

THE NEW 'IDEOLOGY' OF SECULARISM IN TURKEY:
A CRITICAL INQUIRY

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DAMLA ERCAN

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Prof. Dr. Tülin Gençöz
Director

I certify that this thesis satisfies all the requirements as a thesis for the degree of Master of Science.

Prof. Dr. Sibel Kalaycıoğlu
Head of Department

This is to certify that we have read this thesis and that in our opinion it is fully adequate, in scope and quality, as a thesis for the degree of Master of Science.

Assist. Prof. Dr. Katharina Bodirsky
Supervisor

Examining Committee Members

Assoc. Prof. Dr. Ece Göztepe Çelebi (BILKENT UNI, LAW)

Assist. Prof. Dr. Katharina Bodirsky (METU, SOC)

Prof. Dr. Ayşegül Aydıngün (METU, SOC)

I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work.

Name, Last Name: Damla Ercan

Signature:

ABSTRACT

THE NEW ‘IDEOLOGY’ OF SECULARISM IN TURKEY: A CRITICAL INQUIRY

Ercan, Damla

MSc., Department of Sociology

Supervisor: Assist. Prof. Katharina Bodirsky

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This thesis aims to analyse the new interpretation of secularism, which was adopted by the Constitutional Court of Turkey and thus become integrated into ‘the state’ in 2012. Having long been recognized with its controversial interpretation of secularism, allegedly being hostile towards religion, the Court changed its interpretation by redefining secularism with an emphasis on ‘freedom’ of religion. This study intends to critically engage with this shift manifested in a strategic ‘state’ institution by regarding it as the new ‘ideology’ of secularism and to examine it within the broader framework of ‘ideological-political’ instance of the AKP’s ‘hegemonic’ articulation from a Gramscian perspective. Through the analysis of the judgements of the Court related to secularism, which were passed between 1971-2016, the former and new ‘ideologies’ of secularism are analysed in terms of their normative imagery of ‘state’, ‘society’ and ‘religion’ as well as the constituted nexus of relationships among them. The analysis of the new ‘ideology’ of secularism and its comparison to the former one illuminate how it redefined ‘the state’s’ position towards religion and in which ways it enabled the new uses of ‘the state’ apparatuses within a ‘hegemonic’ processes. In this direction, after having clarified the role of new ‘ideology’ of secularism in the reproduction of ‘consent’ and building a social

alliance against ‘Kemalist’ version of secularism in initial years, the thesis explores how the implementation of it into ‘the state’ connects to the changing strategies within ‘hegemonic’ project. Therefore, the potential impacts of the new ‘ideology’ of secularism inscribed into ‘the state’ in further consolidation of mass support and in shaping of ‘common-sense’ of sociality, in which religion is intended to be made influential through ‘ethical-state’, are elaborated. As a result, this thesis argues that the adoption of the new ‘ideology’ of secularism in a strategic ‘state’ institution within ‘state-system’ should be understood within ‘hegemonic’ process, thus ‘power’ relations, in which it is embedded in.

Keywords: ideology, secularism, hegemony, Justice and Development Party, Gramsci

ÖZ

TÜRKİYE’DE LAİKLİĞİN YENİ ‘İDEOLOJİSİ’: ELEŞTİREL BİR DEĞERLENDİRME

Ercan, Damla

Yüksek Lisans, Sosyoloji Bölümü

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Bu tez, Türkiye’de, 2012 yılında Anayasa Mahkemesi tarafından benimsenen ve dolayısıyla ‘devlet’ tarafından kabul edilen yeni laiklik yorumunu analiz etmeyi amaçlamaktadır. Uzun bir süre boyunca dine karşı düşmanca bir tutum sergilediği düşünülen ve bu sebeple eleştirilen laiklik yorumu, Mahkeme tarafından din ‘özgürlüğü’ne vurgu yapılarak değiştirilmiştir. Bu çalışmada, stratejik bir ‘devlet’ kurumunda kendini gösteren bu değişimin, laikliğin yeni ‘ideolojisi’ olarak ele alınarak eleştirel bir değerlendirmeye tabi tutulması hedeflenmektedir. Bu bağlamda, Gramsci-ci bir perspektiften, laikliğin yeni ideolojisi, AKP’nin ‘hegemonya’ projesi ekseninde, daha kapsamlı bir ‘ideolojik-politik’ eklemlenme sürecinin bir parçası olarak değerlendirilmektedir. Bu çalışmada, Mahkemenin 1971-2016 tarihleri arasında laiklik ilkesini tartıştığı tüm kararların incelenmesiyle, önceki ve yeni laiklik ‘ideoloji’lerinde normatif olarak ‘devlet’, ‘toplum’ ve ‘din’in nasıl tahayyül edildiği ve bunlar arasındaki ilişkinin nasıl kurgulandığı analiz edilmiştir. Yeni laiklik ‘ideolojisi’nin incelenmesi ve öncekiyle karşılaştırılması, ‘devlet’in ‘din’e yönelik tutumunun nasıl yeniden tanımlandığını ve hegemonik süreç içerisinde devletin yeni kullanımlarının hangi biçimlerde mümkün hale geldiğini ortaya koymaktadır. Bu doğrultuda, yeni laiklik

