlu din dersleri ile ilgili olarak kaldırılması yönünde umudunuz var mı? Görüştüğüm bir akademisyen bu konu ile ilgili iyimser bir görüş dile getirdi de onun için soruyorum; bu iki yeni seçmeli din dersinin konmasının Anayasa'daki zorunlu din dersinin iktidar partisi adına seçmen kaybına yol açmadan kaldırılabilmesi için bir ön adım olabileceğini düşündüğünü söyledi. Sizin bu yönde duyularınız var mı kulislerde ya da böyle bir öngörünüz?

AE: Ben kulislerde böyle bir şey duymadım. Kendim de umutlu da değilim, olumlu da düşünmüyorum çünkü Türkiye'de çok açık bir Sünni egemen sistem var ve bu Sünni egemen sistemin arkasında çok büyük bir çoğunluk var. Sünniler yok, çoğunluk var. Çünkü her Sünni, kendi şahsımdan da biliyorum, bu sistemi kabul etmiyor ve bu sisteme karşı mücadele eden Sünniler de var ama bu Sünni egemen sistemin hem mecliste üç partisi var, yeri geldiğinde birlikte oy veren, hem de kamuoyunda çok büyük bir desteği var. Bu mutlak egemenlik, bu çoğulcu, baskıcı çerçeve orada dimdik durduğu sürece ancak belki lütfedilebilir. Bir lütuf politikasına geçilebilir. Ben hak hukuk politikası yapıyorum. Türkiye'de inanç topluluklarının temel anlayışta hak ve özgürlüklerine kavuşabileceklerine inanmıyorum. Olsa olsa bazı onlara nefes alıracak imkanlar, imtiyazlar lütfedilebilir ama bu da zaten bizleri daha ileri bir yere getirmez. O egemen yapıyı garip bir şekilde yeniden onarır, meşrulaştırır, belki de güçlendirir çünkü sürdürülemez gayri ahlaki, gayri hukuki, gayri meşru, gayri insani bir çerçeve; sürdürülemez bir çerçeve. Zaman zaman balans ayarı gerekmekte, utandırıcı hale gelmekte. Ama benim inancım o ki, bu anlık taktiksel bir pozisyon değildir bu Sünni egemen ve ayrımcı yapı. Bu çok derin tarihsel, kültürel kökleri olan bir anlayıştır. Dolayısıyla çok zor yerinden kıpırdar. Yerinden kıpırdaması için de, onu da söyleyeyim bari, ne gerekir; mutlaka ve mutlaka çok önemli bir toplumsal mobilizasyon gerekir ve ittifaklar gerekir. Ben hem Sünni yurttaşlar arasında böyle bir vicdani kalkışmayı görmüyorum hem de Alevi yurttaşlar arasında bu ittifakları kurabilecek bir kültürel

kapital olduğunu görmüyorum. Dolayısıyla bu vicdani, insani, hukuki, siyasi, ahlaki karşı çıkışı başarabilecek bir koalisyon göremediğim için de umutsuzum.

TG: Çok teşekkür ediyorum, görüşlerinizi paylaştınız...

Interview with Mr. Hüseyin Aygün, CHP Tunceli MP

10.04.2013, TBMM

Tuğba Gürçel: Az önce de bahsettiğim gibi, ben tezimde din-devlet ilişkilerinin Avrupalılaşıma sürecinde nasıl etkilendiğini anlamaya çalışıyorum ve okullardaki din dersleri özelinde Türkiye'yi Polonya ile karşılaştırıyorum. Sizin bu konudaki düşüncelerinizi almak istiyorum. CHP nasıl bir tutum sergiliyor? Burada Alevilerin, azınlıkların, Lozan'da azınlık kabul edilmeyen azınlıkların durumu hakkında ne söylemek istersiniz? Genel çerçevede olarak bu bağlamdaki görüşlerinizi paylaşabilir misiniz?

Hüseyin Aygün: Bugün Kocaeli'de bizzat İl Millî Eğitim Müdürlüğü'nün gözetiminde bir bildiri dağıtılmış. Bugün basına yansıdı; cennet için çocuklarınızı İmam Hatip'e gönderin çağrısı yapıyor. Kocaeli EĞİTİM-SEN de bunu, sistematik olarak toplumu dinselleştirme daha sonra da dindar nesiller yaratma, sonuçta rejimi de laik bir rejim olmaktan çıkarıp dine dayalı bir rejime dönüştürme çabalarının parçalarından biri olarak nitelmiş. Bunun gibi sayısız olaylar oluyor her gün. Özellikle Anayasa Mahkemesi'nin bileşiminin değiştirilmesi, Ergenekon davası, ordunun güçsüzleştirilmesiyle hızlı bir dinselleşme dalgasıyla karşı karşıyayız. Bölgedeki Sünnî ittifakı ile de birleşen, Amerika'nın da Türkiye'yi ılımlı İslam toplumuna dönüştürme çabalarıyla da bu destekleniyor.

Din dersleri konusunda AİHM'in de çeşitli kararları var; çoğulcu olması, objektif olması koşulu, bütün dinlerin öğretilmesi olabileceğine hükmeden. Özellikle Alevi ailelerin çocuklarının bu zorunlu din derslerinden muaf tutulmasıyla ilgili açtığı davalarda bu kararlar çıktı. Hükümet bu derslerin içeriğini Alevilikle ilgili, kimi başka inançlarla ilgili, çeşitli bölümlerle zenginleştirerek tekrar etti ve muaf tutulma talebi kabul görmedi. Yine din hanesinin nüfus cuzdanında bulunmasını istemeyen Sinan Işık adlı bir Alevi vatandaşın açtığı davada lehine karar çıkmasına karşın, karar yerel otoritelerce yerine getirilmiyor. Sinan Işık, yine bugün basına yansıyan bir habere göre, Anayasa Mahkemesi'ne müracaat etmiş AİHM kararının uygulanması için. Ben Türkiye'deki dinselleşmeyi sadece zorunlu din dersleri etrafında devam eden bir süreç olarak görmenin de eksik kalacağına inanıyorum. Üç tane din dersi önümüzdeki öğretim döneminde okutulacak, Hz. Muhammed'in Hayatı, Kuran ve mevcut zorunlu din dersi. Bunların da bir süre sonra pek çok bölgede zorunlu olacağını, pek çok ailenin hükümetin baskısıyla bu derslerin çocukları tarafından alınmasına rıza göstereceği çok açık.

Daha iki gün evvel, Bursa'nın Gemlik ilçesinde, üstelik bir din dersi öğretmeni de değil, bir felsefe öğretmeni Alevilere ağır hakaretler eden konuşmalar yaptı. O öğretmenle ilgili hiçbir işlem yapılmadı çünkü bu Alevilere, Tanrı tanımazlara ve diğer pek çok gruba karşı bu tavrı destekleyen bir devlet otoritesi var şu anda Türkiye'de. Bu sebeple bu tür duygular taşıyanlar zincirlerinden boşanmışçasına harekete geçmiş durumdadır. Yine "Cihatçı"lar, İslami terörist gruplar aynı şekilde; dün Adana'da cihata çağıran bir bildiri dağıtıldı ve Suriye'deki rejime destek verenlerin başının gövdesinden koparılacağı söyleniyor orada.

Şimdi genel tablo bu. Bu tabloda Alevilerin hakları ne, Aleviler ne hissediyor? Ve AKP gibi düşünmeyen diğer grupların hali nedir diye soracak olursan; yoğun bir inkar, asimilasyon, aşağılanma, dışlanma sözkonusu. Geçen sene 28 Temmuz'da Malatya'nın Sürgü beldesinde görüldüğü gibi kimi zaman katliam girişimlerine varan bir politik atmosfer var. İslam rejimi, İslam kardeşliği, İslama dayalı bir toplum günümüzün sorunlarını çözmeye yetmez ancak görüyoruz ki Kürt sorununu bile bu bağlamda çözmeye yönelik bir girişim var. Öcalan'ın Diyarbakır'da okunan bildirisinde bile bin yıllık İslam kardeşliği temelinde dayanıyor. Oysa bırakın bin yılı, son yüzyılda bile Anadolu'da nasıl din temelinde nasıl Müslüman olmayan veya Müslüman görülmeyen grupların katledildiği, sürgün edildiği biliniyor. Ermeni meselesi olsun, Süryanilerin sorunları olsun, Koçgir'de yapılanlar olsun; bu olaylarda akıtılan kanlar din duygusuyla, dine referanslarla doğrudan bağlantılıdır. Dolayısıyla dine dayalı bir toplum veya rejim asla demokratik olamaz; kaynağını dinden alan bir rejimin başka dinlere hoşgörü göstermesi, çeşitliliği ve ifade hakkını savunması mümkün değil. Yine güncel bir bilgi vereyim; üç gündür Diyarbakır'da Dicle Üniversitesi'nde Hizbullahçılar diğer öğrencilerle çatışıyorlar. Türkiye'nin geleceğinde ne yazık ki bu tip olayların artacağını, genelleşeceğini, hükümetin yönlendirmesi ve korumasıyla ulusal çapta meydana geleceğini düşünüyorum ve endişe duyuyorum. Buna uygun olarak da kamuoyunu uyarıyoruz. İslam kardeşliği, din kardeşliği denen şey büyük bir aldatmaca olduğunu, İslama dayalı bir rejimin de demokratik olamayacağını söylüyoruz. Yüzyıllar evvel denenmiş başarısız yıkılmış Osmanlı rejimi gibi bir rejimin bugün hoşgörünün, demokrasinin, adaletin rejimi olarak takdim edilmesini hükümet tarafından açıkça bir manüplasyon ve tarihi çarpıtma olarak görüyorum. Dinin çarpıtılmaması lazım. Osmanlı'da farklı dini unsurlar, Hristiyanlar, Aleviler, Bektaşiler asla rahat değildiler. Bunların payına yalnızca katliam düştü. Yavuz'un Çaldıran Seferi'nden itibaren Aleviler ve Bektaşiler rahat yüzü görmemişlerdir.

TG: Bugünkü Yargı Paketi de AİHM kararlarına sık sık referansta bulunuyor. AİHM kararlarının uygulanması konusunda sizce hükümet bir baskı hissediyor mu? AB üyelik amacı veya Avrupa Konseyi üyeliği bir hareket noktası mı? Hak ve özgürlükler ekseninde, AİHM kararlarına uyumlanmaya çalışılıyor mu?

HA: Hayır oluşturmuyor zira hükümetin AB üyeliği projesi bitmiştir artık yüzünü İslam ülkelerine döndü, doğuya döndü oralarla birlik kurmayı amaçlıyor. Avrupa ile köprüleri atmaya yer arıyor. Şangay Beşlisi'ne bizi alın dedi Başbakan Putin'e. AİHM kararlarını da bundan daha önce AB üyeliği heyecanı varken dahi uygulamıyordu hükümet. Mesela

çok klasik, kökleşmiş bir şeydir AİHM içtihatlarında bir insanın en fazla tutuklu kalacağı süre 2 yıl 4 ay olduğu yönünde bir belirleme vardır. Türkiye’de sendikacılar, gazeteciler, yazarlar, aktivistler, yazarlar tutukluluklarının dördüncü beşinci yılına giriyorlar. AİHM’in de bir baskısı da yok, madalyonun diğer tarafında da Avrupa ülkelerinin Türk hükümetine karşı ikiyüzlülüğü söz konusu. Tam bir demokratikleşmenin arkasında durmuyor. Dolayısıyla AİHM de demokratikleşme konusunda bir ölçüt olma özelliğini bizim için kaybetti.

TG: Peki CHP’nin AB süreci ile ilgili heyecanı ne durumda peki?

HA: CHP ile ilgili bir görüş belirtmeyeyim izin verirsen, çünkü CHP adına konuşmaya kendimi yetkili görmüyorum.

20 yıl önce Avrupa’nın denetiminde demokratikleşme adına bir şeyler söyleyebilirdik, şimdi öyle bir şeyden bahsedemeyiz. Avrupa adına da bu iddia çok eskimiş durumda. Her iki tarafın da yorulduğunu düşünüyorum. Yine de Türkiye’nin yüzünü Avrupa’dan doğuya dönmesini çok olumsuz bir gelişme olarak görüyorum. Ne olursa olsun, Avrupa büyük dönüşümlere; Rönesansa Reforma sosyalizm deneyimine dünyada en üst düzeyde uygulanmış batı demokrasisine ev sahipliği yapmıştır. Türkiye’nin yörüngesinin oradan çıkmaması lazım. İnanç özgürlüğü, ibadet hakkı, bunun önündeki sınırların kalkması, kuşkusuz bunlar da demokrasi için... Ama dine dayalı bir rejim dünyanın herhangi bir yerinde toplumların sorununu çözmemiştir. Zaten din toplumlarının, din devletlerinin ne rezil devletler olduğunu herhalde her gün oralarda işlenen cinayetlerden, vahşetten, bir erkekle gezdi diye, dışarıda saçı göründü diye kırbaçlanan kadın kardeşlerimizden görebiliriz. Onun karşısında durmak, onu eleştirmek lazım. O bakımdan da Batı demokrasisi bir ölçüt aslında. Size katılıyorum. Ondan tamamen de kopmak mümkün değil çünkü o içte ulaştırdı uygarlık bakımından.

TG: Alevilerin din derslerindeki durumları konusunda iyimser değilsiniz diye anlıyorum...

HA: Kesinlikle iyimser değilim. Ben bu asimilasyon, aşağılama, dışlama politikalarının Alevilere karşı fiziki saldırılara dönüşmesinden endişe ediyorum. Bırakın Aleviliğin kabullenilmesi, yasal tanınma ve korunmayı; fiziki saldırıların, katliamların meydana gelmesinden endişe ediyorum. Bu arada Avrupa ülkelerindeki gelişmeler çok olumlu. 4 Avrupa ülkesinde Alevilik resmen tanındı. İsviçre’nin Basel Parlamentosu bağımsız bir inanç olarak tanımladı ve kimi haklar tanıdı. Avusturya’da Hızır Orucu günü Aleviler için resmen tatil ilan edildi. İsveç’te çeşitli kazanımlar var, şu anda süreç devam ediyor. Almanya’da Hamburg’da yine parlamento Alevi toplumunun liderleriyle bir sözleşme imzaladı. Ama Aleviler yaşadıkları topraklarda tanınmıyor, Türkiye; Anadolu, Suriye, Irak bölgelerinde; yerleştikleri yerlerde ağır bir asimilasyon ve yok etme politikalarıyla karşı karşıyalar. 500 yıldır da direnme, ayakta kalma kendilerini var etme yeteneklerini sergilediler, bundan sonra da sergileyeceklerinden kuşku duymuyorum. Avrupa’daki kazanımlar da Aleviler açısından yol gösterici ve son derece ümit verici; Avrupa hükümetlerine de bu yönden gerçekten teşekkür etmek lazım, dinsel çoğulculuğu ve hoşgörüyü yaydıkları için. Onlar İslamı sadece olumsuz uygulamalarından tanıyorlar.

İslam denilen fenomenin içinde, Alevilik-Bektaşilik gibi böyle çok farklı, bunun içinden çıkmış ama benimsediği değerler itibarı ile son derece çağdaş, 21. yüzyılın yarattığı değerlere uygun akımlar da var. Onların da bu akımları tanıması, onlardan öğrenmesi, Avrupa'da barış içinde birarada yaşama için bu akımlarla işbirliğine gitmesi bence kendi hayırlarına. Bu bakımdan da çok isabetli davrandıklarına inanıyorum. Yani Basel Kanton'undaki 8000 Alevi, Basel'deki çeşitli dini grupların kardeşçe yaşaması açısından da belli dersler ortaya koydular. Orada mesela kadınların ve erkeklerin birlikte ibadet etmesi, semah dönmesi gibi şeylere İsviçre yetkilileri Aleviler sayesinde şahit oldular ve çok şaşırdılar. Tanıma süreci tüm toplumları zenginleştirmenin de bir parçası anlamına geliyor. Bu bakımdan onlar için de Aleviler için de zengin deneyimler içeren yeni bir süreç ile karşılıklıya olduğumuzu düşünüyorum.

TG: Türkiye'de gerçekleştirilmiş olan Alevi Çalıştayları, Avrupa'da gerçekleşen bu açılımlara benzer bir sürece bir adım niteliğinde olabilir mi sizce?

HA: Açıkçası Aleviler başından beri AKP'den biraz umutsuzdular çünkü hem demokratlığı konusunda ciddi şüpheleri var hem de İslamcılar tarih boyunca hiçbir zaman Alevilerle bir yüzleşme tavrı göstermediler. Çalıştaylar o yüzden çok büyük reklamlarla propagandalarla toplumun gündemine geldiyse de Alevi örgütlerinin çok zayıf bir desteği söz konusuydu. Aleviler, yanılmıyorsam, ikinci çalıştaya da katılıp taleplerini dile getirip çekildiler, devam etmediler. Zaten çalıştayların ardından hazırlanan sonuç bildirisi ve raporda da yer alan mantık çok korkunç bir mantıktı. Sivas'ta müze istemenin bile tehlike olarak nitelendiği bir rapor ortaya çıktı. Bunun üzerine Alevilerin AKP'den herhangi bir beklentisi olduğunu sanmıyorum. Zaten bütün Aleviler de uzak duruyor. Yani Alevilerin şu an AKP ile ilişkisi sadece kendini ondan korumak, örgütlenmek, ona karşı mücadele etmek, onu izlemek ve onun attığı adımlardan kendisini ve gelecek nesillerini korumak adına sonuçlar çıkartmak. Bu her yerde böyle.

TG: Anladığım kadarıyla, bu yeni din derslerinin de eklenmesi ile birlikte durum, hem hak ve özgürlükler açısından, hem azınlıklar açısından, sizin görüşünüze göre, kötüye gidiyor. Bu noktada önerdiğiniz herhangi bir politika var mı?

HA: Tabiki! Devlet din alanından elini çekmeli, Diyanet lağvedilmeli, din derslerine son verilmeli. Okul asla dinsellemenin mekanı olmamalı. Bütün dinlere kör, nötr bir devlet kurulmalı aksi halde geri hatta hiç demokrasi kültürü olmayan bir ülkede bunun İslamcılarının baskısına dönüşmesi, Ortaçağ'daki gibi uygulamalara gidilmesi mümkün. Ortaçağ'da biliyorsunuz Alevileri kazanlara atarlardı, nehirlerde boğdururlardı, padişahlar, Ebu Suud Efendi gibi kimseler fermanlar yayınarlardı bunların mallarının bile helal olduğu yönünde. Türkiye gibi ülkelerde demokrasi kültürü, demokrasi tarihi de zayıf olduğundan devletin kesinlikle din alanından elini çekmesi lazım. Bunu sivil gruplar kendisi yapmalı. Diyelim Aleviler Cemevleri, dergahlar aracılığıyla din eğitimini kendi çocuklarına verebilmeli; isteyen gruplar da yine kendi usullerince kendi örgütlenmelerinde... Türkiye'de bırakın devletin bu alandan çekilmesini, Diyanet gibi bir kurum var karşımızda, 8-10 bakanlığın bütçesine sahip, siyasal İslamı yayan bir kurum bu. Bu bakımdan gidişat bizim açımızdan oldukça karamsar. Aslında laik, demokrat, aydın, çağdaş düşünceli bütün insanlar için gidişat çok olumsuz. 18:00 Aleviler de bu

gidişata karşı direnebilecek en önemli güçlerden birisi Türkiye’de. Bu bakımdan Alevilik üzerinde konuşuyoruz, yoksa Sünni bir seküler yurttaşımızın da, laiklikten gelen bir yurttaşımızın da bu dinselleşme dalgası karşısında fikir, ifade, örgütlenme hakkının istediği şekilde yaşama özgürlüğünün ağır bir tehdit altında olduğunu düşünüyorum. Buna karşı bütün güçlerin direnmesi lazım. Türkiye’nin İslamlaşması sadece Alevileri hedef yapmaz, bütün kesimlere zarar verir.

TG: Yeni Anayasa sürecinden, Uzlaşma Komisyonunun ortaya koyacağı ilkelerden de mi umutlu değilsiniz? Bunu özellikle zorunlu din derslerinin anayasadan çıkartılması ve Diyanet’in konumu ile ilgili soruyorum...

HA: Yok yok. Şu an Alevilerin esamesi bile okunmuyor. Öcalan’ın mektubunda bile 10 bin, 20 bin kişilik gruplardan bahsediliyordu, ama 10 milyon-15 milyon Alevi toplumunun adı bile geçmiyordu. Aleviler bunun Osmanlı’dan beri süregelen bir süreç olduğunu düşünüyorlar. Yani sonuç olarak ben gidişatın olumsuz olduğunu düşünüyorum ancak Alevilerin de buna karşı direnecek muazzam güçleri var. Aleviler aslında Türkiye’nin her yerinde örgütlü; 1970lerde bunu sosyalist örgütler içinde sergileme imkanı buldu, bugünse ilke defa kendileri için mücadele edecekler. Bambaşka bir deneyim yaşayacaklar eğer Türkiye birazcık demokratik, laik çizgide diredenecekse bunda Alevilerin muazzam rolü olacak buna inanıyorum. Yani din denen şeyin vicdanlarda kalması gerekir. Atatürk’ün 1920lerde, 30larda söylediği şeyleri çok kıymetli buluyorum. Atatürk düşmanlığının da sebebinin bu bağlamda çok net görülebileceğine inanıyorum ve tüm yurttaşların bunu görmesini umuyorum.

TG: Vakit ayırdığınız için çok teşekkür ederim.

Interview with Mr. Kazım Genç, Lawyer of *Zengin vs. Turkey* Case, ECtHR

06.02.2013, Genç Hukuk Bürosu, Ankara

Tuğba Gürçel: Öncelikle görüşmeyi kabul ettiğiniz için çok teşekkür ederim. Size yazmış olduğum e-postada da bahsettiğim gibi, ben Bilkent Üniversitesi Siyaset Bilimi Bölümü’nde doktora öğrencisiyim. Tezimde Türkiye’de ve Polonya’da din-devlet ilişkilerinin AB ile entegrasyon sürecinde nasıl etkilendiğini din dersleri özelinde incelemeye çalışıyorum. “Zengin Davası”na da temel teşkil eden, Türkiye’de zorunlu din dersleri konusu ile başlayacak olursak, neler söylemek istersiniz?

Kazım Genç: Ben size öncelikle birkaç bilgi vereyim, bence siz bu zorunlu din dersi konusuna bağlı kalmayın. Bizim büromuz sizin bu çalışmanız için verisi çok olan bir ofis. AİHM’e götürülmüş pek çok dava, ki bunların başlangıcı 2000’li yıllara dayanıyor; 2004’te AİHM’e gittik, 2007’de karar çıktı. 2008’de Avrupa Konseyi Bakanlar

Komitesine başvurduk çünkü verilen kararın Türkiye’de hala bir uygulaması yok. Bunlardan ayrı olarak Türkiye’de açtığımız, yani zorunlu din dersine karşı açılmış 30-35 civarında dava vardır, bunların 20 tanesi falan bu bürodan yürüdü. AİHM’in bu kararı çıktıktan sonra Danıştay 8. Dairesi bu kararı emsal olarak bu karar doğrultusunda kararlar verdi ve mahkemeler de ona bağlı kaldı. Ancak Eylül 2010 referandumundan sonra Türkiye’de Yüksek Yargı dokusunda AKP lehine bir değişiklik olunca, şimdi açtığımız davalar yoğunluklu olarak red şeklinde geliyor. Artı tabi bir de Anayasa Mahkemesi’ne başvuru süreci girdi araya; bundan sonra o süreci de yürüteceğiz. Zorunlu din dersleri ile ilgili şu anki durumumuz bu.

Tabi bir de Cemevleri sorunu var, ibadethane meselesi ile ilgili vardı... Mesela en son 2000’li yıllardan beri Türkiye’de derneklerin federasyonlaşması yasaktı, onun üzerine biz dokuz alevi derneği yanyana gelerek Alevi Bektaşî Kuruluşlar Birliği diye ikinci bir dernek kurduk. O hukuksal olarak onuncu bir dernek gibiydi ama bizim iç hukukumuzda o derneklerin işbirliği gibiydi ve o derneğin üyeleri yani kurucuları diğer dokuz derneğin genel başkanları konumundaydı ve onlardan denetçiler gelirdi. Onunla ilgili mesela bir kapatılma davası açıldı, mahkeme kapatma kararı verdi 2002’de, biz temyiz ettik.

TG: Kapatma kararı hangi gerekçe ile verildi?

KG: Bölücülük.

TG: Peki, temyiz sonucu ne oldu?

KG: Yargıtay 2. Hukuk Dairesi 3’e 2 oyla lehimize karar verdi. Biz de 2003’te Alevi-Bektaşî Federasyonu’nu kurduk. Bununla ilgili dosyalar da incelemek isterseniz bizdedir. Bunun dışında Cemevleriyle ilgili verilen yoğun bir mücadele var. Bu aralar basında sıkça görünen Çankaya Cemevi davası var. Mahkeme lehimize karar verdi, Yargıtay bozdu, mahkeme direndi, direnme kararını da Savcılık temyiz etti. Mesela din ve devlet ilişkisi anlamında baktığımızda, ben bugün alamadım, haftaya alacağım mahkemenin direnme kararını, orada hukuki olarak inanç özgürlüğü korunmaya çalışılıyor. Burada kişinin Tanrı ile olan ilişkisine kim ne karışır deniyor aslen. O davada yine Cemevlerinin tarihsel geçmişi yoktur falan denildi, ben Malatya’da 800 yıl önce var olan bir Cemevi ile ilgili belge götürdüm.

Yine nüfus kağıtlarındaki din hanesiyle ilgili olarak Sinan Işık, o davaya da biz baktık, mahkemeye diyor ki ben Aleviyim, din hanesindeki İslamı silin Alevi yazın. Mahkeme Diyanet’ten görüş alıyor, Diyanet diyor ki Alevilik diye bir inanç yoktur, Alevilik Müslümanlığın tasavvufî bir yorumudur. Mahkeme de bu görüşe göre karar verdi. Biz de AİHM’e gittik, bu din hanesiyle ilgili dedik ki, AİHS 9. Maddesi gereği kimse inancını açıklamaya zorlanamaz, Mahkeme de bu ilke gereğince uygulamayı aykırı buldu.

TG: Ama Türkiye’de uygulanmıyor değil mi bu karar?

KG: Hayır uygulaması yok. Orada da bir yolunu buldular, vatandaşlık yasasını değiştirdiler. İsteyen gitsin muhtardan ikametgah alır gibi onunla da Kaymakamlığa başvursun din hanesinden İslam'ı sildirsin, Hristiyan, Musevi, Ortodoks yazdırsın. Ama Alevi yazdıramaz, neden? Alevilik din değil çünkü onlara göre... O zaman o hane boş bıraksın diyorlar. İyi de ben devlet dairesine gittiğim zaman verdim nüfu kağıdımı, o hane boş; anlamayacak mı karşıdaki? Ne gerek var bir din hanesine? Kime ne kimin neye inandığından? Bu konu da Avrupa Konseyi Bakanlar Komitesi'nin önünde. İki yıl önce Avrupa Konseyi Bakanlar Komitesi İnsan Hakları Temsilcisi Türkiye'ye geldi. Benimle görüşmek istediler, İstanbul'da görüştük kendileriyle. Hem Zengin hem de Sinan Işık davaları ile ilgili görüştük; her iki dosya ile ilgili de biz dilekçemizi yazdık, bize hiçbir geri dönüş gelmedi dedim, nasıl olur dediler... Baktılar gerçekten geri dönüş yok. Orada Türk dosyalarıyla ilgilenen Türk avukatlar var onlar ilgilendiler. Beni aradılar sonrasında, dediler ki "tamam siz 2008'de başvurmuşsunuz ama bugüne kadar hükümetinizden cevap gelmemiş." Siz söyleyin, böyle bir şey olabilir mi? Dedim ki yani hükümet on yıl cevap vermezse ne olacak? Siz niye orada oturuyorsunuz? Yargıya üç aylık süre tanınır, cevap vermedi mi bir üç aylık daha süre tanıyın sonra cevap verme hakkını kaybettin deyin.

TG: Evet, bir yaptırım yok mu?

KG: Var, AİHS ve AİHM kararlarına göre yapmaları gereken, yargı kararına uyun uyun diye süreler verecekler, ona uyup uymadıklarına bakacaklar, ihtarlar verecekler ondan sonra. Üç tane ihtar verecekler, ihtarlar da çoğalabilir, sonra ilişkiyi askıya alma ve en sonunda da Avrupa Konseyi'nden çıkartmaya kadar gidebilir müeyyidesi. Ama ne yazık ki Avrupa da bu konuda çifte standartlı davranıyor. AKP'yi özellikle ilk iktidar olduğu dönemde AB üyeliği konusundaki istekli tutumunu da göz önünde bulundurarak liberal demokrat olarak görüyorlardı ve sempatik davranıyorlardı. Ancak bunlar yeni yeni işin iç yüzünü görmeye başladılar. Mesela vicdani redçilerle ilgili AİHM'de verilen kararın uygulanmaması ile ilgili yedi kere ihtar olmasına rağmen hala müeyyide uygulamıyorlar.

TG: Siz kararın uygulanmaması ile ilgili şikayet başvurunuzu Avrupa Konseyi Bakanlar Komitesi'ne yapıyorsunuz değil mi?

KG: Evet her ülkenin Dışişleri Bakanları'ndan oluşan Komite'ye yapıyoruz başvurumuzu.

TG: Peki Avrupa Konseyi Bakanlar Komitesi'nin tutumuyla Türkiye'nin AB üyeliği süreci arasında bir bağlantı görüyor musunuz? Komisyon'un Türkiye ile ilgili ilerleme raporlarında bu kararların uygulanmayışına atıfta bulunuluyor mesela...

KG: Tabi burada Avrupa Birliği Komisyonu Türkiye Delegasyonu var mesela, Sema Hanım var mesela bizim yakinen görüştüğümüz, Türkiye'nin hazırladığı raporlarda bu konulara yer verirler ve bizi arayıp sorarlar şu şu AİHM kararlarının uygulaması ne oldu diye. Biz de deriz ki, çok şükür hiçbir ilerleme olmadı!

TG: Bu da tabii hazırlanan raporlara yansıyor. Zorunlu din dersi meselesine dönecek olursak, aslında ben bu konuyu incelemeye başladığımda sadece zorunlu din dersleri vardı şimdi bir de irdelenmesi gereken seçmeli din dersleri var. Bu 4+4+4 formülü ilk çıktığında öyle bir hava vardı ki, sanki zorunlu DKAB dersleri kaldırılacak, din dersleri artık seçmeli olacak gibi. Ama öyle olmadı, malum... Hem zorunlu DKAB dersleri devam ediyor hem de seçmeli din dersleri eklendi yasayla.

KG: Yo, siz kaldırılacağını düşünmekte son derece haklısınız. Bu AİHM kararından sonra, o dönemki Milli Eğitim Bakanı Hüseyin Çelik'ti, o çıktı dedi ki, biz bu dersi seçmeli yapacağız. Tunceli'de çok güzel bir söz vardır: “Ben senin hilelerinle yalan dolanlarınla baş edemedim, bu bana ders oldu. Ben de senin önünde diz çökmedim, bu da sana ders olsun.” Bu Osmanlılıkla ilgili söylenmiş bir söz ama aynı zamanda Türk-İslam sentezine de yönelik söylenmiş bir şeydir.

AİHM'den bu Zengin kararı çıktı, dediler ki, iptal kararı yok, Sözleşme'ye aykırılık yok. Biz sadece müfredatı biraz değiştiririz, biz zaten buna bir formül bulacağız. Ne yaptılar, DKAB dersini zorunlu olarak tutuyorlar, bunun yanında Kur'an ve Hz. Peygamberin Hayatı diye seçmeli ve tamamen İslam dini içerikli birkaç ders koydular. Ama seçmelilik de şöyle bir şey, ben bu derse gireceğim demiyorsunuz da ben bu derse girmek istemiyorum diye beyan etmek zorunda kalıyorsunuz. Negatif beyan üzerinden iş yürümez. İşten izin alırken şehir dışına çıkacağım diye haber verirsin, şehir dışına gitmiyorum diye beyan eder misin? Ben bunu Avrupa Parlamentosu'nda birine anlatmıştım, anlayamadı sonra da inanamadı....

TG: Son dönemde AB'ye üyelik süreci ile ilgili olarak bir tavır değişikliği var malum... Hem yorgunluk hem de “üyeligi artık önemsemiyoruz” diye hükümetin üst kademeleri neredeyse açık açık ilan ediyorlar. Hem Türk halkında hem de yöneticilerde bu konuda bir motivasyon düşmesi olunca, Avrupa da biraz yaptırım gücünü kaybetti gibi görünüyor. Yani biz zaten artık üyeligi önemsemiyoruz, niye beklentilerinizi karşılamaya çalışalım gibi bir hava var mı yoksa AB hala bir itici güç mü? Ne dersiniz?

KG: İktidar ile AB arasındaki durum böyle, evet. Ancak AB bastırmasa mesela, şunu yapacaksın yoksa ben sana yoğun olarak vize uygulayacağım diye, o zaman dediğini yaptırır. AB de kendi içinde sağlam ve stabil duramıyor ki, iflas eden ülkeler peşpeşe... AB'nin kendi içinde de o coşku kayboldu aslına bakarsanız.

TG: Yine de Zengin kararı sonrasında özellikle Türkiye'deki Alevi toplumunu ilgilendiren gelişmeler yaşandı. ‘Alevi Açılımı’ kapsamında çalıştaylar düzenlendi, burada Alevilerin sorunları tam anlamıyla yansıtıldı mı, ortaya konanlar doğrultusunda politikalar geliştirildi mi? Nasıl değerlendiriyorsunuz?

KG: Bu yolda bu mücadelenin içinde yıllardır olanlar bu adımların samimiyeti konusunda kuşku duydular. “Demokrasi amaç değil, araçtır” görüşü mü hakim diye

sorguladılar ister istemez. AB ile entegrasyonun da iktidarın kendisine daha fazla bir hareket alanı yaratmak için olduğunu düşünenler çoğunlukta idi. AB'nin gözünde de bunlar somut adımlar olarak görülüyor ki, mesela Avrupa'dan heyetler geldiğinde bize soruyorlar, hükümet Alevi iftarı düzenlemiş sizleri davet etmiş, niye gitmediniz diye... Biz de cevap veriyoruz, çünkü bu bizim geleneğimizde yok. Benim evimin dışında kimse bilmez ki benim oruç tuttuğumu, ne zaman niyetlendiğimi, hangi zamanda orucumu açtığımı kimse bilmez ki. 2008'in Ocak ayında bizim iyi bir karşı duruşumuz oldu, 300 Alevi örgütünden iki örgüt gitti sadece.

TG: Bir de şöyle bir eleştiri getiriliyor Alevi çalıştaylarından bir sonuç çıkmadığını söyleyenlere; Aleviler ortak bir duruş sergilemediler. Örneğin DKAB dersleri ile ilgili ortak bir öneride bulunamadılar.

KG: Niye ortak bir şey söyleyelim? Ne zorunluluğumuz var bizim? Nurcular, Nakşibendiler, Aczimendiler ortak bir söylemde mi bulunuyorlar? Bizim ortak olarak söylediğimiz tek bir şey var, devlet tüm inançları özgür bıraksın. Her inanç kendisini yaşamakta, her inanç sahibi kendi ibadetini yapmakta, ve başka inanç sahiplerinin de haklarına hukuklarına saygı göstermekte eşitve objektif olacaktır. Burada tabii Diyanet'in varlığı sorgulanmalıdır; sadece İslam dinin Sunni yorumunu benimseyen bir yapının onca cami yaptırması doğal mıdır? Buna karşılık Cemevi'ne izin verilmiyor. Ne hakla? Alevilerin içinde farklı görüşlerin olması neden özgürlüklerinin verilmemesi için bir neden olarak görülsün?

TG: Peki DKAB dersleri özelinde, Alevilerin bu dersin zorunlu olmaması konusunda fikirbirliği içinde olduğunu söyleyebilir miyiz?

KG: Bakınız ilk Alevi Çalıştayı'nda 25 tane Alevi örgüt ve uzmanlar biraraya geldi ve yedi temel sorun ortaya konuldu. Bu yedi sorunun beş tanesinde ortaklaştılar. Ortaklaşamadıkları iki temel sorun kalmıştı; biri sanıyorum Alevi dedelerine maaş konusuydu. Orada da bir kısmımız devletin inancı finanse etmesini doğru bulmadığımız içindir, benim vergimle senin inancın senin verginle benim inancım neden finanse edilsin? Üzerinde anlaşılan diğer beş konudan hangisi hayata geçirildi? Ama Alevilerin tarihsel olarak şöyle bir hassas noktaları var; geçmişten beri hep bir mazlumiyet ve mağduriyet yaşadıkları için güce bir tapınma var. Bu da AKP'nin Alevi nüfusundan aldığı oyların temel nedenidir bence.

TG: Hazır konu Alevilerin siyasi partilerle ilişkilerine gelmişken, CHP ile Alevilerin uzun yıllardır bir organik bağı olduğu söylenegelir. Öncelikle sizce böyle bir şey var mı? Bir de bu Anayasa Uzlaşma Komisyonu'nda mesela, CHP milletvekilleri Aleviler ile görüş alışverişinde bulunuyorlar mı? Görüş ve önerileriniz alınıyor ve sürece yansıtılıyor mu? Bildiğim kadarıyla Alevilik ile ilgili bir seçmeli ders sunulması ile ilgili bir öneride bulunulmadı, CHP'den böyle bir adım bekler misiniz?

KG: Alevi Bektaşı Federasyonu Anayasa deęişikliği ile ilgili iki günlük bir sempozyum yaptı ve önerilerini tüm partilerin guplarına sundu. Bundan sonrası siyasi partilerin sorumluluğudur. Ancak ben meseleyi 4+4+4 sistemini çok büyük çaplı bir dönüştürme projesi olarak görüyorum ve İmam Hatipler’le çok yakından ilişki kuruyorum....

Biraz da yeni eğitim sistemi ve seçmeli din dersleri sonrası bu konu ile ilgili açılmış davalar var mı diye sormak istiyorum ama öncelikle, Zengin kararı sonrasına dönecek olursak, DKAB dersleri ile ilgili olarak açılmış olan 30-35 dava var dediniz yanılmıyorsam, ben bunlardan sadece Danıştay’a taşınmış olanlar ile ilgili bilgiye ulaşabiliyorum Danıştay’ın internet sayfasından... Siz diğer davalar ile ilgili de bilgi verebilir misiniz?

KG: Danıştay’da Hatice Köse ve Ali Kenanoğlu davaları olması lazım, onlara da ben baktım. İç hukukta lehimize sonuçlanmış davalardır.

TG: Hemen AİHM kararı sonrası iç hukuk da AİHM ile uyumlu kararlar verdi değil mi? Bu tavır devam ediyor mu? Mesela şimdi bir Ateist ailenin davası var gündemde...

KG: Yok o hava tamamen deęiştı. Bu Eskişehir’deki davayı diyorsunuz değil mi? Onu reddettiler şimdi Anayasa Mahkemesi’ne gidecek. Kararı düzeltmeye gitti, sanırım Serap Hanım bakıyor o davaya. Sonrasında da AİHM’e taşınacağını düşünüyorum. Bundan sonra yapılacak tek şey o olacaktır.

Aslına bakarsanız bence AİHM bu dosyada bir yanlışlık yaptı. AİHS’ne göre DKAB derslerinin objektif, eleştirel ve nesnel olmadığına karar verdi ama manevi 5000 TL’lik bir tazminata da hükmetmedi. Yani bir tazminata hükmetmiş olsaydı, Türkiye’de bir milyon dava açılırdı. Böylede hem devlet içinde hem AİHM üzerinde çok önemli bir baskı olurdu.

TG: Bir de ders kitaplarının içeriğinde bu karar sonrası deęişiklik yapılması konusu var. Alevilerin istek ve beklentilerini karşılamadığı söyleniyor...

KG: Aman orada siz de hataya düşmeyin! Olayın iç yüzü şöyle: AİHM’de dava devam ederken, ben incelenmesi üzere DKAB kitaplarını gönderdim. İnceleme sonunda bir rapor verdiler: “4., 5., 6., 7., 8. Sınıf ders kitaplarının incelenmesinde 4-5-6 ve 8. Sınıf kitaplarının tamamı ile 7. Sınıf ders kitabının 15 sayfalık bölümü hariç geri kalan kısmının tamamı, İslam dininin eğitime, ritüellerine ve genel ahlaka ilişkin olup, 7. sınıf ders kitabının 15 sayfalık bölümünde beş temel din hakkında resimleriyle beraber küçük bir bilgilendirme yapıldığı...” diyor. Alevilikle ilgili tek kelime yoktur diyor. Bu rapor gelince hükümet de “İslamın gelişmesine katkı sunan din bilginleri” diye bir sayfa açtılar, sanıyorum 6. sınıf ders kitabında, Hacı Bektaş-ı Veli’yi orada saydılar, Yunus Emre’yi saydılar ve altına da bir not düştüler; şu şu kişinin Alevilik ve Bektaşılık adlı kitabından alıntıdır diye. Sonra da gazeteler manşet attı: “Alevilik din dersi kitaplarına girdi!” diye...

Hiç unutmuyorum, tarih 3 Ekim 2006, AİHM'deyiz. Davanın tarafları olarak bir tarafta ben varım, rahmetli oldu Fransız bir düşünür vardı yanımda Alevilik konusunda önemli çalışmalar yapmış, Alevi Bektaşî Konfederasyonu Genel Başkanı var, ve Fransa'da avukatlık yapan bir Türk arkadaş var. Türkiye tarafında da Milli Eğitim Bakanlığı Din Öğretimi Genel Müdürü var, Dışişleri Bakanlığı'ndan AİHM'e yolladığı 7-8 avukat arkadaş var, Fransa'da görevli olan Türk Büyükelçisi de var. Herkes yarımşar saat sunum yaptı sonra o sunuşlara cevaplar doğdu. Karşı taraf dedi ki yeni ders kitaplarında Alevilik var. Ben de dedim ki "ben bu türlü savunma yapacağınıza hiç ihtimal vermemiştım ama yine de tedbirli davranıp saydım; bir kelime falan sayfada yazıyor... Başka varsa ben davadan çekilip gideceğim" dedim. Siz düşünün artık... Bir de bunun üzerine savunma kuruyorlar. Bir yargıç da şeyi sordu, "peki ateistlerle ilgili ne yapıyorsunuz" dedi. Türkiye tarafı da dedi ki "bize ateistlerle ilgili başvuru olmadı!"

TG: Peki sonrasında? Yani davadan sonra?

KG: Bu davadan sonra ders kitaplarında değişiklik yaptılar. Liseleri 4 yıla çıkartıp 12 yıl oldu ya eğitim, 12. Sınıf ders kitabının son bölümüne biraz Alevilik yazdılar, ders kitaplarında Alevilik var diyorlar şimdi. Fakat bu Alevilik de bizim Aleviliğimiz değil yani... Mesela Döldül Alevilerde Hz. Ali'nin atıdır ve mistik bir kutsaliyeti vardır. Bunu kitapta şöyle açıklıyorlar: "Döldül Hz. Muhammed'in Hz. Ali'ye hediye ettiği attır." Hacı Bektaş-ı Veli'yi adında "Hacı" geçiyor diye Hacca götürüyorlar, halbuki aslen "Hace"dir, söylene söylene öyle alışlagelmiştir. Yani kendi bildikleri Aleviliği anlatıyorlar.

TG: Yine de bir çaba olmuş gibi görünüyor, bunda AB üyeliğinin motivasyonu da var sanırım...

KG: Tamamen o. İktidarın ilk yıllarında bu müktesebata uyma gayretleri falan hep o dönem. Avrupa'ya karşı gösterilmek istenen liberal demokrat imajı için biraz da. Şimdi öyle bir gayret de yok.

TG: Son olarak, din-devlet ilişkisi ve din derleri ile ilgili genel görüşlerinizi alabilir miyim?

KG: Eğer bir din eğitimi verilecekse, bir; kesinlikle vatandaşın "ben çocuğuma din eğitimi verilmesini istiyorum" iradesinin alınması gerekir. İkincisi, bu da yeterli değil, vatandaş diyecek ki "ben çocuğuma İslam dininin Hanefî mezhebi, Nakşî tarikatına göre eğitim verilmesini istiyorum," devlet de buna saygı gösterecek. Veya "ben çocuğuma din eğitimi verilmesini istiyorum ama Aleviliğin İslamın dışında olduğunu savunan Pir Sultan çizgisinde bir Alevilik eğitimi verilmesini istiyorum" diyecek. Bir diğeri de "Alevilik İslamın özüdür fikrini savunan Cem Vakfı çizgisinde eğitim verilmesini istiyorum" demesi gerekir. Artı bu kesimlerin hepsinin kendi din bilgisi kitaplarını kendi din bilginlerine yazdırması, kendi din dersi hocalarını ataması ve devletin onun maaşını vermesi gerekiyor. Eğitimde inanç özgürlüğü ancak böyle sağlanabilir.

Bununla birlikte, devlet dinden kesinlikle elini çekmelidir. Devlet bir dinin lehine bir diğer dinin lehine olmamak için Diyanet İşleri derhal lağvedilmeli, elbetteki personeli mağdur edilmeden... Ben Aleviyim burada iş yerim var vergi ödüyorum, devlet din adamına o vergiyle maaş ödüyor, o din adamı da Aleviliği sapkın bir inanç olarak tanımlıyor; böyle bir şey olabilir mi? Bunun bir kere ortadan kalkması gerek, Diyanet bütçesi öyle devasa ki mesela... yedi-sekiz bakanlığın bütçesinden büyük. Devlet, dini finanse etmekten de elini çekmelidir. Hiçbir dini nanca bir lira bile aktarmamalıdır. Biri diyebilmeli ki mesela ben ateistim benden din vergisi kesmeyin. Öbürü desin ki benden din vergisi kesin ve Cem Vakfı'na aktarın. Diyanet İşleri'nin kadro olarak da bu kadar kalabalık olması çok dikkat çekici. Sonuç olarak devlet dinden elini çekmeli, dini finanse etmemeli ve dini şekillendirmemeli. Din-devlet ilişkilerinde esas alınması gereken üç prensip bunlar. Bununla birlikte devlet dini eğitim yapmamalı. Bunlar çağdaş, demokratik, laik devletin olmazsa olmazları.

TG: Karşıt bir görüş de diyor ki laiklik ilkesi doğrultusunda din eğitiminin tarafsız olarak verilebilmesi için devlet tarafından verilmesi gerekir.

KG: Niye tarafsız olması gereksin ki?

TG: Cumhuriyetin kurulduğu ilk yıllarda benimsenen prensip doğrultusunda...

KG: O çok farklı bir şey... Devletin ilk kuruluşunda değişim dönüşüm anlamında belki buna ihtiyaç duyulmuş olabilir ama bugünkü dünya düzeninde artık geçerliliği yok. Çok dinli ve çok kültürlü bir yaşam şeklini oturtmak zorunda artık dünya. Bunun en güzel örneği de Amerika. Devletin ancak denetleme görevi olabilir. Nedir o denetleme görevi; mesela Nakşi tarikatı kendi ortamında dini eğitim mi veriyor yoksa devletin temeline dinamit koyma eğitimi mi veriyor? Ancak bu şekilde bir denetleme görevi olabilir.

TG: Çok teşekkür ederim Kazım Bey verdiğiniz bilgiler için.

Interview with Dr. Necdet Subaşı, Head of Strategy Development Department of the Directorate of Religious Affairs (*Diyanet İşleri Başkanlığı Strateji Geliştirme Daire Başkanı*); Moderator of Alevi Workshops

18.03.2013, Ankara, Diyanet İşleri Başkanlığı

Tuğba Gürçel: Size sormak istediğim çok soru var aslında... Öncelikli olarak Alevi Çalıştayları ve Alevilerin din dersleri ile ilgili beklentileri ile başlayacak olursak, ben en son AİHM'e götürülen Zengin Davasının avukatı Kazım Genç ile görüştim. Mesela Alevilerin bir kısmı, Kazım Bey'in de içinde olduğu bir grup, devletin din alanından

tamamen elini çekmesini ve bunun bir uzantısı olarak da din derslerinin tamamen kaldırılmasını savunuyor. Elbette farklı görüşler de var...