‘ideoloji’ sinin daha önceki yıllarda toplumsal ‘rıza’ üretimindeki ve laikliğin ‘Kemalist’ olarak tanımlanan biçimine karşı bir toplumsal ittifakın oluşmasındaki rolü irdelendikten sonra, çalışma, yeni laiklik ideolojisinin ‘devlet’ tarafından benimsenmesinin hegemonik proje içindeki değişen stratejilerle olan ilişkisini incelemektedir. Böylelikle, ‘devlet’ içerisinde tanımlanan yeni laiklik ideolojisinin kitlesel desteğin pekiştirilmesi ve dinin daha etkili kılındığı bir toplumsallığa ilişkin ‘ortak-duyu’nun oluşturulmasındaki potansiyel etkileri tartışılmaktadır. Bu nedenle, tez, stratejik bir ‘devlet’ kurumunda benimsenen yeni laiklik ‘ideolojisi’ nin hegemonik süreçler ekseninde ve dolayısıyla içine gömülü olduğu toplumsal iktidar ilişkileri içerisinde anlaşılması gerektiğini savunmaktadır.

Anahtar Sözcükler: ideoloji, laiklik, hegemonya, Adalet ve Kalkınma Partisi, Gramsci

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CHAPTER 1

INTRODUCTION

1.1. Research Problem

Secularism, regardless of how it is described and theoretically conceptualized, has always been a matter of social and political conflict, which had appeared in different modalities throughout social and political history of Turkey. The social and political tensions, that Turkey had been through during the AKP (*Adalet ve Kalkınma Partisi/ Justice and Development Party*) period, was not an historical exception, however a specific moment within this period deserves particular attention and urges us to rethink the debate of secularism in Turkey: It was 2012, that the Constitutional Court of Turkey (the Court) had concluded a judgement, which initiated different reactions and comments, when it was publicized in the spring of upcoming year. Even running an eye over how the judgement of the Court had been represented by two newspapers, having opposite political inclinations, would give an idea why the judgement could be considered to be historically significant: The ‘Kemalist-nationalist’ (*ulusalci*) printed media announced it as a verdict, which would “get a blow in secularism”¹ whereas a religious-oriented newspaper opted to interpret it as “lesson of secularism” given by the Court to the CHP (*Cumhuriyet Halk Partisi/ Republican People’s Party*), the main opposition party who had taken the case to the Court.² For Turkey, it was not the first time, a decision made by the Court triggered antithetical responses in society,

¹ See AYM’den laikliğe darbe vuracak karar. (2013, April 19) *Sözcü*. Retrieved September 26, 2016 from <http://www.sozcu.com.tr/2013/gundem/aymden-laiklige-darbe-vuracak-karar-272366/>

² See Din dersi laikliğe aykırı görülemez. (2013, April 19) *Yeni Şafak*. Retrieved September 26, 2016 from <http://www.yenisafak.com/egitim/din-dersi-laiklige-aykiri-gorulemez-512125>

nevertheless this time, the opponent and defendant camps had changed sides. Then, what did happen? What did the Court say that the Islamic-oriented media embrace a judgement on secularism? The case was about the controversial educational reform of the AKP, which had introduced elective modules on Islam to be included in school curricula and restructured the 8-years long mandatory education by replacing it with a 3-level system, each composed of 4 years, and reopened Imam-Hatip middle schools, to which pupils would be admitted at the age of 9 right after having the first 4-years period completed³. The CHP argued that the educational reform had violated secularism, thus it should be annulled, and it based its claims in reference to previous judgements of the Court, which had been given on secularism and/or freedom of religion and conscience (see N1 in Table 4). In fact, the CHP had good reasons for appealing the Court since the Court would have probably annulled the legislation if it had remained loyal to its long-standing precedent on secularism that had been developed and repeated in a number of cases between 1971 and 2008 (see Table 3). Nevertheless, the Court not only rejected the appeal of the CHP but also adopted a remarkably different interpretation of secularism while evaluating whether or not educational reform violated the principle of secularism.