Necdet Subaşı: Siz Çalıştay kayıtlarını okudunuz mu?

TG: Evet, incelemeye çalıştım.

NS: Hepsini mi okudunuz?

TG: Hayır.

NS: Din eğitimi ile ilgili yerleri okudunuz...

TG: Evet, şu ana kadar o kısmına yoğunlaştım.

NS: Nasıl buldunuz oradaki diyalogları?

TG: Açıkçası, Alevi Çalıştayları ile ilgili genel olarak söylenen şey din dersleri konusunda da geçerli; Aleviler tek bir söylem etrafında birleşmiyor.

NS: Ama metinlerde şunu yakalamış olmalısınız, Alevi söyleminin bütün tarafları orada kendi görüşlerini ifade ediyor; uçlar, kısmen sert, kısmen yumuşak, liberal... hepsi var. Aynı zamanda onlara karşı Sünni taraftaki her türlü yaklaşım da var. Yani sorunu bloke etmek isteyenler de var açmak isteyenler de var. Yani kamuoyunda özellikle bazı çevrelerin bir şekilde yaygınlaştırdığı gibi böyle çok homojen bir oluşum değildi toplantı. Toplantılarda çok büyük bir zoru başardığımızı düşündüğüm için iddialı konuşuyorum; herkesi dinledik herkese kulak verdik ve raporda da oradaki toplamın beklentilerini karşılayacak ve Türkiye'nin neye hazır olduğunu da bilerek... Böyle şey gibi gitmiyor bu işler, markete gidip de çikolata istiyorum der gibi değil bu işler, bambaşka bir şey. Ben talepkarlığın sert olduğunu bilirim, insanlar bir şeyi istedikleri zaman onu en uç noktada söylerler yankı yapsın karşılık bulsun isterler. Bunu normal karşılıyorum. Dolayısıyla ılımlı ve sert olmak üzere bu iki perspektifi de anlarım. Biri alttan alarak diğeri vuruşarak gider, ikisinin de enerjisi ayrıdır, bunları anlarım ve bunlardan rahatsız olmam. Bu işlerle uğraşanlar bunlara pek fazla takılmaz, normal vatandaş korkar ama bunlar normaldir. Fakat şu var; benim raportör olarak çalıştaylar sonunda Alevilere önerdiğim, daha doğrusu hükümete önerdiğim şey şuydu: Devlet Anayasal laiklik ilkesi doğrultusunda "din dersi zorunludur" ilkesinden vazgeçmiyor, o zaman din derslerinin statüsünü hakikaten olmazsa olmaz bir yere çekelim; örneğin bu dersler doğrudan kültür dersi olsun, yani bu coğrafyada yaşayıp da bir yarışma programında bile başarılı olamayan, bu konularda yaya kalan bir algı kabul edilemez. Din dersi ortalama her vatandaşın zorunlu olarak alması gereken bir ders olsun ama onun da "zorunlu" ifadesi yerine böyle matematik, fizik, kimya gibi algılayarak, din dediğimiz fenomeni anlamaya yönelik, pedagojik ilkelere dikkat eden bir çalışma. Mesela bu olsun. İslam nedir, Hristiyanlık nedir, Alevilik nedir, din neye karşılıktır... Ama yani doğrudan şey olmasın, insanların o dinde doğrudan kendini buldukları, o derste kendini buldukları bir kimlik donanımı, bir

kimlik üretimi olmasın, dedim. İkinci olarak da seçmeli dersleri önerdim; isteğe bağlı din dersi. Onda da velilerin onayına bağlı kalarak, ancak velilerin inanç ve kimliklerini açıklamak zorunda olmadıkları bir düzenek içinde her ders açılsın, örneğin Sünni İslam, Hanefilik, Şafilik, Türkiye’de hepsi var; olsun, Alevilik olsun, Nusayrilik olsun; bu Alevilere tanınmış bir imtiyaz olmasın, Sünnilere tanınmış özel bir imtiyaz olmasın. Türkiye’de farklı inanç grupları için bir ders programı uygulayalım. Mesela Alevi isterse seçmeli Alevilik dersini alsın, isterse onun yanında Sünniliği de alsın. Ama bu coğrafyada en azından kimliğin korunması için öğrenilmesi gereken dinsel aidiyetler ders programına katılsın diye önerdim. Tabi ki bu işler mesela İstanbul’daki kadar kolay olmaz; Bingöl’deki bir tane Alevi’nin durumu trajiktir veya mesela Tunceli’de bir tane Sünni ailenin durumu trajiktir. Bunlarda hem pedagojiye dikkat ederek, hem bölgesel sorunlara... Yani iyi niyetli olduktan sonra hepsi olur...

Alevilik uygulamada böyle şifahi gelenekten beslenen bir şey. Teolojisi yok, belli bir kitabı yok dolayısıyla ne söylersen o yöne çekilebilir gibi algılanıyor, affınıza sığınıyorum bunu söylerken; ben buna inanmıyorum tabi, öyle değil. Aleviler kendi kimlikleriyle buluştuğunda bazıları için bu buluşma bir yüzleşmeye dönüşüyor, bazıları için bir yüke dönüşüyor, bazıları için keşfe dönüşüyor, bazıları için yaratıma dönüşüyor. Durup dururken yeni bir tarif, sosyolojik olarak teolojik olarak arkası olmayan yeni bir inşa yeni bir keşifte bulunuyorsunuz. Bunlar kolay değil, hep trajik. Bunun ayrımını Yavuz’a bağlayın, Atatürk’e bağlayın, Başbakan’a bağlayın... ama sonuçta durum trajik. Alevilik kimliğini olayı çok ideolojik mecralarda değerlendiren derneklerin sağlaması mümkün değil. Bu dernekler belli sembolik bayraklarla insanları indirebilir, acı çeken mağdur olan Alevileri kamuya taşıyabilir ama o kadar yani. O yüzden bu çalıştaylar Alevileri uzun vadeli anlamaya yönelik bir iyi niyet girişimidir.

Şimdi diyelim isteğe bağlı Alevilik dersini açtık. Peki bu Alevilik dersini kim verecek? Haklı olarak onlar şunu söylüyorlar; Sünni bir paradigmadan geçmiş bir insan ne kadar iyi niyetli olursa olsun kendi dünyasını anlatır. Onun için bu dersleri Alevilerin vermesi lazım. Peki ben şimdi mal müdürü bir Aleviyi, Tapu Kadastro’daki bir Aleviyi mi derse sokacağım? O zaman bir şey gerekiyor, universal düzeyde bir çalışma gerekiyor. Türkiye’de vatandaşların taleplerini nasıl karşılıyorsan, Almanya’da da öyle karşılamalısınız.

Dedeler konusuna bakalım diyorsunuz, bu sefer örgütlü Alevilerin hepsi Dede’yi sadece sembolik bir sermaye olarak kullanıyorlar. Hiçbir Dede’ye otorite vermiyorlar, hiçbir Dede’nin öne çıkmasını istemiyorlar. Ben şahsen tanık oldum ki, çalıştaylarda da en büyük çatışma Dedelerle Alevi aydınlar arasındaydı. Alevi söylemini aydınlar taşıma iddiası taşıyor, fakat onların da yine tırnak içinde söylüyorum; ateist, Marxist, materyalist, komünist bir çerçevede Aleviliği biraz ideolojik argümanlarla içiçe geçirerek kullanma arzuları var. Öbür taraftan Dedelerin de aydınlara bakarsanız, uçuk kaçıklar hatta kendi iddialarını din diye yutturuyorlar gibi çok karşılıklı şeyler var. Birbirlerine

karşı ortak mağduriyetin getirdiği bir dayanışma duygusu olmakla beraber, masaya oturulduğunda ayrı ayrı bir şey görüyorsunuz. Bu çok yadırganacak bir şey olmayabilir. Bu Sünni tabanda da, Sünni ulema ile aydınlar arasında yaşanabilen şeyler. Ama orada anlaşamamak teolojik bir uçuruma yol açmıyor. Alevilikte ise ciddi bir yöntem sorunu var. Bu bizim sorunumuz da değil açıkçası, bu Alevilerin dert etmesi gereken bir şey. Orada ortaya çıkan şey şu, binyıllardır üzerinde düşünülmemeyen bir konu tüm çeşitliliği ile bir anda önümüze geliyor. Teoloji, örgüt, kimlik... hepsi birden geliyor ve bunları da paniğe sürükleyecek bir Sivas olayı var, Maraş olayı var. Bir Alevi niye paniğe kapılmasın ki? Kapılara konan işaretler mesela, yüzde yüz çocukların yaptığı kanıtlanırsa bile bu anında onları korkutuyor, incitiyor. Bunu anlıyorum ben, insan olan bunu anlar. Dolayısıyla önlerinde birikmiş bir yük var. Bu yükü mi ilgilensin, devletle arasındaki ilişkiyi mi düzeltsin, Dersim hikayesi ile mi yüzleşsin, CHP ile ilişkilerini mi gözden geçirsin... Bunlar o kadar hassas, kalabalık ve karışık konular ki; bütün bunlar birarada gelince ortaya tabi toptancı çözümler toptancı arayışlar; tabi ki gündelik gerçekliği iskalayan, gündelik gerçekliği yakalayamayan bir savrululukla karşı karşıya kaldık.

Ben uzun vadede, en azından birkaç bölgede bu derslerin pilot uygulamasının yapılması gerektiğini önerdim. Bu dersleri verecek olanlar belirli bir süreye kadar, yani geçici olarak, doğrudan Alevi öğretisini şekillendirecek, üretecek kadrolar çıkana kadar, bilinen, saygın, Alevi kamuoyunun da itibar ettiği isimlerden oluşan bir öğretici konseyinin oluşması gerektiğini önerdim. Tabi bunlar çok zor. Mesela siz diyorsunuz ki falan mahallede çok iyi bir Alevi memur var, öbürü diyor ki o komünist. Yani devlet din konusunda belli bir dil ve üslup üretmiş ama Sünnilik üzerinden üretmiş. Mesela İlahiyat Fakültesi mezunu bir öğretmen aşağı yukarı makul bir din dilini kullanmayı öğrenir, bir üniversiteden geliyor, laiklik devlet geleneği içindeki onun yerini bilir. Ancak Alevilikte böyle bir şey henüz oluşmamış.

AB meselesine gelecek olursak, orada şöyle bir sorun var; çifte bir sorun daha doğrusu: AB'ye katılımımız sözkonusu edildiğinde onlar Müslümanlığımız faturasını koyuyorlar önümüze. Her dinin kendi içinde yaşayabileceği çatışmaları bir bela gibi koyuyorlar önümüze. Bir yandan da kendi bilinçaltlarındaki, bugün İslamofobi denilen bir korkuyu canlı tutarak, bunlar gelince bizi düzenimiz bozulur diye düşünüyorlar. Ama bir yandan da ayar çekiyorlar, şöyleki, Alevilerin sorunları var, Heybeliada Ruhban Okulu sorunu çözülmemiş, din dersleri vs. gibi kendi içimizdeki farklılıklarla ilişkilerimizi bir ayar çekme modunda değerlendiriyorlar. Toplamda bizimle ilgili dertleri bunlar değil aslında. Dert, biz sizi bu müktesebatınızla bu hikayenizle aramıza katamayız... E ne yapalım? Siyasiler oyalama diyorlar bu sürece ama ne yapmamız gerektiği konusunda bekledikleri şey, bu kimlikle aramıza bariyerler koymak. Bunun çok somut örneğini Almanya örneği üzerinden anlatayım. Mesela Alman-İslam Konferansı diye bir organizasyon var. Proje ne biliyor musunuz? Orada Almanya'daki Türk Müslümanlara diyorlar ki, Müslümanlığınızı sürdürün ama Türkiye ile olan kültürel kodlarınızdan vazgeçin. Yani aynen Faslılar Cezayirli gibi bizi bulduğumuz yere entegre etmeye çalışıyorlar biraz daha

zorlasalar asimile edecekler. Seni bir sistemin içine dahil edecekler ama senin bütün kültürel kodlarını, aidiyet duygunu bir mahkumiyet vesilesi haline getiriyor; Türkiye ile bağını fantastik bir halı, bir türkü, lahmacun, otlı peynir seviyesine indirmeye çalışıyor. Bu insanlar mümkündür ki İslamlıklarını Türkiye özelinde yaşamak isterler. Zaten yaşama dahil olduklarında Türkiye'nin yetmediği yerleri görüyorlar. Türkiye'den getirdikleri dini argümanların orada işe yaramadığını görüyorlar ve derhal yeni yaşadıkları ortama göre bir din dili üretiyorlar. Ama siz onlara dinsel kültürel arka planınızdan vazgeçin dediğinizde orada hiç beklenmedik milliyetçi refleksler doğuyor. O yüzden yurtdışında yaşayan Müslümanlar Türkiye'dekiler göre daha radikaldir. Dindarları da milliyetçileri de daha radikaldir. Bunun sebebi de bariyerler ve dışlamalardır. Avrupa'nın dindarlık ile ilgili taleplerini bir taraftan Avrupa açısından anlaşılır buluyorum ama bunun kamusal dilinin iki yüzlü olduğuna inanıyorum.

Türkiye'ye gelince, bu konuda çok iddialı konuşuyorum, Türkiye kendi içindeki dini yapıların hiçbirini bilmiyor. Devlet kendi içindeki dini yapıları başından beri kriminal olarak tanımlıyor. Yani Cumhuriyet kurulduğunda Kemalizm bir öğreti olarak yerleşmeye başladığında karşılaştığı muhalefetin dilini "dinsel" olarak tanımlamış. 31 Mart Cumhuriyet kurulmadan önce, Şeyh Sait İsyanı, Konya Delibaş İsyanı, Menemen... yani bu olayların gerçek tarihsel mahiyeti ayrı bir tartışma ama "yurttaş" olarak inşa edildiğimizde bize öğretilen neydi; gerici akımlar. Gericilik dinsellik böyle içiçe geçmiş bir bağlamda algılanınca Türkiye'de din dediğimiz şey hep korunması saklanması, gözden düşürülmesi ya da bir şekilde takiyyeyle ilişkili sunulması gereken bir olguya dönüşüyor. Dolayısıyla dinle aramızdaki mesafe hiç sağlıklı bir mesafe değil. Dindarlığımızı açıklamak zorunda kalıyorsunuz. İnsan kendi ülkesinde tercih ettiği bir şeyi açıklar mı? Etnometodolojiye göre insan neyi açıklar? Farklı olanı açıklar. Rutinin dışına çıktığın zaman açıklarsın. Dindarlık rutinin bir parçası ama Cuma Namazı dışarı taşıdığı zaman bunu açıklamak zorunda kalınıyorsa burada bir ekstrem durum var demektir. Yani şunu anlatmaya çalışıyorum: Türkiye'nin devlet olarak şu anda bile din konusunda çok çekingen bir algı ürettiğini, bu algının bir karşıtlığı olduğunu, dolayısıyla vatandaşların da devletin bu çekingenliğini farkederek kendine yeni usulpler ürettiğini; işte modern Müslümanlar gibi, yani görüyorsunuz İslami moda, İslami söylemler, gereksiz yere kendini farklı gösterme arzuları, sınıf değiştirme idealleri vs... Yani Türkiye Alevilere gelene kadar kendi içinde dinin çok çeşitlenmiş unsurlarına nasıl davranacağı konusunda yeterince açık yürekli değil. Devlet bu konudaki tavrını Diyanet'in Strateji Başkanı olarak çok net görüyorum; görüyorum ki Türkiye din konusunda açık değil, çok muğlak. Hatta kalıcılık da yok, ne olacağı belli değil. Din hep böyle bir irticai enstrüman gibi yani her an her şey olabilir gibi. Bir bakıyorsunuz asker, ordu dinsel olgulara, temsilcilere karşı büyük bir dikkat içinde korku üretiyor; bir bakıyorsunuz, bugün okudum gazetede, Bingöl'de Jandarma Komutanı imamları topluyor, bizi sizler varettiler diyor... Hangisi doğru veya aşırı bunu bilemiyorum ama Türkiye'nin din konusunda çok açık yürekli olduğunu düşünmüyorum. Bunu, 81 tane

ilahiyat fakültesini açmış olmasına rağmen söylüyorum, binlerce cami olmasına rağmen söylüyorum, Türkiye'nin en yüksek bütçeli kurumu Diyanet olmasına rağmen söylüyorum. Bunlar başka şeyler. Hemen her mahallede cami olması, her ilde ilahiyat fakültesi olması, gündelik hayatta çarşaflıların türbanlıların; görünür dinseliliklerin gözümüze gözümüze batmasına rağmen Türkiye'de dinin hala mahsur olduğuna inanıyorum. Niye mahsur? Çünkü özgüveni olmayan, hep kendini açıklamak durumunda kalan bir şey. Kendini açıklamak durumunda kalmak bende hep tedirginlik yaratmıştır çünkü doğal olan bir açıklamaya muhtaç olmaz. (21:10)

TG: Polonya'da farklı olan şey de bu zaten, tarihi gelişime baktığım zaman, ben de daha önce bu kadar farkında değildim, Polonya'nın taa 1500lerden başlayan işgaller itibarı ile Katolikk Kilisesi ve dolayısıyla da din olgusu öyle bütünleyici bir faktör olmuş ki, halkla o kadar içiçe ve sırsırtta bir mücadele vermiş ki... Komünist rejim sırasında bile varlığını korumasını da zaten buna borçlu, hatta güçlenerek çıkmasını...

NS: Tabi Komünist rejimin baskısına karşı değil mi? Oradaki parçalı kimlik saflaşmalarını birarada tutmuş, onları beslemiş ve onlara aidiyetlerini ve geçici durumu yeni bir şey olarak tanımlamış.

TG: Tabi, tüm bu süreçler boyunca yer altında eğitim sağlanıyor, dil ve kültür muhafaza edilmeye çalışılıyor ve bu aşamaların hepsinde Kilise halkın yanında yer alıyor. Hem finansal hem de güç olarak halk kiliseyi hep yanında buluyor ve o yüzden de zaten kurtuluşu için, ilerlemesi için Kiliseyi olmazsa olmaz kabul ediyor. AB'ye üyelik sürecinde de bu böyle; Kilise AB'ye üyeliği destekliyor...

NS: Türkiye'de durum biraz farklı ama...

TG: Evet Türkiye'deki gibi modernlik ve dindarlık birbiri ile çelişen olgular gibi görülüyor; hatta birbirine tehdit gibi... Modern Polonya aynı zamanda dindardır diyebiliyorlar.

NS: Benim bununla ilgili bir hikayem var. Milli Kütüphane'de bir bildiri sunuyordum, konu da sanal ortamda cemaatler, bildiriye sunduktan sonra yaşlıca bir kadın yanıma geldi sarıldı öptü tebrik etti. Nerdensin diye sordu, üniversitemi söyledim sonra fakülteyi sordu ilahiyat deyince bir arkasını dönüp gidişi var... Sonra arada benden yüz çevirmek için bir kaçıışı var... O kadını böyle aniden yaklaştıran sonra da uzaklaştıran nedir? Nasıl bir eğitim, nasıl bir müfredat, nasıl bir insan üretimi var? Aynısını benim annem de farklı görüşteki birine yapabilir. Ama niye olsun böyle şeyler? Aynı coğrafyada yaşıyoruz sonuçta, herkes bir diğeri gibi inanmak yaşamak zorunda değil ki. Ama biz öyle anafordlardan geçtik ki insanlar bu noktalara savrulduklar. Şu anda hükümet Alevilerle ilgili yüzde yüz iyi niyetli bir adım atma niyetinde olsa bile Alevileri buna ikna etmeleri çok güç görünüyor. Alevilerde şöyle bir refleks var; kendilerini azınlık olarak gören her grup dışarıdan gelen her öneriyi bir müdahale olarak algılıyorlar. Ben bu tepkisel direnci

anlıyorum. Herkese de diyorum ki bir tane Alevinin Sünni olma ihtimali yok, böyle bir fantaziden vazgeçin. Bir tane Sünninin de alevi olma ihtimali yok. Alevilik zaten böyle misyoner bir tavır da sergilemiyor. Usulleri farklı iki tarafın da. Hele kendini marjinal ve dışlanmış hisseden biri asla safını değiştirmez. Bizde Alevilere sempati duyanlar genellikle sol gelenekten gelen, İslam'la olan irtibatları da yıpranmış, muhtemelen biraz Kürt muhalefetinden de beslenen... Olaya tehdit gözüyle bakanlar şunu görüyor, vatandaşlar ya da mozaik, bu coğrafyada birlikte yaşamak zorunda. Bu yüzden birbirlerine güvenmeleri gerekir. Bunun birbirinin hakkı olduğunun farkına varmakla olur. Şöyle bir şey demek gibi; "kızım ben seni ihmal etmişim ben ne biçim babayım, sen bunu bunu hakediyordun ama ben sana vermemişim..." Bir insan 80 yaşında Kürt olduğunu söylüyorsa, 80 yaşında Alevi olduğunu "itiraf" ediyorsa, bu nasıl bir ülkedir? Bugün ben bir Alevi olsaydım, nereden başlanması gerektiğini biliyorum. Ama Aleviler bir görüntü gösteriş karnaval içine giriyorlar ama bu hiçbir işe yaramıyor.

TG: Peki neden Sünnilerde bir Alevileştirilme veya daha çok Alevilerde Sünnileştirilme korkusu var? Bunun endişenin hiç temeli yok mu?

NS: O senin dediğin asimilasyon, o değil korkulan. Devletin Sünnileştirmesinden korkuluyor... Devlet kimi Sünnileştirmiş de, onları Sünnileştirsin? Şu anki müfredatla Müslüman çıkar mı sen söyle. Bu ders kitaplarını sen de okudun ben de okudum, bu ders kitaplarını okuyunca millet böyle heyecanlanıp... Yok böyle bir şey. Türkiye'nin insan yetiştirme düzeneğinin ana hedefi din değildir; din bir araçsal bir şeydir. İdeal yurttaş; makbul vatandaş üretecek ve o vatandaşın da dinsiz olmasını istemez. Ama o din gündelik hayata karışmayacak, o din böyle doğru olacak, vergisini ödeyecek, kırmızı ışıkta duracak böyle güvenilir bir tip olacak ama öyle hak adalet falan aramayacak. O yüzden böyle ortalama Müslüman vatandaş, eve kapatılmıştır. Biraz yaratıcı sorgulayıcı falan oldu mu ondan herkes huylanır, biz de çocuklarımızı ondan uzak dur diye tembihleriz.

TG: O zaman devlet dinden tamamen elini çekip özgür bıraksa bu makbul vatandaş projesi çöker mi? Yani Alevilerin bir kısmının savunduğu gibi devletin din alanından çekilmesi mümkün mü Türkiye'de?

NS: Çekmez ki. Çekmez, sadece onlara bırakır. Devlet güvenlikten sorumludur, inanç grupları arasındaki çekişmeleri dengelemek zorundadır... Laiklik onun için gereklidir zaten; laiklik devletin herhangi bir dini gruba arka çıkmamasıdır, devletin herhangi bir söylemini herhangi bir inanca dayandırmamasıdır. Burada hiçbir problem yok ama şöyle bir şey var; devlet insanların göğsünü gere gere inançlarını açıklamalarına izin vermelidir, sadece izin vermek de değil; rahatlatmalı. İnsanlar bu işin şakasını yapabilmeli. Ben niye bir Aleviyle dalga geçemiyorum, niye karşılıklı dikkat ediyoruz ağzımızdan çıkana? Amerikan filmlerinde bakın kendi inançlarıyla ne güzel dalga geçiyorlar.

TG: Ahmet Kuru'nun dediği pasif sekülerlik ortamında dini çoğulculuk da daha rahat yaşanıyor, ortam rahat olunca dindarlık da yükseliyor gibi bir bağıntı var. Türkiye için de Fransız laikliğinden de bunun daha uygun olduğunu öne sürmesinin de en önemli nedenlerinden biri bu; Türkiye'de çok değişik dini unsurlar var çünkü. Mesela Polonya gibi homojen bir yapı değil tabii. Ortamı rahatlatmak için pasif sekülerliğe geçiş yapmak gerektiğini düşünüyor. Yani Türkiye'de dini azınlık olarak tanımlananlar belki görece biraz daha rahatlar ama İslam içindeki mezhepler, özellikle Alevilik...

NS: Aleviler azınlık olarak tanımlanmıyor. Niye tanımlanmıyor? Cumhuriyet kurulduğunda zaten Aleviler bir topluluk olarak sistemin içinde bir odak veya kütle olarak tanımlanmadılar. 60'lı yıllardan itibaren kendini yavaş yavaş ortaya koyan ve 80'lerde dünya ölçeğindeki siyasal dönüşümlerden de etkilenen bir şey; insanlar geri dönüyorlar; "evi yeniden açıyorlar." 12 Eylül travması, Marksizmin çöküşü, liberalizmin bireyselleştirmesi... Evi açınca ortalığı havalandırıyorlar, topluyorlar ve kendi kimlikleriyle ilgili geniş bir repertuar çıkıyor. Aleviler bunu yapıyor. Ama Türkiye'de Müslümanlar da bunu yapıyor şu anda, emin olun. Türkiye Müslümanlığı da devletten bağımsız kendi dilini, kaynaklarıyla bulmuş bir İslamı nasıl üreteceğinin hesabını yapıyor. O yüzden uzunca bir süre 12 Eylül'ü boykot eden bir kitle vardı, ben onu da yazdım çalışmalarımda. Burada devleti milliyetçi dille, devlete özünde karşı olmayan ama devletin de her şeyden elini eteğini çekmesini isteyen bir dindarlık yetişiyor şu anda. Devleti kaldıralım, dekanı da rektörü de kaldıralım... Böyle bir şey olmaz. Ama şu olur, devlet ne yapacağına vatandaşın rızasıyla karar verir. Şu anda Türkiye'de devlet otoriter; kendi yerini, vatandaşın yerini belirler mantığı ağır geliyor. Niye? Dünyayı fark ediyoruz çünkü, kendimizle yüzleşiyoruz. Devlet de bunu anlıyor ama devlet bu dönüşümünü bizim kadar kolay yapamaz. Devletin çünkü aygıtları, kurumları, gelenekleri var. Bunların yavaş yavaş yumuşatılması lazım. Aynı devlet yapısını koruyan bir de otoriter ulema düzeni var. Bu toplumda otoriteriyenliğe karşı olan gizli bir maya da var, çok gün yüzüne çıkmamış... Şimdi Diyanet'te de anlıyorum. Ben kendi kurumumda da otoriteriyenlikten yana olan insanların da hiç de az olmadığını da görebiliyorum. Ama zamanla dönüşecek bunlar, nasıl dönüşeceğini de biliyorum. Bunların suçu değil ki bu, devlet bir insan tipi oluşturuyor, bu insanın kendi uykusundan uyanması bu kadar kolay mı?

TG: Sizce bu yeni eğitim sistemi, bahsettiğiniz insan tipi üzerinde bir etki yaratacak mı? Yeni Anayasa ile zorunlu din derslerinin kaldırılması gibi bir beklenti vardı, açıkçası ben de bunu bekliyordum; hem AB süreci hem yeni Anayasa süreci bu derslerin zorunlu statüsünün değişmesini sağlayacak diye düşünüyordum...

NS: Şimdi zorunlu din derslerine geldiğiniz zaman, bugün bu dersler toplumun yüzde 90'lık bir kesimi tarafından desteklenen bir şey. Benim diyor oğlum/kızım dinini imanını okulda öğrensin. Hatta bu halk benim söylediğim şekli de kabul etmez. Sorsan, peki zorunlu mu isteğe bağlı mı olsun diye; zorunlu diyecekler. Böyle Müslüman bir ülkede

dini çekingen bir müfredatla sunmak bile bir kimlik kaybı olarak algılanır. Burada sadece dini iyi öğrenmek de değil, bu coğrafyada yaşamaktan dolayı bir özgüven de oluşturur. Peki bu ders verilsin ama nasıl verilsin? Bu ders belirli bir otoriteye bağlı yurttaşlar yetiştirmek yerine, o yurttaşlığı dinden argümanlarla meşrulaştırmak yerine Allah katında iyi bir dinin nasıl olması gerektiğini öğret. Buna doğru bir eğilim, siyasetten de ufak tefek destekler alarak ilerliyor. Burada gerçekten kaçak olan Aleviler; bir Alevi kültür olarak şifahi gelenek içinde biçimlenmiş formunu nasıl düzeltecek? Bu mesela Sünniler için de yer yer geçerlidir, köy yerinde gelenekle görenekle öğrenmiş dinini, bir yerde seküler bilgilerle karşılaşınca ne olacak? İnançların bir bölümü hasar görüyor, sonra yeniden yapılıyor. Hepimiz öyle bir yeniden yapılanmanın sonucuyuz. Alevi daha fazlasını yaşıyor çünkü Alevinin bir de öğretisel olarak yüzyılları aşan bir dışlanmışlığı var. Şimdi bir yandan o ben de insanım diyor, bir yandan namusunu kanıtlamak zorunda kalıyor; ben değil ama o hep kanıtlamak zorunda kalıyor çünkü onu Kızılbaş diye bir cendereye sokmuşlar. Bu tabii ki hiçbir şekilde kabul edilemez. Biz de buna katkıda bulunuyoruz. Geçen sene Başkan Bey Cemevi'ne giderek, orada yemek yemesinin sembolik anlamları var. Yani diyor ki, "ben Diyanet İşleri Başkanı olarak burada canlarla bu lokmayı yiyorsam, sen de yiyebilirsin buna dinsel bir şey uydurma; bu dinsel bir şeyden kaynaklanmıyor." Örfi ve kültürel... Bunlar nasıl değişecek? Sorgulayarak... Benim çevremde insanlar, akrabalarım bile soruyor; sen gerçekten Alevilerin yemeğini yiyor musun diye... Yiyorum diyorum, şaşırıyorlar. Algı bu hala çünkü. Ama bunlar düzelecek...

TG: Nasıl düzelecek peki? Devlet eliyle mi? Diyanet mi çözecek?

NS: Devlet dediğin burada Diyanet zaten. Türkiye gelenek olarak pek çok şeyi devlete bırakmış zaten. Şimdi durup dururken devletten bağımsız, devleti dışında bırakan bir şey yapamazsın. Ama bu müfredatla oynayacak olan devlettir. Ama sen ben hepimiz bir şeyler yapıp bu vesayet rejimi ile oynayarak çok iyi şeyler yapabiliriz. Müfredata Aleviliği koyarak, ders hocası Alevilerden de söz ederek...

TG: Biraz önce seçmeli Alevilik dersinden, bunu verecek hocanın yetişmesinden bahsettiniz. Somut adımlar atıldı mı bu konuda?

NS: Bak şimdi ben sana bir şey söyleyeyim; ben bugünkü Alevi örgütleriyle, o eski Marxist gelenekten gelen algılarla, devleti tamamen yok sayma arzusuyla... Tek tek tanıdıklarında seviyorlar; beni seviyorlar mesela, ben de onları seviyorum hiç politik bir tarafı yok. Ama kurumsal konuştuğumda; ki aynı şeyi söylüyorum, var bunda bir hinlik diye dinliyorlar. Bence burada devletin görevi şu; ayıbı kim ürettiyse o örtecek. Devlete ne düşüyorsa onu yapacak. Devlet de bunu diyanet aracılığıyla yapacak tabii. Aleviler de biraz süreci takip edip anlamaya çalışacaklar. İnanın birkaç ay sonra Türkiye'nin tek meselesi Alevilik olacak. Birkaç aydan bahsediyorum; birkaç yıl değil. Ama ben konuyla ilgilenmiyorum, onu da söyleyeyim tekrar. Bunu da bilmenizde yarar var; bu devlet bakanlığı himayesinde o süreç başlatıldı. Sürecin sınırları raporun tamamlanmasıyla

bitecekti. O rapor tamamlandı, benim görevim bitti. Benden sonra, raporun beklentilerine uygun olarak birkaç adım atıldı: Sivas'taki Madımak Otel müze yapıldı, sembolikti o. Sonra derslere Alevilik müfredata girdi. Dedelerin statüsüyle ilgili hukuk komisyonu Devrim Kanunları'na ters geldiği için işin içinden çıkamadı; yani Dedelere statü verilemiyor ama bunun Alevi olmalarıyla ilgisi yok. Mesela ben olsam, Dede soylu olanları İlahiyat'ta okuturum ya da Türkiye'de Dede soyluları eğitmek üzere bir İlahiyat açarım. Kamuya yaklaştırıyorum, kamuoyu oluştururum resmi statü veririm. Mesela devlet ne yaptı, doğudaki Kürt mecleri aldı imam yaptı aslında onlar farklı geleneklerden geldiler, devletin standart müfredatından geçerek gelmediler ama devlet onlar onlara bu kendinde varolan statüyü verdi. Dedelerin durumu ama Devrim Kanunları'yla ilgili... Zaten Aleviler de Dedelere resmi statü verilmesine çok meraklı değiller, Dedelerin bir güç kazanmasını istemiyorlar. Peki ne olacak? Manevi bir erk olmadan, yani toplumun çoğunluğunun kendini teslim ettiği manevi bir erk olmazsa iş rant savaşlarına dönüyor. Yani yeni dönemde yeniden şekillenecek bir Alevilik varsa, bunun yeni bir sınıfı ve hiyerarşisi, hizmet sınıfı olmalı. Buna onlar kafa yoracaklar, hiç yormuyorlar ama. Alevi derneklerine git bak, yardıma ihtiyacı olana yardım, çocuklara yurt... Mahalleyi toplama, mahallenin kaymamasını sağlama. Ancak işin manevi tarafı eksik kalıyor.

TG: Siz neden artık sürecin içinde yer almıyorsunuz? İstemediğiniz için mi, görevinizi tamamladığınız için mi?

NS: Ben o görevi tamamladım, sonra üniversiteye döndüm; Gazi İletişim'deydim ben. Sonra beni buraya atadılar. Benim açımdan son derece güzel oldu. Diyanet bana da dışardan bakınca ürkütücü, sır dolu bir kurum gibi görünüyordu. Öyle değil. Ben burada da Diyanet'in söylemleri, kamuoyu önündeki dili, hizmet alanları, hizmet planlamaları... bunlara bakıyorum.

TG: Aslında Alevi Çalıştaylarında moderatörlük yapmış ve Aleviler ile yakın ilişkiler içinde olan sizin gibi birisinin Diyanet'te böyle bir göreve getirilmesi manidar değil mi? Aleviler de bundan memnuniyet duyuyorlar mı bilmiyorum tabi ama...

NS: Duyuyorlar. Ben Alevi dostlarımı deşifre etmek ve incitmek istemem. Hepsi buraya geliyor, görüşüyoruz. Ama onlarda kamu dili var, kamu dilinde bunları ifade etmiyorlar.

TG: "Diyanet kaldırılсын" en başta gelen Alevi taleplerinden biri...

NS: O başka bir şey, olmaz o.

TG: Peki o olmuyorsa, bahsi geçen diğer seçenek yani Diyanet'in içinde Alevilerle ilgili bir yapılanma söz konusu olabilir mi? Mesela Alevilikle ilgili ders verecek hocalar yetişecekse, bu Diyanet'in kontrolünde mi olacak?

NS: Diyanet İşleri Başkanlığı dediğimiz kategori, bir fikir veya düşünce beyan etmek gibi yani kamu dili üretecek insan sayısı yüzü geçmez. Din İşleri Yüksek Kurulu önemlidir,

bunlar belirler. Herhangi bir imam görüş belirtmez, müftü bir kanaatte bulunmaz. Sorarsın işte şöyle yaparsam orucum bozulur mu, namaz böyle mi kılınır vs...

TG: Ama devlet politikası şekillendirmekte söz sahibi değiller tabi.

NS: Bu konu ile ilgili devlet politikasının şekillendiği yer burasıdır. Burada da kim var, Din İşleri Yüksek Kurulu bir, başkan ve üç tane başkan yardımcısı, 28 tane de üye var, 7 tane genel müdür var; toplamda 40 kişidir. Bunlar da kendi tabanlarından gelen refleksleri gözetir, kamuoyunun farklı donelerini dikkate alır, Türkiye'nin siyaysal aritmetiğini dikkate alır, devletin yapısal özelliklerini dikkate alır... Sonuçta DİB devlete rağmen bir organizasyon değil. Devlet örgütünün belki de en önemli paydaşlarından... "Ara Dönem Din Politikaları" kitabım var okudunuz mu?

TG: Hayır okumadım, kitabı biliyorum ama bulamadım açıkçası.

NS: Bende de kalmamış. Orada anlatıyorum, hep ideolojik boşluktan oluyor. Bir girdap var, o girdap milleti savurmasın... Aslında başından beri doğal olarak olması gereken şeyi başka bir amaçla kullandılar. Çok kötü bir şey. Bunlar normal bir süreçte olsaydı; olmadığı için İnönü dönemi farklı, Menderes rahatlama, Demirel gevşeme, Erbakan radikalleşme... Halbuki bunların hiçbirine gerek yok, dinin olgusal düzeyde bir dehşet kanalı gibi yansıtılması iddiaları, bununla ilgili tasarruflarından kaynaklanıyor.

TG: Bugünkü Türkiye'de Diyanet neden gerekli sizce? DİB'nin din-devlet işlerinin düzenlenmesinde bugünkü rolü nedir?

NS: Çok önemli bir soru. Bir kere yasa, ibadethaneleri yönetme görevi veriyor. Bir sürü cami var, bu camilerin başında namazı kıldırarak ibadetleri yönetecek birine ihtiyaç var. Bunun için bir kere organizasyon gerekiyor, bir tarafı bu. Sonra, toplumun din konusunda soruları var. Bu soruların vatandaşlar arasında farklılıklara ve manipülasyonlara izin vermeyecek şekilde bir netliğe kavuşması gerekir. Din dediğin şeyde bir otoriteye ihtiyacın oluyor ama Türkiye'deki DİB'nin otoritesi manevi bir yetki değil, ruhani bir lider yok. Vatikan benzeri bir yapılanma yok. Bir Humeyni değil. Tanrı'dan gücünü alan bir lider yok, gayet somut bizim gibi biri. Cumhuriyetin hiçbir döneminde Diyanet İşleri Başkanı'nın böyle bir talebi de olmamıştır. Halk bu ayrımları çok bilmez, o kültüründen gelen bir alışkanlıkla saygı duyar. Türkiye'de dini hayat son derece dinamiktir. Kamuda başörtüsü, helal et tartışmaları, kürtaj...

Din benim hayatımda da ailemin hayatında da oldukça belirleyici. Ben tercihlerimi dine göre yapıyorum. Ben bu ilişkiyi nasıl kuracağım? Protestan mı kuracağım, bireysel? Yoksa birilerine güvenip onların sözlerine mi kulak vereceğim? Türk toplumu Hanefi olduğu için daha çok ilmihal üzerine gidiyor ve kafa karışıklığını giderecek bir referansa ihtiyaç duyuyor. Diyanet bu organizasyonu gerçekleştiriyor. Bunun dışında mesela Anayasal bir kuruluş olması, din eksenli her şeyi Diyanet'e sormasını gerektiriyor ister Müslüman olsun, ister Hristiyan, Musevi... Çünkü Anayasa size böyle bir sorumluluk

yükler; Fener Rum Patrikhanesi ile ilgili bir soru da size gelir, Cemevleriyle ilgili ibadethane midir değil midir sorusu da bize geliyor. Biz bu sorulardan rahatsızız. Çünkü biz İslam içinde Müslümanların sorunlarını yoğun bir şekilde karşılamak istiyoruz ama Cumhuriyet kurulurken tanımlama böyle geniş tutulmuş. Daha bu sabah bana bir şey geldi; Türkiye'deki tüm kiliselerin adresleri. Niye bana geliyor, çünkü onların elektrik paralarını da biz ödüyoruz. Aleviler o yüzden bazen süreci bilmeden konuşuyorlar. Biz Türkiye'de İçişleri Bakanlığı tarafından kaydedilmiş tüm kiliselerin, talep ederlerse elektiriğini ödüyoruz. Niye ödüyoruz; ibadethane oldukları için. Tanımlanmış tüm ibadethaneler için bu geçerli; kilise, havra, manastır, cami ve mescit. Cemevleri ibadethane olarak tescil edimemiş çünkü siyasi; veya İslami gelenekten gelenler korkuyorlar bölünmeye yol açacak diye. O yüzden bir Cemevi'nden böyle bir talep geldiğinde, Cemevi ibadethane olarak tanımlanmadığı için bu yardımı yapamayız diye yazıyoruz. Devlet tanısın, Diyanet zaten gereğini yapar.

TG: Yeni Anayasa sürecinde Diyanet'in yeniden tanımlanması ve yapılandırılması gibi bir ihtimal var mı sizce?

NS: Hiç sanmıyorum.

TG: Yeniden örgütlenmeyle Alevilerin Diyanet'te temsil edilmesi formülü?

NS: Yok, Aleviler bir vatandaş kitesi olarak yok ki. Dediğim gibi Lozan'ın tanımladığı azınlıklar var, Alevilik Müslümanlığın içinde bir kategori. Aleviler diyorlar ki biz sizden farklıyız, farklı geleneğimiz var... Söylüyorlar da, bu henüz kamuoyu önünde yarattığı güç kadar devlet karşısında etki yaratmadı. Bir gün sabah bir kalkarız, Başbakan açıklama yapar; ben buna açığım, Cemevleri ibadethanedir der. Siyasette bunlar olur. O zaman işler değişir. Onun için şimdi büyük konuşmanın, olmaz demenin bir anlamı yok.

TG: Anlıyorum. Son iki sorum var, çok vaktinizi aldım ama... AB entegrasyon sürecinde birincisi, din-devlet ilişkileri; ikincisi de diyanetin konumu ve din dersleri nasıl etkilenir sizce? Böyle direkt bir etki var mı sizin gözlemlediğiniz ya da beklediğiniz?

NS: Sürekli geliyorlar, müzakere heyetleri Ankara'ya geldiklerinde buraya da geliyorlar. Ben Müzakere Heyeti Koordinatörüyken, koordinatör olarak görüştüler benimle en az üç kere. Genellikle müfettiş edasıyla geliyorlar, yani neler yapıyorsunuz Diyanet olarak diye... Bir algı saptaması, bir gözlem yapıp gidiyorlar. Mesela ya Fener Rum Patrikhanesi ya Alevilerin sorunları... Müslümanların başörtüsü sorunu, üniversitelerde dini hayata yönelik çekinceler, militarizm ve din; bunları sormuyorlar. Türkiye Müslümanlarının sorunlarıyla Mazlum-Der ilgileniyor sadece (gölüşmeler).

TG: AB'nin standart bir din-devlet ilişkisi normu olmadığı için, böyle bir beklenti de olamaz. O yüzden de azınlık hakları bağlamında bakıyorlar dini özgürlüklere.

NS: Bu da anlaşılabilir bir şey, baktıkları yerden böyle görünüyor. Kimse Türkiye’de Müslümanların sorunu ne demiyor, Alevilerin durumu azınlıkların durumu... Amerika’nın hazırladığı raporlarda da aynı şey. Ama bizi alacaklar. Ben hiç karamsar değilim. Türkiye’yi almaları Türk halkı için de iyi olacak.

TG: Çok vaktinizi aldım. Verdiğiniz tüm bilgiler ve görüşlerinizi paylaştığınız için çok teşekkür ederim.

NS: Faydalı bir görüşme oldu, ben de teşekkür ederim.

Interview with Prof.Dr. Mehmet Aydın, Former Minister of State in the 58th, 59th and 60th Governments and Izmir MP from AKP for 22th and 23th terms of Turkish Grand National Assembly (TBMM), Faculty member at the Department of Political Science at Bilkent University.

(Wife of Prof. Dr. Mehmet Aydın, Nihal Aydın who was present during our interview, has also kindly contributed)

25.03.2013, Bilkent University, Ankara

Mehmet Aydın: 1940larda Türkiye’de çok ciddi bir boşluk ortaya çıktı. Benim tabirimle mollaların ortasında kaldı molla değil de mele. Güneydoğu yani. Oralara pek uzanılmadı, dolayısıyla namaz kıldıran işte zorunlu olan şeyleri yapabilecek olan insanlar oralardan çıktı. Tam olarak 1949’da İlahiyat Fakültesi kuruldu ama o İlahiyat Fakültesi de aslında bir Felsefe ve Sosyal Bilimler Fakültesi olarak kuruldu. Çok da İlahiyat Fakültesi gibi değildi, Kuran-ı Kerim dersi yoktu herhalde var mıydı?

Nihal Aydın: Vardı da işte hoca yoktu

MA: Hayır hatırlamıyorum yani ben yazılı olarak var mıydı? Programda var mıydı yani?

NA: Vardı

MA: Siz özel olarak çalıştınız, siz özel olarak çalıştınız da Yaşar Hoca’yla falan. Yani ilahiyat fakültesi batıdaki anlamda ilahiyat fakültesi değil. Batıdaki ilahiyat fakültesi ilk iki senesinde epeyce felsefe ağırlıklıdır sonrasında teolojidir çünkü Papa yetiştiriyor, formasyonu belli o formasyonu vermek zorunda. Bizde İlahiyat Fakültesinde artist de çıkar, imam da çıkar vaiz de çıkar hepsi çıkar. Belki bu kamu oyu yoklamalarının başındaki insanlar şirketleri kuranlar imam hatip mezunudur çoğu, hepsi din dersi almış insanlar.. Neyse konunuz tabi ne kadar buralara gidecek ama Avrupa Birliği bağlamında çok fazla şey çıkmaz, yani şu anlamda çok fazla bir şey çıkmaz: genelde görünen ve

görünmeyen tarafına bakarsanız din konusu ayrı bir konudur ama din eğitimi konusu çok farklı bir konudur. Din konusu deyince orada söylenenlerden çok fazla bir şey çıkmıyor ama yazılanlar var tabi. Türkiye'nin Müslüman olması ister istemez bir konuyu akla getiriyor; ona bazen İslam demezler, bazen kültür derler. "Euphemism" kelimesini dudun mu?

TG: Hayır

MA: "Euphemism", yani bir şeyi, daha yumuşak daha parlak bir şekilde söylemek. Mesela kültürle ilgili argümanların büyük kısmı dinle ilgili ama din demiyorlar çünkü Avrupa din demeyecek kadar laiktir. O yüzden din demezler kültür derler, aslında kültürü biraz kazarsan din çıkıyor ortaya. Yoksa öbür türlü bu üniversitenin eğitim öğretim kültürü çok farklı değil orada da öğrenciler böyle burada da öğrenciler böyle ama işte birkaç kişi başını örtüyor bu onların dikkatini çekiyor. Burada kaç kişi başını örtüyor, cumaya gidiyor bu onların dikkatini çekiyor daha çok o tip şeyler yani bir yönüyle nasıl derler toplanır bilmiyorum ama her halükarda halihazırdaki durumu da ben bilmiyorum mesela o seçimlik dersleri de bildiğim kadarıyla Peygamberin hayatı var birde Kur'anı Kerim var başka dinle ilgili bir şey var mı mesela Alevilik ile ilgili seçimlik dersler var mı ben bilmiyorum.

TG: Yok

MA: Mesela o şikayet konusu oldu mu? Neden bir Alevi kültürü dersi seçimlik ders konusu olmasın diye itiraz eden oldu mu? Bu Avrupa Birliği ile ilgili konu daha farklı yani orada bir bakıma Türkiye o günün şartlarında yani bu din kültürü ve ahlak bilgisi dersi; din dersi değildir, onu söyleyeyim. Din dersi dediğin zaman o zorunlu olmaz. Zorunlu olmasın diye zaten din kültürü ve ahlak bilgisi adı kondu ona . Yani Orada kasıt şu, bir din var adı İslam onun inanç ilkeleri şunlardır, pratik ilkeleri şunlardır şeklinde ders olsun diye bir de ahlak bilgisi şunlar bu toplumda bu kültürde bu inançta iyi sayılır bunlar kötü sayılır bilmem ne. Zorunlu din eğitimi yani eğitmek ayrıdır öğretmek ayrıdır "teaching is not education".

NA: Yani sadece İslam değil. Hıristiyanlık var Yahudilik var.