In that particular judgement ruled in 2012, the Court declared that it had opted to implement the ‘libertarian’ or ‘flexible’ secularism in reference to the distinction that it made between ‘rigid’ and ‘flexible/libertarian secularism’, and the Court recognized ‘social value’ of ‘religion’ as being an indispensable part of ‘individual’ and ‘collective’ ‘identities’ and thus, it attributed a set of duties to ‘the state’ to protect not only ‘private’ (faith) but also ‘public’ aspects of religious freedom (practices) through a series of negative and positive obligations. In other words, the Court asserted that the fundamental target of ‘secularism’ is to secure ‘freedom of religion and conscience’ by not intervening into the public manifestations of faith and ensuring a suitable social setting in which individuals could enjoy their freedom of religion (see N1 in Table 4). By depending on this interpretation, the Court came up with the conclusion that it is the state’s duty to provide religious services in a ‘secular-state’, therefore educational reform could not be

³ For legal regulation regarding the education reform, See Law numbered 6287 (2012, April 11) *Official Gazette* Retrieved September 26, 2016 from <http://www.resmigazete.gov.tr/eskiler/2012/04/20120411-8.htm>.

regarded as a violation of ‘secularism’. In all decisions, that the Court rendered in relation to secularism and/or freedom of religion and conscience from 2012 to till today, it adhered to its new understanding of secularism and concluded the cases in favor of ‘freedom’ of religion. Recalling that the adjectives such as “assertive” (Kuru, 2009), “authoritarian” (Göle, 1996), “didactic” (Gellner, 1981), “insistent” (Özbudun, 2012a), “Jacobin” (Mardin, 1991), “oppressive” (Yavuz, 2003), “militant” (Çağlar, 1994), “militarist” (Navaro-Yashin, 2002), “pathological” (Kadioğlu, 2010) and “state-centric” (Keyman, 2007)⁴ have been used in literature to denote the ‘hostility’ towards religion as the prominent characteristic of Turkish secularism and criticize its practices controlling religion and restricting religious freedoms, then, what did happen to old-fashioned ‘Kemalist’ understanding over a night? Considering that to a large extent controversial practices of secularism in Turkey had been shaped and institutionalized by the Court and its judgements such as the headscarf ban and the dissolution of political parties on the grounds of anti-secular activities (see Table 3) in post-1980 period, then, what is the importance of this shift?

In the state organization, the Court lies at a strategic position, since it is the state institution, which has a monopolistic authority to determine what the principle of secularism, written in the Constitution, would refer to. Therefore, it is the Court’s interpretation of secularism which is made into the ‘official’ meaning of secularism, which is embodied by the state itself. Due to the Court’s key position in state in general and it’s role in previous social and political controversies regarding secularism in Turkey in particular, it turns out to be that the new meaning attached to secularism by the Court could not be regarded as being solely a technical legal argumentation. Then, does the Court’s new understanding of secularism, manifested in 2012, indicate a shift from ‘rigid secularism’ to a ‘flexible’ kind? Is it an unfolding of what scholars call ‘de-secularization’ to denote increasing visibility and influence of ‘religion’ in contemporary

⁴ Gülalp (2016), in his recent article, also provides a list of negatively-connoted adjectives used to describe Turkish secularism. His list was guiding for gathering the above-mentioned sources, however, I also added some other adjectives that I identified in the literature. Besides, it is necessary to underline that these adjectives to describe ‘nature’ of Turkish secularism are not only employed by the mentioned authors, but also they are to a large extent in circulation among academic literature as well as social and political debates.

societies? Or is this shift a symptom of emergence of a ‘post-secular’ society in Turkey? Even though all these questions, which could be derived from the literature on secularism and secularization that is reviewed in Chapter 2.1, may serve as a starting point for an evaluation, in my opinion, neither those questions nor the conceptual scheme underneath them would lead to a critical inquiry by problematizing the shift, that took place in a ‘state’ institution, as a question of ‘power’ related to a broader ‘social’ transformation.