MA: Tabi Hıristiyanlık var.

NA: Diğer dinler var.

MA: Tarikatlar var. Tarikatlar yok da şeyler var yanlış aklıma kalmadıysa Bektaşilik, Kadirilik, Mevlevilik gibi tarikatların da olması lazım. Yani orada Alevilik acaba niye girmedi. O kitapları...

NA: Son senelerde Alevilik de programlarda olacaktı diyorlardı.

MA: Kondu, kondu sonra o işin Avrupa Birliği ile ilgili kısmı mahkemeye gitti. İstanbul'da oturan Alevi velisi mahkemeye gitti mahkemeye zorunlu din dersidir benim inancım ile ilgili bir şey yok zaten içinde öğretilmiyor dedi, mahkeme onun lehine karar verdi. Aleyhine değil lehine karar verdi. Ama eminim mahkemeye savunma giderken bunun din eğitimi olmadığını da söylemiştir. Dine eğitimi değil bu din öğretimidir. Ama o alevi vatandaşı için eminim çok iyi bir dosya hazırlamaları lazım bunun adı hukuki olarak din öğretimi olsa da din kültürü ve ahlak bilgisi olsa da, uygumla da bunun din eğitimi olduğunu o dosyaya mutlaka koymuşlardır. Avrupa Birliği, yani Avrupa İnsan Hakları Mahkemesi başka türlü karar almaz ve onlar ikna olmuşlardır. Ve doğrusunu istersen, biraz tuhaf olacak ama bu eğitim dersi gibi oldu. Yani çok da öğretim olarak kalmadı, değil mi?

NA: Çok teferruata da girmedik.

MA: Hayır teferruatta değil önemli olan, eğitimde o çocuğun dindar olma arzusu vardı öğretmenin en azından niyetinde yani mutlaka...

NA: Ama konuları öğretiyor. Yahudiliği de öğretiyor.

MA: Yok

TG: Müfredatla ilgili dediğimiz çok doğru, Avrupa İnsan Hakları Mahkemesine giden Zengin davasında özellikle bütün ders kitaplarının yani din dersinin okutulduğu din kültürü ve ahlak bilgisi dersi kitaplarının içeriği inceleyip gönderiyor ve gerçekten diğer inançlarla ilgili "3 kitaplı din bunlar bunlardır" bu kadar bilgi veriliyor. Onun dışında Alevilik Bektaşılık bunlarla ilgili hiç bilgi verilmiyor yani verilen bilgiler de çok kısıtlı ve o grupların isteğini yansıtmıyor.

NA: Böyleydi ama şimdi konu.

MA: Tamam. O zaten mahkemeye gittiği zaman hayır hayır ilk konuştu mahkemeye gitti o zaten. Gideni de var. Hüseyin Çelik'in Milli Eğitim Bakanlığı'nda var ama zaten o mahkeme öyle karar vermek durumunda bırakıyor seni. Çünkü zaten o dersi koymayı arzu edenlerin de o dersin bir eğitim dersi olacağından şüphe ettiklerini zannetmiyorum. Yani Evren Paşa ve arkadaşlarını kastediyorum. Yani o çünkü bir İslam ülkesinde Müslüman olan hatta Müslüman değil dindar olan, çünkü yüzde doksanı dindardır Din Kültürü ve Ahlak Bilgisi öğretmenlerinin, dindar olanların zaten onu bir din dersi olarak vermemeleri ne ölçüde mümkün ben de bilmiyorum açıkçası yani büyük ihtimalle o zaten bir eğitim dersi olacaktı, eğitim dersi oldu ama burada şu şey önemli; kitabı yazarlar Talim Terbiye Kurulu'nun verdiği programa göre kitap yazdılar yani onlar kendi oturup da Lise 1 için kitap şu olur demediler. Talim Terbiye, Orta 1-2-3 lise sona kadar o kitaplar zaten program olarak tescil edilmişti, öyle geldi ve o kitapları bulabilirseniz o kitaplara sempati ile bakmak lazım çünkü o kitaplar 1 ay, 1.5 ay gibi kısa bir süre içinde hazırlandı. Yani müderrislerin çok fazla vakti yoktu, onlara o kadar zaman verildi.

TG: Bu söylediğiniz hangi tarihte?

MA: Şey ilk dersin başladığı tarih işte, 82 midir?

NA: 83'ten sonra.

MA: Evren Paşa zamanında. Dolayısıyla orada mesela benim birkaç şeye itirazım vardı bunlardan bir tanesi mesela, söyledim ben Talim Terbiye'ye söyledim, düzelttin dedim. Mesela diyor ki “peygamberimizin özellikleri” bunu kullandığın zaman o zaten kültür dersi olmaktan çıkar. S.A.V. Hz. Muhammed diyebilirsiniz; Hz. Muhammed'in özellikleri. Peygamberimizin özellikleri dediğin zaman... Sen şey hatırlıyor musun? Bana bir gayrimüslim vatandaşın İstanbul'da gelip de, hocam dedi çocuk yazılı sınava giriyor “dinimizin insana vereceği önem” diye soru var. Baba demiş, “dinimiz derken ben bizim dinden çıkar mıyım” demiş (gülüşmeler). Ben bunu arkadaşlara söyledim, dedim ki bakın bunu yanlış yapıyorsunuz; İslam dini diyin dedim. İslam dinin özellikleri diyin o zaman kimse itiraz etmez dedim ama oradaki hep “dinimizin” “mukaddes kitabımızın” zaten o şekildeki tabirler eğitimin konusudur yalın halde öğretimin konusu değil. İkinci şey şu zaten yetişen öğretmenler eğitimci olarak yetişmişlerdi o anlamda bu dersi okutun hocalara diyenler başta zaten eğitimciydiler. Eğitimden onların öğretimi ayırmaları zaten yapıları icabı zihinsel yapıları icabı mümkün değil. Ve topu topu ne kadar kurs aldınız Mehmet Aydın'dan bir hafta mıydı?

NA: 15 gün... Yok, bir hafta.

MA: Yani bir haftada ben anlatım eğitimle öğretimin farkını. Yani şöyle yapacaksınız böyle yapacaksınız dedim ama...

NA: Farkı öğrenmek için hocalardan ders aldık, fakülte hocalarından ders aldık.

MA: O bir hafta dolayısıyla hocası sayılırım. (gülüşmeler) O hocalardan bir tanesi de bendim. Bu uzun hikaye. Her ne kadarını toplarsanız toplayamazsınız bilemem ama güzel bir çalışma olabilir ama zannediyorum bir sürü yazıldı çizildi bu...

TG: Bu eksende Avrupa Birliği değil yalnızca tabi, Avrupalılaştırma ekseninde AİHM kararları da var. Yani Avrupalılaştırma genel bir olgu olarak aldığımız zaman bunun etkisini bu konu üzerinde değerlendiren çalışmalar var tabi gerek Recep Kaymakcan'ın çalışmaları var Talip Küçükcan'ın çalışmaları var falan ama hem karşılaştırma...

MA: Talip Küçükcan'ın doktora tezimi ?

TG: Yok ama kitapları var. Avrupa Birliği ülkelerinde din devlet ilişkileri ile ilgili olarak...

MA: Din devlet ilişkisi çok zaten...

TG: Din devlet ilişkisi ben zaten öyle çıktım ama din devlet ilişkisini bir de Avrupa Birliği bağlamında incelemek o benim master tezim ile biraz alakalıydı, fakat Zaten yani sekülerlik, din devlet ilişkisi ile ilgili Avrupa Birliği bir şey demiyor, diyemez de yani bütün ülkelerin zaten Avrupa Birliği üyesi, hepsi farklı Türkiye’den de böyle bir beklentisi olamaz ama dini özgürlükler çerçevesinde işte dine, dini azınlıklar dini özgürlükler çerçevesinde bir takım eleştiriler ve beklentilerde ancak bulunabiliyorlar. Zaten din derslerini de seçmemin sebebi oydu. Mesela kürtaşı niye seçmiyorsun diyenler oldu ama o Türkiye’de bir dönem tartışıldı ama çok tartışılan bir konu değildi en azından 1.5 yıl önce ben seçtiğimde. Onun için din dersleri özeline indirdim ve bunu sekülerlik laiklik ekseninde değil de dini özgürlükler işte azınlıkların durumu ekseninde incelemeye çalışıyorum. Polonya’da da durum dışarıdan bakıldığı zaman çok Katolik bir ülke olmakla birlikte din dersleri seçmeli ve “isteyen alır” şeklinde düzenlenmiş, isteyen almaz değil de isteyen alır şeklinde ve ahlak dersleri de o şekilde. Karnede de din ve ahlak dersleri bir arada. Din dersi aynen din eğitimi şeklinde uygulanıyor, birlikte kiliseye gidiyorlar falan ama din dersini almak istemediği zaman öğrenci, yerine ahlak dersini aldığı zaman karnede not ikisi bir arada; din veya ahlak, hangisini aldığı belli olmuyor. Dolayısıyla dışlanmaya falan sebep olmuyor. Müslüman öğrencilerin durumu da orada camiye gidip din dersi alıp notunu alıp okula gelip notunu saydırıyorlar. Yani çok rahat bir ortamda, dinlerini öğreniyorlar çocuklar hem Müslüman hem Hıristiyan çocuklar çok da çatışmalı bir durum değil. Tabi Türkiye bu kadar homojen bir toplum değil. Türkiye’de Alevilerin varlığı özellikle nüfus olarak çok olduklarından, yani Polonya’daki Müslümanlar çok az. Bu anlamda çok karşılaştırılabilir değil ama Türkiye’de de bu din kültürü ve ahlak bilgisi dersini kültür dersi olmaktan çıkartıp din eğitimi dersi yapip seçmeli yapmak veya zorunlu olacaksa...

MA: Ama işte bunların arkasında bir sürü kısa zamanda saymak gerekirse, bunların arkasında başka türlü şeyler var. Başka sıkıntılar var; o sıkıntı da şu: Türkiye’de zorluklar sadece devlet sorunu değil aynı zamanda insan sorunu var Türkiye’de. Yani düşünebiliyor musunuz, çocukların seçmeli din dersi almaları için; eğer Konya’ya giderseniz problem yok neredeyse bütün çocuklar seçiyorlar. Ama Ankara’ya gelerseniz çocuğun bazı okullar bazı liselerde çocuğun onu almaması için her türlü tuzağı hazırlarlardı. Her türlü tedbiri alırlardı. Yani çocuğa diyeceksin veline git, orta birdeki çocuk nasıl velisine gitsin desin ben din dersi alayım mı almayayım mı? Dolayısıyla bu çocuk bu dersi almasın, çocuğumun din dersi almasını istemiyorum şeklinde bir dilekçe değil veya ne yapıyor, dersler başlıyor bir hafta geçiyor on gün geçiyor, nice aile karne geliyor eline baba bakıyor ki karnede din dersinin karşısı boş... Ya yavrum diyor niye bu dersin boş, bilmiyorum diyor çocuk. Yani her sınıfta öğretmen diyecek ki, din dersini alacaksınız velinizden yazı getirmeniz lazım. Bu sınıflarda söylenmiyor çünkü o dersin alınması istenmiyor. Yani Türkiye 1980’lerden önce çok sık olarak öğretmenler o dersi öyle bir saate koyuyor ki...

NA: Program dışı kalıyor.

MA: Saat 12'yle 1 arası. Çocuğun top oynayacağı, oyun oynayacağı, yemek yiyeceği bahçeye koşacağı saate koyuyorlar ki sıkıntı olsun. Sınıf vermiyor laboratuvar veriyor, on dakika sonra öğretmen gelip diyor ki burada deney yapılacak. Yani o öğretmenler o kadar çekti ki... O öğretmenlere o kadar çektirdiler ki... Onun da hikayesini yazmak lazım. Türkiye'de niye bazı şeyleri böyle birden bire yapıyor, çünkü bakarsanız onun arkasında yapılan şeyin bir olumsuz şeyi varsa öbür tarafta yapılan şey 10 kat daha olumsuz. Yani Türkiye'deki durum da bu idi. Yoksa şey de değil mesela bu Türk-İslam sentezi ya bu, ne Türk-İslam sentezi? Bana sorarsanız buradaki nokta Türk-modernite sentezi. Niye? Çünkü bu memleketi modernleştiren en büyük adam kim? Atatürk. Dolayısıyla önemli olan burada Müslümanlıkla o modernitenin birbirleriyle gerginlik içinde olmamalıdır. Yoksa Türk-İslam sentezine gerek yok ki; zaten o orda, zaten o var. Ben Müslümanım Türküm diyor adam zaten ama adı Türk-İslam sentezi oldu. Bütün çıkarsanız son 40 50 senede çıkan yazıların büyük bir kısmını derleme amaçlı, ben Evren Paşa'nın Türk-İslam sentezinin kafasından geçtiğini hiç düşünmüyorum. Evren Paşa'nın niyeti de belliydi her şeyi de belliydi. Benim kızım diyor, modern bir ailenin kızı. Ben istedim ki benim kızım gitsin dinini öğrensin. Sonra bir hafta geçti iki hafta geçti baktık ki benim çocuğuma öğretilen şeyler benim istediğim şeyler değil.. Ondan sonra özel hoca tuttum diyor, din dersini çocuğum bilsin öğrensin çünkü bu ülkede yaşıyor.

NA: Şeyi anlatsana hani Yahudi Hoca da çocuğuna din dersi alsın demişti.

MA: Teo Grünberg mi? Teo Grünberg'in çocuklarını mı diyorsun?

NA: İslam ülkesinde yaşıyoruz Müslümanlığı da öğrensin diye iki çocuğunu da din dersine yazdırdı, seçmeli olduğu için...

MA: Teo Grünberg Musevi idi. Felsefe hocası idi haliyle hep gelip gidiyor, ODTÜ'nün hocasıydı. Biz 4-5 sene beraber çalışmıştık orada. O çocuklar o zaman işte deneme lisesine gidecek yaşıyordu. Ama bir tanesi akademisyen olarak babasını geçti meşhur oldu, David. Öbürünü bilmiyorum ne oldu da. Mesela o çocuklarda istiyordu kendi de istiyordu bu ülkede yaşıyoruz, bu çocuklar İslam dinini bilmezse bu ülkeyi tanımaları mümkün değil. Yani zaten dersleri koymalarının amacı öncelikle oydu. Bir defa bugün bana sorsanız hala modern kurumlarımızın önemli sorunlarından biri budur; yani o halka eksik, eksik olduğu için de bağlanamıyor. Mekanik olarak bir şeyi çalışmak ayrı ama o işin biraz derinini bilmek ayrı. Mesela yazıyorlar görüyoruz, memnunuz iyi ki yazıyorlar çiziyorlar ama okuduğunuz zaman boşlukları görüyorsunuz, o boşluklar öyle dışarıdan bakmayla olmuyor; o da öyle bu da böyle... Mesela benim size bu anlattığımı bilmezseniz o ders niye kültür dersi olsun... Din kültürü ve ahlak bilgisi dersinin isim babası benim.

TG: Öyle mi?

MA: Öyle. İsim babası benim. Çünkü bir ad konacaktı zaten, o adı ben icat etmedim. "Religious culture and moral knowledge." O zaten batıda bir çok yerde var, batıda birçok

yerde din kültürü olarak okutuluyor ama dediğim gibi eğer benim eşimin daha önce söylediği (tırnak içinde) “gavur ezizeti” olmasa bekli de bu problem olmayacaktı. Yani diğer türlü o ders ya kökten kalsın, çünkü bir çocuğa yetişme çağında yanlış bir imaj vermektense hiç vermemek daha iyi. Siz çocuğa doğru düzgün bir sınıf vermezseniz, öğretmene doğru düzgün bir sınıf ve saat vermezseniz, o dersin alınmaması için her türlü tedbiri alırsanız... Şimdi tamamen geçti mi bitti mi? Şimdi bile bazı sıkıntılar var. Yani eşim de biliyor ben de biliyorum, o özel olduğu içim isim falan vermeye gerek yok, bize bir tanıdığımız bildiğimiz bir tanesi geldi, dedi ki “ben din kültürü ve ahlak bilgisi dersi okutuyorum” dedi. İkimiz de şok olduk. Yani adamın ne bilgisi var ne ilgisi var dedik. Allah Allah... Sonra da diyor ki müdür bey dedi ki başkasının derse gelmesinden sen gelirsen ben de dersi dolu gösteririm, din kültürü dersi için başka öğretmen tayin etmezler. Şu anda bile Türkiye’de bunlar oluyor düşünün. O dersi dolu gösteriyor bizim ihtiyacımız yok onun için oraya öğretmen tayin edilmiyor sonra öyle birini getiriyor ki dini öğretmesi mümkün değil, zaten çocuklar da görmüş olsa bunun dinle ne alakası var diye tekrar tekrar sorar. Türkiye’nin bu gizli damarlarını iyice bilmedikten sonra, bilimsel değerlendirme yapmak açıkçası çok mekanik oluyor, yukarıda kalıyor. Okursunuz ama bilenler bunun fazla ileriye gitmediğini görürler. O bakımdan, niye mecbur oldu çünkü bunun bütün resmi zannediyorum ilgili kurumlara verildi. Perişan hali, öyle diyeyim... Öğrenci perişan, kurum perişan, öğretmen perişan vs vs... Onun için bu ders ya kalkmalı ya da kültür dersi olarak normal bir duruma gelmeli. Onun sonucudur bu din kültürü ve ahlak bilgisi dersi.

NA: Bir de şu durum vardı; bazı okur yazar veliler hoca ne öğretecek ben bilmem diyor o yüzden ben kendim öğretirim dini diyor ama kendisinin de bir bilgisi yok. Kendisi de hiçbir şey öğrenmemiş yani mahalledeki hocaya gönderecek hali de yok zaten ona hiç güveni yok. Yani çocuk dinle hiç ilgisi olmayacak şekilde yetişiyor.

MA: Hatta bu şey enteresan bir taraftan Türkiye yeni yeni normalleşiyor, inşallah normalleşir ama bu kitaplar çıktığı zaman yine Türkiye ikiye ayrılmış durumdaydı. Biri şöyle diyebiliyordu; o kadar akıllıca yazılmış ki bu kitap işte çocuklar evrime değil de yaratma fikrine yaratılma düşüncesine inansınlar diye. Dolayısıyla burada çok akıllıca çok iyi bir dinicilik dinsellik var diyenler vardı. Yani onlar uğraşırsa kanıtlarlar yani öbür taraftan da ismini vermeyim, gazeteci bir arkadaşımız kitaplar çıktıktan sonra ben dinimi geri istiyorum, benim dinimi almayın dedi çünkü ona göre bu kitaplar şimdi biri Enver Paşa ön ayak olduğu için Türk-İslam sentezi diyor, öbürü diyor ki bu benim dini değil. Açıyor içini şimdi diyor ki yani şimdi çocuk bu sınıfa gitti ne öğrendi bundan diyor.

NA: Yeterli görmüyor.

MA: Rahmi Beyler’in yazdığı o ahlak ile ilgili kısımlar yeterli değil sadece biraz da şey yani hangi kelime kullanılır bilmiyorum İslam’ın özüne sadık kalınmıyor bu yolla diye yani kendi çıkardığı lafların başındaydı; ben dinimi geri istiyorum müdahale etmeyin diyenler vardı. Yani iki taraf da bir bakıma yaralı. Ama bunlar çoğu tabi ideolojik bir

bakıştı tabi o dönemde ama ben iyi niyetli olduğuna inanıyorum. Onun hikayesini sen biliyorsun tabi din dersi nasıl akla geldi, sonrasındaki gelişmeler nasıl oldu uzun hikaye... Ama yine de hanımefendinin (eşi) kanaatine göre çok yararlı olmuştur ama ben o kadar... Benim ölçülerime göre gitmediği için ben çok rahat değilim ama yine de çocuklar epeyce şey öğrendi kültür olarak. Öyle değil mi?

NA: Tabi kıyaslayınca tabi çok farklı

MA: Tabii çok farklı öbürüne göre. Seçimli olana göre.

TG: Hocam siz de mi ilahiyat fakültesi mezunusunuz?

MA: Tabi benim sınıf arkadaşım. Benim düşündüğümü o pratik edendir, etmiş olandır. Şimdi değil...

NA: Erken emekli oldum. Bizden sonra neler oldu onları bilmiyorum.

TG: İlahiyat fakültesinde mi çalıştınız?

NA: Yok. Orta öğretimde çalıştım. Orta, lise

TG: Öyle mi? O anlamda da o zaman çok şanslıyım, bir taşla iki kuş... Ne güzel! (gülüşmeler) Siz orta öğretimdeydiniz. Hangi yıllarda?

NA: Ankara Kız Lisesinde çalıştım, 69-70 yıllarında çalıştım sonra Mustafa Kemal Lisesi'nde çalıştım Yenimahalle'de. Sonra İzmir'e gittik orada da Balçova Lisesinde çalıştım.

TG: Benim zamanımda da, ben Tefik Fikret Lisesi'nden mezunum, gerçekten din kültürü ve ahlak bilgisi dersini sevdiren hocalarım vardı. Polonya da hep duyduğum mesela denk geldiğim ateistler aldıkları din dersi hocalarından dolayı ateist olmuş, böyle bir şey olamaz diyerek ateist olmuş kişilerdi yani tam tersi bir etki de yaratabiliyor. Din dersi hocaya çok bağlı.

NA: Ders hocalarının hakikaten çok iyi bir pedagojik eğitimden geçmesi lazım. Biraz öğretmen psikolojisi herhalde disiplinli olun falan diye çocuklara ters davranma olabiliyordu, o da tabi dersten soğutuyor çocukları.

MA: Aslında doğru olan, yapılabilseydi doğru olan şuydu benim kanaatimce; Anayasa zaten 29. Maddede onu der: bir; din eğitimi yaparsın ama seçimlik olur, çocuk-veli isterse bile bile gönderir bu bir eğitim dersidir, bu bir din dersidir. Ayrıca kültür dersi olarak verilirse, o ayrı bir konu yani şimdi bu yeni şeyde zannediyorum bu yine seçimlik olacak. Büyük ihtimalle seçimlik olacak ama Anayasa şuna müsait eğer veli arzu ederse okul din eğitimini verir diyor zaten. Bu dediğim gibi o zorunluyu görünürde kaldırdı, demin söylediğim sebeplerden dolayı olmadı da o, ama en azından hukuki açıdan bakarsanız o din dersi değil kültür dersi olsun, her çocuk öğrensın. Ama dediğim gibi o gün olan biten

tartışmalar yazılı olsaydı bunlar hiçbirini ideolojik şeyleri, Türk-İslam sentezi olsun, yeşil kuşağa bağlı olsun, zerre kadar hiçbirinin uzaktan yakından bu işle ilgisi yok. Ne vardı orda çocuklarımız ister dindar aileden gelsin ister dinsiz aileden gelsin, ha gayrimüslimler yine de gayrimüslimler dese ki bu her halükarda yine de İslam'ı öğretmektir dolayısıyla benim inancım öğretmiyor, onlar da yeterli sayıda öğrenci bulurlarsa, Milli Eğitim Bakanlığı onlar için de öğretmen tayin edebilir düşüncesi ile çıktı bu ama dediğim gibi yani Türkiye'de o gün ne yapsaydın... Mesela ahlak dersi seküler bir ders olarak başladı. Onu bilmez miyim ben, çok iyi bilirim, seküler bir dersti. Hatırlar mısın senin okulda merasimle kitap yaktıklarını Erol Güngör'ün diğer üç kişiyle beraber yaktıklarını?

TG: Hangi kitabı hocam?

MA: Ahlak, ahlak bilgisi. Zorunlu kültür ve din dersinden önce bir ayrıca ahlak dersi vardı. 73'lerde falan zannediyorum o başladı işte onların kitapları yakıldı. Çok ünlü bizim toplumsal psikoloji üzerinde olan Erol Güngör Bey vardı.

NA: Mesela psikoloji ders olarak kondu.

MA: Evet kondu ahlak gibi ama o da yaramadı. Çünkü bütün içerik, okula kimin hakim olduğuna bağlı; okula sol hakimse, ders olarak ahlak da istemiyor şeyi de istemiyor. Ama dediğim gibi, gidersin Anadolu'nun bir yerine orada çocuklar da aile de öğretmen de talep üzerine yapıyor, ama o ders de yürümedi. Türkiye zor günlerden geçti.

NA: Yani dersin şeyi de müsait değildi, içeriği.

MA: Bana kalırsa o doğru, çocuklar hiç ilgi duymadı.

NA: Felsefe eksik olarak okutuluyordu. Seviyelerine göre değildi o yüzden çocuklar sıkılıyorlardı, konuları sevmiyorlardı. İlgili duyulmadı.

MA: Sen okuttun mu?

NA: Okuttum.

TG: Siz bu yeni Kuran'ı Kerim dersi ve Hz. Muhammed'in Hayatı dersinin içeriklerini nasıl buluyorsunuz?

NA. Ben incelemedim onları. Ama seçmeli ders problem oluyordu. Ders, programın içine giremiyor. Çocukların bir kısmı içeride bir kısmı dışarıda kalıyor. Onun idaresini beceremiyorlardı. Zorluk çekiyorlar seçmeli ders seçen çocuklar baya perişan oluyorlar. Öğle saatlerinde program dışı ya da akşam geç saatlerde oluyor.

MA: Yani o dönemdeki uygulamanın bazen dokunaklı söylüyor. Çocuğun o dersi sevmemesi için her türlü tedbir alınmıştı. Büyük metropollerde küçük yerlerde değil yani öğretmen eğer doğru düzgün saati yoksa sınıfı yoksa ve çocuğu oyun saatinden

koparıyorsa, çocuk o dersi sevmiyor, o dersi sevmiyor. Yani bence onun için zaten yani bu dersin kalkması daha iyi fikriyle gidildi.

TG: Ben Polonya'yla o anlamda da karşılaştırıyorum. Orada din ve modernleşme o kadar el ele gidiyor ki; biraz önce söylediğiniz yani modernleşme ile İslam sentezi, Türkiye'nin ihtiyacı olan şey o aslında, dediğinizden yola çıkarak söylüyorum. Polonya'da öyle yani. Komünist dönemde bile halk yer altından eğitime; edebiyat eğitimine, din eğitimine hep devam ediyor. Yani komünist dönemde bile taa 1500lerden ülke parçalanmaya başladığı zaman işgal altındayken bile o kadar net bir şekilde dine sarılıyorlar ki ve orda Kilise kurtarıcı bir güç durumunda ki, komünist rejimden kurtuldukları anda, zaten kurtulmalarından da yine kilisenin etkisi çok büyük, din ve din eğitimi çok değerli bir şey olarak geri geliyor. Yani modernleşme ile din birbiri ile çatışan çelişen şeylerdir imajı, Türkiye'deki o imaj orada yok. O yüzden ...

NA: Orada misyonerlik de olduğu için, bu işi çok daha ciddi yapıyorlar. Hem velilere ulaşıyor kilise, hem çocuklara kolayca ulaşıp o programı koydurabiliyor. Ama anlattığınızda mesela Müslümanların işi biraz zor. Ayrı bir yere gidip oradan dinini öğrenecek. Yani okulunda programa giren ders olarak değil ama bir Hıristiyan için ders var değil mi?

TG: Evet ama orda sayı sorunu var. Müslüman öğrenci o kadar az ki; okulda varsa ancak bir-iki tane öğrenci. Onun için ayrıca ders açamıyor, bir de zaten camiye gidiyor. Hafta sonları gidiyorlar camiye o okulda din dersi olduğu saatlerde Müslüman öğrenciler kütüphanede vakit geçiriyorlar hafta sonu camide her türlü uygulaması ile eğitimini alarak öğreniyorlar ve o kadar seviyorlar ki yani mutluluklarını, cumartesi pazarlarını çok güzel geçirdiklerini söylüyorlar. Demek ki rahat bir uygulama. Evet dışarıda alıyorlar eğitimlerini ama onun hiçbir denetimden geçme gibi bir durumu yok o ne öğretti öbür camide ne öğretildi, o bir denetime tabi değil mesela yani karışmıyorlar.

MA: Tabii. Neyi uygun buluyorlarsa odur. Bizim öyle değil. Yani bizim bu sadece din dersi din kültürü dersi ile ilgili olarak değil, ben hatırlıyorum liseler için mantık kitabı yapıldı, işte Teo Grünberg onun sembolik mantık kısmını yazdı, Necati Hoca klasik mantık kısmını yazdı. Yine o da Talim Terbiye'nin hazırladığı programa göre yazmışlardı. Kitap yazıldıktan sonra birilerine gönderip okutuyor Talim Terbiye, yani nasıl buluyorsunuz diye... Kitabı bana gönderdiler. Felsefe hocasıyım, mantık hocası değilim yani mantık ayrı bir teknik konu. Ama neyse, iki hocayı da taniyorum yakından bildiğim insanlar, fikirlerini biliyorum falan. Şeye itiraz ettim mesela; kitapların hepsinde vardır mesela o, lise son sınıfta hemen hemen her şeyde "Atatürk ve din" vardır. Burada da "Atatürk ve Mantık" diye. Yani dedim ki mantık kitabında Atatürk ve mantık diye bir şey olmaz dedim buraya bir cümle yazılır; "Atatürk mantıklı bir adamdı." Yazacaksınız ancak bu olsun ne demek Atatürk ve mantık. Şeyde de öyle yani lise kitaplarında. Atatürk diye din dersinde ayrı bir bahis açmak mı mantıklı olur yoksa zaten orada inanç konuları var, ahlak konuları var, samimiyet konuları, değer konuları var...

Oraya geldiği zaman mesela diyelim ki vatanseverlikten bahsediyorsun, fedakarlıktan bahsediyorsun, ölümü göze alarak mücadele edip bir toplumu tutsak olmaktan esir olmaktan kurtaran...Oralarda Atatürk için içine girse daha doğal olmaz mı? Yani bir örgünün içine giren bir nakış gibi...

NA: Tabii daha doğru olur.

MA: Yani diyelim ki vatanseverlikle doludur yani Atatürk bütün gençliğini bütün ömrünü, fikrini eleştir o ayrı bir konu, ama o kuşak yaşamadı bile gençliğini doğru dürüst. Mesela benim babam adam bütün gençliği cepheden cepheye gitmişler sürmüşler bilmem ne yapmışlar. O zaman fedakarlık, vatan sevgisi anlatırken orada dahil olsa daha doğru olmaz mı? Efendim “hakikate nasıl inanıyorsam dinime de öyle inanıyorum, benim dinim en son dindir çünkü o din bilime ve mantığa uyan dindir” trnak içinde Atatürk’ün cümlesi. Hadi bunu söyledin ama o gidecek üstüne başka bir şey işitecek. Böyle değil, eğitim daha doğal olması lazım. Aynen şey gibi mesela Yunus Emre gibi, Mevlana gibi... Bunlar “Allah Kuran’da buyuruyor ki...” diye başlamazlar. Sizinle konuşurken bile mealen bir ayeti kullanırlar, hiç kimse fark etmez onun ayet olduğunu. Böyle bir doğallık içinde verilmesi mi daha uygun olur, yoksa şey mi daha uygun olur; bir başlık altında mı? Sonunda o başlığa karar verildi. Ama burada da yani neyse sonunda o şeye bir faydam oldu Atatürk ve Mantık kısmını koymadılar. Olmaz yani Atatürk ve Mantık diye bir şey, her şeyin başına koyacaksın; Atatürk ve Tarih, Atatürk ve Coğrafya, altına da iki üç cümle koyacaksın... Yapay bir şey bu. Çocukları etkiler bu. Ne Atatürk sevgisine katkı sağlar ne başka bir şeye. Ama Türkiye hep böyle geldi, hep böyle sıkıntılı geldi. Onun için bir sıkıntıyı arka plan olarak görmezseniz, öbür o sıkıntıdan sonra gelen süreci, uygulamayı değerlendirmekte zorluk çekilir. Kolay değil bu. İlle doktora düzeyinde yapılacak bir şey de değil bu daha sınırlı, daha somut bi çalışma olarak... Ama Türkiye hakkında konuşacaksak, ki pek çoğu televizyonlara çıkıp konuşuyor, Türkiye hakkında konuşacaksak bu çok yalın, çok eksik ve çok yanlış konuşmalardır. Yazılar da öyle ben okuduğum zaman gülüyorum, bu böyle değil, ben kendim gülüyorum. O tahmin ediyor... Yeşil Kuşak için din kültürü ahlak bilgisi dersi konuldu. Heyet gelmiş Amerika’dan aman ha böyle bir ders olsun. Acaba heyet geldiyse eğer heyet onun için mi geldi, yoksa aman ha buna yeniden başlamayın bu irtica bilmem ne... Bunu bilmenden bunu ne yazıyorsun oraya, ne konuşuyorsun?

TG: Bunların kayıtları yok ama galiba değil mi?

MA: Bir kısmının belki vardır. Bir kısmının vardır mesela Milli Eğitim Bakanlığı’nda uzun aylar süren toplantılar oldu din kültürü ve ahlak bilgisi dersi için. Orada heyetler vardı o insanlar teker teker hepsinin isimleri var içinde.

TG: Evet onların kayıtları hep var. Zannediyorum Halis Ayhan’ın yaptığı bir takım...

MA: Onu kitap olarak demiyorum ama.

TG: Tutanaklarla ilgili bir şey hatırlıyorum. Din kültürü ahlak bilgisi dersinin tartışıldığı toplantıların tutanakları..

MA: Ha olabilir. Kitap olarak demiyorum ama oradaki insanların bir kısmı hayatta değil zannediyorum açıkçası ben takip etmiyorum ama bu şey için de yani dediğim gibi yani bugün ben siyasetten yeni çıktım. Akşam bütün kanalları açarsanız; işte hükümet bilmem şu, hükümet bilmem bu bugün bile bakarsanız efendim hükümetin gündeminde şunlar şunlar var. Gülüyorum ben çünkü gündemde bunların hiçbiri yok. Gündemi bilmiyor ki... Gündemde sadece yolla, köprüyle vs. ile ilgili olanlar bilinir. Bakanlar Kurulu'nun bir de özel görüşmeleri var zaten. O özel görüşmenin bir gündemi yok ki zaten. O anda ne ise... Mesela büyük bir ihtimalle barış sürecinden konuşuldu, bahsettiler. Ama Batı işte bunu iyi bilmeden yazmıyor, Türkiye'de yazıp çiziyorlar. Neyse bir gitsin bakalım bir yürüsün bakalım inşallah şey yapılır. Yani şu anda benim bu söyleyeceklerimden daha fazla katkım mümkün değil.

TG: Talim ve Terbiye Kurulunun din derslerinin içeriğine karar verirken nasıl bir süreç içinden geçtiğini çok bilmiyorum.

MA: Ben de bilmiyorum. Benim bildiğim sadece onların hazırladıklarının müderrislere ulaşmasıdır. O müderrisleri o günkü Milli Eğitim Bakanlığı şöyle ya da böyle belirledi. Onların çoğu da akademisyendir. Tamamı akademisyendir zannediyorum. Onların içerisinden hemen hemen bütün kitaplar birden fazla yazarlıdır. Öyle değil mi?

NA: Evet

MA: Birden fazla yazarlıdır. Bir tanesi tek yazarlıdır, o da lise son sınıf. Mehmet Aydın'ın yazdığı kitap, o tek yazarlıdır.

NA: İkinci sınıfın da tek galiba.

MA: Hayır, değil. İkinci sınıfı Rahmi Bey ve Abdülkadir Bey yazdılar

NA: Yok o 1. sınıf

MA: Lise 1'i Ruhi Bey yazdı. Yok...

NA: Lise 1'i Rahmi Bey. Rahmi Bey'le kimdi adı unuttum

MA: Rahmi Bey değil benim aklımda Abdülkadir Bey kalmış

NA: Lise 2'nin Süleyman Bey yazdı

MA: Tek mi o?

NA: Tek

MA: Hmm unuttum bilmiyorum. Lise 3'ü? Daha sonrakileri?

NA: İşte sonradan da bir farklı kitaplar da okundu, yazıldı yani ilk çıkan kitaplar bunlar şeyden sonra zorunlu ders olduktan sonra...

MA: Aşağı yukarı ilk 10 sene okutulan kitaplar bunlardır.

NA: Sonra değiştirildi. Öğrenciye ağır geliyordu, mesela senin yazdığın daha felsefi dediler ona daha din kattılar. Yeni kitapları ben de görmedim.

MA: Bilmiyorum ben görmedim, yeni kitaplarla ilgili bildiğim tek şey yarısını yine benden alıyorlar copyright olarak bir şey istemiyorum yani. Hayır hayır yani biraz daha pratik davranıyorlar. Lise son sınıf biraz şey olabilir. Yani ben o kitabı sadece lise son sınıftaki çocuklar için de yazmadım. Anneler babalar içinde yazdım.

NA: Daha çok genel kültür...

MA: Daha çok ailelerde okundu. Aynı zamanda dışarıdakilerin de okuyabileceği şekilde yazıldı ama dediğim gibi bir ayda yazdım ben o kitabı. Verilen zaman o kadardı, oturuldu, yazdık, daktilo edildi. O döneme yetişmesi lazımdı. Evren Paşa Pakistan'ı ziyaret etti döndü benim programa ne oldu dedi, hemen toplandı, daha sonra 10 sene filan okutuldu. Lise son sınıfın sıkıntılı olmasının bir sebebi de, özellikle büyük kentlerde lise son sınıftaki çocuklar ikinci yarısını bırakıyorlar, daha çok dersanelere bilmem neye ağırlık veriyorlar. Yani lise son sınıfı doğru düzgün okutulmadı. Hocalar ne kadar okutacaklar bilmiyorum ama 10 sene 12 sene falan okutuldu o kitaplar.

NA: Aslında konuların bir kaçını lise 2'ye kaydırmak lazım lise sonun konularını hafifletmek lazım

TG: Şimdi YGS'de filan da din kültürü ahlak bilgisi dersinden sorular sorulmaya başlandı mesela o da yeni bir gelişme olarak, onu nasıl değerlendiriyorsunuz?

NA: Ders mecburi olduktan sonra öğreniyor çocuk, öğrendiği şeyden de puanı artar.

MA: Ama orada ben şundan endişe ederim yani gayrimüslimler çocuklarını göndermiyorsa, onlar da üniversiteye giriyorlar; o zaman o doğru olmaz ya da belki teknik olarak bu mümkündür mesela.

TG: Evet, evet...

MA: En az iki üç türlü sorulabilir. Kendi inancıyla ilgili sorulabilir ama o da dönemin konusu olmayınca... Ama Teo Grünberg'in çocukları gibi olursa onlar kendi istekleriyle gidiyorlar, ben bu kültürü öğreneceğim diye gidiyorlar. Teo Grünberg'in söylediği bir şey var, benim cümlemi tekrar ediyor; yani eğer belli bir din kültürün yoksa ben Bektaşiliğin yarısını anlayamazsın; gerçekten öyle, anlayamadım yani. Adam Bektaşi girmiş bir yer kazmış ve ya kazılı bir yer bulmuş girmiş içine, açmış şişeyi, IV. Murat'ta tebdil-i kıyafetle teftiş ediyor, geziyor, bakıyor orada mezar gibi, bakmış içine; yahu Erenler sen ne yapıyorsun burada diyor, o da kafayı çekiyorum diyor. Peki sen IV. Murat'ı duymadın

mı diyor, duymaz olur muyum adını duyunca titreyip dururum ben diyor. E peki bu yaptığın nedir diyor, o zaten ruhi zeminin padişahıdır. Ruhi zemin, yer yüzü demek. Burası yer yüzü değil ki diyor. (gülüşmeler)

MA: Padişah, “zevkin bin olsun!” diyor. E ruhi zemini bilmezsen, mezarı bilmezsen, ölümü bilmezsen, padişah oraya karışamaz bilmezsen bunun şeyini nereden bilecek. Bektaşilerin çoğu öyledir. O niye çünkü dinden kaynaklanıyor. Alevi şeyhlerinin, nedir sazın nedir hocam söylesene sazla ilgili o türkü. Ne şeytan var ne... bilmem nedir bunun adı...

NA: Ben de hatırlayamadım.

MA: Alevi kültürü özü itibarıyla Sünni kültürden daha dinidir, Alevi kültürü. Niye? Çünkü Alevi kültürü aynı zamanda onun inancıdır. Bu tarafta din ayrı bir şey, onun kültürde varlığı ayrı bir şeydir. Onların saz çalarken okuduklarının önemli bir kısmı şeydir, ilahi niteliğindedir onların genelinde yaptıkları büyük cemevlerinde okudukları zaten çok kalitelidir onlar çünkü büyük şairlerin sözlerinden alıyorlar onları. Halk türküleri gibi aman aman nerde yaman bilmem ne falan. İçerik olarak da çok şey...

NA: Felsefi yani tasavvuf var.

MA: Onun için mesela hakikaten yanlış olmuştur daha işin başından itibaren Alevi ve Bektaşi kültürü okutulmalıydı. O sadece Alevi ailelerin çocukları için değil. Sünnilerin de onu bilmesi lazım. Bana sorarsanız Sünnilerin onu bilmesi hata yapmamaları için çok daha önemlidir. Çünkü nice insan Alevilerden bahsederken, onlarla ilgili konuşurken sıkıntılara sebep oldular. Şimdi hatırlıyorsun televizyonda meşhur bir hadise...

NA. Sunucu...

MA: Komedyen, sunucu değil de o Erzurum kökenli bir komedyendi. Ama bir daha şey yapamadı.

MA Sunucuydu meşhur bir sunucuydu, neydi onun adı. Meşhur birisiydi.

TG: Adını ben de çıkaramadım...

MA: Yani biraz da dediğim gibi o bile o olay bile ondan sonra 4-5 olay daha var biliyorum. 4-5 olay daha var bir bakan bir laf etti şeyden sonra meşhur kazadan sonra kamyon kazasından sonra ne...

NA: Susurluk

MA: Susurluk hadisesi, Susurluk hadisesinden sonra filan. Bunlar hep şeyi gösteriyor, eğer yeteri kadar kültürü bilmiyorsanız o ülkede birlikte yaşamının şartlarını zorlaştırıyorsunuz. Yani ben şimdi geriye dönüp bakıyorum gerçekten de Alevi ve

Bektaşî kültürünün öğretilmesi Alevî ve Bektaşî çocukları kadar, biraz daha fazla Sünnî çocukları için gereklidir.

NA: Bimiyorlar, yabancı kalmalarının sebebi biraz da o, birbirlerini tanımları gerekiyor. Komşu oluyorlar ama birbirlerinin şeylerini, kültürlerini bilmiyorlar

MA: Kültür olarak gerekli. Ben hep anlatıyorum ya birinci sınıfta öğrenciyken şubat tatildi ya boydan boya, şubat tatilinde memlekete gidiyorum. Kara kış o günkü şartlarda otobüslerle gitmek mümkün değil buradan Elazığ'a, dolayısıyla trenle gidiyorum. 1.5-2 gün sürüyor. Trenle giderken ben böyle bir yer arıyorum üçüncü mekide, tahta üzerinde gidiyorsun zaten. Tenha olursa, kaç istasyon تنها olur onu da bilmem de, bir şeyler okuyayım yoksa vakit geçmez. Bir yerde baktım yaşlıca bir amca tek başına oturuyor, siyah bir palto üzerinde. Bıyıklar beyaz ama bir kısmı sarı sigaradan... az çok tahmin ettim çünkü aşınaydım Türkiye'de dede, insan coğrafyasına. Selam verdim oturabilir miyim dedim. Otur bakalım dedi sonra o soruya cevap veririm dedi. Yani seversem otururum sevmezsem oturmam. Neyse biraz konuştuk falan ben ha bire konuşma bitsin de bir şeyler okuyayım diyorum. İlgilendi, Malatyalıymış. Şöyle yarım saatte bir sakosunun, sako diyorlar ona sako palto, paltosunun cebinden çıkarıyor şişeyi, iki fırt alıyor bir de limon çıkarıyor, sıkıyor, o epeyce idare ediyor. Duruyor duruyor şey diyor, neydi Yezid'in babasının adı... Hah Maviye; ki düşman kabul edilir. Durup durup "Maviyenin torunu bir yudum al yoksa geçmez" diyor. (gülüşmeler) Şaka ediyor. Muziplik ediyor yani. Sunniyim ya. Ben de diyorum ki, yahu Erenler diyorum, ben Türküm, sülalem Türk, o Arap diyorum. "Hadi hadi kaçma kaçma, bir yudum almazsan vakit geçmez..." diyor yine. Espri yapa yapa gittik. Daha sonra korkunç kazalar oldu. O içtiği şişe de ben bunu evde yapıyorum diyor öbürü şey gibi çay gibi o diyor alkol yok ki devletin rakısında. O elinde tam şeymiş yüzde yüz evde yapıyorlarmış. Şimdi evde yapılanların bir kısmı problem oldu. Peki arkadaşım hadi kolay gelsin.

TG: Çok teşekkür ederim. Çok sağolun.

Interview with Mr. Ayhan Bilgen, Human Rights Activist

20.02.2013, Ankara

Tuğba Gürçel: Sizin kariyerinizi ve çalışmalarınızı araştırmaya çalıştım tabi ama sizden dinlemeyi isterim; Türkiye'de kendinizi ve çalışmalarınızı nerede konumlandırıyorsunuz?

Ayhan Bilgen: Ben insan hakları savunuculuğu yaptım diye tarif edebilirim kendi yürüttüğüm çalışmayı. Hala bununla ilgili işlerle meşgulüm. Daha önce Mazlum-Der'de

bulundum, İnsan Hakları Ortak Platformu'nun kuruculuğunu yaptım, şu anda da İnsan Hakları Derneği yönetimindeyim. Barış Çalışmaları içerisinde sivil inisiyatif olarak, Barış Meclisi Çalışmalarında yine kuruluş sürecinde bulundum. Şu anda daha çok Anayasa ile ilgili çalışmalar yürüttük son iki yıl boyunca, yerel inisiyatiflerle birlikte bir çalışma yürüttük. Anayasa ve toplum-siyaset ilişkisi üzerine daha çok yoğunlaşmamız...

TG: Bu alandaki yazılarınızı okudum. Ben kendi çalışmamda genel olarak Avrupalılaşma sürecinde din-devlet ilişkilerini araştırırken Türkiye ve Polonya'da konuyu din dersleri özelinde incelemeye çalışıyorum çünkü konuyu bir noktaya daraltmak istedim. Sizin AB, yeni Anayasa süreci, din devlet ilişkileri ve din dersleri ekseninde görüşlerinizi almam mümkün mü? Anayasa çalışmalarının bu anlamda nasıl gittiğini düşünüyorsunuz?

AB: Türkiye'de çarpık olan din-devlet ilişkisi, toplum-din ilişkisi ve bu ikisini belirleyen devlet-toplum ilişkisi... yani böyle üç ayağın da ben çarpık olduğu düşüncesindeyim. Bunlar birbirini şekillendiriyor, etkiliyorlar. Yani Cumhuriyetin kuruluşu toplumla devlet arasında kavgalı başlamıştır. Devlet toplumu dizayn etme çabası içerisinde olmuştur, dolayısıyla da toplum hayatında önemli bir belirleyen olan dinle ilgili de inisiyatifleri tamamen devlet üstlenmiştir. Bu hem ayrımcılığı, kayırmacılığı, din inanç konusunda taraf olmayı beraberinde getirmiştir ama aynı zamanda belki daha çok gözardı edilen bu laiklik tartışmalarında, bu aynı zamanda bir kuşatma ve kontroldür. Yani birini avantajlı pozisyonuna getirirken, onu desteklerken, ona dini öğretmeye çalışırken, kurumlarınızla ona hizmet verirken, bir taraftan da aslında onu başka kanallarla inanç dünyasını örgütlemesini, daha özerk alanlar inşa etmesini bir anlamda yok etmiş oluyorsunuz. Devletin kontrolünde bir alan yaratmış olursunuz. Yani ben İlahiyat Fakültelerinin açılması, İmam Hatip Liseleri'nin açılması, Diyanet İşleri'nin kurulması, d.n derslerinin; tabi daha sonraki yıllar bunlar ama, devlet eliyle ve zorunlu hale getirilmesinin tümüyle bu çabadan kaynaklandığını düşünüyorum. Yani toplumun devlete karşı ya da özerk, yani bağımsız alanlar inşa etmesini engellemenin önemli bir yolunun da, toplum hayatında belirleyici bir dinamik olan dinin kontrol edilmesinden geçtiği algısından hareket edilebileceğini düşünüyorum. Burada tabi ki gayrimüslim gruplarla ilgili zaten çok açık ayrımcılıklar, yok saymalar hatta... Yani Lozan'ın esasında hayata geçirilmemesi ama pratikte uygulama çok olumlu olmasa da statüleri en azından uluslararası ilişkiler dolayısıyla kabul gören İslam dışı topluluklar; yanında daha belki tartışılması gereken daha güncel olan Alevilerin, ateistlerin, farklı inanç gruplarının pozisyonudur. Çünkü bunlarla ilgili hiçbir statü olmadığı için yani Lozan'da sayılmış bir gayrimüslim değilseniz, Sünni İslam kategorisi içerisinde ele alınmaktasınız. Bu davranışın ortaya çıkarttığı tabi birtakım toplumsal tutum var, özellikle dindarlar açısından. Bu bence Türkiye'deki laiklik ve sekülerlik tartışması açısından ayrı ayrı ele alınması gereken bir şey. Yani toplum devlet tarafından dininin desteklenmesini, öğretilmesini; çoğunluk açısından söylüyorum, bir sorun olarak görmekten çok, bir kolaylık bir avantaj... dinin ancak böyle öğretilebileceği, yani ailelerin, cemaatlerin yani sivil toplumun doğru din öğretemeyeceği gibi bir algı var. Aynı şekilde dine dair hizmetlerin de, cenaze töreninden

nikaha kadar özel hayata dair birtakım düzenlemelerin de cemaatler tarafından yapılırsa toplumun ihtiyacını karşılayamayacağı düşünülüyor. Mesela ibadet yerlerinin giderlerinin karşılanamayacağı, bunun devlet tarafından karşılanmasının çok kolay bir yol olduğu algısı oluşmuştur. Türkiye milliyetçiliği, dindarlığı, devletçiliği içiçe geçen bir yapı, bir toplum yapısını beraberinde getirmiştir. Dolayısıyla Türkiye’de dindarlık konusunu toplumsal hayatın dışında sadece devlet-inanç ilişkisi olarak tartışmak dinin, İslamın, doğası açısından da oldukça sorunludur. Pratik açıdan da tamamen sorunludur. Yani o “mahalle baskısı” kavramı burada bence bir anlam ifade ediyor. Yani olapan ve yaygın olanın dışında farklı bir şey talep ettiğinizde, dinin farklı bir yorumunu savunduğunuzda sapkınlıkla veya inançsal terimlerle; fitneyle ve aynı zamanda ihanetle, devletin güvenlik terminolojisindeki birtakım kavramlarla birlikte ele alınabiliyorsunuz. Bu konuda örnek olarak ele alınması gereken topluluklardan bir tanesi bence Caferiler. Caferiler kendilerini İslama referans eden bir topluluk, Şii inancı, Müslüman inancına mensuplar ve kendi imamlarının maaşlarını kendileri veriyorlar. Kendi camilerinde de facto en azından kendileri, bir kısmı devlet tarafından tanınan/bilinen mekanizmalar olmakla birlikte dini hizmetlerini kendileri yürütüyorlar. Şimdi Sünni İslami gruplar da Caferiler gibi hareket etseler, yani hem devletin müdahale edemediği hutbesini kendisinin yazıp okuyabildiği, hem aynı zamanda giderlerini kendisinin karşılamak zorunda olduğu bir tablo ortaya çıksaydı, bugün bence eşitlik kavramı bu kadar sorunlu tartışılmayabilirdi. Yani Alevilik Sünnilik arasındaki eşitlik sorunu, gayrimüslimlerle müslümanlar arasındaki eşitlik sorunu daha farklı çözülebilirdi. Ben biraz uzattım belki ama özerk bir ilişki kurmanın, devletle mesafeli; yani devletle kavgalı değil mutlaka, o inanç gruplarının kendi tercihidir ama devletle mesafeli bir ilişki kurmanın hem dini daha özgür yaşanması, hem toplumsal baskı aracına dönüşmemesi tabi ki devlet aygıtını da kendi arkasına alabilecek beklentiler arayışlar içine girmemesini doğurur diye düşünüyorum.

TG: Peki Cumhuriyet’in ilk döneminde özellikle dinin devletin yönetiminde olması gerektiği aksi takdirde kontrolden çıkacağı ve dinin yanlış şekilde öğretilerek istismar edileceği algısının bugün hala korunuyor olduğunu düşünüyor musunuz? En azından bazı çevrelerce... Bu değiştirilebilir mi sizce? ... AKP iktidarında farklı bir argümanla da olsa pratikte yine yapılmakta olan bu; devlet eliyle din... Yani Cumhuriyetin ilk yıllarında Tekke ve Zaviyeler Kanunu’ndaki gibi devleti kontrolsüz dinden koruyalım mantığıyla değil hatta tam tersine, dini korumak lazım ve bunu devlet eliyle yapalım mantığı söz konusu. Bu değişir mi yakın gelecekte?

AB: Ben orada korkutarak yasaklayarak aslında kontrolün sağlanması olarak görüyorum. Yani Cumhuriyet’in ilk yıllarında Said Nursi ve talebelerini yasaklamak, Süleymanağa’nın işte Kuran eğitim çalışmalarını yasaklamak bir tarafta gayet modernleştirici, bilimsel bir algının eseridir; yani bunlara bırakırsak bu cahil cühela topluma din öğretir ve bu da dinin özünden uzaklaşmaya sebep olur. En iyi dini devlet bilir, gerçek dini o bilir yani ne öğretilcekse o “akredite olmuştur” itaatkar vatandaşın dinin sınırlarını da devlet belirlemeli. Bu algı, hegemonik devlet algısının küçük bir

parçası ama bence bunun kadar; hatta daha etkili, yani sadece bu olsaydı, toplum kendi savunma mekanizmalarını kurabilirdi, ısrar edebilirdi bunda ama daha öteye giderek bu yönde çok ciddi yasaklar uyguladığında dindar insanlar ya da daha dini hassasiyeti yoğun olan kitleler dini tümüyle kaybetme, dinden tümüyle uzaklaşma korkusu içerisinde yani yasakçılıkla terbiye edilmiştir, kaba tabiriyle. Bunu Cumhuriyet'in ilk yıllarındaki ezanla ilgili camilere jandarma gücü kullanılarak kuşatma yapılması, sonra da Demokrat Parti'li dönemde dört elle sarınılacak bir devlet algısını beraberinde getirmiştir. Ya da işte 28 Şubat, daha yakına gelelim, 28 Şubat dönemindeki yasaklar, engellemeler. Arkasından AKP döneminde “bizim devletimiz, bizim ordumuz” yani dindar ordu gibi birtakım algıları yani devletle daha mesafeli ve özgün alan açma arzusundan çok, “ya dışlanacağım, haksızlığa uğrayacağım” ya da daha çok bu devlete sahip çıkıp yani kendini bir biçimde dinimi daha rahat yaşayabileceğim bir alan yaratacağım algısı... Bu hiçbir şekilde mesafe bırakmıyor bu algı. Yani ya dayak yiyeceksiniz ya sopayı elinize alacaksınız, o zaman da başkalarının dayak yemesine seyirci kalacaksınız. Böyle değil de daha ilkesel bir pozisyon koyulabilseydi, yani devleti ele geçirmek zorunda hissetmeseydi insanlar dinlerini daha rahat yaşamak için ve tabii yasaklarla terbiye edilmiş olmasalardı, o zaman bütün inançların kendilerini özgürce ifade edebileceği bir hukuk düzeni, herkesin ibadet yerini kendisinin çözebilmesi, kendi çocuklarına kendi dinlerini öğretebilmesi gibi yani daha sivil alandan toplumsal alandan bir ilişki kurulabilirdi ve “siyasal” bu kadar “toplumsal”ı etkilemeyebilirdi. Devlet bu kada sivil şekillendirmeyebilirdi diye düşünüyorum. Orada tümüyle Soğuk Savaş döneminin komünist tehlikesi, işte Ruslar işgal edecek din kalkacak... gelenek kültür, din, aile kavramları tehlikede gibi korkularla bir sürü pratik yasaklarla birlikte hep ciddi korkular, her şeyini kaybetme korkuları... Mevcuttaki sorunları görmemezlikten gelmeyi beraberinde getirmiştir diye düşünüyorum. Bunu sorgulama konusunda bugün itibarı ile, yani artık o 28 Şubat korkusunun falan zaten aşıldığı çok net hani zaman zaman insanlar oraya gönderme yaparak, hatırlatmalar yaparak bakın şunlar olmuştu, başörtülüler şunları yaşamıştı, dindar askerlerin başına şunlar gelmişti diyerek sorunları da çözmeyip, yani Türkiye’de özgürlükçü bir laiklik yani din özgürlüğü alanı inşa etmediğinizde mevcut durumda siz göz yumulan olduğunuz için; varlığı tanınmayıp göz yumulan... ki Tekke ve Zaviyeler Kanunu’nda değişiklik yapmayıp ama tarikatlerin varlığını hepimiz biliyoruz; cemaatlerin bürokraside varlığını hepimiz biliyoruz. Bu göz yumma ilişkisi aynı zamanda karşılıklı bir şeye dönüşüyor. Siz de iktidarın varlığını sürdürmeye bir biçimde katlanma ilişkisi kurmak zorundasınız. Açıkçası bir korku olarak tırnak içinde söylüyorum, CHP gelirse ne olur ya da işte başka bir şey olursa ne olur korkusu çok net bir şekilde bugün yüksek sesle itiraz edilmesini, kendisi lehine ya da ötekiler lehine, bu adaletli olmayan eşit olmayan duruma göz yumulmasını beraberinde getiriyor.

TG: Yeni Anayasa çalışmaları din alanındaki hak ve özgürlükler bakımından umut vaat ediyor mu? Siz bu çalışmalara katkı sağlayan, sürecin içinde olan biri olarak nasıl değerlendirirsiniz?

Ben açıkçası din konusunun, etnik kimlik veya kültürel dil gibi konulardan daha sorunlu bir alan olduğunu düşünüyorum bu iktidar açısından. Belki dil hakkını bile, kültürel hakları bile; ki bunlar da güvenlik ilişkileri için zorlanacak bu iktidar ama inançla ilgili alan çok daha içselleştirilmiş bir hegemonik tutum var. Dili yine bir miktar kendi dindarlığıyla izah edebiliyor, Allah'ın yarattığı diller yaşatılmalı diyebiliyor Başbakan; daha önce anadille bana gelmeyin derken şimdi işte hutbe ihtiyacı olur gibi refleksler oluyor. Ama iş dine geldiği zaman, benim için Anayasa konusunun nereye gideceği yönündeki en önemli göstergelerden biri Alevi Çalıştayları. Alevi Çalıştaylarında çok net talepler oldu. Yedi çalıştay yapıldı yanılmıyorsam... Burada söylenen ne zorunlu din dersinin kaldırılması konusu, ne Diyanet İşleri'nin pozisyonu ile ilgili ciddi hiçbir tartışma yapmak istemedi hükümet. Dinledi, Alevilerin bu konudaki ortaklaşmasını aslında farkettiler ama aynı zamanda aralarındaki farkları da gördü. Yani tabii ki bütün dünyada da farklı laiklik uygulamaları, din devlet ilişkileri adına farklı düzenlemeler var. Ancak hükümet gördü ki bu talepleri yerine getirmesi durumunda dindarlık adına bir adım geriye düşecek, sanki kazanılmış bir şeyi kaybetmek gibi görerek mevzuyu, din dersine karşı çıkmayı dine karşı çıkmak olarak tanımladılar. Yani böyle bir tanımlama yaptılar kendileri hatta birkaç kez yaptılar, daha önceki Diyanet İşleri Başkanı buna yakın sözler sarfetti. Diyanetten sorumlu devlet bakanları yine benzer şeyler söylediler. Burada tabii Diyanet İşleri nasıl bir kurum sorusuna geliyor iş, yani belki din dersleri belki bir miktar daha kolay aşılabilir bir şey. Tartışma anladığım kadarıyla, serbest olup isteyen alması şeklinde değil, almak istemeyenin beyanda bulunması; ki bu hak ve özgürlüklerin mantığı ve çoğunluk-azınlık ilişkisi bakımından sorunlu bir tercihtir. İstemeyenin bunu dile getirmesi daha zordur, halbuki isteyen talep etmesidir esas olan. Olağan ve olması gereken bu mantığa dayalı bir seçmeli ders konulmasıdır. Bu işte 12 Eylül Anayasası'ndan biraz gevşetilerek, "almak istemeyenler beyanda bulunsunlar" gibi bir yola gidilebilir; bu kadar ilerleyebilir. Ama DİB'nin yapısında bence hiçbir ciddi ilerleme olmayacak. Yani Diyanet içinde temsil, bir karar ilişkisi içinde değil bir kol gibi hizmet vermek için... ki ben bunun çok sağlıklı bir şey olduğunu düşünüyorum. Devletle mesafesi bir şekilde olan topluluklar; Aleviler ya da diğer inanç gruplarının devlete angaje edilmesi, devlete bir bağ ile bağlanması, Dedelerin ya da Papazların, Rahiplerin... ya da hangi inanç grubuysa onların önderlerinin "akreditasyon" gibi algılansa da bazı çevrelerce, devlet tarafından tanınma gibi algılansa da, fiili olarak tanınma zaten var ve meşruiyet devlet nezdinde değil, toplum nezdindedir. Artık bu ülkede Alevilerle ilgili bir televizyon programında da kınayıcı ya da aşağılayıcı bir dil kullanıldığında toplum refleksi verebiliyor, toplumda birileri ben Aleviyim ve bizi böyle tarif edemezsin diyebiliyorsa, toplumsal cesaretin bu kadar ilerlediği bir yerde akreditasyonu sadece devlet tarafından varlığının kabul edilmesine endekslemek bence sorunlu bir ilişki. Ben bundan da AKP'nin ya da genel Diyanet mantığının çok rahatsız olacağını düşünüyorum doğrusu. Yani yüz kadar Dedeye maaş vermenin böyle büyük bir tehdit olmayacağı gibi kentleşmeyi düşündüğünüzde, Alevilerin kent hayatı ile kırsal hayatı arasındaki farklılıklarını düşündüğünüzde meselenin böyle bir şey olmadığını; Aleviliğin doğası ile

birlikte ele aldığımızda hele, kırdaki Aleviliği yaşatan mekanizmalarla; Cem veya Musahiplik gibi bir takım mekanizmaları düşündüğümüzde kentte bu zaten yok, dolayısıyla Cem dediğiniz şey folklorik bir şeye dönüşüyor burada. Oysa Cem böyle bir şey değil; Cem aslında Aleviler arasında paralel hukuk kurma, yaşatma, varlığını koruma yoludur. Yani iç yargılarını, sosyal denetim mekanizması olarak işletmesidir; bir eğitim mekanizmasıdır, bir ahlak okuludur, haksızlıkları giderecek bir sivil yargılama mekanizmasıdır; gibi bir sürü işlevi varken onların hepsinden yalıtıp işte “dergahlarımızda Semah yapabilirsiniz, Cem yapabilirsiniz”e indirgemek, tıpkı İslamı nasıl devletleştirerek içini boşalttıysa Aleviliği de bence benzer bir süreç içine taşıyacaktır.

TG: Ben açıkçası çalışmama ilk başladığımda, Türkiye’de din derslerinin konumunda olası bir değişikliğin bu yeni Anayasa çalışmaları sayesinde olabileceğini düşünüyordum. Yani 24. Maddedeki zorunlu din dersi ibaresi kaldırılacak ve bu da Avrupalılaşıma ile dolaylı da olsa ilişkilendirilebilir diye düşünüyordum, en azından demokratikleşme ve liberalleşme ekseninde. Yani AB üyelik sürecinin Türkiye’yi sekülerleştirmesi değil ama hak ve özgürlükler temelinde benzer normları benimsemeye yöneltmesi sonucunda böyle bir etkileşim olabileceğini öngörüyordum. Ancak konu bambaşka bir noktaya geldi; eğitim sistemi değişti, zorunlu din dersi kalkmadığı gibi seçmeli din dersleri müfredata kanunla eklendi. Üstelik AB üyeliği konusunda bir heyecan kaybı var Türkiye’de, dolayısıyla karar vericilerin politikalarını buna göre şekillendirdiklerini söylemek oldukça zor. O yüzden bir de sizin görüşünüzü almak isterim, siz bir bağlantı görüyor musunuz Avrupalılaşıma süreci ile din-devlet ilişkileri ve hatta daha özelde din dersleri ile ilgili politikalar hakkında?

AB: Ben şöyle bir boyutu olduğunu düşünüyorum sadece, diğer inanç grupları için, yani İlerleme Raporu’nda adı anılan en azından ve böylece sorunları olduğu açık olarak tartışma konusu yapılan, mesela Heybeliada Ruhban Okulu gibi, Aleviler, Süryaniler gibi, birtakım “öteki” diye tabir edebileceğimiz alandakilerin sorunlarının hatırlanması ve gözardı edilememesi. Ki Aleviler “tehdit unsuru” olduğu için onların biraz daha ayak direyerek hayata geçiriliyor çünkü büyük bir kitle var, azınlık kategorisine sokmak istemiyorsunuz, daha farklı standartlar koymaya çalışsanız bu sefer çok şeyler vermek zorunda kalacaksınız vs. Daha böyle AİHM kararlarının uygulanmasında ayak direme falan gibi şeyler... Burada bürokrasi direniyor siyaset de bürokrasiyi destekliyor aslında. Yani mesela Süryanilerle ilgili veya az sayıda olan, göç etmiş topluluklarla ilgili olanlarda da sembolik bakılıyor olaya. Yani biraz daha Avrupa’yı ikna için... Bakın biz şunları şunları yaptık, Medeniyetler Buluşması etkinlikleri, dini bayramlarda birtakım jestler gibi bir boyutta tutuyor. Burada bu tip topluluklarda, dezavantajlı pozisyondan dolayı korunma ve geliştirme mekanizmaları falan konuşulmalı. Kaybolmaya yüz tutan diller gibi kaybolmak üzere olan inançlar sözkonusu, bunlar için artı bir şey sunulması gerekiyor. Sadece serbest bırakmak değil, reel olarak kendilerini devam ettirebilecek imkanlardan mahrumlar, üçer beşer kişilik insan grupları kalmış muhtelif şehirlerde...

Burada benim asıl yaklaşımım şu; din hizmetlerinde Sünni kitleyle devlet arasındaki ilişki doğru kurulamazsa diğerlerinin durumu da çözülemez bence. Azınlıklar için söylüyorum, siz devlet tarafından eşit bir hukuk da elde etmiş olsanız, bunu pratik hayata geçirme konusundaki engelleri aşamayacaksınız. Tabi bunun yasalarla da aşılabilen boyutu olduğunu da görmemiz gerekiyor. Yani insanlar sınava alınırken ya da bir ihale kendilerine verilirken Alevi olmanın dezavantajlı bir şey olduğunu herkes biliyor, bu çok açıkça yapılıyor ama yasal olarak ölçülebilir veya denetlenebilir bir tarafı yok. Burada işte Sünni topluluğun devletle olan ilişkisi tanımlamak ve bunu yaparken de batılılaşma veya dinden uzaklaşma gibi bir algı oluşmasına izin vermeden, tam tersine daha içten bir dindarlık temelinde savunulabilir bir ilişki tanımlanmalı. Dinin özgürlüğü için de devletle mesafeli durmanın gerekliliği içten bir biçimde anlatılmalı, bunu ilk dönem İslam tarihine referanslarla güçlendirerek dile getirmek gerek. Osmanlı dönemindeki din-devlet ilişkisinin nasıl araçsallaştığını anlatmak gerek. Farklı bir din-devlet ilişkisine bir “dışsal dayatma” olarak değil de, ki burada tırnak içinde söylüyorum çünkü insan hakları sorunları herkesin ortak sorunudur ve AB’nin ilerleme raporunda bu konu ile ilgili bir değerlendirme yapmasını bir dış dayatma olarak görmüyorum. Bu konuda da din-devlet ilişkileri ile ilgili ABD’nin hazırlamış olduğu raporların da AB’ninkilere göre daha Türkiye gerçeğinin farkında bir çerçeve çizdiğini düşünüyorum. Mesela başörtüsü konusu bile ne kadar sonra girdi. Bu da tabi toplumda bir benimseme sorunu yaratıyor; benim başörtüsü serbestisiyle ilgili sorunum var ama sen bunu yıllardır yok sayıyorsun, gayrimüslimlerin sıkıntılarına yer veriyorsun diye düşünüyor toplumun büyük kesimi. Bu tutum da Sünnilerle diğer inanç gruplarını aslında karşı karşıya getiriyor. Niyet bu olmasa bile taktiksel hatadan ötürü böyle bir sorun ortaya çıkıyor. Ama AB bu raporlarda bunları hiç yazmasaydı, Heybeliada Ruhban Okulu konusuna hiç değinmeseydi, Türkiye’nin iç dinamikleri bunu aşabilir miydi; bence böyle bir etik olgunluk yok. Çoğunluğu oluşturan Sünniler, başka inanç gruplarının özgürlüklerinin korunması beni de daha güvende hissettirir diyerek hükümete baskı oluşturacak bir noktaya gelmesi oldukça zor. Burada farklı inançlar ve güvenlik algısı hep karşı karşıya geliyor; başka inançlar hep misyonerlik faaliyetlerini çağırıştırıyor. Bu konu MGK’ya kadar taşınmıştır.

Bir de şunu belirtmek isterim, Türkiye’deki laiklik algısının daha çok Fransız örneğinden; kıta Avrupası geleneğinden veya ABD gibi değil de, buradan yola çıkılarak oluşturulmuş olması dini sembollerin de bir tehdit olarak algılanmasını son derece sorunlu görüyorum. İşte bunlar toplumu sembollerine sahip çıkma; dindarlaşma ya da dinsizleşme üzerine yoğunlaştırıp, çünkü din biraz da bu sembollerdir, semboller üzerinden kavga etmeyi bırakıp dinin özü hakkında konuşmaktan alıkoyuyor. Teolojik bir tartışmaya girmek istemiyorum ama bu sembollerin bazılarının dinin özüyle de bir ilgisi vardır.

TG: Benim tezimde sekülerleşme teorileri yerine Avrupalılaşma teorilerini seçmemdeki en önemli neden Avrupa’nın herhangi bir ülkeden bu yönde bir beklentisinin olamayacağından kaynaklanıyor. Avrupa’da din-devlet ilişkisi açısından ortak bir norm olmadığından, böyle bir beklenti de olamaz.

AB: Ben Türkiye’deki sekülerleşmeyi şu anlamda sorunlu buluyorum; radikalleşme potansiyelini tetikleyen bir boyutu olduğunu düşünüyorum. Devlet-din ilişkisini yapısal olarak değiştirmedığınız sürece bir yozlaşma algısının ve buna paralel gelişen bir yabancı düşmanlığının, batı düşmanlığı ve azınlıkları tehdit görmekle birlikte felaket radikalleşebileceğini düşünüyorum. Bu süreç eğer bir ikna ve içselleştirme süreci ve aynı zamanda sırtını devlete dayama şansının olmadığından emin olma süreci olmazsa radikalleşme potansiyeli çok yüksektir. Bir anti-Şii, anti-Alevi karşıtlığı şeklinde gelişen radikallik çok muhtemeldir. Toplum şu ikilemde bırakılıyor; ya dininize sahip çıkıp kavgasını vereceksiniz; kime karşı vereceksiniz, devlete karşı veremeyeceğinize göre “ötekine” karşı vereceksiniz. Bunun bir şekilde önüne geçecek bir süreç inşa edilmeli diye düşünüyorum.

TG: Vaktinizi ayırıp görüşlerinizi paylaştığınız için çok teşekkür ederim.

AB: Ben teşekkür ederim.

Interview with Mr. Andon Parizyanos, Head of Rum Vakıfları Derneği, Zoğrafyon Rum Lisesi Instructor of “Din Kültürü ve Ahlak Bilgisi”

29.03.2013, İstanbul, Zoğrafyon Rum Lisesi

Tuğba Gürçel: Azınlık okulunda din ders programı ile ilgili sormak istiyorum öncelikle, sizden din dersi programlarınızı Milli Eğitim Bakanlığı denetliyor mu?

Andon Parizyanos: Bu sene batkılar ki yok program, bizden istediler.

TG: Daha önce bu konuda bir beklenti yok muydu?

AP: Daha önce yani çok eskiden vardı yani 50li yıllarda diyelim vardı fakat şimdi bu vereceğim program bir taslaktır yani daha bunun üzerinde çalışıyorum. Ben sana yine de vereyim yani bazı kısımlar buradan çıkacak. Onu peşinen söyleyeyim, çünkü daha son şeklini almadı.

TG: Siz yani daha netleştiği zaman göndermeyi tercih ederseniz, e-postayla da iletebilirsiniz.

AP: Yok netleşti yani şöyle ben bunu sana izah edeceğim.

TG: Tamam.

AP: Bu net gibi fakat bazı bölümleri, hangi bölümleri sana göstereceğim, ki bence bu dakikada fazuludur yani hiç gerek yok.

TG: Tabi ben din devlet ilişkilerini Avrupa Birliği bağlamında incelerken devletin seküler yapısı ile ilgili Avrupa Birliği'nin bir söylemi olmaz ama dini özgürlükler, dini azınlıklar ve azınlık hakları ile ilgili Avrupa Birliği'nin beklentileri yüksek Türkiye'den. Bu anlamda size göre hiç değişiklik oldu mu azınlık okullarının durumu ile ilgili Türkiye'nin bu Avrupa Birliği sürecinde?

AP: Mutlaka oldu.

TG: Sizin kendi gözlemlediğiniz somut değişiklikler var mı?

AP: Şimdi en başta bir kere tamamen düşünce tarzı, mantalite değişti. Biz eskiden okulda mesela din dersi ile ilgili bir şey istediğimiz zaman Milli Eğitim'den, bunun arkasında bir art niyet aranırdı. Şimdi tabi bu görüşler farklı çok daha iyi niyetle ve çok daha yapıcı olarak yaklaşıyorlar yani herhangi bir düzensizlik yok bu da çok önemli tabi. Derler ya hani samanın altında buzağı aramak gibi yani eskiden bir teklifte bulunduğunuz zaman acaba bunu niye istiyorlar diye bir hemen şüpheye düşerdi. Yani burada [din kültürü ve ahlak bilgisi dersi programında] mesela Atatürk ile ilgili bir kısım var, şimdi bunun bir ilgisi de yok amaçla bunları çıkaracağız. Hazırlayan arkadaş bunu bir yerlerden biraz bularak almıştır. Fakat diğer konular kesindir. Yani diğer konular yani dini konular program kesindir yani bu giriş kısmını ve amaçları ben biraz değiştireceğim sonra Milli Eğitim'e göndereceğim ama bu bir taslaktır ben şuna taslak diye de yazayım.

TG: Daha önce nasıldı şimdi nasıl azınlık okullarında din eğitimi konusu?

AP: Şimdi biz baştan başlayalım. Baştan başlayalım biraz daha derli toplu olsun

TG: Tabi buyrun...

AP: Şimdi ben önce yani tam bir fikir sahibi olman için benim öğrencilik yıllarıma gideyim. Benim öğrencilik yıllarımda bizim hocalarımız papazdı. Ama şöyle papazdı yani ruhban okulu mezunu, ilahiyatçı papazlardı onlar bu dersi verirdi.

TG: Burada, bu okulda?

AP: Burada İstanbul'da hem bu okulda hem Kurtuluş'ta yani ilkokulda falan. Ondan sonra yani tahminen 1960 yılında diyelim yada 1964 de . Artık din adamlarının bizim okulda ders vermeleri yasaklandı yani din dersi kaldı fakat bu ruhani yani yani papazın, kilisede hizmet eden birinin okula gelip o dersi vermesi yasaklandı. Bunun üzerinde sivil yani papaz olmayan ilahiyatçı öğretmenler oldu. Fakat 1971'de ruhban okulu kapandığı için en benim hocam vardı Esto Forodis diye, Allah rahmet eylesin, en son ilahiyatçı oydu ve bizim okullarda din dersi yapıyordu. O da öldükten sonra kimse kalmadı. E yeni yok yetişen yok. Kontenjan din dersi için haftada 1 saat e yani 5-6 saat için yurtdışından öğretmen talep etmek de doğru bir şey değil. Onun üzerinde işte biraz orda bir sorun oldu çünkü o yıllar yani şimdi 1960-70-80 için konuşuyorum biraz zor yıllar. İsteğimiz kabul edilmiyor.

TG: Eğitim bakanlığı tarafından mı? Genelge ile falan mı?

AP: Evet. Onun üzerine şöyle bir çözüm bulundu; din dersini artık yazılı mı şifaen mi söylendi... din dersini edebiyat, Rumca edebiyat öğretmenleri versin diye bir emir geldi artık yazılı mı sözlümü hatırlamıyorum. Ondan sonra edebiyat öğretmenleri din dersine girmeye başladı. Ben de bunun üzerine benim branşım edebiyattı ben de burada din dersi verdim. Şimdi tabi ki bu beyanı da kabul edersek, pek de sağlıklı bir din eğitimi verdiğimizizi söyleyemeyiz. Ben şimdi daha yakınım tabi aynı zamanda kilisede okuyucuyum biliyorum. Şöyle benim gibi mesela bazı öğretmenlerin dinle ilgisi fazladır. Hem okuyucu olarak ya da başka nedenlerden dolayı uğraşıyoruz yani çocuklara örf ve adetleri, dini konuları biraz öğretmeye fakat özellikle lisede tabi ilgi biraz azalmaktadır. Tabi çocuklar daha çok bu üniversite giriş imtihanlarına hazırlanıyorlar pek de ilgilendikleri söylenemez tabi biz yine de gerekeni yapmaya çalışıyoruz.

TG: Haftada bir saat mi?

AP: Haftada bir saat. Bu tabi din bilgisi ve ahlak dersi olarak geçiyor. Bu kadar fazla bir... bu konuda şu an şimdi zamanımıza geldik bu buldukları çözümle şu anda din dersi konusunda bir sorunumuz yok. Tek sorunumuz, benim yani kanaatim, bunu bir ilahiyatçı yani uzman olan birisi verirse çok daha iyi olacak. Yani he ne kadar bazı çocuklar fazlaca ilgileniyor bazı çocuklar ilgilenmiyorsa da yani dersin uzman bir kişi tarafından verilmesinde fayda var. Şu anda istesek bile bir ilahiyatçı yok öğretmen olarak tayin edebileceğimiz biri yok

TG: Yine ruhban okulu konusuna geliyor.

AP: Yine ruhban okulu konusuna geliyor. Evet yani bu kadar sene kapalı olduğu için bu tabi bu konuda uzman kişiler yetişmedi, olan kişiler yaşlandı. Bu bakımından 71 de kapandı okul. 71 den bu güne kadar 40 seneden fazla geçti onun için ilahiyatçı yok e işte böyle idare ediyoruz.

TG: Peki bu din dersi müfredattaki Türkiye’de ki aynen din kültürü ve ahlak bilgisi ders gibi bir ders. Peki okullarda din kültürü ve ahlak dersi olarak geçiyor Türk okullarında içeriğinin daha çok Sunni İslam ağırlıklı olduğu yönünde hep eleştiriliyor. Dolayısıyla din eğitimi mi din öğretimi mi veriliyor tartışması oluyor. Sizin verdiğiniz..

AP: Bence daha biraz din bilgisine gidiyor. Tabi ki bazen böyle bir gezi düzenliyoruz, bazı kiliseye gidiyoruz orada ayine katılmak değil yani kiliseyle ilgili genel bilgi. Kilisenin böyle bölümleri var, her birinin anlamı böyle genel bilgiler veriliyor. Fakat daha çok din bilgisi, yani din eğitimi diyebileceğimizi zannetmiyorum.

TG: Diğer dinler de anlatılıyor mu içerik olarak?

AP: Lise 2’de müfredat, yani biz şöyle biraz da Yunan mütekabiliyetli olduğumuz için eskiden Yunanistan’dan gelen, 70li yıllarda tasdik edilmiş kitaplar var din eğitimi

konusunda o kitapları tamamen yani ders olarak yapamıyorsak da, çünkü orada 3-4 saattir din eğitimi, bazı bölümleri alıyoruz. Lise 2'deki müfredatta diğer dinler yani eski çok tanrılı dinler ve diğer dinler programları uygulanıyor. Orada İslamiyet, Hinduizm, İbranilik yani bunlar öğretiliyor azda olsa detaylı değil de ama esasları anlatılıyor.

TG: Burada eğitim ilk okul dahil mi?

AP: Yok ortaokul- lise.

TG: Orta okul lise..

AP: Aslında ortaokul olmaması lazım yeni şeye göre.

TG: 4+4+4

AP: 4+4+4 evet. fakat bizim okullara yapı bakımından uygulamak zor olduğu için bize özel bir izin verdiler. Ortaokullar lise yine devam ediyor. Fakat ayrı yani yönetim olarak ayrı ama aynı binanın içerisinde

TG: Din dersi ortaokulun ilk sınıfından lisenin son sınıfına kadar, değil mi?

AP: Tabi bizde ilkokulda da var. Bizde ilkokul yok ama ilkokuldan başlıyor son sınıfa kadar devam ediyor.

TG: İlkokul 4'te mi 1'de mi başlıyor? Türk okullarında 4'te başlıyor çünkü...

AP: Herhalde 4'te yani Türk okulları ile aynı gidiyoruz. Orada neyse, ders programı aynıdır.

TG: Ders programı aynı yani.

AP: Saatler aynı.

TG: Ama içerik olarak bugüne kadar siz serbestiniz içerikte...

AP: Evet, tabi.

TG: Yani herhangi bir kontrol bir şey yoktu devlet tarafından..

AP: Yok yani şeyde müfettişler geldiği zaman zaten onlar kontrol ediyordu. Bizim hazırladığımız zümre müfredat programını ama her okul farklı yapıyordu şimdi bu size verdiğim taslakla bütün okullar toplandık ve gelecek seneden itibaren uygulanmak üzere böyle bir müfredatta anlaştık.

TG: Hep bir arada yapıldı yani her okul özerk olarak yapmıyor bunu.

AP: Yok biz toplandık birarada yaptık. Ama bugüne kadar %60-70 aynı konuları işlese de her okul kendi programını yapıyordu. Şu anda ortak bir program hazırladık ve bunu sunduk Milli Eğitim'e zaten onlar istedi. Baktılar ki bugüne kadar böyle bir ders

programı yok. Ve bunu sunduk. Herhalde gelecek sene eğitim programında bu uygulayacağız. Zaten yani dediğim gibi zaten yüzde büyük bir bölümü zaten yapıyordu.

TG: Yani bu son yıllarda denetim falan daha artması azalması gibi bir durum var mı? Yani denetime çok fazla tabi değilsiniz anladığım kadarıyla...

AP: Eskiden çok denetim vardı mutlaka müfettişler gelirdi.

TG: Hangi yıllarda, yani 90lara kadar falan mı?

AP: Bakın ben şöyle bir çizgi çekiyorum. Benim de tayinim 1987 de oldu. 72'de okula geldim. 15 yıl kütüphane memuru, yok muhasebe bölümünde çalıştım. 1987'de Özal zamanında çok şey değişti biliyorsunuz. Gizli kararname kalktı, 64'ün. Bizim okullarda yine tayinler başladı, tayin yapmıyorlardı. Oraya çizgi çekiyorum. Ondan sonra hem denetimler azaldı biraz daha hoşgörülü davranılmaya başlandı. Ta ki 2000li yıllara gelene kadar. Ondan sonra tamamen değişti. Çok müspet yaklaşıyor. Yani bir isteğimiz olduğu zaman müspet yaklaşıyor. Eskiden tamamen tersi menfi yaklaşıyordu ve hiçbir zaman da çözüm üretilmiyordu böyle sürüncemede kalıyordu.

TG: Anladım. Avrupa Birliği'nin sizce etkisi var mı? Böyle hissettiğiniz somut şeyler... Çünkü bu raporlarda falan sürekli çünkü atıfta bulunuluyor. Hem Heybeli Ada Ruhban Okulu'na...

AP: Heybeli Ada Ruhban Okulu'nu, bakın onu ayırmak lazım. Nedenini ben size söyleyeyim. Şimdi bizim bir çok sorunumuz çözülüyor. Şu anda vakıflarımız devamlı bizim alınan, yani işte gasp edilen diyelim, mallarımız yavaş yavaş az da olsa iade ediliyor. Okullarımızda büyük bir ilerleme var yani bir dediğimiz iki edilmiyor böyle basit söyleyeyim. Fakat Ruhban Okulu her nedense kim bilir yani ne gerekçe var arkasında bizim bilmediğimiz, orada iş takıldı açılmıyor. Ben bir ara Milliyet Gazetesi'nde okmuştum MGK'nın 60lı yıllarda galiba ya da daha sonra bir kararı var; bu okulun açılması milli menfaatlere aykırı diye. Milliyet Gazetesi'nde okumuştum. Ama o karar hala geçerli mi kalktı mı bunu bilemeyiz.

TG: Ama din derslerinin orda yetişen ilahiyatçılar tarafından verilmesi daha doğru olur diye düşünüyorsunuz.

AP: Şimdi ben daha doğru buluyorum. Şimdi bazı sorular soruyor çocuklar ben bir dereceye kadar cevap verebiliyorum. Ondan sonrasını cevap veremiyorum. Bir de benim din konusunda çok bilgim var diğer öğretmenlerin o kadar yok. Yani dinle ancak işte gidip kiliseye duasını yapacak bir mum yakacak işte o kadar ilgili. Buna rağmen mecburen derse giriyor. Onlar o kadar yardımcı olamıyor. Öğrenciler bazen tuhaf sorular soruyor. Onları cevaplamak lazım bir de mantıklı cevaplamak lazım. Bazen ikna oluyorlar olmuyorlar. Mesela dün bana cennetle cehennemle için sordular bir sınıfta. Onu tartıştık fakat sorular tabi biraz mantık arıyor ancak bazen mantık bazen duruyor. Bunu

böyle kabul etmek lazım çünkü din öyledir, bu kadar basit. Orada biraz yetenek ister bazı öğretmenler bunlara cevap veremiyor, bocalıyor fakat bir ilahiyatçı olsa herhalde daha iyi cevap verir.

TG: Önce söyle sorayım burada öğrencilerin dışarıdaki öğrenciler tarafından herhangi bir rahatsızlığı bir dışlanma falan bir şey din konusunda özellikle...

AP: Yok bu zamanımızda zannetmiyorum. Benim zamanımda vardı. Ama şu anda yok. Zaten bizim çocuklar Türkçeleri mükemmel olduğu için pek sokakta ayırt edilemez ancak kendi aralarında konuşurlarsa fark ediyorlar. Pek bugün öyle bir durumlar karşılaştıklarını zannetmiyorum.

TG: Din dersinde mesela hani öğrenmeye başladıkları zaman farklılaşma ayrışma hissi oluyor mu? Mesela din dersine girmek istemeyen öğrenci var mı, bu dersi almak istemeyen?

AP: Şimdi bizde mesela bizim okul Rum- Ortodoks mezhebine bağlı öğrencileri kabul ediyor. Fakat şöyle bir durum oldu şimdi biliyorsunuz bu medeni kanun değiştikten sonra ve ailenin reisi de, tam hukukçu dili ile bilmiyorum, erkek değil artık. Yani kadın da değil ama ailenin reisi yok gibi bilemiyorum tam nasıl oldu...

TG: Evet ortaklaşa oldu.

AP: Evet oldu ondan sonra bizim okullara annesi rum asıllı olan bizim okullara gelen öğrenci Türk uyruklu Rum asıllı. Rum- Ortodoks mezhebinde Türk uyruklu. Ondan sonra annesi de Rum olan bir öğrenci de gelebilir yani annesinin mezhebinden dolayı gelebilir bu sene şöyle bir durum da oluyor. Nüfus kağıdında din hanesi ya boştur ya İslam yazıyor babasından dolayı bu öğrencilere biz soruyoruz, gerçi bugüne kadar bir tane geldi, derse girmek istiyor musun diye, istiyorum dedi. Giriyor. Fakat istemiyorum deseydi bir dilekçe yazıp dersten muaf tutulacaktı. Böyle bir olanak var. Yani %99'u öğrencilerin Ortodoks-Hıristiyan mezhebinden fakat şimdi bilmiyorum diğer okullar da daha çok var mı. Fakat 2-3 öğrenci olabilir. Onlara da soruluyor.

TG: Daha çok serbestlik veya hoşgörü üzerine bir uygulama o zaman. Okul idaresinin İl Milli Eğitim Müdürlüğü'ne, oraya buraya yazması gerekmiyor o zaman... Okul müdürlüğüne yazarak halledilebiliyor.

AP: Evet.

TG: Eğer girmeme talebi olsaydı...

AP: Yani böyle bir talebi olsa kabul olur ama bugüne kadar bize tek bir öğrenci geldi, o da girmek istiyordu.

TG: Anladım. Peki dini uygulamalar, kiliseye gidiyoruz dediniz mesela; ders saati içinde mi dışında mı oluyor?

AP: Bazen şöyle eğer bir eğitim amaçlı bir gezi yapacaksak şimdi ben bazen çocuklara buraları gezdiriyorum. O zaman tabi kilise ile ilgili ders saatinde kilisede oluyoruz. Hatta ben Katolik kilisesine de götürüyorum orada farkı görmeleri için. Bu ara okulda bazen bir kompozisyon şeklinde yani gördüğünüz farkları belirtin yani böyle şeyler yaptırıyorum. Fakat bir ayın için zaten bir zorlama yok da mesela bizim okulun günü 21 Kasım. Niye, çünkü buradaki kilisenin günüdür 21 Kasım. Bu kilise de bizim okulun cemaatinin merkezi. Bizim okul o kiliseye bağlı onun için o gün çocukları götürüyoruz ayine, okul olarak ama. Diğer günler kendisi gitmek istiyor ise gider. Ama okul olarak bizim bir zorlamamız ya da bir talebimiz yok.

TG: Anladım. Bunu Rum Vakıfları Derneği Başkanı olarak sorayım, size intikal eden mesela Rum bir ailenin çocuğu ama Türk okulunda okuyor; orada din dersi ile ilgili yaşadığı sıkıntılar, bir muafiyet durumu var ama işte bu muafiyetle ilgili bazı sıkıntılar yaşayanlar olduğunu duyuyoruz, var mı böyle duyularınız?

AP: Bakın bu bizim cemiyetin çocuklarından birkaç tane var. 10-15 tane var. Türk okullarına kolejlere gidiyor, Anadolu liselerinde var 2-3 tane. Bu okullarda biraz eğitim düzeyi ve görüş çok farklı biraz daha yüksekte. Bunlar din derslerine girmiyor, zorlama da yok. Herhangi bir sorun da yaşadıklarını hiç duymadım. Ama şöyle diyeyim size buradaki şu andaki yani benim bildiğim mesela Heybeli'de bir çocuk aşağı yukarı 20 sene evvel oradaki inip çıkmamak için oradaki liseye kaydoldu. Heybeli'deki ve baktım ki babası onu birkaç ay sonra aldı ve bizim okullara getirdi. Sordum niye diye, tabi sınıfın içinde sataşmalar vardı mecbur oldular onun üzerine daha fazla bir olay çıkmasın diye aldılar. Ama bu tabi tek tük misal. Çoğu hiçbir sorun yaşamıyor.

TG: Peki onlar niye Türk okullarına gidiyor? Bu okulun, diğer Rum okullarının üniversite sınavı başarısı durumu nasıl ?

AP: Başarı baya iyi. Bugünkü şartlarda şu an 2 milyon adaydan bahsediyoruz. Bizim öğrenciler...

TG: Afedersiniz bölüyorsunuz, bu okulda kaç öğrenci var?

AP: 50. Tabi 50 diyince benim zamanında 67'de mezun oldum 750. Oğlum 94'te mezun oldu 250. Şu anda 50 öğrencimiz var seneye bakalım çünkü 13 tane son sınıf öğrencisi var. Onlar gitmek üzere ondan sonra herhalde 13 tane geleceğini tahmin etmiyorum. Yani sayımız az fakat üniversite giriş sınavlarında bence baya başarılı oluyorlar. Niye bence diyorum çünkü bizim toplumda biraz küçümseniyor. Çoğu diyor özel üniversitelere giriyor fakat 2 milyon adayın yarısından fazlası birinci elemeye gidiyor. Demek ki sırf ikinci elemeye kalmak bile başarı. Onun haricinde hepsi örgün öğretime giriyor. Açık öğretime giren 1-2 öğrencimiz var. Devlet üniversitelerine giren onlar da 1-2 tane tabi. Çoğu özel üniversitelere giriyor. Burs sağlayabiliyor bazısı, bazısının maddi sorunu yok.

Ama küçümsemek ne oluyor? Özel üniversiteye girdi ama özel üniversiteye girmek de bugün bir başarı Türkiye için.

TG: Tabi ki tabi ki ama şey çok büyük bir rakam 750-250. 250 ile 50 arasında 94 yılı dediniz; 2013, 20 yıl gibi bir zamanda yani 5'te 1.

AP: Bizim toplum şu anda diyelim farz et 3 bin kişiyiz. Bu 3 bin kişiden bin kişi var normal aile yaşamında, diğerleri çoğu yaşlı ve tek başına kalmış. Mahmutbey'e gitsek orada 100-150 yaşlı var bizim ihtiyarhanede. Bir de İstanbul'un morfolojik durumu değiştiği için, çok uzakta oturanlar var. Ben Büyükçekmece'de bile Rum aile buldum ve hayret ettim pek oralara gitmez bizimkiler. Oralarda oturan var, onlar haliyle toplumdan kopuyor. Yani öyle bir sorun da var.

TG: Anladım. Peki genel olarak yani toplumda yaşam, sizin de çok fazla vaktinizi almayayım. Türkiye tabi sürekli bir değişim içerisinde olan siyasi olarak çalkantılı olan bir ülke dolayısıyla azınlıkların durumu da tabi, Lozan'da tanımlanmış azınlıkların diyeyim, dini azınlıkların durumu da yasalarla belirli olmalarına rağmen siyasi gündemin içerisinde mutlaka etkileniyor. Kişisel deneyiminiz nedir, hem de Rum Vakıfları Derneği Başkanı olarak nasıl bir değişim görüyorsunuz? Din dersleri özelinde anlatmış olduğunuz değişimi kendi hayat öykünüzde nasıl tanımlarsınız? Mesela Avrupa Birliği'ne üyelik süreci bir mihenk taşı mı sizce yoksa ülkenin siyasi döngüsü mü daha temel bir sebep?

AP: Bakın. Bunu biraz Avrupa Birliği'ne bağlamak da doğru olduğu kanaatindeyim ancak biraz da devlet de değişti. Şöyle ki, dediğim gibi Özal'ın zamanına bir çizgi çekiyorum hatta 2000 yılında daha da ileri gidiyor. Bir kere Avrupa Birliği'ne giriş süreci bunu etkiledi bu çok tabii bir şey, bir. İki, yetkilerin yani devletin görüşü tamamen değişti, düşünce şekli değişti.

TG: Nasıl değişti? Nasıl bir değişim?