This is why, this study opts to problematize the shift from an alternative theoretical position and to discuss why the Court had formulated a substantially different interpretation of secularism at a particular historical moment in order to question how and in which ways it is part of a ‘social transformation’, and underlines this change in the interpretation of secularism cannot be regarded merely as adoption of ‘flexible secularism’, an unfolding of a ‘de-secularization’ or a reflection of ‘post-secular’, or it cannot be understood any other scholarly approach, which reifies ‘the state’ and conceptualize ‘the state’ and ‘society’ as two ontologically different spheres independent from each other. In order to contextualize the shift and evaluate its significance in a ‘social order’ and ‘power’ relations (not merely in ‘the state’) without reifying ‘the state’ as an autonomous and independent entity, this study conceptualizes the interpretations of secularism (of the Court before and after 2012) as particular ‘ideologies’ of secularism by relying on ideology-critique perspective that is largely informed by the work of Antonio Gramsci – following a particular interpretation made prominent by critical theorist Stuart Hall⁵. In this respect, this study aims to seek answers to the following questions: What is the difference between old and new ‘ideologies’ of secularism, envisaged by the Court, in terms of their normative imagery of ‘state’, ‘religion’ and ‘society’? How does ‘new ideology’ of secularism connect to the broader framework of ideological-political instance of ‘hegemonic project’ assembled and processed by the

⁵ Anderson (2016) sheds light on the concrete ways through which Gramsci’s ideas have been incorporated throughout the second half of 20th century in different geographies to analyze diverse social and political contexts. After elaborating on the journey of Gramsci’s ideas, he states that “striking in the end is rather the creativity with which Gramsci’s ideas were put to work, in ways he could not foresee or himself misjudged” (Anderson, 2016: 97). Among the variety of incorporations of his ideas and concepts, this study read and interpret Gramsci’s work mostly through the theoretical and intellectual lens of Stuart Hall.

AKP? What is the significance of the implementation of ‘new ideology’ by the Court for ‘hegemonic project’ and social transformation it intends to generate?

The Court’s different interpretations of secularism before and after 2012 are considered as ‘ideologies’ of secularism in the sense that they provide a ‘mental framework’ through ‘discursive chains’ constituting a normative imagery of ‘the state’, ‘religion’ and ‘society’ in terms of what their inherent meanings are and how they are positioned towards each other. On this ground, it is explored and explained that in which ways the new ‘ideology’ of secularism, registered by the Court in 2012, was tied to a broader ‘ideological-political’ dimension of ‘hegemonic project’ articulated by the AKP, which is a constant *process* of formation both in ‘civil society’ and ‘state’. In this context, the study attempts to rethink the new ‘ideology’ of secularism within quest for ‘hegemony’ and tries to indicate how an alternative ‘ideology’ of secularism had become a part of wider ‘ideological-political’ framework aimed at producing ‘consent’ of a ‘social coalition’ including diverse social, political and economic interest groups on the one hand and targeting at the reproduction of a particular sociality entailing a certain organization of ‘the social’ on the other. Since ‘hegemonic project’ aims to win the struggles not only in ‘civil society’ but also in ‘the state’, the shift in the Court’s interpretation of secularism in 2012 is regarded as part of the process through which ‘hegemonic’ articulation extends into ‘state’ and appropriates it into ‘hegemonic’ struggle being processed and enforced in ‘society’.

To map the differences between the two ‘ideologies’ of secularism of the Court and reconsider the debate over secularism as part of ‘hegemonic’ concentration, the former and new ‘ideologies’ of secularism are compared and contrasted through the analysis of the judgements, which have been rendered by the Court. A total number of 25 judgements of the Court, passed between 1971 and 2016, were collected by using the online search engine in the official website of the Court and in this regard, all judgements including an elaboration or interpretation of secularism⁶, which have been concluded and published in the Official Gazette till the end of 2016, were gathered (see Table 3 and

⁶ For a detailed explanation of the criteria used in the selection of judgements, see Chapter 2.3.2-Method