AP: Çok basit şimdi burada İstanbul'da mesela eskiden bir Azınlıklar Tali Komisyonu vardı. Gizli bir komisyon. Farz edelim ben Ankara'ya gidiyordum tayinim için, tamam diyorlardı sorun yok tayinin çıkacak; İstanbul'a geliyordum buradan ret cevabı geliyordu. Ya diyordum bu kadar yalan olur mu? Bir de şöyle enteresan durumlar vardı, bazen oradaki memur pek dikkat etmiyordu bir öğretmenin Ankara'dan onayını buradakilerle birlikte bize tebliğ ediyordu. Yani bir taraftan bakıyorsun Ankara'dan onay var buraya geliyordu, İstanbul Milli Eğitim'den ret. Enteresan tabi. Komisyon varmış gizli biz onun varlığını son iyileşmelerden sonra öğrendik. Bu komisyon son sözü söylüyordu. Bu devletin gizli olarak kurduğu, kararları gizli bir komisyondur. Bu tabi o zamanlara gidersek 94 yılı dedim oğlum mezun oldu o sene beden eğitimi öğretmeni yoktu kontenjan da gelmedi. Türk-Yunan ilişkileri pek iyi değildi. Zaten bizim sorunlar hep kabak bizim başımıza patlıyor derler ya, öyle. Şimdi ne oldu biz müracaat ettik Milli Eğitim'e, dedik ki Yönetmeliğe göre beden eğitimi öğretmeni yok. Yönetmelikte diyor ki

2. dönem kurs yapılır, o da yapılmazsa ders yılı bittikten sonra 15 gün beden eğitimi üzerine bir öğretmen bulunur, bu dersi yapar 15 gün. O da yapılmazsa başka bir öğretmen kurs verir. Yani yönetmelik bu kadar açık. O da kabul edilmedi. Ve bir yazı geliyor bütün çocuklar sınıfta kaldı beden eğitiminden. Bir de benim oğlan da son sınıfta. Üniversite imtihanları yapılıyor. Biz tabi umut ediyoruz Ankaralara gidiyoruz. Yok tabi diyorlar bize söylemeyin Yunanistan'a söyleyin, niye kontenjan öğretmeni yollamadı. Biz nasıl söyleyelim? Ne ilgisi var? Onların yaptığı bir hata ise cezasını niye biz çekelim. Her neyse üniversite imtihanları oluyor bir çok çocuğumuz üniversiteye giriyor. Benim oğlan da Yıldız Teknik'e giriyor. E kayıt zamanları yaklaşıyor ses seda yok. Ne olacak diploma alamıyorlar. Mecburen bir hukukçu ile konuştuk, dedi ki idare mahkemesine başvurmanız lazım. Fakat bunlar olurken zaman geçiyor. Neyse biz birkaç veli karar verip avukata vekalet verip idare mahkemesine müracaat ediyoruz. Ve idare mahkemesinde davaları tek bir idare mahkemesi kabul etmedi dağıtıldı. 9 günde bize yürütmeyi durdurma kararı verdiler ama nasıl? Önce üniversiteden görüş aldı, hukuk fakültesinden. Oradaki hoca dedi ki bakın, idari hukukta idarenin savunması alınmadan yürütmeyi durdurma kararı verilmez. Biz tabi biraz tedirgin olduk. Fakat 9 günde verildi karar. Nasıl verildiğini sonra söyleyeceğim sana. Karar çıktı fakat tebliğ edilmiyor bize. O kadar büyük bir baskı yani mahkemelerin üzerinde bu Ergenekon şeyi var ya... Onun üzerine biz tabi uğraşıyoruz. Kanunlar tabi çok yardımcı oldu. Bu tabi çok enteresan bir süreç. Biz tabi alınca hocaya dedik ki hukuk fakültesinde, bak aldık. Ya dedi bu bizim literatüre geçti ilk defa savunma alınmadan karar verildi. Neyse biz yürütmeyi durdurma kararlarını kayıtlar saat 5 de bitiyordu Cuma günü, saat 3 de alabildik. 2 saat içinde bütün veliler çocuklar koşa koşa bürolara gittik kayıt için. Ben oğlum daha önce kayıt etmişim, rektöre gittim buradan da bizim müdür muavini bereket Amerika'ya gitmişti burada da bir müdür muavini hukukçu müdür muavini vekalet ediyordu o bana bir yazı verdi. Diploması şu anda hazır değil diye... ben oğlanı öyle kayıt ettirmişim ama söylemiyordum millet beni kesecek. Ondan sonra biz avukatla idare mahkemesine teşekkür için gittik. Bir tatlı aldık. Bir hakim bayan dedi ki çok baskı gördük bunu ben kendi kulaklarımla duydum, adını bile bilmiyorum; çok baskı gördük ama ben dedi, kızım üniversiteye giriyor başka türlü karar veremezdim. Yani o kadar... ve çocukları o zaman kaydettirdik. Fakat..

TG: Yani olumsuz yönde çok baskı görüyorlar ama...

AP: Evet ama dediğim gibi 2000'den sonra o mantalite tamamen değişti. Şimdi sizin dediğiniz gibi acaba Avrupa'ya müracaat süreci mi onu değiştirdi, işte bu AK Parti'nin başa gelmesi ve oradaki...

TG: Dini özgürlükler arttı...

AP: Dini özgürlükler arttığı için mi... fakat ondan sonra bugün de dahil böyle sorunlarımız çok yok. Ben şu anda, övünmek için değil de, bizi Cumhurbaşkanı kabul etti. Bülent Arınç'la 2-3 kere görüşüm. Egemen Bağış'la görüşüyoruz devamlı. Avrupa Birliği bürosu ile devamlı irtibattayız.

TG: Hangi konularda? Bu vakıflara malların, arazilerin iadesi konusunda mı?...

AP: Evet özellikle vakıflar konusunda büyük bir ilerleme kaydettik ama daha da olması lazım, sorunlar bitmez. Biz şu anda 60 70 yıllık sorunlardan bahsediyoruz. Yani 1925'ten başlayan sorunlardan bahsediyoruz bunlar böyle bir günde iki günde hallolmaz ama büyük bir ilerleme oldu...

TG: Bir süreç başladı değil mi? Bu malların, arazilerin iadesinde yol alındı ama daha başka talepleriniz de var değil mi? Süreç bu anlamda da devam ediyor...

AP: Tabii tabii, devam ediyor... bir süreç başladı. Bazı iadeler oldu ikinci üçüncü oldu şimdi bakalım belki daha ileride bir süreç daha başlar. Her defasında yeni belgeler çıkıyor; yeni mallar talep ediliyor, bazıları iade ediliyor, bazıları iade edilmiyor

TG: Vakıflara iade ediliyor değil mi?

AP: Özellikle 3. kişilere geçenler onlar iade edilemiyor. Onlar ancak mahkeme kararıyla, tazminat davasıyla. Şimdi bunlar üçüncü dördüncü kişilere geçti tabii geri almak zor...

TG: Şimdi bu Heybeli Ada konusuna geri dönecek olursak, orada bir gelişme bekliyor musunuz kısa zamanda? Bu sürekli İlerleme Raporları'nda bu kadar çok, net bir şekilde, dini azınlıkların hakları olarak da değil çok spesifik olarak Heybeli Ada Ruhban Okulu'nun açılması gerekiyor diye her sefer her sefer belirttikleri için, mesela bu alanda bir ilerleme Avrupa Birliği'nin Türkiye'nin din-devlet ilişkileri konusundaki tutumuna direk bir etkisi olduğunu gösterecek. Onun için sizin direk talep eden taraf olarak beklentiniz nedir?

AP: Şimdi bu Ruhban Okulu çok enteresan, bir kere Ruhban Okulu; Avrupa Birliği sürecinden sonra başlamadı çok daha evvel başladı. Amerika çok baskı yaptı. Fakat her nedense, mutlaka bizim bilmediğimiz bir gerekçe var, bir nedeni var. E açmak istemiyorlar, birbirimizi aldatmayalım. Eğer hükümet isteseydi bir günde değil bir saatte açardı. Çok basit. Eski statüsünde, yani Milli Eğitim'e bağlı meslek yüksek okuluydu, aynı statüde açılacaktı. Hiçbir zaman üniversite olarak kabul edilmedi. Mezunları önceleri yedek subay olarak gidiyordu fakat bir tarihten sonra normal asker olarak gidiyorlardı. Ruhban Okulu mu bilmiyorum ama arkasında mutlaka bir gerekçe gizli.

TG: Açılma talebi ne oranda olur? Yani olur mu yani Meslek Yüksek Okulu olarak gidecek öğrenciler...

AP: Ruhban Okulu bütün dünyada tarafından tanınıyordu diploması. Onun için zaten oradan mezun olanların çoğu mühtelif ülkelerde ya dini görevli olarak ya öğretmen tayin ediliyordu. Ancak Türkiye'de doğanlar Türkiye'de kalıyorlardı. Aynı statüde açılırsa bence en bize yararlı olacağı şey; oradan mezun olanlar İstanbul'un yani Türkiye'nin bir havarisi gibiydi. Buraya gelen o kadar İstanbul'u beğeniyorlardı ki, benim orada tanıdığım ki ben 2 sene kaldım okudum o lisede...

TG: Nerede?

AP: Ruhban okulu liselerinde 2 sene okudum. Şimdi yüksek sınıflarda olan yabancı ülkelerden gelenler burayı o kadar beğeniyorlardı ki, din adamı olduktan sonra devamlı nutuklarında, konuşmalarında burayı anlata anlata bitiremiyorlardı. Yani buranın devamlı reklamını yapıyorlardı. Bence bu yararlı bir şeydi ama politika bazı şeyleri farklı görüyor. Bizim göremediğimiz bir şekilde. Ben açılmasında bir zarar görmüyorum ama yetkililerin muhakkak bir bildikleri vardır.

TG: Biliyorsunuz, ülkede şimdi dindarlık yükseldi, yükseliyor gibi böyle araştırmalar, bir takım anketler yapılıyor. Dini özgürlükler anlamında biraz da bakıyorlar hani dini özgürlükler arttıkça dindarlık da artıyor ülkede özellikle Sünni mezhebine dahil olanlar için söyleniyor daha çok dindarlığın arttığı... Bu dindarlığın artması ötekileştirmeyi getiriyor mu? Yani Alevilerin böyle bir şikayeti var çünkü; zaten hep vardı bugün biraz daha gün yüzüne çıktığını söylüyorlar. Sizin böyle bir ötekileştirmeye; arttığına veya azaldığına dair bir gözleminiz var mı?

AP: Valla pek yok, biz eskiden daha zor durumdaydık şimdi doğruyu söylemek lazım...

TG: O zamanlar sayıca daha çok ve daha aktif olmanızdan sanırım...

AP: Çoktuk, o zaman çoktuk ve daha çok göze batıyorduk. İşte biliyorsunuz 6-7 Eylül olayı oldu, 1964'te sürgün olayı oldu, 74'te Kıbrıs... bunlar bizi o zaman hep etkiledi. O zamanlarda "gavur" kelimesi çok günlük konuşmalarda olan çok yaygın bir sıfattı bizim için. Bazı dönemlerde hatırlıyorum çocukluğumdan, çan çalmıyordu kiliselerde korkudan. Bu ötekileştirme çok büyük. Fakat bizim için bugün tam tersini düşünüyorum yani yaklaşım çok olumlu. Böyle bir kötü kelime, kötü bir bakış pek yok gibi. Yani millet yadırgamıyor çanı da çalıyoruz. Hatta ben adadayım yazın, çanı çalmayınca niye Pazar günü çanı çalmadınız gibi... böyle bir yaklaşım.

TG: Yani kiliseye gitmeniz, dini yaşıyor olmanız, pratik etmeniz konusunda bir göze batma sonucu sataşma ile karşılaşmıyorsunuz...

AP: Yok yok.. Hatta özellikle Rum'ların eskiden yoğun olarak yaşadığı bölgelerde hiç böyle bir tedirginlik yaşanmıyor kanaatimce.

TG: Bilmediğim için soruyorum, İstanbul dışında yaşayan Rum Ortodoks cemaatine mensup aileler var mı?

AP: Yok, yok yalnız İzmir'de birkaç tane yaşlı kaldı. 10 kişi var mı yok mu bilmiyorum. Yaşlı. Biliyorsunuz Lozan'da bir tek İstanbul mübadelede hariç tutuldu, bir de Gökçeada ve Bozcaada. Orada zaten 200-300 kişi var adalarda, İstanbul'da da zaten şu anda yani başka bunun haricinde Rum topluluğu yok.

TG: Sayı olarak ne kadar demiştiniz?

AP: 2000 2500 3000 kişi civarında kaldık.

TG: O yüzden de artık bir tehdit unsuru olarak görülmediği içinde bir rahatlama daha hoş görülmesi bir tavır oluşmuş olabilir...

AP: Hem genel olarak mantalite değişti hem de biz tabii çok az kişi olduğumuz için bir tehdit unsuru olarak görülmemiz.

TG: Evet evet, yani işe girerken bu böyle bir engel olarak çıkmıyor değil mi?

AP: Eskiden çıkıyordu mesela, işe almak istemiyorlardı. Şimdi yok. Pek çok mezunumuz Türk firmalarında çalışıyorlar. Bir tek devlet memuru olamıyoruz; olamıyorduk, şimdi olabiliyoruz da kimse müracaat etmiyor.

TG: Nüfus kağıdında din hanesine bir şey yazmak zorunda değilsiniz ama yazdırabiliyorsunuz değil mi?

AP: Hıristiyan olarak.

TG: Hıristiyan olarak yazabiliyorsunuz ama yazmak zorunda da değilsiniz.

AP: Yazıyorlar galiba pek emin değilim ama yalnız bu annesi babası başka dinden olanların boş bırakıyorlar.

TG: Anladım. Sıkça duyduğumuz şeyler işe girerken nüfus kağıdında din hanesinde İslam dışında bir şey yazmasının sıkıntı yarattığı yönünde ...

AP: Eskiden öyleydi ama pek rahat rahat da göstermezdik nüfus kağıdımızı.

TG: Evet işte onun için merak ettim...

AP: Biraz korka korka...

TG: Ama şimdi çok daha rahat değil mi?

AP: Rahat, rahat.

TG: Sizin bu görüşmeler esnasında hissettiğiniz yani devlet büyükleriyle görüşmeler sırasında hissettiğiniz?

AP: Yaklaşım çok olumlu... Cumhurbaşkanı, Başbakan, Başbakan Yardımcısı, çok çok olumluydu.

TG: Peki orada Avrupa Birliği'ne üyelik sürecine hiç değinildi mi? Dönüp dönüp oraya bağlıyorum çünkü ne derecede etkili oldu anlamaya çalışıyorum; atıfta bulunuldu mu mesela bu varlıkların iadesi konusunda?

AP: Zannedirim tabii o süreçte bütün bunlar tahlil edildi o; Avrupa Birliği sürecinde. Ondan sonra bu gibi talepler başladı yani bize soruldu hangi talebiniz var dedik şu şu şu...

TG: Yani soruldu, ne zaman soruldu? Bu yıl içinde mi?

AP: Soruldu, birkaç sene evvel. Avrupa Birliği süreci başladığında ben değil ama başkaları da buradaki Avrupa Birliği Komisyonu'yla görüşmeler oldu talepler işte, Patrikhane'yle konuşuldu şu şu sorunlar var ve devletle de bunların çözüme çalışıldı.

TG: Komisyon derken, bu Ankara'daki delegasyonu diyorsunuz değil mi?

AP: Evet hemen bu Ortaköy'deydi, orada hemen Esma Sultan Yalısı'nın yanında. Birkaç kere ben de gittim toplantılara. Orada yazılı olarak taleplerimizi sunduk konuştuk hatta ondan sonra istişareler yapıldı. Hatta çok enteresan; bu konu çözüldü mü çözümedi bize soruldu.

TG: Orada hem devleti temsilen birileri oluyor, hem Rum Vakıflarını temsilen siz oluyorsunuz, hem de Komisyon biraz ara bulucu gibi oluyor...

AP: Tabii bir de diğer cemaatlerden de temsilciler oluyor. Sorunlar önce ortaya çıktı, kaydedildi, sonra yavaş yavaş çözümler üretildi.

TG: Sonra da bir araya gelip ne kadarı yapıldı ne kadarı yapılmadı...

AP: Bence belki Avrupa süreci olmasaydı da belki çözüldü ama mutlaka Avrupa sürecinin de büyük etkisi var.

TG: Yani biraz arabuluculuk biraz kontrolörlük gibi ne kadar talepler gerçekleşti ne kadar gerçekleşmedi...

AP: Evet evet...

TG: Benim de anlamaya çalıştığım Avrupa Birliği üyeliği olmasaydı da belki zamanla dini hoşgörünün artmasıyla...

AP: Belki olurdu evet, fakat Avrupa süreci biraz hızlandırdı diyelim ve daha tertipli, sistemli bir hale getirdi.

TG: Evet. Peki sizin söylemek istediğiniz paylaşmak istediğiniz başka bir şey olur mu acaba?

AP: Ben şöyle diyeyim... Biz toplum olarak Türkiye'nin Avrupa Birliği sürecini bizden daha çok savunan isteyen bir kesim olamaz. Yani bu süreç başladıktan sonra hem dediğimiz gibi hayatımız biraz kolaylaştı hem de bu sürece inanmış bir toplumuz. Yani mutlaka Türkiye'nin bir gün, hakikaten ilerleme yolunda devam etmek istiyorsa, mutlaka

Avrupa'nın üyesi olması gerektiğine inanan bir toplumuz. O yüzden Türkiye'de en çok olmasını isteyenlerden biriyiz

TG: Evet olumlu yansımalarını da belki en çabuk gören toplum...

AP: Evet, o toplum biziz.

TG: Çok teşekkür ederim.

Interview with Mr. Laki Vingas, Representative of the Minority Foundations

15.04.2013, General Directorate for Foundations, Ankara

Tuğba Gürçel: Dediğim gibi ben konuyu, okullardaki din dersleri özelinde incelemeye çalışıyorum. Sizin öncelikle bu süreç içinde,yani Avrupa Birliği süreci içinde, hem iç hem dış dinamikler söz konusu olduğunda genel olarak azınlıkların durumu ne şekilde ilerledi? Sizin görüşlerinizi okudum takip ettim, ama biraz daha din dersleri özelinde de ne şekilde gidiyor, nereye gitmesini bekliyoruz düşüncelerinizi öğrenmem mümkün mü?

Laki Vingas: Ben şimdi bu konuda tam olarak uzman değilim, ben ancak gönüllü çalışan, çok uzun yıllar gönüllü çalışan kendi tabirimle biraz daha şantiye insanıyım yani dolayısıyla bir teorisyen falan değilim. Din konusunda geçen gün Diyanetin sitesinde açıklamalarım oldu okudunuz mu onu?

TG: Okudum evet..

LV: Ne kadar hızlı okudunuz bravo. Şimdi din dersi konusu ben genel olarak din devlet veya din cemaat arasındaki benim inançlarımı söyleyeceğim. Tabii ki Avrupa Birliği'yle Türkiye münasebetinin son 15 yılda 20 yılda daha hız kazanması söz konusu. Bu ilişkilerin daha işte acaba Türkiye'nin zorlamasıyla Avrupa Birliği de bir direnç gösterdi, yani Türkiye zorladıkça Avrupa Birliği şartlarını öne koştı ve bu şartlarla da Türkiye karşı karşıya kaldı. Bu şartları da bir şekilde uygulamaya çalıştı, çalışıyor ve bazılarını da uygulatıyorlar. Şimdi din konusunda tabii ki ben, örneğin ben kendimden anlatayım, ben inançlı bir insanım ama kimseye de inanç konusunda baskı yapılması konusunda taraftar değilim. Yani kendimle ilgili bir inancım var ama başkalarına da bir zorlama bir dayatma, tamamıyla karşıyım. Bu tabii ki okuldan başlar. Böyle bir anlayışın okulda başlaması lazım. Din öyle bir değer ki; önce saygıyla karşılamamız lazım. Yani bir insanının inancını saygıyla değerlendirmemiz lazım, inançsızları da saygıyla değerlendirmemiz lazım. Başka bir inancın tercihini de yine saygıyla...Dolayısıyla bütün bunların olduğu bir platformda bir din özgürlüğü söz konusu olması gerekiyor. Hep söylemişimdir; ibadet

özgürlüğü azınlıklar için hiçbir dönemde ibadet özgürlüğü sınırlandırılmadı veya çok azdı, ama din özgürlüğü yahut ibadet özgürlüğü mütenasip değildir yani farklı boyutları vardır, aynı değildir. Bu dini empoze etmek, din dersi almak din dersi mutlaka almak gibi konularda bir yerde öyle. Yani din özgürlüğü kapsamında bir insan inanmak istediği dini istiyorsa öğrensin, yani adam bir din mensubu değilse başka bir dini öğrenmesin ama buna rağmen bütün dinlerin kısa bir tarihçesini varlık sebebini de öğrenmesi lazım, ben Müslümanım; bir Katolik, bir Hıristiyan, bir Yahudi, bir Budist nedir bunları bilmem gerekiyor. Terside de öyle... Bir Hıristiyan'ın da Müslüman, Müslümanlığın ne olduğunu nasıl hareket ettiğini, tarihsel perspektiften bahsediyorum, onları bilmesi gerekiyor. Dolayısıyla çocukların küçük yaşta eğitimlerinde mutlaka baskın olan, dünyada baskın olan büyük dinlerin kısa tarihçelerini öğrenmeleri gerekiyor. Bunu öğrendiler mi bir kere çok dinli bir dünyada yaşadığımızı biliyorlar bir de saygı anlamında da çok daha değer veriyorlar. Dolayısıyla ilköğretim çok çok önemli. Bu yalnız din konusuyla değil biz bile bu ülkenin bir toplumu ama küçük bir toplumu olarak bilinmiyor olmaktan çok muzdaribiz, tanınmıyor olmamızdan çok muzdaribiz. İnsanlar daha yeni yeni keşfediyor. Yeni yeni gelip de diyorlar ki, biz sizi kötü biliyorduk ama siz çok iyi insanlarmışsınız. Biz Antep'te çok düşmandık ama İstanbul'a geldik, eğitim aldık, master yapıyoruz araştırıyoruz, farklıymışsınız. Belki bizim dedelerimiz de sizin soydandı gibi yaklaşımlarla karşı karşıyayız her gün ama her gün. Bu bir realiteyi gösteriyor. Bu realite de işte gerekli eğitimin, eşdeğer ve saygıya dayalı eğitimin verilmiyor olmasıdır. Tabii ki bu farklı hürriyetlerle farklı dini de kapsıyor. Onun dışında diyanette de bunu söyledim, yani diyanet olsun mu olmasın mı? Diyanet gibi kurumlar olsun ama öyle bir olsun ki yani bir dini koordine eden, hiyerarşik bir yapı düzenleyen, kaosu engelleyecek olan bir merkezi, bir hiyerarşik, bir referans noktası olsun ama öyle bir olsun ki herkes için olsun. Yani diyanet olsun, ama Sünni kesim olmayan insanların da bir merkezi olsun ya da diyanet daha özgür olsun. Dolayısıyla bütün bunları din eksenini üzerinden bir toplum yaratmak benim pek tarzım değildir, ben daha liberal düşünen bir insanım. İnançlıyım ama kimseye de baskı olsun istemem ben çocuklarıma bile baskı yapmıyorum.

TG: Siz Lozan'da tanımlanmış olan azınlıkların haricinde, Türkiye'de varolan diğer inançlara sahip toplulukları da temsil ediyor musunuz yoksa...?

LV: Şimdi bakın Lozan, Siyaset Bilimcisi olarak sizin için çok daha önemli fakat benim için pratik hayatta daha az önemli ve her gün de uygulamalarını görüyorum. Neden benim için daha az önemli, sizin için çok daha önemli? Çünkü bir Siyaset Bilimcisisiniz ve o kapsamda bakmak zorundasınız ve doğrusu odur. Ben ise Lozan'ı hep azınlıklar üzerinde var olmuş bir anlaşma olarak algıladığım için, sanki Lozan'ın başka hiçbir maddesi yokmuşçasına, Lozan dendiği zaman azınlıklar konusu akla geliyor. Benim orada bir sıkıntım var yani koskoca Lozan Antlaşması sanki Türkiye Yunanistan arasında bir mütekabiliyet uygulaması var olsun diye imzalanmış ve yalnız bu iki ülke imzalamış gibi bir kanaat var. Halbuki oranın altına imza atmış bir sürü ülke var, hiçbir zaman Lozan'la ilgilenmemiş, Lozan'ın şartlarının uygulanıp uygulanmadığına bakmamış, onun

mesuliyetini taşımamış. Bir de siz azınlıklar dışında Lozan'ın gündeme geldiği başka bir konu duyuyor musunuz?

TG: Türkiye'de evet ne yazık ki öyle bir şey yok.

LV: O zaman ben bir azınlık mensubu olarak diyorum ki Lozan yüz yıllık bir antlaşma. Şartları benim için, sırf benim, azınlıklar, benim gibi insanlar için geçerliyse yüzyıllık mirası farklı yerlere gelmiş bir antlaşma. Neden Lozan'ın bütün antlaşma çerçevesi için demiyorum ama maddeler için söylüyorum. Çünkü Lozan bugüne kadar Türkiye'de Lozan-azınlık, azınlık-Lozan, mütakabiliyet-azınlık-Lozan; bu üçgen içinde çırpınıyoruz. Dolayısıyla benim için Lozan ne kadar önemli, bilmiyorum artık 2015 -2020 şartlarında çünkü İnsan Hakları derdi çıkıyor öne. O zaman bir ulus-devlet kavramı vardı şimdi İnsan Hakları Beyannameleri var, İnsan Hakları gelişimleri var. Bunlar öne çıkıyor. Öne çıkınca o zamanki oradaki sınırlar da cemaatler için, azınlıklar için olan sınırlar da geliyor. Bugün 1923 olsaydı; Türkiye'de üç tane cemaatten bahsediliyordu, o da şüphe ediyorum yani bazı Müslüman ve Rum, Yahudi, Ermeni antlaşma da belirliyor, antlaşma da bir sınırlamıyor. O kadar çelişki var ki Lozan'ın taraftarlarıyla yani eski taraftarlarıyla günün şartları arasında o kadar büyük çelişki var ki... Örneğin Lozan'ın üç tane tanımladığı azınlık var onun dışında çok iyi hatırlarım çocukluğumda gerçi Demirel öyle derdi, onun dışındakiler hepsi Türk milleti derdi. Bir bütün millet bir ulus devlet derdi. Bu bugün geçerli değil. Hepimizde kabullenmiş vaziyetteyiz. Başka bütün devlet hiyerarşisi başta olmak üzere. Artık böyle bir şey yok. Bir taraftan üç cemaat var dedik yani başkaları yok dedik bir taraftan da Süryanilerin, Keldanilerin, Bulgarların vakıflarının tüzel kişiliği var. Bir tarafta Katolikler tanımlanmış değil, bir tarafta Katoliklerin merkezi olan Vatikan'la siyasi ilişkilerle karşılıklı elçilikler var, bir tarafta Katoliklerin tüzel kişiliği yok (00.10.00). Bir tarafta Patrik'in şahsını tanımlıyorsunuz, Patrikhane ile koskoca devletler arası ilişkiler oluyor; başbakan yardımcılarını gidiyor, Davutoğlu gidiyor ama... Patrikhane diye bir kurumun tüzel kişiliği yok. Yani o kadar çok çelişki var ki. Ben bu çelişkilerin içinde yaşamaya zorunda olan bir insan olarak Lozan'ın ne kadar önemli olduğunu bilmiyorum açıkçası. Bugün Lozan bunu bunu diyor, bir taraftan Avrupa İnsan Hakları Mahkemesi'ne gidiyorsunuz farklı kararlarla geliyorsunuz. Dolayısıyla evet ben 166 tane vakfi temsil ediyorum. 2009'un Ocak 1'i itibarıyla görevim başladı. Yanılmıyorsam 2008'in sonbaharında ya da o dönemde Hayati Yazıcı vakıflardan sorumlu bakandı. Parlamentodan Vakıflar Kanunu geçerken çok büyük ıstıraplarla geçti. Çok büyük kavgalarla çelişkilerle ve kötü yorumlarla geçti. Hayati Yazıcı 161 tane vakıf var 1 tane daha olmayacak yani TBMM'ye garanti veriyordu, ki böyle bir daha bir şey olmayacak yani 161'le sınırladık bir yerde içiniz rahat olsun diyordu. Ve bugün 166 tane var. Anlatabildim mi? Bugün 166 tane var. 3 tanesini bu kurum tanımladı, 1-2 tanesi de mahkeme yoluyla geldi. Demek ki değişmez diye bir şey yok. Ben sorunuzu böyle cevaplandırdım.

TG: Günün şartlarına uygun olarak yani tabii Türkiye’de bu kadar cemaat vardır diyerek yukarıdan tanımlanabilecek bir şey değil bu. Yani günün şartlarına ihtiyaçlarına, toplulukların ihtiyaçlarına, cemaatlerin ihtiyaçlarına uygun olarak her gün düzenlenmesi gerekebilecek yapılandırılması gerekebilecek bir şey . Bana da böylesi çok daha mantıklı geliyor yani bu sürecin...

LV: Ben burada Ankara’da çok uğraşıyorum, tüzel kişiliklerle ilgili bir panel yapmaya çalışıyorum. Açıkçası burada bir STK yani Ankaralı olmadığım STK falan da çok bilmiyorum için Sema Hanım’a sordum Levent Korkut Bey diye birini tavsiye etti. Tanır mısınız?

TG: Hayır...

LV: O burada çok aktif bir STK yöneticisi falan. Bir türlü onunla ama anlayamadık. Yani çok yoğundu hep sıkıştırdım sıkıştırdım bir türlü yakalayamadım istediğim gibi. Baktım iki ay geçti, yön değiştirmek zorunda kaldım sonra Siyasal Bilgiler Fakültesi’ne gittim. Orada da hiç tanımadığım Kerem...

TG: Altıparmak...

LV: Evet, Kerem Altıparmak’la tanıştım. Kapısını çaldım, tanıştım. Dedim ki böyle böyle yapmak istiyorum, dedi ki ben bu okulun uzmanı değilim ama İnsan Hakları Enstitüsü diye bir enstitüleri var o çerçevede yapabiliriz. Çünkü ben ortak istiyordum, Ankara’da. Netice itibariyle biraz biraz ilerliyoruz. 13 Mayıs’ta yapmak istiyorum. Yani isimler üzerinde sıkıntımız var, konuları biraz belirledik artı bir sürü de denge konusu var; bütün cemaatlerin katılımını sağlamaya çalışacağım. Burada ne yapmak istiyorum, amacım nedir hedef nedir? Bu tüzel kişilikleri irdelemek, örgütlenme sistemini irdelemek, ihtiyaçları gündeme getirmek, çelişkileri irdelemek... Bir taraftan buna yok derken bir taraftan buna var diyoruz. Mesela bir tarafta buna var derken var olan siyasi iradenin iyi yönde bir çabasının sonucudur. Demek ki öteki bugüne kadar var olduğunu iddia ettiğimiz tabular, engeller yıkılabiliyormuş. Böyle imkanlar var olduğuna göre var olanlara da çözüm getirelim veya onlara yeni bir anlatım getirelim, yeni bir çözüm getirelim. Mesela Vakıflar Kanunu 1936 Beyannamesinde varsa diyor, taşınmazlar... ‘36 Beyannamesi bir şekilde tüzel kişilik veren bir beyanname. Belki de dünya da ender hadiselerden biri; Beyannamenin tüzel kişilik olarak söylenmesi. Biz günümüzde bile yazışıyoruz bankalarla, hesap açmak istiyoruz. Adam yazı gönderiyor diyor ki lütfen tüzüğünü getir, tüzüğün yoksa diyor imkansız. Şimdi hiçbir çağdaş hukukçu Türkiye’de tüzüksüz vakıf bilmiyor, anlayamıyor varoluş sebebini. Demek ki diyoruz ki bütün bunları bir Rönesansa girmemiz lazım. Şimdi bizimkiler vakıf sayılıyor; beyannameye göre sayılıyor. Ama ben size iddia ederim 166 tanenin belki 15-20 tanesi ‘36 Beyannamesi vermemiş veya vakıf olarak tanımlanmıyor sayılmıyor. Biz 2012’de vakıf kurduk hani ‘36 Beyannamesi? Demek ki ‘36 Beyannamesinin hukuki bir boşluk içinde. Ya yeni bir tüzük oluşturacağız, ortak bir tüzük oluşturacağız, farklı bir sistem

oluşturacağız. Yani söylemek istediğim şey, tekrar ediyorum Katolik olayını anlatıyorum size; siyasi olarak birbirini tanıyorsun ama tüzel kişiliğini vermiyorsun, bütün yükleri havada; koruyamıyorsun. Bir tarafta cemaat vakfı 161'den fazla olmaz diyorsun ama daha sonradan 5 tane daha oluyor. Bir tarafta '36 Beyannamesi diyorsun ama en az 15-20 tane '36 Beyannamesi olmayan vakıflar var onları kabul ediyorsun sen kuruyorsun. Yani bir şekilde tezatlar çelişkiler oluşturuyorsun. E bir tarafta diyorsun ki önüne dosyalar çıkıyor, 36 Beyannamesi vermemiş, kabul etmemiş tüzel kişilik tanımlanmış, taşınmazları talep ediyor burada ve diyor ki ben '36'da beyanname vermemişim veya bilmiyordum fakat '36'da vergi beyannameleri verdim devlete. Şimdi burası o vergi varakalarını kabul etmesi gerekiyor mu gerekmiyor mu? '36 beyannamesiyle vergi beyannamesinin bir ortak tarafı var mı yok mu? Şimdi bütün bunlar havada o kadar boşta ki bunların silinmesi temizlenmesi gerekiyor kanaatindeyim. Yoksa bütün problemler hep böyle gerçeklerden kaçarak, gerçeklerden korkarak ilerleyemeyecek.

TG: Peki bütün bu tezatlar ve çelişkiler ortamında size ne kadar bu sıkıntıları özellikle din derslerinde, oraya geçiyorum çünkü konum daha özelde o olduğu için, okullardaki din dersleri konusundaki muafiyetle ilgili mesela Lozan'da tanımlanmış olan azınlıkların muafiyet hakkı var ve çok daha geniş bir bu zorunlu din dersine maruz kalan ama Lozan'da tanımlanmamış bir topluluktan da bahsetmek mümkün. Size bu cemaatlerden sıkıntılar sorunlar ne ölçüde yansıyor? Bir de sizce bu ne şekilde düzeltilebilir? Yani mesela Alevilerle ilgili durum ortada ama bir de hiç sesi duyulmayan, çok daha az sesi duyulan, Süryaniler var Caferiler var...

LV: Şimdi bakın din dersi konusu ben tabii ki şahsen, din üzerinden sorunları çözmek, din üzerinden siyasi bir yapılanma içine girmek konusunda çok büyük endişelerim var. Çünkü bugün aldığımız kararlar dinle alakalı kararlar bir bakıyorsunuz 20 yıl sonra artık geçersiz oluyor. Buna rağmen gelelim din dersine; tabii ki adam Hıristiyan veya Yahudiyse yahut hüviyetinde öyleyse buna rağmen din dersi almak istemeyebilir. Yani adam Hıristiyan ve Hıristiyan yazıyorsa hüviyetinde ve istemiyorsa, ailesi de istemiyorsa, o çocuğa zorla din dersi vermek bence doğru değil. Dolayısıyla oraya kadar sıkıntı yani din dersi tamamıyla isteğe bağlı olması gerekiyor. Hıristiyan okullarında herkes Hıristiyan sayılır dolayısıyla Hıristiyanlığı öğrenmek zorundadır, değil mi, Yahudi okullarında da böyle. Ben oraya kadar özgürlük gitsin istiyorum. Yani yalnız Müslüman okullarda Hıristiyanlara muafiyet değil, Hıristiyan okullarında da Hıristiyan diye gözüken toplumunda seçme hakkı olsun istiyorum. Aynı şekilde Müslüman okullarında da... Bizim okulların yani cemaat okullarının çok az biliyorsunuz sayısı da az öğrencisi de az. En büyük sıkıntılarında bir tanesi, temel sıkıntılarında bir tanesi, önlerinde "Özel" bilmem ne okulu "Özel Ermeni Okulu" özel özel...Özel fakat Özel Bilkent Koleji gibi okullar değil ama devlet okulu da değil. Özel Okullar Müdürlüğü'ne bağlı bir yasayla da tanımlanmış değiller. Yasayla tanımlanmadıkları için bütün bunlar da bir yönetim boşluğu da oluyor. Şahısların ya da siyasilerin o günkü yapısıyla, iyi niyetiyle, lütfekar zihniyetine bağlı kalıyor. Dolayısıyla bir kere ondan başlamak lazım. Bir kere derse

gelmeden önce işte bu okulların tanımlanması hangi yasaya göre. Hep öyle okullarımız diyince... Ben üç tane çocuk yetiştirdim, üçüncüsü daha ortada; ben üçünü de yabancı okula gönderdim. Benim gibi 27 senedir özveriyle çalışan bir insan, cemaat okuluna göndermedim. Bunun tek sebebi de işte sizin sevdiğiniz Lozan ve Mütakabiliyet Antlaşmasıdır. Ben çocuklarımın özgür yetişmesini istedim. Birilerinin onların üzerine siyasi patronluk etmesini istemedim. Biliyorsunuz her iki ülkede okullar üzerinden çok baskı yapmıştır toplumlara ve bundan da utanacaklarına iftihar ediyorlar bazen. Yani her iki ülkede de böyle yapılanmalar var. Çok kazanmış olmakla birlikte yani 20 sene öncesiyle mukayese bile edilmiyor ama buna rağmen insanın bir köşesinde kalıyor. Ben yakın zaman da yaşadım; Bakanlıktan bana bir yazı geldi bunun şeyi Trakya’da alternatifi var mı bir bakalım dediler... O anda dayak atmışlar gibi hissettim hiçbir şey konuşamadım. Dolayısıyla bunların buradan da başlaması lazım. Ne özel ne tüzel, ne özel ne devlet. Yani devlet olursa böyle yapardık ama özel dediniz adınızda “özel” yazıyor diyor. Dolayısıyla bir kere azınlıklardan bahsediyorsunuz orayı bilelim. İkincisi Süryanilerin işte başka bir boşluk ana dillerinde eğitim yapamıyorlar. Neden yapamıyorlar? Çünkü Lozan’da tanımlanmış tanımlanmamış bilmem ne bilmem ne. Yani bugün artık Kürtçe de bile eğitime nerdeyse başlanacak üniversitelerde şurada burada yapılıyor. Aşalım artık yani zaten nedir bir iki üç beş bunlar konu olmaktan çıksın. Geçen gün Diyanete de söyledim resmi dil bir tane olsun yani kaosa gerek yok. İnsanların ana dillerini öğrenme imkanı da onlarda olsun, onların böyle bir hakkı olsun. Bir de din, eğitim diyorsunuz; işte size eğitimin boşluğu, işte size Süryanilerin ana lisandaki boşluğu, Mor Gabriel’de veya Ruhban Okulu’nda dini eğitim hürriyeti. İşte dolayısıyla size dini eğitim verebilecek alt yapı yok. İşte Mor Gabriel’de devlet isterse orayı anında kapatır. Orada Aramice ders veriliyor işte herkes biliyor; Aramice ders verilen bir yer. Dünyada sanırım Süryanilerin tek merkezlerinden bir tanesi. Ama ders veremez bugünkü eğitim sistemi anlayışı içinde, kanunlara bakarsak. İşte Gökçeada’da bir okul açtık zarla zorla, önümüze 1927 Adalar Kanunu çıktı. Takip ediyorsunuz onları? Dolayısıyla din ve eğitim konuları aşırı hassas olmakla birlikte bir sürü başka alt yapısal eksiklikler konular da var. Ben şahsi görüşümü söyledim dolayısıyla şu anda bütün boyutlarını değerlendirmeniz için de onları da gündeme getirmiş oldum.

TG: Yani hep aslında daha azınlıkların haklarının işte bu Varlıkların İadesi konularında biraz daha falan böyle sanki daha olumlu bir hava en azından gündeme gelmeye başlamış oldu...

LV: Kesinlikle öyle, kesinlikle...

TG: Daha olumlu bir hava oluşurken birazda tabii mutlaka siyasi iradeyle birlikte Avrupa Birliği’nin de bunda bir etkisi olduğunu özellikle Komisyon Raporları’nda atıfta bulunuyor olması; en basiti Cemevlerine, Ruhban Okulu’na atıfta bulunuluyor olması bunların hepsinin bir itici güç olduğunu düşünüyorum...

LV: Kesinlikle evet bu konu tartışmasız ben burada olamazdım sizi de burada kabul edemezdim. Yani 5 sene evvel ne ben bu odadaydım ne de 3 sene evvel ben sizi burada kabul edebilirdim. 3 sene evvel. 5 de değil 5 sene evvel ben yoktum 3 sene evvel de sizi burada kabul edemezdim. Bütün bunlar Türkiye'nin gelişmesi ve toplumun bilinçlendirilmesi, bilinçlenmesi, araştırmacı bir toplum olmaya başlaması, en azından araştırmacı nitelikli insanların artması, kendilerini daha rahat ifade ediyor olması bir otokritik algısının gelişmesi vs vs... Bunu Sayın Arınç da geçen sene zaten söyledi. Bunu ulu orta söylediği için söylüyorum; siyasi geçmişiyse şu anda duruşu tamamen farklı. Vakıflar Genel Müdürlüğü geçen sene toplantı da dedi ki ben 6 sene evvel bu makamda bunun tam tersini uyguluyordum şimdi tam tersini uyguluyorum vs. Bütün bu bilinçlenmedir. Bunun tabii ki en büyük hedefi, sıfır noktası Anayasadır. Anayasa olmadığı takdirde; anayasal eşitlik, anayasal haklar tanımlanmadığı sürece bir muğlak veya bir kanun ve ya bir maddeden sonra o madde hakkında ikinci gizli bir madde olmayacak ve bütün temel sorunlar çözülecek çünkü çözümlenmediği takdirde bizim vatandaşlık statümüz, çözümlenmediği sürece biz kendimizi, ben başta olmak üzere, bu ülkeyi sizin kadar sevemeyeceğimiz intibası pekiştiği ve böyle bir doktrinle üstümüze gelindiğini hissediyorum. Yani dolayısıyla yabancıymış gibi veya dayatılmış veya kaderin cilvesiymiş ya da bir şekilde burada odak noktaları temsil eden biri gibi hissetmek zorunda kalıyorum. Bunun için de ben çok mücadele ediyorum bu hissiyatlarım olmasaydı ben bu kadar kendimden vermezdim. Bu kadar haksızlık etmezdim özellikle aileme ve arkadaşlarıma...

TG: Anayasa da mutlu musunuz peki yeni Anayasa sürecinden?

LV: Ben her Türk vatandaşı gibi Anayasa'nın topluma soruluyor olması tabii bu bir iddia Türkiye'nin bir iddiası. İnşallah becereceğiz. Anayasa'da ilk defa bu kadar topluma halka gidiyor Türkiye. En azından artık gücün halkında olduğuna inanıyor. En azından söylemlerde veya Parlamentodaki oylamalarda. Halkın da gücünün olduğuna inan bir ülkede sanıyorum böyle bu umut içinde ben de hareket ettim. Cemaatleri hareketlendirdim, anayasa konusunda toplantılar yaptım ruhanilerle sivilleri birlikte topladım ve böyle bir refleksle bu ülkenin vatandaşsaksak bizimde bir mesuliyetimiz var. Bu mesuliyete bizimde bir taslakla gitmemiz gerekiyor. Bunları bu anlayış çerçevesinde yaptık yoksa bizim isteklerimiz de çok farklı değil genel toplumdan, özgürlükçü, eşit vatandaşları öne çıkaran, çoğulcu, demokratik bir yapı istiyoruz...

TG: Ama ortaya daha somut bir şeyler koymak adına da çalışmalarınız oldu...

LV: Oldu daha somut, yani somut dediğimiz bunlar; bizim ısrar ettiğimiz, dayattığımız, bütün halkın da dayatması gereken değerlerdir. Yani bunlar özgürlükçü, çok sesli, demokratik vatandaşlığı öne çıkaran, anayasal vatandaşlığı öne çıkaran bir yapıdır. Yani ırkçılığı, ulusalcılığı değil de daha çok böyle vatandaşlık kavramlarını çıkaran aNAt vatandaşlığı öne çıkaran, din özgürlüğünü, işte nefret söyleminin yasaklandığı, eğitimin, örgütlenmenin serbest olduğu... Bütün bunların temelinde şayet Anayasayla birlikte

bizlerin varlığını veya küçük toplumların çocukları da Bahailer kimler bilmezler, Alevilik ve Sünniliğin arasında farkı da bilmez bütün bunları eğitecek bir eğitim sistemi oluştururlarsa, bu yalnız çoğunluk için değil azınlık toplumlar içinde geçerli.. Benim çocuğum Fransız okuluna gidiyor. Yüzde yüz Fransızca metinler okuyorlar hepsinde bir sayfa veya 2 sayfa, mutlaka Ortodoksluk için tarif vardır, Katoliklik için vardır, Müslümanlık için vardır işte Budistler için vardır. Yani orada temel bazı değerleri, temel bazı tarihleri alıyorlar.

TG: Tabii bu aslında zorunlu din dersleri, şeyi çok net algılıyorum, yani okullardaki din dersleri ve ya işte azınlık okullarındaki din dersleri, devlet okullarındaki din dersleri bu işin çok daha küçük bir kısmı yani bir parçası olarak görüyorsunuz, yani sorunu bunun üstüne oturup bunun üstünden bir şey üretmeyi çok manalı bulmuyorsunuz, anlıyorum. Peki sizin çocuklarınızın Fransız okulunda okuyor olması ve dolayısıyla devlet okulundaki o zorunlu din dersinin bir şekilde dışında olmasının da etkisi var mı kararınızda? Yani çok daha liberal bir ortamda eğitim alıyor olabilmelerini sağlıyordur çünkü...

LV: Ben açıkçası sözünüzü keseceğim ben çocuklarımı din özgürlüğü için o okullara göndermedim ben daha çok siyasi özgürlük için gönderdim. Ben arzu ederdim ki kendi kültürümüzü dilimizi daha iyi öğrensinler, bizim bir okulumuza gitsinler yani orada isterim ki torunlarım gidebilsin. Ama benim yaşadığım lise dönemleri ve sonraki yıllarda gördüklerim ve sonra cemaatin ardından dolayı gelişmiş olan böyle yani şey yapılar, yani cemaat içi oluşmuş olan o antagonizmalar okullar arası öğretmenler arası, çok sağlıklı olmadığı için ben çocuklarımı üçünü de Fransız okuluna gönderdim. Ama benim tercihim keşke iyi bir okulumuz olsaydı ve o okula gitseydi. Ben kendi okullarımızı o anda destekleyemedim şu anda iyileştirmek için neler yapılabilir diye çalışıyorum. Tabii bunların getirmiş olduğu birikimler, antagonizmalar var cemaatler, küçük toplumlar arasında. Çünkü küçük toplumlar arasında bir elit kesim olmak çok kolay ve her kimse de bunu kaçırmak istemiyor. Ama keşke bu eğitim konusunda daha iyi bir yapılanmamız olabilseydi. Ve tabii ki orada bir din dersi çocuğum alırdı diye düşünüyordum. Ama yine de aileyle birlikte çocuk da istemiyor olsaydı zorlanmasını istemezdim, yani zorla yaptırılmasını istemezdim. Genel kültür anlamında bahsettiğim iki sayfalık kültür olarak gelişsin ve ailenin de tercihiyle din derslerine girsin isterim.

TG: Azınlık okulunda...

LV: Tabii tabii isterim. Ama ben aile olarak hayır kardeşim çocuğum öğrenmesin yani kültür olarak kesinlikle Katolikliği de, Ortodoksluğu da, Müslümanlığı da, Aleviliği de öğrensin ama derinlemesine kendi diniyle ilgili bir şeyi aileye bırakılması taraftarıyım...

TG: Dolayısıyla Türk okullarına giden, devlet okullarına giden çocuklar için, farklı dini inançlara sahip çocuklar çok doğaldır ki aynısı beklersiniz...

LV: Kesinlikle kesinlikle...

TG: Şu anki içeriliğiyle okutulan din derslerinin anladığım kadarıyla sadece başka dinlere, başka inanışlara, değerlere mensup kişiler tarafından değil Sünni İslam inancına sahip ailelerin çocuklarının bile bu şekilde bir dini eğitime tabi tutulmasını bu bağlamda doğru bulmuyorsunuz...

LV: Evet evet. Çünkü din bir vicdandır. Böyle ailenin arzusuysa, yani ailenin geleneğiysa, arzusuysa tabii ki. Ama aile itiraz ediyorsa ve istemiyorsa böyle bir hakkı olsun istiyorum...

TG: Seçmeli olsun istiyorsunuz...

LV: Seçmeli olsun istiyorum. Tabii ki burada da yine o çocuğun ayrımcılıkla yani ret sebebiyle kalmaması şartıyla. Çünkü biliyorsunuz geçmişten bugüne kadar hala şu an kendini özgür hissetmeyen insanların kitapları var ortada; bağlı olduğu olmadığı ve inanmadığı veya taraf olmadığı inancı öyle göstermesi gerekirken; mecbur kalıyor bulunduğu ortama uymak zorunda ve o ortamdan endişe ettiği için de, korktuğu için de öyle bir taraf gibi gösteriyor, evinde farklı şeyler oluyor ve bunları çok görüyoruz. Konumuzla çok alakasız bir şey, kayınvalidemde çalışan bir Gül Hanım vardı. Gül Hanım Artvin'de başı örtülü bir kadıncağız, meğerse bu Müslüman değilmiş ama bütün Ramazan boyunca uyanır, sahurda ışıklarını yakar, gün boyunca hiçbir şey yemez. Sahurdan sonra ışığı söndürür herkes öyle bilir. Şimdi 30 yıl 40 yıl öyle yaşamış. Kızı da öyle, çevresi de öyle. Şimdi bu öyle bir eziyet ki bu insanlar için. Hatta benden bile korkuyor. Bir kere Ramazan'da gittim hemen kayboldu ne oldu dedim, yemek yiyordu kaçtı, utandı dediler. Şimdi böyle korkularla yaşayan yaşatılan insanlar var. Bu insanlar kendilerini böyle eğitmişler. Bir köymüş, köyün adetiymiş Anadolu'da ve böyle yaşamışlar, ve şimdi dağılmışlar. Ama böyle realiteler var, bu realiteleri gördükçe, yani bugün o realitelerin ileride tepkisel realite olmaması açısından şimdiden daha özgür bırakmak lazım.

TG: Tabii yani bu söylediğiniz din dersinde muafiyet hakkı için de geçerli; azınlıklara verilmiş bir hak ama orada bile o muafiyette bile işte söylemiş olduğunuz o örnekteki sebepten ötürü muafiyet talep etmeyen...

LV: Çok.

TG: ...evet muaf ama muafiyet almasak daha iyi belki diye düşüldüğü, muafiyet alınmadığını

LV: Mesela ben kadınlar hatırlıyorum kara kara gözlüklerle, başörtülü tabii ki tamamıyla taşra usulu giyinmiş insanlar, ücra kiliselere gelirler, buğday okuturlar ve giderler Müslüman mezarlığına önce bir su dökerler. Veya adam evlenmiştir İslam kaidelerine göre... yani hep böyle insanlar kendilerini ifade edememekten, gelenekleriyle veya

duyduklarıyla değerleri arasında sıkışıp kalmış bir sürü insan var. Tabii bütün bunları özgür bırakırsanız göreceksiniz ki toplumun çok büyük bir yüzdesi değil. Ama bunlar var oldukça hep böyle hava sıkışıyor bir yerden. Tahmin ederim ki Türkiye bu süreci şu anda, şu anda Türkiye bu yönde de geliştirmeye çalışıyor ama biraz zaman alacak, belli bir zaman alacak...

TG: Evet özellikle bu yeni anayasa sürecinde beklentiler zorunlu din derslerinin kaldırılması yönündeydi özellikle bu AİHM kararından sonra iç hukuka olan yansımalar öyle bir beklenti oluşturdu. Mesela bir muafiyet talebi olduğu zaman bunun çok daha yolu açtı bir dönem Danıştay kararıyla. Avrupa Birliği'nin de verdiği o itici güçle birlikte daha demokrat daha liberal bir ortam oluşmaya başlamıştı. Dolayısıyla yeni Anayasa sürecinde beklenti, zorunlu din dersinin kaldırılması yönündeydi. Fakat şimdi bir de zorunlu din dersinin içeriğini biraz değiştirmeye yöneldiler. Dediğiniz gibi din kültürü dersinden zaten beklenen oydu, isminin de o olması nedeniyle biraz içeriğini değiştirmeye yönelik adımlar atıldıysa da şimdi gelen seçmeli derslerle birlikte bir şekilde defacto uygulanan şey aslında o. Seçmeli derslerle ilgili sorunlar size iletiliyor mu? Mesela Diyarbakır Pastörünün kızıyla ilgili olarak haberlerde çıkmıştı zorunlu din dersinden muaf oluyor ama seçmeli başka ders seçemediği için 3 tane din seçmeli dersinden birini almak zorunda kaldığı...

LV: 3 tanesi de dinle mi alakalı?

TG: Evet 3ü de dinle alakalı

LV: Nedir onlar ?

TG: Temel dini bilgiler, Peygamberimizin Hayatı Hz. Muhammed'in de değil, ve Kuran Dersi

LV: Tüm Türkiye'de böyle mi bunlar?

TG: Evet evet. Yani dolayısıyla benim bu anlamda çok daha olumlu beklentiler varken yani Anayasayla din dersi artık zorunlu olmayacak diye beklerken, seçmeli derslerle daha da karıştı. Yani bu hak ve özgürlükler çerçevesinde güzel gelişmeler olurken azınlık haklarıyla ilgili...

LV: Zaten ülke politikasında herhalde o ekseninde birleştirecekler yani...

TG: Evet evet, başka yerden etnik farklılıklar o kadar korkutucu tanımlanmıyor aslında ama dini anlamdaki, yani dini farklılıklar daha ayrıştırıcı görünüyor anladığım kadarıyla şu anda. Ama hem etnik, kültürel, din, dil bunların her birini eğer ayrıştırıcı unsur olarak görmek isterseniz, görürsünüz yani eğer böyle bakmak isterseniz bakmak çok mümkün....

LV: ...farkındasınız yani evet bir devlet okulundaki gayri-Müslimin seçmeli olarak veya muaf olması ama aynı şekilde yani kendi okulunda da muafiyet hakkının geçerli olması... evet ama ben şimdi kendi okulumda muafiyet hakkımı muhafaza etmek istiyorsam kendi gideceğim okulumda da o hakkın geçerli olması lazım...

TG: Tabi

LV: Çünkü ben saygı arıyorsam saygıyı da vermek zorundayım tanımlamak zorundayım tanımak zorundayım...Yani ben kendim için saygı istiyorsam sistemden, benim kontrolümde olan sistemde başkasına da saygılı olmam lazım. Belki cemaatler bile bana tepkili olacak ama demokrasi budur.

TG: Anlıyorum, Türk devlet okulunda bir Sünni öğrenci için bu dersleri seçmeli yapmak zorunlu diyorsak bir cemaat okulunda da bu derslerin seçmeli olması çok mantıklı görünüyor.

LV: Tabii alt toplum diye nasıl olsa çok sıkıntı olmaz diye düşünürsünüz... ama problem orada, bazen röportajlarımda da söylüyorum. Yani lütfen bizi azız diye lütuf yapar gibi korumak zorunda olduğumuz antikalarımız gibi, veya lalelerimiz gibi, çok az kaldılar vah vah koruyalım carettalar gibi... böyle değerlendirmeyelim evet buna itiraz edelim. Yani benim şahsi yapılanmama ve duruşuma aykırı geliyor. Ben vatandaş olarak değerlendirilmek istiyorum. Adım ve hüviyetim bu. Sizin kadar hak istiyorum, sizden fazla istemiyorum. ANAt haklar istiyorum.

TG: Evet çok doğru yani insan otomatik olarak diyor ki, zaten cemaattense o din dersinin zorunlu olmasını istiyordur.

LV: Tabii ki isteyecek yani yüzde yüz sorarsanız hepsi evet diyecektir

TG: Ama..

LV: Ama prensip olarak yani bir demokratik haktan bahsediyorsak kendimize bir şey yapılmasını istemiyorsak kendi sistemimiz içindekinde de onu korumak zorundayız, o dengeyi korumak zorundayız.

TG: Peki, çok teşekkür ederim

LV: Ben dediğim gibi hukukçu değilim...

TG: Yok, çok farklı bir açıdan bakmış oldum yani hukuki açıdan da bakıyorum, Alevi davalarıyla ilgili hukukçularla da görüşüyorum ama bu bakış açısı benim için çok çok değerliydi..

LV: İyi güzel bir şeyler katabildiysek yani inşallah zamanınızı boşa harcamadık...

TG: Estağfurullah ben sizin çok zamanınızı aldım. Çok teşekkür ederim.

**Interview with Prof.Dr. İřtar Gzaydın, Doęuř University, Department of
Commnication Sciences**

30.03.2013, İstanbul

Tuęba Grel: Konu ile ilgili deęerlendirmelerinizi Avrupalılařma srecinin din-devlet iliřkileri zerindeki etkisiyle bařlayarak almam mmkn m? Sonrasında da din dersleri zelinde deęerlendirebilir misiniz?

İřtar Gzaydın: İki taraflı dřnrm; birincisi, ok nemli bir sre, birok Trkiye'deki insan hakları kategorisinde diyebileceđimiz meselenin yn alması bakımından, birtakım yasal dzenlemelerin yapılması bakımından ok nemli bir sre. O sre ne kadar eski gayretine sahip; o "soru iřareti" ama belli ki son dnemlerde yeniden hafif bir ısınma srecinde. Dolayısıyla zellikle bu azınlık; azınlık kelimesini kullanmak istemiyorum nk Trkiye'de azınlık malum Trk hukukunda ok sınırlı bir kavram olarak kullanılır ama onun dıřındaki azınlıkların da birtakım hakları bakımından fena bir sre olmadı. zellikle vakıfların, vakıf mallarının bunların dzenlenmesi bakımından AB srecinin ben ok nemli olduęu kanaatindeyim. Bařka birtakım dzenlemeler bakımından da, Cemevlerinin ibadet yeri olması gibi mesela, o bakımdan da... Ama orada da bařka dęmler var bir trl zlemeyen, oysa AİHM'in  drt tane kararı var ki eęer "wording"ine bakacak olursan, o meselenin zlmemesi dřnlecek bir Őey deęil. nk Mahkeme, eęer bir inan grubu kendini Őu Őu Őu Őekilde tanımlıyorsa ve kalkıp da bu benim ibadethanem diyorsa kimseye, bařta devlet olmak zere kimseye bir Őey dřmez. Bu manaya gelecek, bu ciddiyette bir Őeyler sylyor. Dolayısıyla onun zlmemesi hukuken deęil, siyaseten bařka dęmler olduęunu gsteriyor. Nasıl zlr bilmiyorum. Aynı Őekilde tabi orada da aynı mesele var, zlmesi ok kolay bir konu deęil; Heybeliada Ruhban Okulu.

TG: Dn o konuda Bařbakan'ın bir aıklaması oldu; onlar Atina'da bizim iki camimizi aarlarsa biz de ruhban okulunu aarız diye... Dn Andon Parizyanos Bey'le grřrken de dedi ki, bizim bir dediđimizi iki etmiyorlar son dnemde ama bu Heybeliada konusunun bařka bir yn var demiřti. Sanırım aynı grřtesiniz.

İG: Karřılıklı pazarlık.

TG: Evet karřılık ilkesi n planda bu konuda sanırım.

İG: Muhtemelen kapalı kapılar arkasında bununla ilgili bařka konular da konuřuluyor vs vs... Gelelim eęitim meselesine... Eęitim meselesinde, yani kararlardan sonra da bırak

AB'ye katılım sürecini, AİHM kararlarından sonra da bayağı bir yol alındı. Alındı ama yine de o bir sürü ortak komisyonlar var vs., ne kadar gerçekten istenilecek düzeye ulaşıyor, hala soru işaretlerim var. Ama bir şeyler yapılmadı mı, yapıldı. Dolayısıyla, ne fazla şikayet ederim vah vah hiçbir şey yapılmıyor diye, ne de aman aman ne güzel şeyler yapılıyor diyebilirim. Bir süreçtir, bakalım nereye gidiyor diye düşünürüm.

TG: Din dersleri konusunda, okuduğum, yapmış olduğunuz incelemede de insan hakları açısından bakıyorsunuz, zaten orada AİHM'in vermiş olduğu karar da çok net bir şekilde vurguluyor ki, bu içeriğiyle din dersinin zorunlu tutulması imkansız.

İG: Ama ondan sonra değiştirdiler yani ondan sonra komisyonlar kuruldu, çeşitli komisyonlar tarafından belirli kavramlar çıkarıldı, belli bölümler çıkartılıp yeni bölümler konuldu ama onlar bile yetersiz. Benim derdim o. Yani gerekli ama yetersiz.

TG: Evet zaten Aleviler de aynı şeyi söylüyorlar; hiç bize danışılmadan yapıldı...

İG: Orada haksızlık var çünkü komisyonlarda Aleviler de vardı, Bolu İzzet Baysal Üniversitesi'nden hatta Alevi kökenli bir akademisyen de vardı, adını çıkartamadım şimdi... Şimdi bize danışılmadı demek... Haksızlık şuradan geliyor; monolitik yapılar olmadığından bunlar, bir grup bize danışılmadı diyor, bir grup bizim görüşümüz alındı diyor. Bir grup evet ona danışıldı ama o bizden sayılmaz diyor. Oralardan çıkıyor tartışma. Yani kimle konuştuğuna bağlı.

TG: Aynen öyle. İçeride bütünlük olmaması, karşı tarafta devletin elini güçlendiriyor.

İG: Hem de nasıl...

TG: Şimdi bir de yeni seçmeli din derleri var biliyorsunuz.

İG: Yaa onlar da ayrı felaket.

TG: Bu iki seçmeli ders konurken Alevilikle ilgili de bir ders konması gibi bir adım atılsaydı belki süreç biraz daha yumuşatılırdı ama bunu Aleviler istiyor mu tabi, bir de o durumda da sayı yetersiz o yüzden ders açılmıyor gibi tartışmalar olacaktı. Bu seçmeli dersleri müfredata eklerkenki sav da Sünni ailelerin çocuklarının din eğitimini yeterince alamadığından şikayet etmesi... Yani öyle görünüyor ki, DKAB dersi kimseyi tatmin etmiyor...

İG: Tabi. Bir de aklıma geldi, bu eğitim meselesiyle ilgili çalışan bir kişi daha var, Sakarya Üniversitesi'nde şimdi.

TG: Recep Kaymakcan mı?

İG: Evet Recep Kaymakcan.

TG: Çalışmalarını inceledim, evet. Bu alanda oldukça yoğunlaşmış. Bir de Talip Küçükcan var.

İG: Evet ama onun konusu biraz daha geniş, yabancı ülkelerde Müslüman azınlıkların durumunu falan da inceliyor.

TG: AB'nin etkisini de inceliyor sanırım. Buradan Avrupalılaşıma konusuna dönecek olursak, belki siyahla beyaz gibi bir fark yaratmıyor süreç aday ülkelerde ama etkileri de azımsanmayacak ölçüde bence. Polonya'da komünist rejimin yıkılmasıyla birlikte modernleşme süreci Avrupalılaşıma ile çok elele gidiyor, dolayısıyla ayırıştırmak da oldukça zor ama orada daha çok "sosyal öğrenme" yoluyla sürecin içselleştirilmesi sözkonusu gibi görünüyor. Türkiye daha rasyonel aktör modeline yakın duruyor, biraz ödül-ceza sistemi ile ilerliyor gibi.

İG: Türkiye'de bu konuda riyakarlık vardır, ikiyüzlü bir tutum vardır; onun için de paralel gerçeklik vardır. Bir kağıt üzerindeki durumla bir de onun arkasından yürütülen şey. O çifte nitelik hem bir yandan müthiş bir esneklik sağlar, öyle de bir hoşluğu vardır ama bir yandan da çok kaypak bir düzen getirir. Dolayısıyla bütün onların da hukuki olarak değil ama sosyolojik olarak aklın bir köşesinde bulundurulması lazım.

TG: Tabi mesela Alevilik ders kitaplarına girdi diye bir önceki düzenlemede çok ciddi haberler yapıldı, ama Alevilerle konuştuğunuz zaman bu kadar nümayişin tek bir cümle için yapıldığını öğreniyorsunuz. Tek bir cümle, tek paragraf... ama Alevilik var mı ders kitabında; var. O yüzden dediğinizi çok iyi anlıyorum, gerçekten kağıt üzerinde olanla uygulama çok farklı olabiliyor. Dolayısıyla Türkiye bu süreçte söyleneni yapmak, kağıt üzerinde en azından, ama yapılanı sindirmemek üzerine kurulu bir yolda yürüyor gibi. AB üyeliği için yaptığı pek çok şeyi aslında sindirmeden ilerliyor.

İG: Çok doğru. Çok yazık ki demokrasi ile ilgili süreç de insan haklarıyla olan ilişkisi de o şekilde yani "under the skin" diye bir şey söz konusu değil. Dolayısıyla, üstüne cila olarak yapıyor, cila sıyrıldığı andan itibaren de gidiyor. Sonuçta 1000'lerden başlayan İngiliz siyasi kültüründen bahsetmiyoruz ki burada. Sonunda çok daha çifte sistemlerin olduğu bir yapı. Gelin sizinle kütüphaneme bir bakalım bu konuyla ilgili neler bulabileceğiz...

APPENDIX B

DECODINGS FOR INTERVIEWS ON POLAND

LIST OF INTERVIEWEES FOR POLAND

1. Dr. Adam Szymanski (İstanbul) (No decoding presented)
2. Prof. Dr. Yusuf Ziya Özcan (Turkish Ambassador to Poland)
3. Ms. Dorota Pudzianowska (PhD, Lawyer to the case of Grzelak vs. Poland; Helsinki Foundation for Human Rights)
4. Dr. Michal Gierycz (Assistant Professor at the Institute of Political Science in Cardinal Stefan Wyszyński University)
5. Prof. Piotr Mazurkiewicz (Priest - General Secretary of the Commission of the Bishops' Conferences of the European Community)
6. Mr. Pawel Gierch (Sociologist Center of Thought for John Paul II) (No decoding presented)
7. Turkish-Muslim families (Discussion Group)

8. Mr. Konstanty Gebert (Polish Jew – Journalist – Head of European Council of Foreign Relations)
9. Imam Nizar Sherif (Muslim of Syrian origin- Imam of the Arab Mosque)
10. Teacher Rashid (Polish Muslim – Teacher at the Arab Mosque)
11. Mr. Piotr Kazmierkiewicz (Researcher at Institute of Public Affairs)
12. Ms. Agata Ladykowska (Researcher on religious education in Russia and Poland)
13. Ms. Paulina Wawrzyńczyk (Member of Palikot’s Movement) (Interview on Skype)

DECODINGS FOR INTERVIEWS ON POLAND

Interview with Prof. Dr. Yusuf Ziya Özcan, Turkish Ambassador to Warsaw

12.11.2012, Turkish Embassy in Warsaw

Prof. Dr. Yusuf Ziya Özcan: Ben henüz bu eğitim konusunu inceleyebilmiş değilim, siz belki YÖK Başkanlığı yaptığım için bu konuyu derinlemesine inceleyeceğimi zannediyorsunuz, bakmak da istiyorum ama daha henüz fırsatım olmadı. Bu çok öncelikli konulardan bir tanesi değil bizim için. O yüzden çok derinlemesine bakmadım ama bildiğim burada Müslüman öğrenciler için ve diğer dinlerden olan aileler için bir uygulama olduğu ve tarafların da bundan memnun olduğu. Mesela buradaki Türkler bundan son derece memnunlar çünkü çocuklarına kendi dinlerini öğrenme fırsatı veriliyor. Onlar Katolikliği falan öğrenmiyorlar ama İslam dinini öğreniyorlar, onun için çok hoşlarına gidiyor. Bana da sitayişle bahsettiklerini hatırlıyorum; “Hocam, çocukları sabah camiye bıraktık, öğleden sonra gidip alacağız” diye. Ben de sordum, tamam da okul başka bir yerde, cami başka bir yerde; buradaki hoca buradakileri tanımıyor bilmiyor, nasıl oluyor da birbirlerine güveniyorlar diye. Nasıl oluyor; işte böyle bir güven var. Din dersi olduğu için, cami olduğu için güvenmişler o yüzden çocuğun burada aldığı nota itibar ediyorlar. Nasıl burdaki çocuklar Katolik dersini alıyorsa, bizim çocuklar da gidip camiden İslam dini dersini alıyorlar, bu dersi de saydırıyorlar yani geçerli sayılıyor notu. Bir tek bunu biliyorum, başka da... yani dini bir baskı olduğunu din dersleriyle ilgili duymadım. Yani dini öğretmekle ilgili bir şey yok ama onun dışında bir şey oluyor mu bilemiyorum yani retoriklerde bir şey var mı, ritüellerde bir şey var mı, onu bilmiyorum. Belki de esas önemli olan onlar. Böyle söyleyince gayet kolay... Sen Müslümansın git kendi dinini camide öğren demek kolay, ama belki onun dışında bir şeyler oluyor onu bilmiyoruz. Siz bence birazcık çocuklarla konuşun. Başka bir dersin ortasında dinle ilgili bir şey söyleniyor mu veya çocuklar başka derslerde bir şeye zorlanıyorlar mı; onu bilmek önemli. Ama derse zorlamıyorlar yani.

TG: Yani okulda din dersini seçtiği zaman Müslüman öğrenciler gidip o dersi camide alabiliyorlar...

Prof. Özcan: Evet ama bu bizim çocuklar için böyle. Kendi çocukları okulda alıyorlar din dersini, onu biliyorum.

TG: Bu anlattıklarınızdan Türk öğrencilere karşı bir dışlama veya kötü muamele de olmadığı çıkarımını yapıyorum çünkü öyle bir durum olsa bununla ilgili mutlaka şikayet alırdınız diye düşünüyorum.

Prof. Özcan: Kesinlikle, kesinlikle duyulurdu. Bundan şikayet ederlerdi ama bence ondan önemli olan şey o ritüeller, ritüellere bakmak lazım. Sabah hoca sınıfa geldiğinde dini içerikli herhangi bir şey söylüyor mu, o hitap tarzı bile çok önemli, davranışları çok önemli... Belli şeyleri Katolikliğe dayandırmaları önemli, işte onları öğrenmek lazım. Yani çocuklara fark ettirmeden kendi dinlerini empoze ediyorlar mı etmiyorlar mı onu anlamak mühim.

TG: Anladığım kadarıyla günlük hayatın içinde çok fazla dini öğe bulunduğu için açık açık din dersinde öğretilenlerden daha derinine bakmak gerektiğini düşünüyorsunuz.

Prof. Özcan: Tabi “deep inside” bakmak lazım.

TG: Peki Polonyalı çocukların aldığı okullardaki din dersinin içeriği hakkında bilginiz var mı? Katolik dinini mi öğretiyorlar yoksa dinler hakkında genel bilgi şeklinde mi?

Prof. Özcan: Yok, bildiğim kadarıyla Katolikliği öğretiyorlar, kendi dinleri ile alakalı bir ders. Bunlar hakkında çok bilgim yok, henüz okuyup araştıramadım. Size dört ay içerisinde gözlemlediklerimi aktarıyorum. Mesela ben buraya gelmeden önce bana tasvir ettikleri gibi bir Polonya dindarlığı yok Hocam, öyle bir şey yok. Mesela ben gençlerin çok daha dinlerine düşkün olduklarını sanıyordum, öğrendiğim kadarıyla 16-17 yaşından sonraki gençler kiliseye bile gitmiyorlarmış. Yani belki biraz da uzaklaşmadan bahsetmek lazım, bırakın böyle çok Katolikleşmeyi falan, dindarlaşma eğilimini... Hakikaten bazen böyle Pazar günleri falan kilisenin önünden geçerken o ayın çıkışında falan bakıyorum orada çok genç insanları görmüyorum. Siz de keşke gitseniz de bu Cumartesi falan bir baksanız...

TG: Ben dün gittim aslında, bir ayın sırasında girdim kiliseye...

Prof. Özcan: Hah çok iyi yapmışsınız. Çok fazla genç görülüyor değil mi?

TG: Evet genç pek yoktu.

Prof. Özcan: Daha çok orta yaşın üstündeki insanları görüyorsunuz. Orada bunlar çok doğru olmayan bir şehir efsanesi gibi geliyor insana. Bize öyle çok dindar falan diyorlar ama... Bir de tabi gençler arasındaki ilişkilerden anlıyorsunuz yani Katoliklikte de kızlarla erkeklerin çok samimi olması evlilik öncesi çok beklenmezken, burada tam tersi şeyler oluyor. Çok da sık olduğu için insan kaçırmıyor. Yani çalışmadığı belli; çok koyu bir din eğitiminin verilmediği, verilse bile gençlerin o eğitimden çok az şey aldıkları veya yaşamlarını ona göre şekillendirmedikleri çok belli. Yani bu ülenin Katolikliğinin çok koyu olduğuna inanmayın.

TG: Peki siz bu durumun AB üyeliği ile bir bağlantısı olduğunu düşünür müsünüz?

Prof. Özcan: Tabi tabi 89'dan sonraki, 90ların başından sonraki olaylarla birazcık alakalı. O zamana kadar hani işte Rusya'nın, Komünist rejimin baskısıyla insanlar böyle bir patikada yürümeye doğru zorlanmışlar. Serbesti geldiği zaman her şey değişmiş, sadece dinle olan ilişkiler değil... Bir serbesti gelmiş, ekonomik faaliyetleri çok çeşitlenmiş artık insanlar her türlü ekonomik faaliyet içine girer olmuşlar. Yani liberalizm, bizim klandığımız tabirle, burada bayağı bir kendisine yer bulmuş. Tabi başta bu çok şaşırtıcı olmuş; öyle sıkı bir rejimden otokratik bir rejimden çıkıp da böyle serbest bir rejimle karşılaşınca insanlar bocalamışlar başta, ne yapacaklarını şaşırmışlar. Şimdi şimdi oturuyor artık, eskisine nazaran her şey çok daha "smooth" işliyor bence. O serbestiyi dini alanda da kullanmış olabilirler. O kadar rahat hissediyorlar ki şimdi kendilerini eskiye nazaran... O yüzden birazcık uzaklaşmış olabilirler yani dinden. Gençlerde olan özellikle fenomen bu. Yaşlılar öyle değil; yaşlılar her dönemi de bildikleri için, başka bir terbiye aldıkları için hala öyle dindarlar yani. Konuşmaları, davranışları, hareketleri öyle. Onu gözlüyorsunuz ama gençlerde böyle bir şeyi gözlemek çok zor.

TG: Bu soruları Polonya üzerinden sormamın nedeni tabi biraz da AB üyeliğinin Türkiye'de din-devlet ilişkilerini nasıl etkileyebileceğini anlamaya yönelik. Polonya bu bağlamda bir örnek teşkil edebilir mi diye düşünüyorum açıkçası. Burada Komünist rejimden sonra yeni bir kimlik oluştururken AB üyelik süreci biraraya gelmiş ve Polonya'da her şey çok paralel gitmiş. Öğrenme ve yenilenme sürecinde, "nation-building" sürecinde Avrupalılaştırma yol gösterici olmuş. Türkiye'de nasıl bir etki yaratıyor, yaratabilir, siz ne düşünüyorsunuz? Polonya için bahsettiğiniz bu liberalleşme süreci, Türkiye'deki din-devlet ilişkileri için de geçerli olur mu?

Prof. Özcan: Ben pek bir şey olacağını zannetmiyorum Türkiye'de... Zaten herhalde bir elli yıldır bu Avrupa Topluluğu'na katılmayı bekleyen bir ülkemiz. Mevzuatımızda pek çok şey değişti zaten buralarda istenen standartları Türkiye'de yaratmış durumdayız. Pek bize benzer bir tarafları yok gibi geliyor bana ve bize de Avrupa Topluluğu'na (AT) girişin öyle bir etkisi olacağına inanmıyorum. Bizim dinamiklerimiz birazcık daha başka, zorunlu din eğitimi meselesi başka bir şekilde devam ediyor bizim ülkemizde... Problemlerimiz burdakilerden başka. Ayrı ülkeleriz sonuçta ama o ortak parametre Avrupa Topluluğu'na giriş bizde de böyle etkiler yapar mı, zannetmiyorum. Bizi kendi içimizde düşünmek daha iyi sanki, kendi tarihi yapımız içerisinde... Özellikle buradaki gençlerin o serbestileri Avrupa Topluluğu'na girmekle alakalı bir şey, yani oradan kaynaklanan.. Ama Komünizm baskısından kurtulmak daha önemli gibi geliyor bana. Avrupa Topluluğu'na giriş yeni bir şey zaten 2004'te olan bir şey ama öbürü 1989'dan beri gündemde. Etkileri ayırmak da zor tabi, ne neden kaynaklanıyor vs...

TG: Elbette. Avrupalılaştırmanın etkisini tabi sekülerleşme ekseninde incelemek de mümkün ancak bu konuda herhangi bir kriter olmadığı için değerlendirmeyi insan hakları ve Avrupa normları ile sınırlandırmayı daha doğru buldum ben. Mesela Türkiye'deki din

dersinin varolan içeriği ile zorunlu tutulmasının AİHS'nin ihlali olduğunu belirten AİHM kararı var. AB ilerleme raporlarında bu konuya sıklıkla atıfta bulunuluyor, Polonya için durum pek de öyle değil...

Prof. Özcan: İşte o yüzden de etkileri ayırma konusu önemli. Her ülkede AT'a girişin ekonomik etkilerini görebilirsiniz ama işte bu din konularında falan bunu ölçmek oldukça zor. Bir anlamda başka bir dünya inanç dünyası... Bazı politikaları takip edip şu şu değişiklikler olmuş diyebilirsiniz ama bunun sebebini bilmek de çok zor yani. Şimdi bunlar daha çok mu dindarlaştılar, daha az mı dindarlaştılar bu AT'na girişten sonra, onu söylemek çok zor Hocam.

TG: Yapılan çalışmalar, sizin de dediğiniz gibi, kiliseye gidiş sıklığında gitgide bir düşüş olduğunu gösteriyor. Ancak sekülerleşme teorileri kapsamında incelenince dindarlığı ölçmenin tek yolu bu değil; kiliseye gidiş sıklığı azalmakla birlikte bireysel dindarlık aynı kalıyor olabilir. Bunu ölçmek için de araştırmalar anketler yapılıyor ama bu kurumsal dindarlıkta bir azalma olduğu kesin. O azalmanın da neden kaynaklandığını anlamak zor, yani AB üyeliği ve onun getirdiği liberalleşmenin yaygın etkisi mi yoksa Komünist rejimden çıkmanın getirdiği bir etki mi olduğunu ölçmek oldukça zor.

Prof. Özcan: Bilemezsiniz. Ancak bakılacak bir başka boyut da Hocam, her iki toplumda dinin etkisi olabilir. Mesela burada o etkiyi biraz daha iyi görebilirsiniz, Türkiye'de henüz böyle görülebilir bir şey yok. Ama burada nereye gitseniz diyorlar ki bir şeyi papazlar kararlaştırır, siyasiler şu insanla görüşüyor genellikle, onlar şekillendiriyorlar bu fikirleri... gibi bizde çok olmayan, yani eskiden olmuş Osmanlı döneminde...

TG: Ulema..

Prof. Özcan: Evet, böyle dinin bir ağırlığı var. Din adamlarının ağırlığını burada birazcık daha görüyorsunuz. Bu okul işlerinde falan kilisenin parası çok olduğu için zannediyorum Milli Eğitim Bakanlıklarıyla daha bir yakın ilişki içindeler. Açılışlarda mesela, ben görüyorum, oralarda varlıklarını hissediyorsunuz. Türkiye'de yoktur bu mesela Diyanet İşleri Başkanı dışında, üniversite açılışında falan, bir kongrede konferansta düşünebiliyor musunuz Türkiye'de dini kıyafetli birini? Ama burada daha sık görüyorsunuz böyle şeyleri. Burada daha görünür durumdalar, daha fazla isimleri geçiyor. Türkiye'de o kadar fazla adı geçmez. Ancak dini günlerde falan konuşma yapılırsa... Ama burada gündelik hayatın içerisinde pek çok şekilde görmek mümkün. Biraz daha ağırlığı farklı galiba dinin, öyle bir şey var iki ülke arasında. Ama bu durum din dersleriyle nasıl ilişkilendirilir bilemiyorum açıkçası...

TG: İşte dinin bu kadar ağırlığının olduğu, gündelik hayatta görünür olduğu bir ülkede din derslerinin pozitif deklarasyona dayalı seçmeli olması, azınlık dinlerine kendi dinini

öğrenmek için imkan tanınması ve bunun notunun okullarda saydırılması oldukça demokratik ve liberal bir yaklaşım gibi görünüyor.

Prof. Özcan: Evet orası öyle.

TG: Kilise bu kadar önemli bir aktörken, din adamları günlük hayatta dini sembollerle bu kadar görünür olabilirken, aynı zamanda dini hoşgörünün bu denli sağlanabiliyor olması ve bu hukuksal çerçevede yer bulmanın ötesinde pratikte de sorunsuz uygulanabilmesi, Türkiye'dekinden farklı dinamiklere dikkat çekiyor. Bu fark nereden kaynaklanıyor, ben biraz buna da cevap arıyorum aslında. En önemli öne çıkan faktör burada toplumun hem etnik hem de dini açıdan oldukça homojen olması gibi görünüyor. Türkiye'de azınlıkların din eğitimi içerisindeki konumu, azınlık olup da Lozan'a göre azınlık sayılmayanların statüsü ve bunların yaşadıkları sıkıntılar olaya ayrı bir boyut kazandırıyor. Azınlıkların zorunlu din dersinden muafiyeti de ancak ailelerin dinlerini beyan etmeleri ile mümkün olduğundan her şartta ayrımcılık söz konusu oluyor.

Prof. Özcan: Türkiye'de bildiğim kadarıyla bu zorunlu din dersi dinler tarihi gibi okutuluyor.

TG: İsim olarak öyle tabi, Din Kültürü ve Ahlak Bilgisi dersi.

Prof. Özcan: İşte onda tüm dinleri öğretecekler, seçmelilerde daha çok İslam dinine dair bilgiler verilecek.

TG: Şu anda iddia edilen bu ancak zaten bu zorunlu ders konulduğu günden beri dinlere eşit uzaklıkta bir ders olup hepsi ile ilgili bilgi vermesi gerekiyordu, öyle kurgulanmıştı ama uygulamada öyle olmadı. Şimdi yeniden söylem bu yönde, yani dinlere eşit mesafede bir ders olacağı söyleniyor.

Prof. Özcan: Öyle olsa iyi olur.

TG: Bu tabi çok yeni bir gelişme, uygulamanın ne şekilde olacağını görmek zaman alacak ben de takip ediyorum olacağım. Ama anladığım kadarıyla, Polonya'daki uyguluma daha liberal görünüyor.

Prof. Özcan: Tabi burada sayılara da dikkat etmek lazım. Bildiğim kadarıyla burada Müslüman öğrencilerin sayısı çok az. Türkiye'deki gibi bir durum yok burada. On milyonun üzerinde bir Alevi nüfustan bahsediliyor, onların meselesi ile bizim buradaki Türkler'in veya Araplar'ın meselesi biraz farklı. Onu da gözönünde bulundurmak lazım. Küçük bir sayı, siz de gidin öğrenin dininizi biz de onun notunu sayalım gibi bir anlayış var. Çok da büyük bir şey değil aslında, biz de yapabiliriz böyle şeyleri. Mesela İstanbul'daki Hristiyan çocuklar gidip kilisede öğrensinler dinlerini biz de onların notunu kabul edelim, bu yapılmayacak bir şey değil. Artık bunları yapmak zorundayız. Bir alanda bir kabiliyet, bir başarı, bir bilgi varsa onu yukarılara taşıyabilirsiniz. Dışarıda öğrendiğiniz bir dersi gelip okulda saydırabilirsiniz. Hayat boyu öğrenmenin önemli

kriterlerinden bir tanesi o çerçevede düşünmektir böyle şeyleri. Siz bu konuları kimlerle konuşacaksınız burada bir de ona bakalım isterseniz...

TG: Çok memnun olurum yönlendirebilirseniz, çok teşekkür ederim...

(Orientation about experts and contact points)

Interview with Dr. Dorota Pudzianowska, Lawyer at Helsinki Foundation for Human Rights, Warsaw; Lawyer to the third-party intervention to the Grzelak Case vs. Poland

12.11.2012, Warsaw

Tuğba Gürçel: Thank you very much for giving me the opportunity to do this interview with you. Let me please start directly with the Case of Grzelak vs. Poland. As your institution, Helsinki Foundation for Human Rights, intervened as the third part and you have been one of the lawyers who took part of the process. So may I request you to comment about the judgment of the ECtHR?

Dorota Pudzianowska: You are very welcome. Sure, let me first tell you why we were not satisfied with the judgment. The problem with the judgment was that it missed to state the obligation of Poland to introduce systemic changes concerning ethics instruction. Because the judgment was restricted to the issue of the mark on the school report, so the judgment does not say that the whole law concerning ethics instruction is bad in some parts. But there was the expectation that after the judgment, Polish government would look for some solutions. It is still the case that just small number of primary and secondary schools teach ethics and the reasons for this are still the same; the government says that there is small number of teachers. You know, it is a way of getting out of the problem, they can find teacher if they want so. The main problem is that there is no clear procedure on how to organize these classes.

TG: Yes, that was actually one of the questions I was going to ask: the threshold for opening the ethics courses has been subject to the Grzelak case, am I right? Why does this cause controversy? Is not there sufficient number of students willing to attend ethics courses?

DP: Here it is worth comparing with minority religions. For the minority religions, the number of students at the level of one school that needs to be gathered in order to organize a class is three people. But for ethics it is seven people. So ethics is organized either in one class or at the level of school they have to gather seven and it is a lot of

students. If you think more about not schools in Warsaw but the ones in small cities and villages, the number of seven is a big number which is difficult to achieve. For minority religions, as I said, the number is three and thus it is easier for minority religion classes to be organized. The threshold changes from seven to three for ethics when you start to think of inter-school groups. So if you want to organize inter-school groups, according to the law it has to be organized for three people but the practice shows that these inter-school groups are not organized. So there is still ethical possibility but the practice shows that it does not work.

Why it is difficult to gather seven people in a school, in one class, it is also related to the way the Ordinance is formulated. The Ordinance is not clear, parents do not know who is responsible for organization of ethics instruction. For the religious instruction, for instance, these are priests. Priests are responsible for the particular community. For minority religions, it is more or less the same; the religious leaders are responsible for religious education. In the case of ethics instruction, of course, this is more dispersed. The law should say that the records should be kept for gathering the declarations from parents and submitting them to the regional government. But it does not work in this way. For example, there are problems of how and especially when the declarations, asking for the opening of ethics class, should be gathered. As the end of the year? As the year is proceeding? When the instructions should take place? Normally, the declarations are gathered at the beginning of the school year. But at the beginning of the school year, the classes are already planned so no one in the schools has interest to push for the organization of ethics instruction. It is a problem for the schools. Then, who is responsible for gathering the declaration? Should the school administration ask or should the parents take initiative? You don't know this. So, there are places where teachers ask openly who wants his/her kid to attend to ethics course and who does not want his/her child to go religion class.

There are for sure problems about openly asking about religion in class. This influences parents who do not want to say openly that they do not want their children to attend religion classes.

TG: In a sense, this is not an overt act of discrimination but it is more like a moral pressure; something sentimental where you feel the pressure of "otherness." As far as I understand, you say that it is not just because it is something different than what majority does but mostly because the way it is practiced and declared.

DP: Yes, exactly. One of my colleagues, for example, she has three children and one of them is now attending a school at Warsaw in a very wealthy district. Even in that school, they are suffering from all the things I talked to you, the pressure coming from other parents. He is now nine years old, and this is the age where Catholic children receive the first Communion, pressure from peers from the class or other children who take part of the religion class, as the majoritarian religion in public schools is Catholicism, it is

experienced by the whole class. So, children attending to the ethics class do feel bad and outsider. This is also the case for parents. The point is that the Ordinance must be clear at this point where parents who do not want their children to take religious instruction have the opportunity to do so without being faced with discrimination. This is the minority here that you must take care of. When you look at the Ordinance different religious minorities are treated in a better way because the whole Ordinance concerns religious instruction. So it is prepared in a way that it is easier for the use of different religious denominations than for parents who want their children to get ethics instruction. Its provisions apply only for analogium and not all provisions are easier for analogium. One the one hand this is a complicated situation was the context where 95 percent declare that they are Catholic in Poland which is opposed to the reality. On the other hand the law is not precise enough to guarantee to provide ethics instruction.

TG: So you are mainly criticizing the Ordinance for not being clear enough, am I right?

DP: Yes, sure. Because this is at the level of the Ordinance where the class of religion and ethics are organized. If you look at the title, it is “Ordinance about the religious instruction at school” and when it comes to ethics, it is not written with the aim of allowing children to go to ethics class. It is visible even at the level of title of the law.

I would like to highlight that there were no discussions to change the situation after the Grzelak judgment but recently, I think five or six months ago, there was a proposition on the part of Ministry of Education to organize ethics instruction on internet. They really attempt to introduce ethics instruction via internet. Because they see the problem as the problem of finding teacher.

TG: Is this a positive step in your view? Is the government act in good faith and try to find ways to provide ethics instruction?

DP: Not really. They are thinking about changing this Ordinance or to deal with all these points that I have just mentioned and that are problematic, but they decided in this way because the main problem in their opinion is lack of teacher. So internet will solve all these problems, in their view. But for sure, it is not how ethics instruction should look like when this is organized with internet. Ethics is not like language or mathematics classes; it is something more.

TG: You are right. If we turn back to your point about adherents of minority religions being in a better position compared to the ones who would like to get ethics instruction, could you make clear the crux of the problem?

DP: The requirement for written declaration is indicated in the law but it is not clear who transfers the declaration to whom, when and so on. The declaration is needed but I should check whether it should be in the written form or not.

TG: Actually the way that declaration is made matters since this is one of the issues raised in the case brought before the ECtHR. The fact that a declaration should be made in order to get exemption from religion course in Turkey is decided to contradict with the relevant provision of the ECHR. So I am wondering about this point.

DP: Here you do not need to declare your religion or denomination. You just say “I want my kid to get ethics instruction” and that is all.

TG: So the fact that you do not want your child to attend religion class but rather ethics class shows that you are not religious, and that is all... Is that the case?

DP: De facto, yes. This is what we defended in Grzelak case, it was about the school report containing a mark. One may not see the problem and understand the reality and can just consider this as an artificial problem. They do not understand why the fact that you do not have a mark on school report for religion/ethics instruction would be a problem. Well, it is quite clear, if there is no mark there it means that you are not Catholic. Because in every school there is a religion class, if there is no mark there it simply means that your kid did not attend the religion class, so you are either atheist or someone who protests and it ends up with changing school. This is what happens all the time especially in the small villages, in small schools. There are different kinds of attitudes of the teachers, this affects the practice.

TG: As far as I could read, due to the application of the Ombudsman, the Constitutional Court made a verdict that if it appears a (/) between religion and ethics, the discrimination could be prevented since it will be unclear which class the kid attended. However, you are saying that, it is also what you defended in the Grzelak case; since the ethics class is not opened in many schools, no grade appears on the school report and it ipso facto displays what you have just indicated.

DP: Yes and in fact it shows that the student did not attend religion course.

TG: So you are claiming that it was not a real solution to the problem as long as they do not manage to arrange an ethics class. That makes sense. Let me ask about the European side too; is there any pressure from the EU? Do you perceive such an impact of the EU membership on this issue? I am asking this because Turkey

DP: In the context of Grzelak Case, it is difficult to use this judgment to make an argument stating that we need to make changes about how ethics should be thought at Polish schools because the judgment was not touching upon these issues. They were raised but the judgment considered them in a very narrow way. It is only indicated that you cannot a school report in that format. So thinking of how to comply with the judgment was in terms of changing the form of school report. But which finds to use this as an argument in the discussion. When I was in the same commission for the execution of ECtHR judgment, I was mainly criticizing the judgment in the sense that Poland needs

to change laws, regulations and directions. About the Grzelak case, many argued that the judgment is not about how the ethics is thought here. So this shows that the ECtHR is not criticizing the educational setting. They ignored the high pressure about attending religion courses. They rather dealt with the practice that if the pupil does not attend religion course, as a rule, the school provides him or her surveillance and it was enough for the ECtHR. They did not make any pressure to Poland to make a systemic change, only some minor problems were highlighted. So in this discussion, this was not a strong argument in this judgment. Now in the context of the Ministry, you cannot find very strong arguments from the European side. This is a very general argument and therefore there is no other argument concerning the EU.

TG: Yes, it can be because the ECtHR does not consider the situation of Poland as a case of violation human rights. So that is why they are not asking for a systemic change... which is not the case for Turkey, for example.

PD: Yes, here it is difficult to talk about violation of human rights in the sense that here no one is indoctrinated. If we talk about other issues linked with wide topic of religious issue, there is an interesting case where there had been pressure from the EU. There was a case about the teachers in Catholic school. The directions, the EU rules concerning the school treatment are imposed in a concrete way in Poland. In 2011, it was imposed to the Polish law on the school treatment and this law forbids discrimination on the grounds of religion and on other grounds. It makes exceptions for denominational schools. It says that at the denominational schools, the religion or convictions of the teachers can contradict with the Church grounded schools. There was a case of teacher who was lesbian. There had been quite important discussion; the law does not allow this kind of discrimination even for those denominational schools. The law is only for someone is from different denomination and it is not bound with if that person's sexual orientation. So the law cannot be interpreted as such because sexual orientation is not about your conviction. In general terms, if we think about those Europeanization issues, I would say that the law of equal treatment is important.

TG: Actually, I am wondering why this law entered into force in Poland many years after the EU membership. Why did it take that long? Is it because local authorities were reluctant since it comprises equal treatment expectations for teachers from other denominations?

DP: No, as you know, there is no law at the European level concerning the equal treatment at schools. There are directives and there are deadlines to transform them in line with the international system. It was transposed as a law which is called something like "law transposing certain directives on equal treatment into the Polish law."

TG: I see, it is clear for me now. I would like to ask your comment about the recent developments. I think it was almost three months ago, the right-oriented opposition party

in Poland, as far as I could follow, criticized the party in charge, which is again a right-oriented party, for not supporting enough religious education at schools. Is there also such a dimension? Do you think that Polish people would share this complaint?

PD: In what sense they are expecting a support for religion courses?

TG: As long as I could understand, religion courses are “secondary” courses since they are elective and they do not have an impact on passing to the next grade and the opposition party wants to change this status. They would probably prefer them to be obligatory, and if not, these would affect passing to the next grade...

DP: Making religion courses compulsory will challenge at first the Polish Constitution, it will be an infringement of freedom of religion.

TG: This would also contradict with the related European directives, I guess.

DP: Yes, in order to better understand the general image envisaged by the Polish law, you can read the European Directive on equal treatment because the transposition means that the minimum standards are now met. So the directives are important in that sense. There were several discussions concerning this issue. In the cases where there are no direct applications of the directives, the general context now differs since the transposition of the directive into the Polish law. There had been changes compared to the past.

TG: To be precise, what kind of changes you are talking about?

DP: The law on equal treatment or the directives, in a sense, once again raise our awareness or we once again discuss the problems but in a bit different legal environment. For example, the case of *Lautsi vs. Italy* was deeply discussed in Poland. The issue was about whether the crucifix in the classroom infringes the Article 9 of the Convention. When you ask me the cases that are important for Poland in the Europeanization context in terms of the religious issues, *Lautsi* was the most prominent case in the recent years. All cases that concern the reproductive rights, mainly abortion, I can talk about a case which I think might be in your interest and which was judged according to the Article 9. You know, all these cases are actually going against Church. Two weeks ago we had a case in Poland: a girl was raped at the age of fourteen and according to the Polish law, she can have abortion. The problem was that she could not receive this service at public hospitals. For almost twelve weeks she traveled with her family to find a public hospital where she can have abortion because the consent of the physician is also required. She has legal rights to do that. The judgment is very space forward, if you have a law, which says that in certain cases abortion is allowed, it should not be just on paper; it has to be practiced for sure. Now the discussion is based on how the abortion law should be changed to ban abortion in any case. It is very linked with Catholic morality.

TG: It is still a positive thing that Poland did not make a reservation during the membership process for its right to ban the abortion like Malta did.