Table 4). These official documents served as primary source for the inquiry and by this means, former and new ‘ideologies’ of secularism embedded in Court’s argumentations were deconstructed, analyzed and compared. In other words, the analysis enabled to observe patterns in the Court’s argumentation in a systematic manner and distinguish between two ‘ideologies’ of secularism, which employ different discourses of state, society and religion in defining what secularism is and what it does. To be more specific, collecting the entire set of judgements related to secularism and analyzing them portrayed that the Court had envisioned a particular idea of secularism in its decision related to secularism in 1971 and it had consistently continued to apply this particular idea of secularism in all of the judgements over decades including decisions rendered in 2008 (see Table 3). However, the Court adopted a substantially different idea of secularism in a judgement given in 2012, which is the first case brought before the Court after 2008, and starting from 2012, the Court adhered to this ‘new’ idea of secularism in its rulings (see Table 4). Therefore, the analysis of the Court’s judgements allowed not only to examine changing content of the ‘idea’ of secularism but also to question it as an ‘ideology’ being a part of a ‘hegemonic project’. Though the primary source of the study is the Court judgements, in order to investigate how this new ‘ideology’ of secularism appeared in the Court’s judgement in 2012 could be linked to the ‘ideological-political’ instance of ‘hegemonic’ articulation of the AKP, the literature studying the AKP from ‘hegemony’ perspective⁷ was utilized and referred. In the same vein, to discuss connection between the new ideology of ‘secularism’, the public speeches of the prominent figures of the Party and official party documents were used as other supporting sources.

Then, what would be the significance of this study? What could an ‘ideology’-critique offer to in penetrating into the discussion of secularism in Turkey? The analysis of the shift in the ‘ideology’ of secularism adopted by the Court as part of ‘hegemonic project’ allows to illustrate that secularism cannot be taken with a static meaning as if the relationality between the state, society and religion are *neutral* and *given* and observe

⁷ ‘Hegemony’ is used with different meanings in the academic literature on Turkish political history. Here, it is necessary to underline that I refer to studies which employ ‘hegemony’ with its critical meaning not just to refer electoral majority, political power or the dominance in bureaucracy.

that how it could become a field of ‘ideological-political’ struggle of ‘hegemony’ to win in ‘civil society’ and ‘the state’. From such a perspective, we would be able not only to evaluate the role of an ‘ideology’ of secularism for a ‘hegemonic’ articulation in ‘civil society’ but also to investigate how the insertion of a particular ‘ideology’ of secularism into ‘the Court’ brings along the new uses of ‘the State’ in further entrenching ‘consent’ given to the ‘hegemonic articulation’ through ‘authoritarian populist’ strategy (that aims to reproduce ‘consent’ of the already existing ‘social coalition’ while suppressing any opposition by ‘force’) on the one hand, and stimulating the formation of particular ‘common-sense’ at different sites of ‘sociality’ as a whole. Hence, in this thesis, I aim to offer an alternative account portraying the Court’s shifting interpretation of secularism was part of the broader ‘ideological-political’ framework of the ‘hegemonic project’ that the AKP articulates, and I attempt to shed light on the linkages how changing *terrain* of secularism links to the project of ‘New Turkey’. By adopting a critical perspective, I intend to contribute to the literature on secularism and/ or secularization through an analysis of a change in ‘the state’, which is usually either remained unexamined, taken-for-granted or reified by the most of the approaches within this cluster of literature. Besides, I also aim to make a contribution to ‘hegemony’ literature on the AKP by examining the role of secularism and putting an emphasis on the implications of shifting ‘ideology’ of secularism in the state within ‘hegemonic’ processes since the issue of secularism and especially the new ‘ideology’ in the state appear to be mostly unexamined or elaborated as a secondary issue by these studies.

1.2. Outline of the Chapters

After presenting the research problematic behind this study in the *Introduction*, the Chapter 2, titled as *Theoretical Framework and Methodology*, provides a literature review on secularism and/ or secularization as well as a brief overview of the main arguments raised in the literature related to secularism in Turkey. Having clarified the routes of inquiry within secularism/ secularization literature, it is explained why an ideology-critique perspective is adopted and what such a perspective has potential to

offer. Then, the Chapter 2 moves to the explanation of theoretical and methodological orientation of the study. In this direction, Gramscian theory of ‘ideology’ and ‘hegemony’ is introduced and it is indicated that how these concepts are utilized as ‘analytical tools’. In the end of the Chapter 2, methodological issues and methods are explained.

Chapter 3, titled as *The AKP: Re-articulating Secularism and Religion within a New ‘Hegemonic Project’*, first, gives a brief introductory information on the controversies over secularism in post-1980 period in order to portray social and political conditions, upon which the AKP found opportunity to formulate a new ‘ideology’ of secularism. Then, the Chapter explains and discusses the emergence of the AKP in terms of formulation of a ‘hegemonic project’, which merges ‘economic’ interests of bourgeoisie –especially a particular fraction of it- and ‘ideological-political’ framework unifying a social coalition and bringing them into the political struggle represented by ‘the Party’. In the rest of the chapter, how the ‘ideological-political’ framework had changed through a series of modifications of particular elements and how the ‘hegemonic project’ extended into ‘the state’, including ‘the Court’ are overviewed (see Table 2). Finally, a special focus is given on the Party’s formulation of an alternative ideology of secularism within the broader context of ‘ideological-political’ struggle, which operated as a mechanism allowing production of ‘consent’ in its initial years and was implemented into the Constitutional Court as the ‘hegemonic project’ extends to ‘the state’.