DP: Yes, but it is not enough. The context is that there are problems in the practice. From the legal point of view the argument is very similar; you have the right to do that. We raise that there is no clear procedure for so at the end of the day, we have the ethics courses but pupils do not have access to that course. This is the same context we are talking about.

TG: Actually, that was what I understood while reading the judgment of Grzelak case; as the third part, HFHR raised the issues stemming from the problems in practice for the ethics courses. But when read the final judgment, I realized that the Court did not make a clear reference to that point. Am I right or did I miss something? Because if I am right, then the verdict seems to ignore the general context...

DP: The main problem with the judgment was that even though there were several complaints, the major complaint was that there was no grade on the school report for religion/ethics or having it cropped out revealed in the Polish context your religious convictions. The Court said this infringes the Article 14 in connection with the Article 9.

TG: Okay, but did Grzelak family get what they wanted? Or as the third part, was the HFHR satisfied with the judgment? Because as far as I can understand, the judgment did not address the major points raised by the applicants or by the third part.

DP: There was no infringement in this case; the Court found infringement of Article 14 in connection with Article 9. The applicants were not satisfied of course, because not all of their complaints were taken into consideration. For example they were complaining about the lack of ethics instruction in schools; in fact, the obligation to go to religion class in the Polish context is seen as a kind of indoctrination but the Court did not agree with this. They were also complaining that Mateusz was mocked by his peers at school and that the school authority did not react. Also during the religion classes he stayed at the corridor, no one took care of him and other children saw him. So he had to change school several times because of this but the Court did not agree with this and not found evident as well. Thus they were not completely satisfied, there was infringement but most of their complaints were not addressed at all. In that sense, the judgment goes narrow. I can understand that you might have some difficulty in understanding the scope of the judgment; it starts with very general descriptions of the problem, with ethics instruction, the denominations etc. and it gives you the promise of very important judgment but the judgment does not say that important things. It does not say that in Poland there is a systemic problem with ethics instruction. That is why I said that it is difficult to use this here in Poland in discussions about reforming ethics instruction. It can be used as an argument but not as to the merit.

TG: I was also going to ask whether the Grzelak case set a precedent, but according to what I retrieve from what you said, I think it did not...

DP: No, I do not think so... Actually it is complicated.

TG: In the Turkish context, the case which was brought before the ECtHR set a precedent for other cases in the domestic law. And when the judgment of the ECtHR is started to be applied in the national law, many families applied to the domestic jurisdiction.

DP: But the Court decided that that there was an infringement because of the indoctrination, right?

TG: With that content of the course, yes.

DP: In the Grzelak case, it is complicated. The Court said that this is not about indoctrination not to organize ethics instruction; which means that this is de facto obligation or pressure. This could be an important argument to use in the Polish Court. You could make a case about the infringement in terms of dignity and indoctrination but Poland has a good law in terms of standards. The difficulty is in operation or in procedural details that make things problematic. Because the judgment is not straightforward about for the main issue which was raised here, when I read the judgment, I say "Okay, but where is the rest of our argument?" Where is the place where the Court says that it is wrong and the state is responsible for making it possible for the ethics classes to take place? Where is it? In that sense, it is a very narrow judgment.

TG: You are right, I had difficulty in understanding the judgment of the Grzelak case because of the point you have just mentioned. Lots of systemic issues were raised but no general measures were foreseen for Poland, only individual ones...

PD: The finding of violation is just for satisfaction but it does not mean that the Polish state was not found guilty of the violation. It was found, it was just for satisfaction adjudicated. The Court said that Poland is guilty for violation but it is not guilty for a systemic violation for the ethics instruction in schools. It is only responsible for making the school reports in a form which does not reveal the personal convictions of a person. It is also the case for the identity cards indicating different denominations. The Court solved the problem at this level: this is a public document so it should not reveal your conviction and the Court did not set a form for all the issues which we raised. How the religious instruction is defined and regulated and how the ethics instruction is regulated are the positive obligations of the state and it should set a rule that enable effectively the implementation and not only on the paper. There was conviction that it was not just for satisfaction, it only showed that the Court did not feel the necessity to adjudicate that there was a violation – not clear!

TG: I also would like to understand whether it is a common problem in Poland and I am wondering whether there is great number of students who are faced with the difficulties you have mentioned in taking ethics instruction. Are there similar cases brought before domestic courts?

DP: What I observe from my colleagues for example is that they are asked to raise hands for those who want their child to attend ethics class. They say that that the declaration should be made hidden. Then the class is organized but no one wants to raise hand. As the HFHR we receive letters stating different problems and concerns about organization of the ethics instruction. They say that the classes are not organized beforehand but at the last moment whereas the plans for the classes are made before. When the declarations are asked right at the beginning of the school year, there is no time to make the arrangements. The directives are not clear, as I already said, there is no time determined for declarations. Regional government is responsible for organizing these interschool classes and they generally organize it in the evening. On the other hand, the religion class is always organized in the middle of the school day. This point itself is an evidence of unequal treatment because it discourages students. For example the math class is always the first or in the middle of the day and school authorities are very careful about that in order not to let the students miss out. But the ethics classes are always at the end of the day or students have to wait three or four hours. So your kids are spending extra hours at school if you do not want them to attend religion classes and if they go to ethics class, they will spend more hours in addition to the logistical problems. This is a problem in almost every school. Today I know that if I want my kid to take ethics instruction, I will be the one who creates problem.

TG: Do you have any statistical data for the number of students who would like to take ethics instruction, in Warsaw for example?

DP: You mean those who declare for ethics?

TG: Yes.

DP: No, I do not know such data but there are the numbers of ethics classes organized, as far as I remember. Not at the level of declaration but the classes organized.

When we advise these parents to know how many of them they are and to make sure that they have made declarations, they say that they do not want interschool classes. They say that either the ethics class should be organized in the same school or they would resign from asking for ethics instruction. I think that it is the reason why the interschool groups do not exist in practice.

TG: Such problems do not exist for minority religions, right? For other denominations I mean...

DP: Yes, you are right. I have not heard of any problems from minorities about the religious instruction. The major problem is the organization of ethics classes in practice; the majoritarian thinking is at work in that case.

TG: The lack of clear directives for organizing ethics classes can also be explained by this majoritarian thinking, I guess. For the organization of those classes the state initiative seems necessary in the form of clear directives or pushing school authorities to provide ethics instruction. But for minority religions, I think, there is no expectation from the state. There seems to be a widespread freedom and responsibility for those denominations in that field. That is what I observed for the Muslim students in Warsaw.

DP: Yes, for ethics instruction the will of the school authorities is important. For example, teachers do not know the procedures, when the threshold of seven pupils is not reached; they do not say that there is an option of interschool group. They would do this if you ask them explicitly. Personally, I was lucky to go a school where ethics instruction even for one person.

TG: Are there such schools?

DP: There are, but it depends on the director. At that school there was high level of consciousness about the rights and freedoms. When you go to schools where the children of the professors, of the academia, of the judges; you can see that the school authorities are keen on implementing the directives. But these schools are rare and they are in general big schools in the big cities. However this should not be like this, these should be written in law and be clear in the directives.

TG: Now I understand the crux of the problem and the difference with Turkey. Here the problem mainly stems from the ambiguity of the legislation and the subjectivity of the practice. But Turkey the law itself about the compulsory religious education is problematic.

DP: Yes, the indoctrination problem. I think here there is a link with the Communism; there is a persuasion that indoctrination is bad. If the law somehow tries to introduce some kind of indoctrination, religious indoctrination formally at the level of education, in the political context we have now, with these political parties it would not be approved. Obligatory religion classes I do not think that it would go in line with the Constitution. Now there is a deep democratic mechanism in Poland and the Polish Constitution is in such a way that it is impossible to pass a relation. I think that how we interpret the Constitution is linked with the persecution of religion during Communist time. Certain kind of sensitivity is present. This is at the end a homogenous society where there is no remarkable immigration. There is an inclination to make the majority religion even more powerful but the discourse is now is very liberal.

TG: This is one of the points which make it difficult to measure the impact of Europeanization in Poland; it is because after the fall of Communism, liberalization, modernization and democratization of the country are in parallel with the membership accession. So it is hard to understand whether the situation, for example about the religious instruction, would it be the same if Poland had not become a member of the EU.

DP: Not for every field, but for this matter, I think Europeanization had an impact. For the discrimination laws, there is a pressure from the EU and we introduced these laws at the very last moment when there was a threat of infringement in Poland from the part of the European Commission. Why we did not want this law, because it is seen as a threat to the traditional life style since the discrimination law is about the sexual orientation and many other issues that would bother the Catholic morality in the country. I remember the discussions about the discrimination law in the Polish Parliament where there were representatives of priests; it was not only about banning discrimination on the grounds of disability but also on the grounds of religious convictions or sexual orientations. So the impact of Europeanization in terms of the discrimination law is obvious.

Interview with Dr. Michal Gierycz, University of Cardinal Stefan Wyszyński, Warsaw

13.11.2012, Vaticanum II Conference at University of Cardinal Stefan Wyszyński

Dr. Michal Gierycz: The Bologna Process is the most significant change. Each level education is now transferred and connected to European competence and framework. The changes however are artificial. When you look at the universities the whole structure of the studies is changed. We have this frame of preparing programs, the idea of this competence, outcomes and so on. We will see some changes but for now I am not sure about the outcomes for the theological education.

Tuğba Gürçel: Actually, I am also wondering the impact of Europeanization in the formal education in public schools... In *gymnasium* and *liceum*, specifically; is there and increase in the number of students who would like to attend ethics courses for example? Do you know such surveys conducted?

MG: Here the point is that there is a secular debate in Poland. There is great number of Catholics, so they quite often say that there is no enough possibility for students to choose ethics instead of religion and then children attend religion because there is social pressure. It is the point of view of the some part of...

TG: Leftists?

MG: Yes, leftists for sure. But is not only the question of secular representation of... I do not know the English translation of the movement but Janusz Palikot is the leader, and the organization's name is basically the name of the leader. It is quite crazy... They are really popular, for sure they are supporting that issue but I would say there are many groups outside politics like media and this question also appears. But in reality we do not have such statistics which clearly says it is problematic and that show which amount of students...

TG: So you are saying that there is no reliable data that would enable us to make the comparison between before and after Europeanization. So we cannot say whether after the EU membership the number of students who want to attend ethics course increased.

MG: I think this is a chicken and egg question. In fact, we have to say because there are some secularists obsessed but we have to say that I think that it is not a clash. They say that religion will disappear in Poland in the first years of accession. This kind of predictions is made and they are false. But at the same time we see a decrease...

TG: For example in the Church attendance, you mean?

MG: In Church attendance, yes; in number of seminary schools but it is not radical. It is slowdown. It is not to say that it is a clear outcome of the accession. What can be, what people say, the emigration from Poland. The number somehow fell because young people left. I do not know any clear research, I can try to find such articles but sociologists point out that it is emigration...

TG: Is that article in English?

MG: I can check it. You can look at the Institute for Statistics of Catholic Church they publish each year. The second one is our faculty, the Chair of Sociology of Religion; there are their value tests. There are also such things in Krakow, some groups who focus on religion research.

TG: For the statistical data, may I send you an e-mail requesting that information? Maybe you could write the names...

MG: Yes, sure I can do it. There are also some NGOs making research on public opinion. It is about religious opinion. I think there is one thing very important for you, they made a very good research about the tendency. And here you can also meet experts. Did you see Father Mazurkiewicz?

TG: No, not yet but I wrote him and he accepted to talk to me. Maybe in the second break he would have time to talk.

MG: Yes it would be great.

For the relation about the state and religion, it means that there are other people who are believers. It is a tactic. The Prime Minister in Poland, because some people are connected with his beliefs. If the religion course was obligatory, it would be contradictory with some people.

TG: Actually, in Turkey the religious courses are obligatory but since the name is “religious culture and knowledge of ethics” and it should be ideally free from indoctrination and recalls such kind of a secular course.

MG: Turkey is a very interesting country and its idea to cover the very religious society with fully secular institutions; I think it has to be changed during the time and I think it is also the case in Turkey right now with the current government. There is a consent challenge between some kinds of Islamic groups and secular institutions. I think it is very important to take into account religion and the state-religion relations and we would try to understand how it works and how the implementation with the universal rights can be done.

TG: Yes, that is right. The tradition of state-religion relations specific to each country is very important. I think the break is over, so thank you very much for sharing your views.

MG: You are welcome.

Interview with Prof. Piotr Mazurkiewicz, Priest and General Secretary of the Commission of the Conference of Bishops of the European Community

13.11.2012, Conference of Vaticanum II at Cardinal Stefan Wyszyński University

Tuğba Gürçel: Let me please start with asking your views about the impact of the EU membership as well as the Europeanization process on Church-state relationship in Poland. Would you comment on that please?

Prof. Piotr Mazurkiewicz: Regarding primary law of the EU, in the Lisbon Treaty, Article 17 which inspiring the relationship between churches, religion and the EU. In the first chapter of the Article, it is granting a kind of recognition of the status quo but also it states the competence concerning church-state relations. So we should not expect direct activity in this domain from the EU. So we should expect that accession to the EU process having no impact on state-religion relationships. This is true to certain extent in the sense that there can be an indirect impact in this social meaning. For example we observe that after the accession, calling at the moment after eight years around two tier Poles they booked to some Western countries to work. This is the general context that

people talk about the issue. So when they are coming back, they are different in terms of how people are thinking, how they are behaving also in the Church.

There are kind of influences concerning for example some ethical issues which again in the EU mostly are in the competence of the member states. Some of the decisions which are concerning the ethical impact are taken by the EU. I would say, the moment where what kind of researches will be supported is decided for the Horizon 2020 program, it is important to know what is the place for Church and for religion. EU till now, was subsidizing researchers.

Education is regarded as a kind of service by the EU, and the services are in the competence of the EU. In this sector, which is professional education, in a broader sense there was the EU law and policy in charge and these should be applied also in Poland. When we see a challenge in the field education for the Catholic Church, one element is just the religious education, but this one is more or less in the competence of the EU. Here we could say issues falling under faith and conscience are organized years ago within the competence of the countries. When we are looking at other countries, in some members it is very linked with the question of morality and so how the schools decide within this education moral issues are organized. One of the most controversial issues within this context is the sexual education and even this is organized still under the competence of the member states. There is also indirect impact coming from in the form of “soft law,” kind of declarations and regulations but also by some kind of activities that are subsidized by the European Commission; they are granting financial support so they are becoming stronger.

TG: I would like to specify on the issue of religious education. Has there been or is there any influence from the EU for the preparation of the content of the religion courses at schools? The way that these courses are being taught for example, is it subject to any kind of regulation or standardization? I know that there are no determined rules for the religion courses in specific but while becoming an EU member, did Poland faced with any kind of expectations?

Prof. Mazurkiewicz: Actually, there was no conflict on this issue which is provoked by the EU law. There were some conflicting issues, most of them you can find by looking at the cases brought before the ECtHR. There are such cases for Poland but there are also cases sued against Turkey as far as I know. It is because, I suppose, we are looking at different particular cases

I would imagine that on the one hand we are just looking at the Polish law, it will describe the relationship between the Church and the civil authorities concerning the content of religious education concerning the competence of the teachers.

Teachers of religious education comply with other teachers. What traditionalists assume concerning the fact that they are competent to teach religion; have to receive a special mission from the Church authority.

So we have this secular competence checked by the ministry and the religious competence checked by the Church authority. That is more or less concerning the content; the curriculum of this course. We have also some risky initiatives, for example, one of the possible conflicts could be the wrong conception of non-discrimination policies. In this sense, on the one hand, conditional schools at that moment religious authority has the right to decide who has right to attend those schools. Catholic schools are open for everyone but still, this decision should be taken by the school authority. And then it might be problems in entering to the school.

TG: Is it the case for teachers or students who would like to go to that school?

Prof. Mazurkiewicz: It can be teachers, students... If you are looking at some cases, they are involved teachers; professors from universities were employed and then fired. So there was the question if there is...

TG: The equal treatment?

Prof. Mazurkiewicz: Yes. Concerning the content, when you are looking at the soft law, the debate also in Poland, some deputies for example, stick on Catholic teaching on sexuality, also on moral practices; some call these deputies as homophobic. This is official Catholic teaching which you can find grounded in the Bible, and you can find this in the catechesis. So if one attempts to introduce any kind of obligation for the Catholic Church or change teaching in moral issues but when we just observe the debate at political institutions. That is what I would like to say about this issue.

TG: Okay, thank you for sharing your views. May I ask about other denominations and adherents of other convictions? As far as I am concerned, Muslims for example, can make their children learn their religion and there is no restriction or problems stemming from the practice. Do you think that it is related to the EU impact, or Catholic morality?

Prof. Mazurkiewicz: I think it is much related to the Polish history. Now, here in Poland there is probably around 93 percent of Catholics 3 percent of other Christians; 96 percent is Christian. But this homogeneity is there after the Second World War. Poland in the history has never been homogeneous. In the Polish Commonwealth, Poles and Catholics; they are not always the same groups by the way, formed about 70-75 percent of the total population. You can imagine for example also Muslim community in Poland, which was invited by the Polish King, six hundred years ago and they were real Polish citizens. Also they accompanied Polish King in Vienna against the Ottoman Empire and they were on the Catholic side. This is a part of the history and what was the understanding of the state, of the state constitution was first in the Western world in Poland, the word "tolerance"

appeared. This, you will find also in the Second Polish Republic, between two wars, a great diversity. If I remember correctly, we had around 16 laws concerning relations between Church, religion and state. So there was the main model which was established by the Catholic Church should be valid to all communities. As the main community established at the bottom, then other communities established.

This mindset is part of the Polish culture... When we consider the principle of equality you will find it reflected in the present Polish Constitution, which is called “proportional equality.” This is concept which means, for example when you are treating the Catholic Church in a way, you should treat in the same way to the Pentecosta Church, which is a very minority church. What does it mean? It means that all religions have the same right to organize religious education at schools formally. But when you start to organize religious education, it means that to a great extent this will be Catholic education and only to a very small percentage it will be by Pentacosta Church. So they are treated in the same way but this is giving a different result because of the proportions of the communities. At this moment you cannot just apply exactly the same rule but you should reflect what the equal treatment means, so that this is the model and you have to initiate with the Church, the respected churches, how they would like this law to be applied.

The framework, which is the legal framework, it would be very interesting for you just to look because there is the debate of religious education. This is something that you should consider because we have this for years in Poland, because we had different history. Also different philosophy; just to explain it to you; when you look at the map of Europe at the 15th century there were two borders of civilization, one was the Islam and the Catholic religion was de facto mobilization insight against Islam. In Poland, what was specific, because it was also at the border of civilizations, the main obstacle was that Catholic.... this was the main danger for the state of Poland. At that moment, the Polish King decided to organize a state with a union with Lithuanians and this union was created with two nations and with different convictions, in the sense that one from Catholic faith and the other from Orthodox faith. At the beginning there was also a Jewish community who had the old parliament in Poland. There was also a Muslim community that cannot vote but protects that border... So this was a heterogeneous state and tolerance was the main reason to preserve the state because if it starts a conflict among citizens, the state would disappear. This was a challenge, in a sense unique in Europe how to construct this multinational community but in a sense multi-cultural but there were the communities acted themselves.

TG: You are highlighting that Poland respected the existence of those communities in the past and that it is in a sense tradition to preserve different cultures even though it is much more homogenous than ever. Actually, this is one of my main remarks while investigating the state-religion relations in Poland; the evidence is much linked with its history than its Europeanization process.

Prof. Mazurkiewicz: When you reflect about the Polish culture, you can find two lines; one which is coming from the 16th century, and is called as Jagiellonian tradition. Pope John Paul II was one of the witnesses of this tradition. In the 19th century, foundation of Polish nation state was the second tradition which is new also.

When we look at why it was easy for Poland to become a member of the EU, this was also the expectation of John Paul II, it was because we had this experience from the union with Lithuanians, that we lived in the union which was possibly unique in Europe of that time, because that was a different union. We had many unions 15th and 16th centuries in Europe but these were unions of diplomacy, due to the marriages between the monarchs. In Poland, this was a union of nations with a contract between two nations.

TG: Thank you very much for sharing your views about religious education and Poland's EU membership.

Group interview with Muslim students and their parents of Turkish origin

13.11.2012, Residence of Turkish Embassy to Warsaw

(Kindly arranged by Mr. Ambassador Prof. Dr. Yusuf Ziya Özcan)

(Eda: 3rd class, Nihal: 4th class, Ahmet: 7th class, Sima: 4th class, Samet: 5th class, Kerem: 12th class)

Tuğba Gürçel: Şöyle bir soruyla başlayayım; şimdi mesela Katolik olan arkadaşlarınız din dersini okulda seçmeli olarak alıyorlar. Siz deseniz ki ben hiç almak istemiyorum din dersini, ne okulda ne de dışarıda camide. Böyle bir imkanınız var mı?

Öğrenci 1: Var.

TG: Yani siz kendiniz veya aileleriniz istediği için camide din dersi alıyorsunuz...

Öğrenciler: Evet.

TG: Peki sizin camide aldığınız bu dersin belirli bir müfredatı var mı? Biliyor musunuz? Yoksa daha çok Hoca hangi konuyu işlemek istiyorsa o mu işleniyor?

Öğrenci 1: Ben size bizim durumumuzu genel olarak anlatayım. Kardeşim 5. sınıfa gidiyor burada, ben lise sona gidiyorum. Bugüne kadar, ya din dersi ya filozofi dersi var, bu ikisinden birisini seçmek zorunlu. Burada bir avukat byle bir zorunluluk olmadığını

söyledi. Bir kağıt götürüyorsun, veli diyor ki oğlumun ne bu ne bu dersi almasını istiyorum, bunu imzalıyor, sonra dersi almıyorsun. Okul müdürüne bunu ilettikten sonra bir sorun kalmıyor. Yalnız ekstradan not gelsin diye, ortalama yükselsin diye mesela biz ekstradan din dersi zaten alıyoruz bu da karnemize geçiyor. Bu şekilde hem okulumuzda resmi bir şekilde başka bir yerde ders aldığımız gözüküyor hem de ortalama yükseliyor.

TG: Anladım. Bahsettiğin okul bir devlet okulu değil mi? Yani sen özel bir okulda okumuyorsun? Devlet okulundaki uygulama bu şekilde...

Öğrenci 1: Evet ben direk Polonya devlet lisesindeyim.

TG: Yani senin dışarıda camide aldığın dersin notu direk olarak karnene yansıyor, öyle mi? Din/etik dersi yazan kısmın karşısında, Hoca'nın verdiği notu okul yönetimine götürüyorsun onlar da karnene ilgili haneye yazıyorlar, öyle mi?

Öğrenci 1: Evet.

TG: Notun yazdığı kağıdı direk alıp götürüyorsun, kimse denetlemiyor, onaylamıyor; öyle mi?

Öğrenci 1: Kağıdı alıyorum, burada Müftülüğün kaşesiyle direk, yani her şey resmi bir şekilde oluyor. Okul da bunu kabul ediyor, kabul etmek zorunda zaten.

TG: Peki derslere katılma zorunluluğunuz var mı? Mesela camide yoklama alıyorlar mı?

Öğrenciler: Hayır... Yok...

Öğrenci 1: Buranın cami ortamı öyle diğer Avrupa ülkelerindeki Türkler'in cami ortamı gibi değil çünkü burada bir avuç olduğumuz için... Fazla çocuk da yok gördüğümüz üzere. Yani böyle bir ortam, şu anda gördüğümüz gibi. Öyle çok büyük bir topluluk değil, o yüzden çok da fazla sorun da olmuyor.

TG: Hepiniz Arap Camii'ne mi gidiyorsunuz?

Öğrenci 1: Yok ben başka yere gidiyorum. Burada Arap Camii var, Fethullah Gülen Hoca'nın Camii var, Süleyman Hilmi Tunahan Hazretlerinin Camii var; o cemaate ait cami var. Üç tane cami var Varşova'da.

TG: Bir de galiba bir Türk Camii inşa ediliyormuş... Duydunuz mu onu?

Öğrenci 1: Türk değil; Türkmen. Tam bilmiyorum ama minaresiz cami yapmaya kalktılar hatta bayağı olaylar oldu burada. Müftü'ye sorduğun zaman 2012 Temmuzun sonunda açmayı düşünüyorlar ama yetişemez zaten.

TG: Sen lise sondayım demiştin değil mi? Türkiye'deki gibi mi sistem?

Öğrenci: Burada sıfıncı sınıf var, o zaman Türkiye'de okula gitmiyorlardı ben gidiyordum. Sonra 1-2-3-4-5-6, ilkokul 6 sene; 3 ortaokul, 3lise.

TG: Bu durumda 12 yıllık eğitim var ama 6+3+3 şeklinde demek burada. Anladım. Aranızda hiç okulda Katolik dininin öğretildiği din dersini alan var mı?

Öğrenciler: Yok. Hayır.

TG: Hiçbiriniz bu dersi almıyorsunuz ama mesela öğretmenleriniz bazen dinden bahsediyor mu başka derlerde? Veya haç takıyorlar mı? Sınıflarda haç var mı? Yani genel olarak okulda dinle ilgili dikkatinizi çeken bir şeyler var mı?

Öğrenci 2: Şey var mesela, böyle girerken kapının üstünde haç var.

Öğrenci 3: Bizim sınıfın içinde var. Tahtanın üstünde.

Öğrenci 2: Evet, orada da var.

TG: Başka?

Öğrenciler: Yok.

Öğrenci 2: Ha bir de öğrencilere o kolyeden veriyorlar, biz hariç.

TG: Peki siz diğer arkadaşlarınızdan farklı hissediyor musunuz bu durumda? Dışlanıyor musunuz? Size kötü davranıyorlar mı?

Öğrenciler: Yok. Yok.

TG: Hepiniz burada mı doğdunuz?

Öğrenci 1: Ben bir yaşında gelmişim.

Öğrenci 2: Ben ve kardeşim öyleyiz, diğerlerini bilmiyorum.

TG: Hepiniz gayet güzel Türkçe konuşuyorsunuz...

Öğrenci 1: O da işte ailelerimiz sağolsun, onlar çok dikkat gösterdiler buna. Hepimiz önce Türkçe sonra buranın dilini öğrendik.

TG: Kendinizi farklı hissediyor musunuz peki? Mesela duyduğuma göre okullarda Katolik din dersleri günün ortasında, diğer derslerin arasında oluyormuş, var mı böyle bir şey?

Öğrenciler: Yok.

TG: Yani son ders de olabiliyor, ilk ders de, ortada bir saat de...

Öğrenciler: Evet. Aynen.

TG: Ama okul saatleri içinde oluyor, siz o saatte ne yapıyorsunuz?

Öğrenci 2: Biz de o saatte, şey... ne deniyordu o derse Türkçe'de?

Öğrenci 3: Ben kütüphanede bekliyorum hep.

Öğrenci 2: Bizi o saatte bir yere gönderiyorlar orada bekliyoruz biz.

Öğrenci 4: Orada bir öğretmen var, oyuncaklar var, çocuklar falan oynuyorlar. Kim gelirse bekleyebilir orda sonraki ders başlayana kadar.

Öğrenci 3: Ben bazen koridorda bekliyorum. Bazen ailelerini bekliyorlar ders bitince.

Öğrenci 4: O sınıfta oyuncaklar var. Senenin başında yazılıyorsun ya da yazılmıyorsun, ayda bir para veriyorsun, orada oynayabiliyorsun, öğretmen de var. Bazen orada boya yapabiliyorsun, öğretmen sana veriyor.

TG: Parayı ne için ödüyorsunuz?

Öğrenci 4: Orada öğretmen bizi bekletiyor diye, bizi koruyor diye. Yemek de oluyor. Kim istemiyorsa yazılmıyor.

Öğrenci 2: Yazılsak da yazılmasak da din dersi süresince bekliyoruz zaten.

TG: Mutlaka bir öğretmen gözetiminde oluyorsunuz yani...

Öğrenci 4: Mutlaka birkaç öğretmen oluyor.

TG: Peki okullarınızda bu din dersine katılmayan kaç kişi oluyor sizden başka?

Öğrenci 2: Bizim okulda Madagaskar'dan gelen biri var bir de Ukraynalı var.

TG: 3-4 kişi oluyorsunuz o zaman mesela derse girmeyen, dışarıda bekleyen...

Öğrenciler: Vietnam'dan var. Afrika'dan gelen biri var bizde.

TG: Kendi okulunda tek başına bekleyen var mı hiç?

Öğrenci 1: Ben.

TG: Bir sıkıntı yaşıyor musun peki?

Öğrenci 1: Yok yaa... Ben alıştım artık. Yani sonuçta sıkıntı yaşayacak bir şey yok, her şey resmi. Hekes benim ne olduğumu biliyor, ne olduğumu herkese göstermiş bir kişi olarak bir sıkıntı yaşamıyorum.

TG: Senin yaşın daha büyük olduğu için, net bir şekilde souyorum; hiç dışlandığın oldu mu din derslerine girmediğin için... Müslüman olduğun için... Arkadaşlarından, öğretmenlerinden?

Öğrenci 1: Yok, öğretmenlerden kesinlikle öyle bir şey yok. Ama şöyle diyeyim, küçük yaşlarda; bunlar daha yaşamazlar, inşallah da hiç yaşamazlar ama be yaşadım yani öyle. Büyüdükçe, zaman ilerledikçe, dediğiniz gibi farkındalık fazlalaşınca arkadaşlar

arasındaki bađ da deđiřiyor tabi. Araya bařka řeyler giriyor... yařadım, yařamadım deđil ama bunların üstesinden de bir řekilde gelmeyi bařardım. řu anda bir sıkıntı yok yani ya da alıřtım bana öyle geliyor. Üstüne gitmeyi de deniyorsunuz, bir zamandan sonra yetmiyor. Üstüne git nereye kadar, kendini yormaktan bařka bir řey deđil.

TG: Bir de tabi bu yařlar biraz öyle yařlar, herkesin biraz kendini kimliđini ortaya koyduđu; lise dönemi özellikle, en ufak farklılık göze çarpıyor. İlla konunun din olması da gerekmiyor, Türkiye’de veya bařka bir ülkede de aslında yařıtlarınız benzer kimlik belirleme çatıřmaları yařıyorlar. Fakat anladığım kadarıyla sistemik bir baskı veya dıřlama sözkonusu deđil.

Öđrenci 1: řöyle söyleyeyim, bizim için Almanya, Belçika, Hollanda; oraları toplarsak burası oralardan daha rahat. Çünkü orada insanların kendilerini kabullendirme gibi bir dertleri oluyor. Burada yok.

(Bir öđrenci daha geliyor)

TG: Öyle bir farklılık görüyorsun. Peki. Siz her haftasonu camiye gidiyorsunuz deđil mi? Bir saat mi?

Öđrenci 1: Deđiřiyor. Yani ben yeri geldiđinde sabahtan akřama kadar orada kalıyorum.

Öđrenci 2: Evet ben de öyle.

Öđrenci 1: Yani oradaki ortam nasıl müsaitse, genellikle müsait oluyor.

TG: Camide sadece Türkler olmuyor tabi...

Öđrenci 1: Tabi. Bizim gittiđimiz yerde sadece Türkler var.

TG: Nereye gidiyordun sen?

Öđrenci 1: Biz Süleyman cemaatinin camiine gidiyoruz.

Kıvılcım Metin: Hepiniz o camiye mi gidiyorsunuz?

Öđrenciler: Yok biz Arap Camii’ne gidiyoruz.

Öđrenci 2: Suriye’den bir Hocamız var bizim.

TG: Nizar řerif Hoca deđil mi?

Öđrenci 2: Evet Nizar řerif Hoca.

TG: Peki ne kadar zaman geçirmek istiyorsanız orada, o kadar geçirebiliyorsunuz ama en az ne kadar orada olmanız gerekiyor? Yani ders kaç saat?

Öđrenciler: Üç.

TG: Neler öğretiyorlar?

Öğrenci 2: Din, yani Kuran'dan. Bir de Arapça.

TG: Din olarak sadece İslam dinini mi öğreniyorsunuz yoksa başka dinler de anlatılıyor mu?

Öğrenciler: Sadece İslam.

TG: Bir de tabii pratiklerini öğreniyorsunuz değil mi? Mesela namaz nasıl kılınır, abdest nasıl alınır... İlk önce bunları öğretiyorlardı, sonra da her sefer pratik ediyorsunuzdur. Öyle mi?

Öğrenciler: Evet. Öyle oluyor.

TG: Peki oruç tuttuğunuz zaman mesela, arkadaşlarınızdan öğretmenlerinizden tepki alıyor musunuz?

Öğrenciler: Yok hayır.

Öğrenci 2: Oruç tuttuğumuz zaman öğretmenlerimize söylüyoruz, dikkat ediyorlar yanımızda yememeye.

TG: O kadar hassas davranıyorlar yani.

Öğrenci 2: Evet, bizden bile çok dikkat ediyorlar.

Öğrenci4: Ama bazen öyle insanlar oluyor ki, bilerek yanında içiyorlar... Benim bir kere arkadaşım yapmıştı. (gülüşmeler)

TG: Onu Türkiye'de de tutmayan biri tutan birine yapabilir, biraz kişiyle alakalı sanki. Peki din dersi notlarınız nasıl? Düşük not alan var mı aranızda?

Öğrenciler: Yok hayır.

Öğrenci 5: Ben 3 aldım 6 üzerinden. (gülüşmeler)

TG: Bu dersten aldığınız not direkt not ortalamınıza dahil oluyor değil mi?

Öğrenci 2: Biz gösterirsek aldığımız notu dahil oluyor, göstermezsek olmuyor.

Öğrenci 1: Yok yani dersi almışsan not kağıdını okula vermek zorundasın yoksa sıfır almışsın gibi olur.

TG: Peki okulunuzda etik dersi için sınıf açılıyor mu? Var mı o derse katılan arkadaşlarınız? Mesela Polonyalı ama din dersine gitmek istemiyor okulda, etik dersine gitmek istiyor. Var mı öyle?

Öğrenci 5: Benim sınıfımda bir tane var.

TG: Bütün sınıflardakiler birleşip bir etik sınıfına giriyorlar değil mi? Mesela 10 tane 6. Sınıf öğrencisi?

Öğrenciler: Evet.

Öğrenci 2: Bizde öyle değil. Bizde din dersine girmeyen herkes o diğer sınıfa gidiyor.

TG: Etik dersinin açılması konusunda Polonyalı arkadaşlarınızın şikayet ettiğini duyduunuz mu peki hiç?

Öğrenciler: Hayır.

TG: Din hakkında rahat konuşabiliyor musunuz arkadaşlarınızla?

Öğrenci 1: Bana soruyorlar mesela sen niye din dersine girmiyorsun burada oturuyorsun diye. Ben de açıklıyorum, belirtiyorum durumumun ne olduğunu. Camiye gidiyorum oradan aldığım notumu da getiriyorum diyorum. Arkadaşlar ondan sonra daha çok merak edip soruyorlar, ben de açık bir şekilde sordukları soruların cevabını veriyorum.

Öğrenci 3: Bazıları anlamıyorlar hep soruyorlar niye öylesin niye böylesin...

Kıvılcım Metin: Demek ki konuşuyorlar aralarında...

TG: Merak ediyorlar demek ki birbirlerini... Dışarıda alındığı için bu ders, ne yapıyorlar orada diye daha çok merak ediyorlardır.

Öğrenciler: Evet

TG: Sizin bana anlatmak istediğiniz başka bir şey var mı din dersleri ile ilgili?

Öğrenci 3: Bir düşüneyim... (Gülüşmeler)

Öğrenci 1: Ben şöyle söyleyeyim; burada din dersine girenler aslında çok da inançlı oldukları için değil. Polonya'da dine bağlılık gün geçtikçe azalıyor. Gençler daha çok dinlerinden ayrılıyorlar. Daha çok böyle hayatı yaşamak dediğimiz hayat tarzlarını tercih ediyorlar. Buranın yaşlıları genellikle dinlerine sahip çıkan insanlar, gençler de zorla kiliseye gidiyorlar. Sorduğum zaman, yani senin dinin sana bunu yapmayı emrediyor sen niye kiliseye gitmiyorsun dediğimde, ben şunu şunu kabul edemiyorum diyor. Yani kendilerine göre din yapıyorlar. Yani bir dine inanacaksan, o din ne diyorsa onu yapacaksın, kendine göre din yapamazsın. Benim eklemek istediğim bu.

TG: Evet önemli bir noktaya temas ettin, bu bahsettiğin Polonya'da dindarlığın azalması, gençlerin kiliseye gitme sıklığının azalması falan yapılan istatistiksel çalışmalarda da gözlenebiliyor. Gençlerde neden azalıyor acaba dindarlık? Okuldaki din dersleriyle ilgisi olabilir mi mesela? Sizin okullarınızda din adamları mı gelip bu dersi veriyorlar?

Öğrenci 1: Evet tabi.

Öğrenci 3: Bizimki kız.

Kıvılcım Metin: Bir de Hoca Hanım var, Hoca Hanıma gidiyorlar; onu demek istiyor herhalde. Kızlara Hoca Hanım veriyor dersi camide, değil mi?

Öğrenci 3: Evet.

Öğrenci 1: Onlarda öyle bir şey yok tabi; erkeklere erkek hoca kızlara bayan hoca gelip anlatmıyor. Bizim dinimizdeki gibi bir özen yok bu konuya.

TG: Sizin camide işlediğiniz dersin içeriğini kontrol eden kimse var mı? Ya da katılıp katılmadığımızı?

Öğrenciler: Yok hayır.

Öğrenci 1: Benim yok, diğer arkadaşları bilmem. Not kağıdını alıp direk okula götürüyorum. Derse girdim mi girmedim mi, ne öğrendim haberleri olmuyor.

TG: Sizin din dersiniz kaçınıcı sınıfta başlıyor?

Öğrenciler: Birinci sınıfta.

TG: Peki din dersini almasan etik dersini mutlaka alacaktın değil mi not için?

Öğrenci 1: Tabi.

TG: Ailen nasıl bir beyanda bulundu hatırlıyor musun? Yazılı mı sözlü mü?

Öğrenci 1: Benim durumumda yazılı beyanda bulundular, hem çocuğumun etik dersine gitmesini istemiyorum diye hem de ben din dersini dışarıda aldıracağım diye.

TG: Bu beyanlar her yıl yenileniyor mu?

Öğrenci 1: Tabi her sene başında bunu yazıp veriyoruz.

(Veliler katılmaya başlıyor.)

TG: Benim veli olarak size de sormak istediklerim var, sorabilir miyim?

Veli 1: Tabi ki.

TG: Biraz önce arkadaşlarla da konuştuk; çocuğunuz okulda din ve etik dersine girmesin diye ayrı ayrı dilekçe veriyorsunuz değil mi?

Veli 1: Evet doğru, tercihi size bırakıyorlar yani mecburiyet yok. İkisine de girmek zorunda değil ama iki dersi de almazsa ortalamaları düşüyor. O yüzden dışarda bu dersi alması hem dinini öğrenmesi açısından iyi hem de notu yükseliyor. Biz öncelikle dinlerini öğrensinler diye yaptık. Kerem mesela ilk iki yıl gitmedi bildiğim kadarıyla. Biz

de mesela ilk başta camiden alınan notun sayılacağını bilmiyorduk, sonradan öğrendik de okula vermeye başladık not kağıdını. Bizim için öncelik çocuklarımızın dinimizi öğrenmeleri, not sonradan öğrendiğimiz artı bir şey oldu. Yani çocuğumuzu hiçbirine vermesek de olur. Mesela benim çocuğumun sınıfında bir Yehova Şahidi var. Başka derslerde, mesela el işi dersinde, müzik, resim dersinde Paskalya yaklaşıırken bazı şeyler yaptırıyorlar. Mesela o aile çok katı bir şekilde çocuklarının o tür etkinliklere bile katılmasına izin vermiyor. Bu konuda öğretmenlerle çok ciddi tartıştığımı da hatırlıyorum. Öğretmenlerin de bunu bilinçli bir şekilde yaptığına inanmıyorum, o anda böyle sürü psikolojisi gibi... Bir etkinliği yaptırırken bir çocuğu ayırt etmek istememekten dolayı yapılan bir şey; ondan dolayı resim çizdirebiliyor, yumurta boyattırabiliyor, çam ağacı süslettirebiliyor... İsterse katılmayabiliyor da çocuk, öyle bir zorlama falan yok.

TG: Bizim Türk kökenli Müslüman ailelerin pek bir şikayeti yok gibi anlıyorum; çok fazla dışlanma şikayeti duymadım...

Veli 1: Benim çocuğum daha ilkokulda, bizim eve çok yakın bir yere veriyorum ben. Küçük bir okul, her seviyede bir sınıf var. Orada nasıl oluyordu Erhan? Papaz mı geliyordu sınıfa?

Erhan: Öğretmen geliyor.

Veli 1: Peki kiliseye de gidiyorlar mı?

Öğrenciler: Evet bazen gidiyorlar.

Veli 1: Pratik zamanında herhalde...

TG: Okul saatleri içinde yani?

Veli 1: Tabi tabi, din dersini bazen kilisede işliyorlar.

Öğrenci: Kiliseler zaten okula çok yakın, yürüyerek hemen gidiyorlar.

Veli 1: Çok dindarlar. Mesela okulların açılışında kapanışında burada mutlaka Papaz vardır. Ama bizim çocuklara bu yönden bir baskı uyguladıklarına ben şimdiye kadar şahit olmadım. Dolaylı oluyordur belki, bizim de fark etmediğimiz... Ama bir baskı, ayırım, zoraki bir şey ben görmedim şu ana kadar. Aksine bir de bizim okul ufak olduğu için müdüründe öğretmene kadar pozitif bir ayrımcılıkla karşılaşıyoruz, bizim çocuklarla daha fazla ilgileniyorlar daha fazla onları tanımaya çalışıyorlar. Mesela bizim çocuklardan Türkiye hakkında bilgi ediniyorlar. Mesela dinle veya farklı bir şeyle alakalı olsun... Size bir şey yaptırmışlardı çocuklar hani saraya gittiğinizde... Sen kapanmış mıydın? Berke sen de nasıl namaz kılınır onu mu göstermiştin?

Öğrenciler: Evet.

Veli 1: Artık bizden de bir şeyler öğrenmeye çalışıyorlar. O bakımdan ben bizim okulda bir baskı veya ayrımcılıkla karşılaşmadım.

TG: Size de camideki din derslerinin içeriği ile ilgili bir şey soracağım, bu içerik herhangi bir kurum tarafından onaylanıyor mu? Eğitim Bakanlığı mesela?

Veli 1: Yok hayır kesinlikle. Ama dersi saydırabilmeniz için Müftülüğün onayladığı camilerden birine göndermeniz lazım çocuğunuzu. Mesela Türk Camii de var burada ama Müftü onu onaylamadı dolayısıyla çocuğun oradan alacağı not geçersiz olur okulda.

TG: Kendi içinde denetleniyor farklı dinler yani...

Veli 1: Evet. Siz hangi açıdan inceliyorsunuz?

TG: Ben devletin dine karşı tutumunu din dersleri üzerinden anlamaya çalışıyorum. Elbette pek çok gösterge var ama din derslerinin düzenlenmesi oldukça fikir veriyor.

Veli 1: Son yıllarda liberalleşti burada toplum. Haç sembolünün Parlamentodan çıkarılmasını istiyorlar mesela. Bir de şey var, Katolik Kilisesi burada ev ev dolaşip yardım topluyorlar. Yardım gördükleri evin dış kapısına da tebeşirle Üç Kral'ın isminin başharfını koyuyorlar işaret olarak. Bu sefer yardım yapmayanlar da şöyle tepki gösteriyorlar, bizi ifşa ediyorlar diyorlar. Bu işaretin olduğu evler dindar olmuş oluyor. Kilisenin öyle bir ağırlığı var. Kilisenin burada hala yoğun bir ağırlığı var devlet politikasında. Liberal kesimle gerginlik var. Hatta hükümet de bu kiliseye yapılan yardımı da ya kesmeye ya azaltmaya doğru bir adım attı ama sonuçlandırdı mı bilmiyorum.

TG: Bildiğim kadarıyla tepkiyle karşılandığı için sonuçlandırmadı. Hükümetin hatta izlediği politikalar bakımından biraz daha liberal eksene doğru kaymaya başladığını söylüyorlar.

Veli 1: Evet çok doğru biraz sola kayma var, aslında sağ menşeli, ortada durmaya çalıştı ama liberal tarafa kayabiliyor. Karşısındaki muhalefet partisi de çok milliyetçi aşırı dindar ciddi potansiyeli olan bir muhalefet. Din konusunda aslında Türkiye'yle benzer şeyler yaşıyorlar ama tam tersi; din burada ağırlığını biraz kaybetmeye başlıyor devlet politikası olarak; devlet onu ayırmaya çalışıyor. Bizde de din sanki şimdi biraz kazanmaya başladı.

TG: Sizin deneyiminiz üzerinden gidecek olursak, siz kaç yıldır buradasınız?

Veli 1: 20 sene olmuştur.

TG: Ne amaçla gelmişsiniz?

Veli 1: Bir sene yurtdışında çalışıp askerliği bedelli yapmak istiyordum. Arkadaşın fabrikasında çalışmaya geldim. O bir sene oldu yirmi sene...

TG: Size bunu rahatlıkla sorabilirim öyleyse, 90'lı yılların başından beri burdasınız, 2004 AB üyeliği öncesi ve sonrası olarak bakacak olursak, din ve din eğitimi açısından bir değişiklik görüyor musunuz? Mesela bu bahsettiğiniz dini sembollerin tartışılması...

Veli 1: O konu çok yeni, yaklaşık birkaç senedir tartışılıyor. Daha öncesinden çok aklımda kalan bir şey olmamış. Kürtaj meselesi de çok tartışılıyor. Bu liberal sağ kanat açılınca, bu hükümetle birlikte özellikle daha liberal bazı kararlar alınmaya başlandı. Hatta geçenlerde Palikot, parti başkanı, esrar kullandı meclisin içinde. Liberal kanat özellikle dini hedef alarak, din karşıtlığını kullanarak bir potansiyel oluşturmaya çalışıyor. Bunlar 2004'ten sonra çıkmaya başladı ama esas son 2-3 senedir özellikle arttı. Burada bir de şey var devlet politikasında etkili olan, bir rahibin kurmuş olduğu radyo, televizyon kanalları ve çok ciddi potansiyelleri olan bir cemaat önderi; onun çok ciddi bir belirleyiciliği var mesela parti kuracak kadar, hükümeti ayıracak kadar... Kilisenin hala daha çok büyük bir ağırlığı var devlet politikasının belirlenmesinde. Benim gözlemlediğim burada dindarlık daha çok yaşlı kesimde; gençler o kadar dindar değil. Pazar günü kilisenin yanından geçerken bile fark ediyorsunuz bunu.

TG: Dini sembollerini konuşurken hep Hristiyanlığa ait sembollerini konuştuk, başörtüsü sorunu oluyor mu burada? Mesela öğrenci başörtüsüyle okula gidebilir mi?

Veli 1: Tabi tabi sorun olmaz. 11 Eylül'den sonra biraz etkilendilerse de burada yaşayan Müslümanlara karşı çok hoşgörülüler.

TG: Sayı olarak nasıl peki? Varşova'da yaşayan Türk kökenli Müslüman aile sayısı nedir?

Veli 1: Çok bekar yaşayan da var ama 100 hane var mıdır bilemiyorum...

(Tüm veliler (babaları) geliyor ve öğrenciler diğer salona geçiyor)

TG: Varşova'da kaç tane cami var?

Veliler: 3 tane ama cami değil de mescit denebilir daha çok. Resmi olarak 2 tane var ama.

(Kendi aralarında konuşmalar)

Yusuf Ziya Özcan: Tuğba Hanım siz sorun sorularınızı velilerimize...

TG: Tamam, teşekkür ederim. Merak ettiğim bir şeyi sorayım hemen, hiç çocuğunu din dersi yerine etik dersine gönderen veli var mı aranızda?

Veliler: Yok.. Yok.

Veli 2: Benim çocuğum gittiği okulda tek Müslüman. Bunlar da yüzde 99 din dersini alıyorlar. Benim çocuğum etik dersini alsın istemedim, bu ders sırasında 45 dakika bir

sınıfta stajyer öğretmenle duruyor, matematik falan çalışıyor. O yalnız kalmasın diye stajyer öğretmen veriyorlar. Bu bir devlet okulu. Onun o 45 dakikasını değerlendiriyorlar.