After giving brief background information on the Constitutional Court and concrete legal mechanisms, Chapter 4, titled as *The Constitutional Court and Ideology of Secularism: The Former vs. The New*, deconstructs, analyzes and compares the former and new ideologies of secularism upheld by the Court through judgements of the Court shown in Table 3 and Table 4. In this analysis, the normative assumptions on state, society and religion inscribed by the two ‘ideologies’ of secularism are mapped out.

The Chapter 5, named as *The New ‘Ideology’ of Secularism, ‘The State’ and ‘Common-sense’: An Evaluation*, intends to investigate how the implementation of a new ‘ideology’ of secularism by ‘the Court’ enables the new uses of ‘the state’ for the ‘hegemonic

project' to not only as a 'consent' mechanism to solidify the support of mass social coalition that it aims to win -at the expense of coercion enforced by those who remain out of that mass coalition- but also as an 'ideological' strategy to stimulate a particular 'common-sense' of sociality through an 'ethical-state' to back the 'hegemonic project'. In the end of this chapter, it is also discussed that whether or not the new 'ideology' of secularism could be considered in relation to 'historical-bloc' by taking into consideration how the structural aspect of neoliberalism intertwines with 'religion'.

Lastly, in *Conclusion*, the initial research problem and research process are briefly summed up. The outcomes of the study and the potential ways of developing the arguments raised in this thesis are also discussed in this chapter.

CHAPTER 2

THEORETICAL FRAMEWORK AND METHODOLOGY

Rather than studying religion and/or secularism in itself, this thesis picks ‘ideology’ of secularism as the object of analysis, and it intends to evaluate the shift in the ideology accompanying description on secularism at the state level through an ideology-critique perspective, which enables to locate the changing ‘ideology’ of secularism into particular relations of power in contemporary Turkey. In order to better illustrate distinctive theoretical position employed for the analysis of ‘ideology’ of secularism, first, this chapter surveys the main approaches in the study of secularism and/ or secularisation and provides a brief introduction to the literature on secularism in Turkey . Second, the core concepts of Gramsci are evaluated to portray how ‘ideology’ locates in his theoretical framework and to clarify how ‘ideology’ perspective is implemented by this study. Finally, in the last sub-section of this chapter, methodological issues are explained and a detailed information regarding method of the study is included.

2.1. Literature Review on Secularism and Secularization

Expanding scholarly interest in the study of religion, especially after the cultural turn, paved the way to the formation of different theoretical strands in the study of secularism and/or secularization, which indeed became a research area receiving contribution from diverse disciplinary fields of social sciences. Considering that the literature on secularism and/ or secularization do not possess a single object of analysis and it is impossible to provide all-inclusive literature review within the confines of this study, I analytically identified four routes focusing on different problematics related to secularism and/ or

secularization in order to review literature in a systematic manner. Nevertheless, the four routes, that I describe, should not be taken as an absolute and rigid classification, since they are not independent and exclusive of each other. In this direction, first, this sub-chapter clarifies concepts used in the literature in general and surveys these four routes within secularism and/ or secularisation literature within an emphasis on how increasing visibilities of ‘religion’ are subjected to enquiry. Second, a brief overview of the central arguments raised by the scholars particularly focusing on secularism in Turkey are provided. Lastly, it is explained why ideology-critique can be an alternative path in the study of secularism.

If one is engaged in the study of religion and secularism, the first thing might probably be the realization of that the terms related to secularism may indicate quite varied phenomena, thus a conceptual clarification seems to be necessary. As Calhoun underlines, secularism belongs to a cluster of related terms such as secular, secularity, secularism, and despite the absence of a standardized usage, these terms “operate in different conceptual frameworks with distinct histories” (2012: 335). To follow conceptual frameworks and theoretical inquiries, that these terms lead, we should scrutinize how these mentioned terms are differentiated analytically. At this point, the conceptual clarification made by Casanova (2009) seems to be helpful. According to Casanova (2009), the term ‘secular’ is an epistemological category, which is used “to construct, codify, grasp and experience a realm or reality differentiated from ‘the religious’” and phenomenologically, different ‘securities’ can be delineated in terms of codifications, institutions and experiences that they generate with respect to changing religiosities and spiritualities (1049-1050). ‘Secularization’, which was considered to be immanent in ‘modernization’ process, refers to either actual or assumed historical transformation by which ‘the religious’ and ‘the secular’ manifest themselves as differentiated institutional spheres (Casanova, 2009: 1050). Lastly, Casanova highlights three interrelated aspects, which secularism may refer: (1) modern secular ideologies implemented in state projects, cultural programmes or philosophies of history, (2) as a ‘doxa’ of modern social life, and (3) models of legal separations of religion and state (2009: 1051). To clarify the meanings attached to secularism, Casanova proposes an

analytical distinction between ‘secularism as ideology’ and ‘secularism as statecraft’: ‘Secularism as statecraft’ implies a certain separation of religious and political authorities without having a substantive theory or view on religion, on the other hand ‘secularism’ becomes an ideology if it bears a stance regarding the definition or social role of religion (2009: 1051). Thus, Casanova’s separation of secularism as statecraft and as ideology suggests that the term ‘secularism’ may refer either certain world-views or concrete state policies or both of them. On the other hand, as we observe in Casanova’s distinction, the literature on secularism, except critical inquiries, seems to assume that ‘secularism’ without an ideology is possible at state level if the mere aim of secularism is to legally ensure state neutrality and freedom of religion. Indeed, this assumption stems from the fundamental liberal ‘state-idea’ considering ‘the state’ as something detached from and above of ‘the society’, which should be ‘neutral’ in its activities without interfering into ‘universal’ fundamental freedoms. Yet, as it will be unfolded later, through an ideology critique, this study conceptualizes ‘the state’ as an apparatus over which ‘ideological’ struggles take place, discusses how different ideologies of secularism is embedded in state apparatus as part of different hegemonic historical blocs; and thus conveys the argument that secularism without an ‘ideology’ is hard to accept.

Before specifying what ‘ideology’ perspective could offer for the study of secularism, as mentioned earlier, it is essential to overview the four strands in the literature on secularism and/or secularization to better orient theoretical stance taken up in this thesis. The first route of discussions are the ones centering upon the changing content of religion or its manifestations in ‘social’ life. These discussions are usually conducted on the basis of either defence or rejection of the ‘secularization theory’ from a variety of aspects. Although ‘secularization’ as an implicit paradigm has a long history, the literature on secularization began to develop in the post- World-War 2 period (Gorski and Altinordu, 2008: 59). Indeed ‘secularization theory’, referred also as secularization thesis or paradigm, did not develop as a single and unitary theoretical frame. The primary disagreement is the locus of investigation as some scholars studied individual beliefs and practices while others emphasize different aspects such as differentiation of religious and non-religious institutions or the place of religious norms in the society (Gorski and

Altmordu 2008: 57). A detailed investigation of the course of ‘secularization theory’⁸ would exceed both the aims and limits of this part, thus I find it useful to cite the classificatory definition made by Casanova (1994) in his well-known book. According to him, secularization theory, as it is used in the literature, refers to three separate, but interrelated sub-theses, which are differentiation (of ‘secular’ and ‘religious’ spheres), progressive decline of religion and privatization of religion (1994: 20). However, the observations of ‘resurgence of religion’ worldwide canalized scholars to critically examine the predictions of ‘secularization theory’ despite the existence of a limited number of scholars still supporting ‘secularization thesis’ (see Bruce 2011) . Casanova, himself, is very critical on these three assumptions of secularization theory and by depending on his empirical work, Casanova (1994, 2006, 2013) argues that we may talk about differentiation of ‘secular’ and ‘religious’ spheres all over the globe, however the remaining sub-theses seem to be problematic because new manifestations of religion indicate that religion is not declining and privatising rather they seek for a public presence through the process of ‘de-privatization’. Apart from Casanova, Berger’s name should be mentioned as he coined another important term, that is ‘de-secularization’. According to him, despite the varying content and form religions, it is obvious that religious movements are on the rise (1999: 6). Because secularization theory seems to be exceptional in empirical terms, for Berger (1999), what we are going through is a process of ‘de-secularization’.