Veli 3: Bu arada şuna da bakmak lazım; ilkokul, ortaokul ve lise eğitimlerinde bu oranlar çok farklı. Mesela bizim ufak oğlan özel okula gidiyor, bir mahallede bir Polonyalı'nın açtığı Polonya özel okuluna gidiyor. Genel olarak benim gördüğüm, aileler eğer ateist değilse, çocuklarına bu dönemde din dersi aldırarak istiyor çünkü bunlarda vaftiz töreni yapılıyor. Eğer çocuk din eğitimi almamışsa o yaşa kadar, papazlar vaftiz töreninde ters gidiyorlar. Yani hayatın boyu camiye gitmemiş namaz kılmamışsın imam nikahı istiyorsun gibi bir durum oluyor. O yüzden aile ateist değilse mutlaka çocuğuna din dersi aldırıyor vaftize kadar. Ama mesela şimdi Kerem'in sınıfında, lisede, 25 kişilik sınıfta 8 kişi din dersine girmiyor. Bu ciddi bir rakam.

Veli 4: Polonya tüm Katolik ülkeler içinde en ağır Katolik olanı. Bunu en başta belirtmek lazım.

Veli 3: Evet ama buna rağmen, kanunlar önünde, çocuğunu din dersine göndermek için kağıt yazmak zorundasın göndermemek için değil. Yani ben göndereceksem imzalıyorum. Çünkü ben öyle bir sıkıntı yaşadım burada. Araştırdık, Avrupa'da, bu AB içerisinde bir şey var; aile isterse ben imza verirsem gidiyor. Fakat bunlar tabii böyle söylenmiyor. Ben tabii sıkıntı yaşadığım için avukata sordum, avukat söyledi bana; kanunen zorunluluk yok, attığımız imza izin aslında. İmzalamazsan senin çocuğunu ne din dersine ne etik dersine sokabiliyorlar.

Veli 5: Şöyle ki, bizim çocuklara burada zorlama yok. Biliyorlar ki bu çocuk müslüman, rahatsız olmuyorlar. Ama Polonyalı çocuklar için mahalle baskısı var, Katolikse ve din dersine girmiyorsa biraz şey bakıyorlar. Bir de bunların din dersi çok serttir. Papaz girdi mi sınıfa sınıftan çıt çıkmaması lazım. Son veli toplantısında iki tane veli şikayetçi oldu bizim öğretmene; dediler ki papaz çok baskı yapıyor çocuklara.

Veli: 15 sene sonra burada din diye bir şey kalmayacak göreceksiniz. Hollanda gibi olacak buralar.

Veli: Burada 18-40 yaş arası insanları kilisede göremezsiniz. Daha çok 60 yaş üstü ve 5-6 yaşında torunlar...

TG: Az önce Cevdet Bey'e de sordum, sizce Polonya'nın AB üyeliği ile keskin bir değişiklik oldu mu yoksa Komünist rejimin yıkılması sonrası yavaş yavaş yaşanan bir değişim mi var bu konu ile ilgili?

Veliler: Öyle siyah beyaz gibi bir fark yok. Hiç yok.

Veli 2: Komünizmden sonra çok ciddi bir dindarlaşma oldu tabii. Ama burada kırsaldaki din ve ahlak anlayışıyla Varşova'daki farklı tabii. Türkiye'de de öyle.

**Interview with Mr. Konstanty Gebert, journalist, democratic opposition activist,
Head of European Council on Foreign Relations, Warsaw**

14.11.2012, Warsaw

Mr. Konstanty Gebert: I find comparing Poland and Turkey fascinating because I think that there are actually very serious analogy in the way that religion functions and political parties. And also in the recent political history of being governed by non-democratic militarist secularist regimes which immediately put religion under cache for being opposition but at the same time it had pushed some people normally against the regime, into the arms of the regime out of the fear of the priests and *mollas*. I remember years ago, we had a day long conversation with Orhan Pamuk explaining Polish case; I said look, how is it possible for people together with *mollas* against the generals that was really disastrous for him and he saw that the *mollas* are the biggest threat to the freedom than the generals. From our perspective, the opposite is true. I think it is evident. As a person from Turkey, you can immediately see, it is not really about religion. It is about political identity, it is essentially about provincial conservative middle class that demand to be respected. It usually happens, it is looked down the middle class or the provincial, and they are becoming as in any normal democratic society an important element of the social makeup. And if you are very uncomfortable with the criticism media because they take it personal, and say that I want to be respected for what I am. If I want to wear a big cross, or if my wife wants to wear a headscarf, we expect respect for that. I certainly did not see how the classical liberal position can give offense but it is not theological. That is the same conservative provincial middle class will probably not encourage the mosque or church takeover of the state because they want anybody meddling this policy. Right now, it is the state that does it so they oppose it. I do not think that they would let *mollas* of the priests have a word on their sex lives for example, or education opportunities for their children. So here the analogy I think is very strong and very often misread. So at least this is my contention.

TG: What was very interesting to me while comparing the countries in terms of religious education at schools, I realized despite the image of Poland of being very religious country, the way that religion and ethics courses is organized at least in the legal framework, seems to be very liberal compared to Turkey.

KG: You see, all depends on the perspective. From our perspective, the religion courses in school are major problem. We did not have them until the end of Communist regime, the Church worked very hard to bring back the religious instruction at schools. And then,

not only liberals like me were unhappy but many Catholic parents said; okay we had those parish schools already, and most if not all Polish students who wanted to get religious instruction, got it in parish schools. If it was not to bring religious instruction that was previously unavailable we would be in favor of it but to bring it into the state schools as yet another subject to be learned and that what we are against. Not the law actually is locally civilized, the school authority is not obliged but can organize religious education, it is supposed to take place as the first class or the last class and all these are lacking answers. The schools all organize religious instruction, and religious instruction takes place only in the middle of the day. The one or two kids who do not take religious instruction are excluded. Religious instruction is being assessed and the grade you get is part of your general grade for graduating to pass the class. Crucifixes are now fixed in the classrooms and in occasional cases like recently we had in Warsaw; a school headmaster organized a referendum amongst parents whether to have crucifixes or not. And the crucifixes one two to one, no surprise. This is a method; asking people people's opinion at folk. From my perspective, that is a very unhealthy practice.

One issue about Poland even more than Turkey, we are religiously homogenous. In Turkey at least there are Alevis. Poland declared itself to be 90 percent Catholic, which means that religious instruction means Catholic instruction. The school of course feels obliged to organize religious instruction if there are seven or more kids who want it but to have seven or more non-Catholic kids of the same religion is practically impossible. Furthermore, in serious schools have the obligation to organize classes of ethics but the school does not because it has no teacher and does not have the money to hire them so kids that do not take religious instruction, take no instruction.

TG: Last evening I could come together with Muslim families of Turkish origin and they said that they can easily send their kids to the mosques to get religious instruction and that the grade given there is accepted by the school administration and counted towards the cumulative. They added that it is the case in most of the schools in Warsaw but that they are not sure about the rest of Poland. They were not sure whether ethics classes are arranged for the students who choose it and do not want to attend religious instruction.

KG: No, they are usually not arranged. But kids of foreigners taking religious instruction mostly are not a problem. Turkish part is not considered to be a part of the national community so it is not a problem if they take religious instruction, Islam, Buddhism or ethics or whatever else. But if you are a Polish citizen, by not taking the classes of Catholicism you depart the consensus. There is an expression in Polish language: "Pollack Catholic;" it means that a Pole is a Catholic, the two were identical. For most of them if you are not Catholic you are not really Polish. So if your Turkish parents apply for Polish citizenship, and receive it, and then I think it would be expected to prove that they really become Polish...

TG: And Catholic...

KG: Eventually, the practice of religion not in the Catholic religion, it is religion. In public opinion polls they ask; “are you a believer?” and they do not ask you what religion. Because there is the understanding that if you are a believer; then you are a Catholic believer. I say to the pollster when they ask “are you a believer?”, “you mean am I Catholic?” they say yes, I say no, then they say “oh you are an atheist!” I say no, and they say but you said that you are not a believer.

TG: You are Polish citizen, right?

KG: Yes.

TG: So your situation is different than the Muslim Turkish families and the Catholic Poles...

KG: Yes, except that Polish society has by now accepted the idea that Jews are a legitimate part of the national fabric. (17:00) Weird, different but they are somehow others. Because I am explicitly religious as a Jew, actually I can imagine people being happy to see that I am religious Jew, Christian, Muslim or whatever... If I were a secular Jew, I would be expected to attend Catholic religion class like everybody else, because I do not have the excuse of my own religion to prevent my children about religion. So it does get complicated.

TG: Do you have children?

KG: Four.

TG: Did you have difficulties during their education lives?

KG: Yes. There had been difficulties for some more and some less. My elderly daughter is thirty six. So they started their education under deep Communism and there had been some problems but not because they were Jewish, the system in this sense was color-blind. But religious instruction reintroduced in schools in 1992, and the school refused to do anything about it and then we went to another state school but the problem was evident. On the personal quality of the people who are teaching, they had masters. My youngest son was lucky enough, young enough to be able to go to the Jewish school and he liked it a lot. He also discovered that there are kids who are not actually Jewish and we were surprised. So he did not have the experience that my other kids had, which is being Jewish means being alone.

TG: So now there are Jewish schools in Poland...

KG: We have three now, one in Warsaw and two in Wroclaw. The one in Warsaw, Lauder – Morasha School, has all the classes from kindergarten to junior high. These are great schools.

TG: When they were founded, do you know?

KG: 1993 or 94. We do not still have senior high but we are in cooperation with few high schools in the state system that have a special program of multi-culti. They are happy to accept other kids because they expand their program.

TG: Your other kids who attended to state schools, did they take ethics courses?

KG: No, they did not take religion or ethics classes, they experienced the whole way, there was nothing else proposed. These classes were in the middle of the day. The school actually made some half-hearted efforts for opening ethics class for one semester I think, so there was a class of ethics, but this did not continue, nobody was really very serious about it.

TG: I learnt that Muslim students of Turkish origin take religion education outside of the school; at mosque actually and then the grade they bring to the school is counted in the cumulative. Did you do a similar thing?

KG: No, we do not have a Jewish education system that was functional.

TG: So did your kids have lower grades in terms of cumulative?

KG: Until they graduated, grade from religion was not included in the general grade. So they had a school certificate with all the subjects listed where it says: Religion; no pass or fail but a straight line, which technically indicates that my kid is not taking that class. Now there is a grade.

TG: Okay, I see. Do you think that there had been any change after the EU membership; in terms of state-religion relations at first, and then for religious education?

KG: Yes, there has been a change in the sense that they are legal. The Polish judicial system is slanted in favor of the Catholic Church. In part, by virtue of the law, for instance, electronic broadcasters are bound by law to observe the Christian system of values. No other system of values is protected but the Christian system of values. In no other law but the one on the electronic broadcasting... and this is never detected in courts because... I am very curious about the Christian system of values, or the Muslim, or the Jewish, or humanist or whatever... I guess it would be all the same thing, just the dedications might be different but I do not think that Christians follow a different system of values than I do or you do. But we had such cases of people saying that their religious sentiments are insulted by artwork, for example. A glamorous case which was 10-12 years ago, we had an exhibition in the most important modern art gallery in Warsaw, it included a famous sculpture by Castellani, a famous Italian artist. A MP stated that this image of John Paul II offended his religious feelings. In other cases we had people go on trial and in the most cases be sued. There are such cases of long trials, people are sentenced for offending religious feelings. In practice it is much easier to go to the court in defense of religious feelings than in defense of non-believers' or other believers'

rights. But it functions not in the direct sphere of implementation of religious affections but in the consequences of it. For example, Poland has a very severe anti-abortion law; abortion is only permitted in the cases of rape, great danger of self of the mother or the fetus and that is it. There are two cases about it; one a very ill woman who was pregnant and could not get an abortion even though a medical documentation was there. And in another even more dramatic case, a fourteen year-old girl got pregnant as a result of rape and the hospitals refused to perform the abortion. The doctors, as good Catholics, they refused to perform abortion. Both cases show that abortion could not be performed because of ethical reasons even though there was a medical necessity. The first woman could not find a hospital but she gave birth to a healthy child and she survived too. But both cases were brought before the ECtHR, for non-implementation of a legal obligation. In both cases the Court found Poland guilty and it paid the applicants remedy. This is as far as it goes. When the Court ruled in the famous Italian case about the crucifix, the Polish Parliament promulgated resolutions condemning that decision. But clearly, the EU does not want to rule on cases of conscience and prefers to leave it to individual jurisdictions; what it wants to prevent is discrimination based on religious convictions and it was clearly seen in the two abortion cases.

TG: There is also a case which was brought before the ECtHR concerning the religion and ethics courses at schools in Poland...

KG: I do not remember that case.

TG: Grzelak Case.

KG: Yes, true but I do not remember the details of that case but the problem is, the Court will of course agree that the religious correlation is not acceptable but whether the presence of crucifix, is acceptable is a matter of opinion not a matter of legal... I believe that the cross should not be practiced at schools but can be practiced at hospitals because the need of believers in the institutions of suffering, to have a comforting sign objectively is bigger than my need not to see a sign certifying that this is space that belongs to another religion. So at hospitals, I do not mind it at all. In schools, if there is a separate class where there is the symbol of Christianity but at the same time the school is ready to provide classes for other religions and put the sings of them, it is acceptable. But in general class, no, because crucifix has low-bearing. Does a state employee have the right to wear religious symbols? Yes. Does s/he have the right to practice in the middle of the day? No. What I wear or I do not wear is within limit of reason and is about my personal freedom and I do not want the state regulating headscarves. I should be able to wear kippa but I certainly would not request to put a Jewish religious symbol at the door of my office because it is a public place, not my private religious space.

TG: So in Polish state schools all the religious symbols are allowed; students can wear crucifix, kippa or headscarf...

KG: Yes. Although it is very infrequent among Jewish kids to wear kippa at schools, especially because Jewish students coming from religious families do go to a Jewish school. I heard the cases of Muslim students being harassed for wearing headscarves.

TG: Is it different inside and outside of Warsaw?

KG: Yes, but not dramatically. But the problem is that as this is a very homogenous society people are still astonished when they see someone different on the street. It is even more astonishing that the one who is different is living like the rest of us; taking the tram, in the classroom... And there is also the general image of Muslim as the threatening other; the terrorist. In that sense wearing a headscarf may seem more dangerous than wearing a kippa.

TG: Yes, this is understandable given the image produced as a result of 9/11 in all over the world... Turning back to my starting point where I compared Turkey and Poland and said that in Poland there is a more liberal environment for the conduct of religious education compared to Turkey, I just meant that here in Poland the problems are stemming mostly from the practice.

KG: Yes, you are right.

TG: In Turkey, on the other hand, there are much more structural deficits in the conduct of religious education, the problems are mainly stemming from...

KG: Ideology...

TG: Ideology and laws actually. As you are an expert on Turkish politics, you might be familiar with the fact that religious courses are compulsory and this is guaranteed by the Constitution.

KG: Yes, I know I know...

TG: So the situation is very different than Poland in that sense. I was wondering whether the EU membership would open a path to...

KG: One of the things that you would have to do is to include into your legislation the separation of church and state and it is impossible to do that in the Constitution. The EU does not regulate how your Constitutions should treat in the field of the separation of church and the state. I think Polish Constitution is a very good example because we had serious war about the position of religion in the Constitution. It was solved, I think, in a very brilliant way that is the Preamble to the Constitution. The Preamble is not a legal part, it is not law so we cannot draw legal consequences from it. It says; "we those who draw our belief from true, good and beauty from our relation with God and we who draw these beliefs from other sources, all the citizens of the Republic together, we here do promulgate this Constitution...." So the basic demand, it is for sure a religious demand,

for Catholic believers that God be explicitly mentioned in the Constitution, there was a majority requesting this, and it was met. But God was not mentioned in the religious way on a legal context. At the same time, it is mentioned that the difference is in the source of our values but not in the nature of our values. We share the same values, only we may draw these values from the different sources. I find this as a beautiful compromise where the objective is to satisfy all legitimate demands. I think it is a good example.

TG: Yes, I agree but Turkish case is much complicated I think. We do not have a reference to religion or God in our Constitution and it is accepted that we are practicing secularism in the French version; *laïque*. But at the end of the day, we have the religious education in the Constitution. It is advocated that this is because the state shall not leave the religious instruction in the hands of religious communities and that providing this education is among the positive responsibilities of the state. But then the content of the religious culture and knowledge of ethics courses are criticized for not being impartial.

KG: We solved this issue in the Jewish schools by adding a separate course about Jewish religion and all kids take that course. There is another course about the practicing Jewish religion and parents who want their kid to learn how to pray so on send their child to that class. This class always takes place after hours so Jewish secular kids would not look for alternatives. Learning about religion; it is legitimate and learning religion should always remain optional. I cannot imagine Poles accepting that the government dictates the sermons. People do not believe me when I say that the Polish Catholic Church does not have this authority even though it is the majority religion in the country, it is the responsibility of the individual priests. The idea that the government regulates the sermons or governments appoint priests this is unthinkable.

TG: Could you please clarify this point?

KG: For example in turkey, you have Diyanet gives instructions about the content of the Friday sermons, right? This is unthinkable in Poland. Not only the government does not have this right but even the leadership of the Catholic Church does not have this right. What will be in the Sunday sermons is in individual decision of each parish priest and nobody can regulate that; not the government, not even his Church superiors. The government does not appoint priests of course, as opposed to the situation in Turkey. Although there may be informal consultations between the Church and the authorities about appointing high level Church authorities; bishops, archbishops etc., these are informal and non-binding. In principle, the Church wants to go along with the state, so if the state has legitimate claims against the candidates, these would be listened to. But the decision remains to Church.

TG: Is it also the case for religious instruction at schools? The instructors of religion, are they appointed by Church?

KG: Religion education is given by the Church personnel paid by the state but the state has even no right to appoint them. They are appointed and dismissed by the Catholic Church. They teach what the Catholic Church tells them to teach and the government has no influence over the content of the teaching.

TG: And the Ministry of Education does not approve the content...

KG: No.

TG: It is interesting, I knew that the content of religion instruction that for example Muslim students get does not need to be approved by the Ministry but for the Catholic instruction at schools, it is not approved either.

KG: No that is universal. We, in the Jewish school, we teach the state curriculum and each additional subject like the history of Jews or Judaism, we need to fulfill the legal requirements of the state curriculum and we can be inspected for that but nobody can check the way we teach our religion. I think that it would be unacceptable in Poland for state to supervise any kind of Church activities. The principle is that the state and the Church are autonomous in their mutually exclusive spheres of action. The Church is for sure very active in the public sphere and the government has no word to say about this.

TG: That is why, I think, the field of education is controversial because the sphere of education is in state's rule and the field of religion is in the autonomy of the Church in Poland. When it comes to religion instruction, things may get complicated but as far as I can see, it is not the case because it is left in the autonomy of the Church.

KG: Yes and this is being criticized. For example, the property taken from the Catholic Church during the Communist regime as well as properties taken from other communities was matter of legal inspection and the Catholic Church received huge amounts of compensation whereas other communities did not get such compensations. Because they are minor in number and weak against the state which is not the case for the Catholic Church. There is also an observation that the attendance to the Church declines but I prefer to argue rather than the moral values with the Church, that the invisible hand of the market is in place.

TG: Yes, I see. There is also empirical data and observations that display that the overall religiosity of Poles is declining and that the young generation is less religious than the old generation. Do you have such observations?

KG: It is certainly less religious than the older generation and certainly less religious than the young generation of 20 years ago. It was still a cross section of the society. Yes, the percentage of people going to Sunday mass declined, the people of medium age going to Church rises, the number of people who want to go to seminaries declined; all the sociological factors are in agreement that the Church is losing its effect over the Poles.

But all these indicators, compared to the rest of Europe are very higher. Hungary is like France for example in terms of secularism but Poland is still like Ireland or Spain of one generation ago. Part of the decline is because the Church gone stupid. In 1970s and 80s, me, raised in a Jewish family I was in democratic opposition and the parishes were the only spaces of freedom available. On those years, it was the best practice of the Church, you had an area of freedom there which in today's Church, could not function. Church was a place where artistic performances were taking place and I cannot believe today's Church. After 1989, Church was just able to adapt to democracy, it was one of the many competitors on the market ideals. But if goes in this way, in 15-20 years time it will become irrelevant.

TG: Thank you very much

KG: You are welcome

Interview with Imam Nizar Sherif and Teacher Rashid, Arab Mosque, Warsaw

14.11.2012, Warsaw

İmam Nizar Sherif: People who came here for business, after that they stay here in Poland and work in Polish companies, schools, universities. Then they have children, those children are going to Polish schools every day but on Saturday, we have some activity here. We teach Arabic, Koran and religion at the same time.

Tuğba Gürçel: How many hours on Saturdays? Three hours?

NS: Yes, three hours. Here, in our mosque, we have two hours and twenty minutes. There is another school, there is one lady, her name is Nur, and she is making for every class one hour. For first class one hour, second class one hour, for third class it is the same. There is also one sister; her name is Sulata. She has five hours and I do not know how many group she has; maybe two or three groups she has.

TG: Are all of them in Warsaw?

NS: All of them are in Warsaw but in different places. And all three teachings are on Saturday.

TG: How do you decide on the content of the courses? What you teach, for example is it approved by the Ministry of Education?

NS: No, in this time we put our programs, we have our own program. Every school has its own program. Sister Sulata has her program and Sister Nur has her own and we have our program of course. These are not the same program, they are different.

TG: The other two teachers from whom you are talking about, are they of Polish nationality?

NS: Nur is Polish, she was Christian and then she embraced Islam. Sulata, she is from Sudan, she was Muslim from the beginning. Here, in our mosque, we have three teachers; Farida, Rashid and Lidia. Rashid is Polish. You already know each other right?

Teacher Rashid: Yes, we have just met.

NS: He teaches Arabic, because he finished Arabic at university, teaches also Koran and religion. Second teacher is Sister Farida, her mother is Polish and her father is from Sudan. So she knows Arabic very well and Polish at the same level. She has also one group. The other teacher, Lidia, she is Polish also and she embraced Islam. She is learning Arabic at university, this is her third year.

TG: But you and the other teachers never go to schools and teach there, right? Always students come here all Saturdays...

NS: Yes, they come here all Saturdays.

TG: You also give a grade to the students for their participation to religion class and it is accepted by the schools, am I right?

NS: Yes yes.

TG: (5:00) How do you give the grades? Before that please let me ask whether they have to participate every Saturday; do you take attendance?

NS: They have to come but sometimes we have free times because you know, in Polish system they are also free. When they are free, we are free. When they are at schools...

TG: In school time you mean, when they are not on holiday...

NS: Yes we follow the same system. But here there is (Muslim) Islamic Union, Sulata has funding... Nur, I do not know what she has...

Teacher Rashid: I think she is member of Islamic League; among organizations there Islamic League in Poland and Islamic Union. This mosque is the property of the Islamic Union.

TG: So you are funded by the Islamic Union, right? You are receiving nothing from the state...

Teacher Rashid: Yes, exactly.

TG: And with the Church, you have no ties at all...

Teacher Rashid: No no... We are getting funds from other sources, other sponsors. There are some embassies as well but yes, mainly from the Islamic Union.

TG: Okay, I see. So turning back to the students who come here, last night I met with some of those students and their parents, and I asked whether they are discriminated in the school since they are Muslim and they do not attend to religion classes but instead come here, to the mosque, on Saturdays. They said, no. What is your view about that? Do you think that Muslim students are having difficulties in Poland?

NS: Some of them yes, some of them no. It is dependent on the vision of other students. There are always some people doing this. I am living in Poland for 15 years and we are very happy, nobody attacked me, nobody disturbed me. My wife is in hijab, we go together everywhere with these clothes and everybody respect us in everywhere. On the street how we look to other people determines how they look to us. We are okay for other people and we have no problem.

Teacher Rashid: I also want to say that many Polish children who do not attend religion lessons at schools because their parents are atheists and they do not want their children to learn about religion. So not attending religion lessons is very common, especially in Warsaw and big cities.

TG: They attend perhaps ethics courses, right?

Teacher Rashid: Yes, they can choose. They can attend religion lessons or ethics.

TG: Yes. Turning back to the grading of the students, what are the criteria in giving grades? By the way, do you teach practice here?

NS: Yes yes.

TG: Every Saturday?

NS: Yes, because this is mosque and we pray. We also want parents to come here to pray because children must also see mother and father during praying. So we pray together with boys and girls pray upstairs with Farida and Lidia. Some others come also people come together for praying.

TG: Last night, when I talked to Muslim students, I realized that they are willing to come here. How did you achieve this?

NS: I think we have three very nice teachers, Mothers and Fathers here, and a very nice place. They can play here.

TG: Do they play here?

NS: Yes.

Teacher Rashid: Yes we play. Even though Imam Sharif does not accept, we sometimes play football here, in mosque. It is because they are young people and of course, I can teach two hours three hours without any break but you know, for young boys it is really difficult to concentrate for more than half an hour or forty minutes; in one hour they have no concentration at all. So we should give them some breaks, some physical effort in order to make them concentrate afterwards, so that their mind can go back to the lesson. They can come back with fresh minds and relaxed. So it is just in order to make them concentrate and also to encourage to come here.

TG: Yes, they talked about that but I better understand it now. They said that they can play here and that they like it.

Teacher Rashid: Yes, it is encouraging them to come to mosque.

TG: May I ask how you became a teacher here; you and the two sisters? Are you appointed by someone or anyone who says that I can teach Islam, Arabic and the rituals can become a teacher?

NS: This is my secret (laughing). I observe through lessons, I come and I look what they are teaching. Rashid is good Alhamdulillah...

Teacher Rashid: It is because I am here right now (laughing)

NS: Sister Farida, when she started at first, I used to come here time to time to the class. I bring some chocolates but I observe them. Both of Sisters are also nice teachers. I have to do that because for example, we had a teacher, I used to see many mistakes on the board and children take note and they bring them at home and when mother and father see those mistakes, they can think like "what kind of people are teaching our children." So I should come and look.

TG: I understand your method and does the Polish state have supervision over the religion education in the mosque? Do they come here to observe what you teach? Do not they control you?

NS: In this time no, because we do not ask for money from them. Because usually they restrict the school about there are how many teachers, how many students and how many hours... And they give for every teacher some money. In this case, they have to come and to control everything; program, teachers, conditions of the classes and place, every time.

TG: But for you, they do not control because you do not receive funding...

NS: Yes, we have not registered our school there.

TG: What do you think about the religion education in Poland for Catholic students? Do you have any observations? Do you think that there is too much pressure on them, as some argue, or do you think that it is successfully conducted?

NS: I think that Rashid can talk more than me.

Teacher Rashid: Actually, I have not attended when I was at voluntary school. You could choose religion course or ethics and my parents chose ethics because they are not very religious, they are Catholic but not very religious. So actually I had no experience about Catholic religion. As I know, many students did not like it, they do not like because of the pressure. Maybe the attractive part is that the level of the amount of people who are strictly keeping the Catholic religion is getting smaller and smaller in Poland. So the lessons are getting less popular and as know, many students did not like it. But maybe this is not the principle, maybe there are many cases in which students like. It depends on the attitude of the teacher. Usually the teachers are priests, so maybe, I don't have experience but what I heard is that there was too much pressure. So many of the parents prefer [their children] not to attend religion lessons but to ethics, for example.

TG: This will be a personal question, so if do not want to answer it is very understandable but I would like to ask how you made your decision about religion? You did not attend religion courses, you attended ethics...

Teacher Rashid: Yes, since my parents were not religious... Actually first four classes I attended not in Poland but in Belarus because my parents lived there and there were no religious schools because these were just classes of the Soviet Union. When I got back, I was at fifth or sixth class as far as I remember, I went to the lessons of ethics. I do not remember whether it was my choice but I think my parents chose that, only because they are not very religious and I accepted their choice. Then in the secondary school there was no religion and no ethics, it was not on the program so it was not a dilemma for me.

TG: Then how did you meet Islam?

Teacher Rashid: I had no Muslim friends, it was by media. It was after the attacks of September 11 and media started to speak about Islam a lot; some good things but many bad things too. I was just curious about this religion and I just wanted to know because you know, it was a very popular subject in media. So I wanted to get an opinion about this religion. Of course, I did not imagine that I could embrace it but I just wanted to have my opinion, to be able to be part of the discussions or when somebody asks my statement about this issue. So I began to read about Islam, mostly from internet because as said, I had no books on Islam, no Muslim friends, so the only source of knowledge about Islam was internet. I read the Polish translation of Koran, of hadiths, about dogmas of the religion and I got deeper and deeper. When I learnt the principles of this religion, I saw that they are logical and that the basis of this religion is very strong. Then I went to a

mosque and get know to other people who were Polish and embraced Islam. It was not a very soft process because I had many doubts at the beginning and to change religion is a very serious decision. It took almost six month but I realized that this is the real religion; religion of truth and only this religion can give happiness in this life and after. So six months after getting interested in Islam, I decided to embrace this religion.

TG: It is impressive... Your decision to change religion I mean...

Teacher Rashid: No, I think that there are much more fascinating stories.

TG: I am sure but what I meant is that the way you did is impressive because no one directed you; you found it, made research about it and embraced it...

Teacher Rashid: Yes, that's right no one guided me.

TG: Yes, that is the most interesting part I think.

Teacher Rashid: When I came here, I was interested that they were very friendly here. For example, the first time I came here I was in a very short trousers; I did not know that it is forbidden in Islam, but some men saw me and they did not shout at me, they kindly told me that you are welcome here and come here as much as you can but make your trousers next time a little bit longer. So maybe this attitude attracted me as well and also when I talked to people and said that I had an interest in Islam, they did not force me. They said that it is your choice, your decision... So it was my pre-decision, nobody forced me to do this and I was free in this decision.

TG: You are of Polish nationality, so how is being a Polish citizen and Muslim at the same time? How did your family and your friends react when they learnt your decision? You said that your parents are not very religious but how did they react? It is just for understanding how other people perceive this situation...

Teacher Rashid: Yes I see... Actually, the mentality of Islam and the mentality of most of Polish people they are very far from each other. I see many people maybe they like me, they accept me... but there can be intolerance and discrimination against Muslims, there can be some examples but they are not really common. But if people really accept and understand, they have no problems. But they do not understand how some Polish people who are Christian can embrace such a religion which is intolerant; where there are so many limits like not drinking the alcohol, fasting; not eating and drinking during the Ramadan, not going to discos, not meeting with the girls... for many it is difficult, they accept you but they do not understand you. I was at the age of eighteen so people thought that it was not a serious decision, they thought that I am a young man and I am looking for the truth and they thought that I would change my decision, but when I continued this they saw that this decision was serious. I think that they do not understand me one

hundred percent but they accept me and I have no conflict with them and this is the case for the majority of Poles who embraced Islam.

NS: I have to leave, it is time for praying.

TG: Okay, thank you very much for all those information and the personal experiences you shared with me. I have taken too much time.

NS: No, you are welcome.

Teacher Rashid: You are welcome.

Interview with Mr. Piotr Kazmierkiewicz, Researcher at the Institute of Public Affairs, Warsaw

15.11.2012, Warsaw

Tuğba Gürçel: Thank you very much for doing this interview. As I wrote you, I am studying state-religion relations but more specifically religious education at schools in Poland in the course of Europeanization. I will compare it with Turkey. Could you please give information about how this relationship evolved in the recent past?

Mr. Piotr Kazmierkiewicz: People would write for underground newspapers and this was especially popular with some bishops, most notably by John Paul II, who was the archbishop of Krakow and who basically made this reach out to the people have been disillusioned with the real socialism. So since mid-60s the secular intellectuals came closer to the Church and by the mid-70s they basically found the Church to be a refuge. The crucial shift came around 1990, when the Church reasserted its material rights; for example, return of property that was taken away by the Communists, return of the religious education to schools. It is noteworthy that the religious education in the schools was available until 1960. Even under Stalinism, you know, the Communists had the salami tactic which is they would not go outright anti-Church action because they had to deal with other political parties and then they were only strong enough around fifteen years after taking power. In the 1960, they had a very strong anti-Church action which was symbolic in the dual celebration of the one thousand years of Poland in 1966; when the Church had its own celebrations and the Party had its own celebrations. In 1989 or 1990 the Church signed a Concordat which was the official diplomatic agreement which regulated the return of Church property, of compensation for Church property where it could not be specifically done. Also return of religion to schools, and also a compromise on abortion which limited abortion, which until that time since Communism had been

basically freely available. In 1993, I think the new abortion law was signed. At that time, the consensus within the Solidarity broke down. The people who had been the secular intellectuals became alarmed at the return of the Church to the public space and at what they saw as the union of the altered and the thrown as we call it. So a kind of very close relationship especially the first one headed by the Catholic intellectual and also another conservative wing of the Solidarity while the secular intellectuals went into opposition. Then it came the very interesting period of 1993 to roughly 2005, when the left-wing Prime Minister and the government, post-Communist; then we had a 1995 Aleksander Kwasniewski, who was an atheist; an acknowledged one, and he became the President. Ironically, the whole controversy was gone because one of the strategies of the post-Communists was to legitimize themselves with the much conservative society. So their way was basically to live with that compromise and they decided not to bring up the value-laden questions and Kwasniewski did not do this until the end, until 2005. In fact, right now, there is a big discussion within the left whether that was a mistake; that many of the changes could have happened earlier in Poland. And this compromise in the left which indeed is marginalized, now let's say, alliance of the left is may be 10 percent, and this further left liberal Palikot Movement is around 6, so maybe let them 20 percent but they used to have around 40.

In 2005 comes another crucial moment when the right-wing comes back to power and it is trying to undertake fundamental reforms of the state and a part of the movement is trying to also push more conservative agenda; for example into education which was the time where Roman Giertych from League of Polish Families¹⁸⁴ became the Minister of Education, when he introduced for example uniforms for students, he introduced greater controls over teenage crime and school....

TG: Sorry, which year we are exactly talking about?

Mr. Kazmierkiewicz: 2006-2007. However, there was a very strong split between the two parts of this new conservative agenda; one party was pro-European; which was Civic Platform, and one party was more nationalist, more sovereignty-based, which was Law and Justice. This is interesting that the whole is still taking place between the right-wing parties. However, I would call them Law and Justice is more of this old time let's say, ... barbarian style which is you know, social, democratic and economic sense conservative based on religion, whereas Civic Platform, I would call them more liberal in terms of, for example, they would allow in-vitro, they would allow civil partnerships for gays, they would also be more open to European integration. However, they are not for the moment going against what the left cooperate legitimate the Church.

¹⁸⁴ National conservative political party in Poland

Of course, 2004 was a crucial moment because for the liberals and for the left, the agreement to join to the EU was also the social mandate to change this consensus which was drafted in the mid-90s. They said that the Polish society had become much more liberal than the political system which is in place. There is another view which says that Poland has been going for the last five years an economic growth and the economic questions are not separating the parties. Therefore we see many more social issues on the table. The crucial question is the place of the Catholic Church because 95 percent of the believers are Catholics and also because of the traditional role of the Catholic Church in the public space. For instance, people who would oppose this consensus would be opposed to having crosses in the schools, hospitals, in the Parliament... Using the Christian symbols in the official oaths, such as the Presidential oath, the MP oaths; which is optional, however they want to get rid of that.

The debate over the education has been usually about technicalities rather. There was nobody except for 10 to 15 percent of the voters who would want to see religion out of the public schools system, but there is a question: Should it be counted towards obligatory grade, how much do students have access to optional to religion classes of ethics. If we have obligatory grade in religion which some people believe is one of the easy courses so you could easily get an (A) and all the students abstaining should have an option to go to ethics classes. Another question is how much should the teaching of religion be in the hands of the Church or how much should it be religious studies, which would show different belief systems.

So this is the debate, and of course there is the debate over issues which are also controversial in Western Europe but where Poland by the left and liberal seen as standing behind, issues like gays and in-vitro... Here we have also a split within the Church, and that is also very notable that is there is the group which is associated with Archbishop Dziwisz of Krakow, and then there is the group with Archbishop Michalik who is the head of Bishop's Conference coming from Przemyśl, and he is often associated with the Radio Maria Station. These basically are divided by two aspects; one aspect is political affiliation and one is more pro-EU, the other one is EU-skeptics, and another one is exactly this relationship with the so-called modern world; that is "should we take a more identity-stance we Catholics as a separate group" or "are we trying to have influence over the public space but be seen as one of the groups playing within this even field." So that is also something being debated all the time.

TG: Religious education does not seem to be among the debated issues in Poland right now. Why is it so? Is it because there are other moral issues like abortion or in-vitro, which are more controversial at the moment? Or the problem about religious education totally solved?

Mr. Kazmierkiewicz: No, I have a more cynical view of the political class in Poland, which says that politicians are basically preoccupied with ratings and the group that

decide rating these issues solely decline. That is the reason why the dominant two parties; Civic Platform and Law and Justice which are still fighting over the middle ground, are not going to take it up. So Palikot was not able to move the discourse far to the left and I feel that it is also important to see religiosity of Poles; that is we are more of the conventional Church-goers and we are also very much convenient looking people. That is, okay you know, kids do not have to go to a separate place, they already have evident school. It is that simple, I think. Very few people care deeply about religion one way or the other, frankly. Most people look warm, and then they do not care. Let me put in this way, so far I have seen that people who would be trying to push the discourse either to the right or to the left would get the label of, let's say, Taliban or fighting atheists and so on, and you do not want to be seen. I think it is a little bit similar to the American scenario in which let's say abortion, it is an uneasy compromise but both big parties are not trying to really raise this issue because they would raise hell. You would find people from the extremes dominating the discourse and I think this was very clear with the vote on abortion law which happened just a few weeks ago. Donald Tusk almost lost the control over his party because this issue was brought in and his response was not like "this issue should be solved in this way or in another" but that regardless of your beliefs, there are more important questions. Most of the government talk now is about the crisis and that is during the crisis time, not a good idea to multiply issues. For the Law and Justice, I think the big problem would be to have a split over the details in these issues. Now we are generally speaking conservative which allows us to have both the people who disagree on this issue. So I think for the moment, the Church is also happy with this solution.

The real concern of the Church is now the financing system which the government is trying to change from the system in which they would have lump-sum donation from the state to basically a tax deduction. Yet there are concerns that actually the number of the people who are going to Church is much lower and certainly the number of people who would be paying is much lower; we are generally having a problem in collecting taxes from people. So this is the problem.

Especially the left is against religion in school in a very interesting ground that we are paying out of the state money for salaries. This is not a question of, you know, the French Revolution ideals or socialist ideals are at stake. No, this is like "guys we are paying several tens of millions Zloty" which is very little in the budget but I think for the people is this idea of privileges for the Church.

TG: So the salaries of the teachers of religion courses at schools are paid by the taxes collected by everyone and you are saying that this is the main reason for going against these courses for the leftists? The priests who are teaching religion at schools, you mean?

Mr. Kazmierkiewicz: Yes, the salaries of the priests or not priests, because you know all of them are not priests, there are also kind of secular teachers as well. Whereas the

Church is basically arguing that okay, we have so many charities; we do so many public things and that is how it justifies its public activity, and for instance the tax preferences...

TG: I am interrupting but just to make sure, are both the priests and the secular teachers appointed by the Church?

Mr. Kazmierkiewicz: Please ask to specialists but I do believe that it is not settled on the law on religious classes. In general terms, any teacher is hired by the manager of the school which is under the local government. Whether religious classes are an exception, I do not know, frankly speaking...

TG: I would like to ask lastly, if we have time, whether you perceive that Europeanization had a remarkable impact on religious education in Poland because the process coincides with the fall of Communism and right after that Poland wanted to become a member of the EU. So the whole process of modernization, is it related with the prospect of modernization for itself; for its national identity or was it the impact of Europeanization; influence of European norms?

Mr. Kazmierkiewicz: Rather than modernization, it is better to call it the secularization of the society due to higher incomes and due to greater mobility. EU as a political process has not had that much impact because Poland is a relatively big state and actually I would say that you might see a big controversy in Poland over its own place in Europe. You might actually see more of the sovereignty talk, close to the UK position. That is exactly why we are at the crossroads but it is not related I think Poles are much less religious than Turks are and the best indicator is the countryside. That is, in Turkish countryside you probably do have very strong traditions which are being eliminated day by day in Poland because of very high emigration because of the breakup of the social ties. But this has been going on since about the 70s. So EU is only accelerating this process...

TG: The emigration is then not basically based on Europeanization if it is taking place since 70s...

Mr. Kazmierkiewicz: No, people are basically allowed to go, EU membership only creates opportunities.

TG: Thank you very much, I think you have to go back to class.

Mr. Karmierkiewicz: Yes I have to go now. I hope that it has been useful for you...

TG: Yes, it was very informative. I am grateful.

Mr. Kazmierkiewicz: Ok, let's keep in touch. Wish you good luck with your thesis.

TG: Thank you.

Interview with Dr. Agata Ladykowska, Anthropologist, Researcher on religious education in Russia.

15.11.2012, Warsaw

Tuğba Gürçel: Could we start with your personal experience about religious education in Poland, especially about the fall of Communist regime?

Agata Ladykowska: Yes, I was born in 1976 and as a young person I was living in a small city next to the German border. I got religious education with the encouragement of my grandmother. It was part of the education system but it was provided by Church so the education was taking place in the parish physically but the building was divided into classes with exactly the same structure as school was adapted in the Church. Once a week, on Wednesday or Thursday, all of us were going to the Church.

TG: All the students?

AL: Except one girl. At that time it was a reason for us to be very mean towards her then it was a norm... In the generation of elder, not going to the Church was meant to be in opposition, it was a matter of being in a moral infringement. It was not looked as a matter of being a religious person but a matter of having a moral position against the Catholicism. Not for the children but for the parents. It was about sharing the common moral sense. So it was not incorporating directly to what we did in the classroom but it was translating into this moral state. Our relationship with a friend of mine was really suffering because of this pressure. It was not because she was not religious or something but it was a moral tradition. So coming back to the religion classes, it was so... the Catholic Church was so...

TG: Sorry, you said you were going to the parish once a week and was it after the school hours?

AL: Sometimes it was earlier...

TG: But before the school hours right? So before or after but not during the ordinary school hours...

AL: No, not during the school hours. The core of the education was about the teachings of the Catholic Church and the religious education was organized around on how to grow up or be admitted to the certain levels of Catholicism. At the age of nine you get the first Communion and... I forgot the word in English... So anyway this was the religious education about. This was for the primary education and then I went to the high school, it was after 1991 and the situation changed. In the country, it started an anti-clerical trend. Only until recently I realized my real position towards religion. My parents are not very

religious, yes they enforced me to go to the Church and they sent me to the religious classes... this was kind of education and I did not like it just in the same way I did not like math classes. When I went to the high school, I knew that I did not want to learn this and I knew that I did not like the Church anymore but I could not say morally that I did not want to go to those courses even though they were not compulsory. I could not. So I was attending these classes with the feeling of resentment and it was very challenging for me, I was trapped in a sense. Until very recently that I could tell that I should not do much with this. I redefined my position towards religion.

TG: There is also a general view that the young generation of Poles are less religious; they do not go to Church very often...

AL: Yes, but you mean by young generation? In my generation people were grown up where the religious education was a moral position of a good citizen. There was this thought as a part of the national identity. When I grew up, I could not think of myself in another way that I am a Catholic... But today, I think I am not. I do not think I am religious, I am afraid I am an atheist! But it was not so easy in Poland.

TG: I understand but do you think that it is an individual transformation that you can now confess that you are not a believer or is it sociological phenomenon? I am trying to ask, now I am 30 years old and I know that things are changing by age but do you think that the religious atmosphere of the country is also changing?

AL: I think that I had an unusual trajectory. My work as anthropologist and making research on religion and living on abroad for professional reasons, living in Russia for my research... so I had a different trajectory. It is not very usual for a woman so I have been affected by the things happened in my life. So I think it is more related to my experience and age...

TG: Yes, age is an important factor but...

AL: But also people around me were anti-clerical... they were anti-clerical but not anti-religious; I am not anti-religious either.

TG: Can you express yourself easily while stating that you are not a Catholic or that you are an atheist? Can you tell this to your friends and to your family for example? It depends on the environment you are living in for sure but in today's Poland, in Warsaw, is it easy to express your religious conviction? I am trying to understand whether there is a change in the recent years in the religious atmosphere of the country...

AL: Let me say that there are pro-religion and pro-secular camps in Poland. Somehow I do not have very religious friends and family. Pro-religion camp is mostly constituted of older people who are conservative and I rarely meet young and pro-religious people. Whether I am okay with the conservatives, no I am not okay, I feel that we are under

occupation. There is this separation of the Church and the state and thus we have to follow this separation in the public space. We have to follow this ideology. This is more prevalent for women... It is not about religious education for me now because I do not have children and it does not affect me but the regulations concerning your sexual life...

TG: Regulations concerning the abortion rights or in-vitro...

AL: Yes. Every norm is defined according to Catholic religion and not according to human rights. It is not acceptable for me. It should not be like this. These rules should be secular at least. If you want to have abortion you cannot and you have to endure a regulation imposed on you. When it comes to the religious education, yes religion course is not compulsory at schools but as the grade you get is included in the average, this leads to discrimination among students. So this leads to a predetermined discrimination since those grades are decisive in university entrance. This is the problem in Poland. In Russia, for example, the problem is much more complicated. It is not optional; you have to take either ethics or religious culture. The problem is that this is the first generation in Russia who has something to do with religion so it is really hard for them to determine the standards of this education. How do you define religion and how do you define religious culture? These are new issues for Russia. People who were raised within the Soviet ideology have different concepts about religion. And now they are trying to figure out what religion and culture mean to Russians...

TG: That is an interesting remark and good point of comparison with Poland... Thank you very much for this interview, you kindly shared your own experience...

AL: You are welcome; it was nice to tell my experience from this perspective.

Interview with Ms. Paulina Wawrzyńczyk, Assistant to MP Robert Biedron, Palikot Movement (Your Movement)

Skype meeting: 20.11.2012

Tuğba Gürçel: Hello, thank you for accepting this Skype call.

Paulina Wawrzyńczyk: You are welcome.

TG: You are assistant of an MP from Palikot Movement right?

PW: Yes, I have been working with him for two years.

TG: As I wrote to you, I am mostly concerned about the state-religion relations and the religious education at schools in Poland. Could you please tell me about the stance of Palikot Movement about these issues?

PW: Actually, we are fighting for the sex education at schools.

TG: As far as I can understand, sex education is a more controversial issue right now in Poland, some of the interviewees raised this issue.

PW: Yes, that's right.

TG: I think that the two issues are interconnected in the sense that they both are the fields where you feel the very presence and the power of the Church. So do you perceive any change in the mentality or the practice of the both educations after the EU membership or during the Europeanization process? Do you think that it is becoming more liberal?

PW: No. Unfortunately, there is no change because as every country can decide and there is no universal program, so unfortunately this issue has not changed. I have been working on this topic for seven years now, and nothing is better. But the public debate, the media, they always stand for good sex education and the real problem is about the politicians and the Church is the main problem. But more and more people support the idea. I think this is crazy and is changing for the better.

TG: I hope so because from my perspective, by the way I am not an expert on Polish politics and given the limited time I spent in Warsaw my observations are restricted but still, I would like to say that the picture that I saw was different than the one portrayed. People do not seem that religious and are not hesitating to talk about religion, they can freely express their opinion and even say that there are atheist. Actually, in Turkey it is a bit difficult to state that I think. So, yes, it is religious, I have been to churches during the Sunday Mass and I saw that they were crowded but mostly, elderly people were there with their grandchildren, rather than young people. But as I said, people are very open to talk about religious issues.

PW: Yes, I think that there is no strong discrimination against atheists but many people are still afraid, I think, to say that openly. This is also changing, now the apostasy, it means going out from the Church in the legal way, is possible but it is of course completely not supported by the Church and they do everything to put you off, to make it more difficult for you to obtain that you are not a member of the Church anymore. But it is possible and every year more and more people want to do this procedure.

TG: Okay, thanks a lot for your contribution.

PW: You are welcome.