Though Berger’s concept of ‘de-secularization’ did not become a widespread analytical tool (Karpov, 2010: 2), it apparently captures kernel of arguments made around the term ‘secularization’, that is the expectations of secularization theory were not realized as the influence of religion in social life either remains or increases regardless of various historical forms and/or contents that manifestations of religion may have. Apart from Casanova and Berger, there are some other well-known studies on the patterns of religiosity in social life. For Norris and Inglehart (2011), drawing on an empirical data set collected at a global level, argue that in certain aspects it is true that secularization takes place during the course of ‘modernization’, nevertheless at the same time, the

⁸ For a detailed review of ‘secularization’ literature, please see Gorski and Altmordu (2008).

number of people with traditional religious views continue to expand. Along with the discussion of decline/ increase and public manifestations of religiosity, there are a line of studies revolving around how religiosities modify in their content. On this point, the works of Davie (2008) and Roy (2014) could be given as examples of studies, which dwell upon how the lived religiosities undergoes a substantial transformation. In brief, the studies, which may be considered within the scope of the first route, focuses on how religion is manifested, experienced and encountered in social life. Taking into account that contestations over public sphere in the past and enduring relevance of religion in Turkey, the insights provided by the first route of secularism and/or secularization literature may be considered to be fruitful. However, it fails to address the research problem of this thesis, since it appears that the first route focuses on religion and its transformations as an autonomous social field, and it does not thoroughly engage with the question of 'state'.

Along with the debates around 'secularization', the second route of theoretical conceptualizations could be indicated as the literature, which puts more emphasis on 'secularism'⁹. At this point, the disciplinary origin of studies begins to move from sociology of religion towards political theory. Related to secularism, the body of literature that I would like to mention is the one on the models of separation of religion and state because it also supplies a ground for both academic and public discussions over Turkish secularism. In this direction, the classificatory scheme made by Maclure and Taylor (2011) presents the most common ideal-types related to the legal separation of religion and state. According to them, secularism is a political principle aimed at two principles, namely equality of religions and freedom of conscience, and it utilizes two operative modes, which are separation and neutrality, in order to realize the principles (Maclure and Taylor, 2011: 20-23). In this regard, two ideal-typical models of secularism could be distinguished by depending on a nexus of these principles and operative modes:

⁹ In this part, I prefer to put emphasis on the ideal-typical models of secularism. Apart from this theoretical locus, there is also an expanding body of literature calling for a historical analysis of particular secular settlements (see Bhargava, 2013, Calhoun, 2012, Gorski and Altınordu, 2008; Rosati and Stoeckl, 2012). This is why, there is an increasing tendency to talk about 'secularisms' since in historical terms, it is considered to not only a particular institutional arrangement but an entity being in interaction with other social phenomena (such as nationalism, identity, ethnicity etc).

Rigid (or republican) secularism gives priority to ‘neutrality’ of state and thus a large extent of public appearances of religion is restricted whereas flexible (liberal/ pluralist) secularism opts for priority of ‘freedom’, thus a greater freedom of conscience is given to individuals (Maclure and Taylor, 2011: 27-35). The paradigm of two binary models of secular regimes are envisioned with different terminologies as well. For instance, Kuru’s (2009) description of the dichotomous model of passive and assertive secularism is one of the mostly cited conceptualizations and it would not be wrong to state in this terminology passive secularism is similar to that of flexible, while assertive corresponds to rigid secularism.¹⁰ Within this binary ideal typical models, France and Turkey¹¹ are indicated as prototypical examples of rigid/ assertive secularism, whereas USA is that of flexible/ passive secularism (Kuru, 2009; Maclure and Taylor 2011). In terms of conceptual clarification, the ideal-typical models of secularism, which I consider as the second theoretical strand in the literature, is relevant for this thesis since a ‘state’ institution (referring to the Court) itself declares to opt flexible secularism. However, I do not think these models of secularism could be utilized as a theoretical framework or a parameter in this study, since they probe secularism as if it’s a choice of ‘state’, which is implicitly regarded a *neutral* entity that is ontologically above of the society. On the contrary, with ‘ideology’ perspective, I target to problematize a change at ‘state’ level as a process related to a broader social transformation that is not neutral but ‘political-ideological’.

A third route taken up in the theoretical literature on secularism and/ or secularization is the discussions of social and political philosophy on the conditions and experiences of ‘secularity’ or ‘post-secularity’ in our age. Since it is impossible to monitor every single usage of these terms within philosophical debates, I would like to mention two prominent

¹⁰ Regarding the models of secularism, with his notion of ‘principled distance’, Bhargava (2009) depicts an alternative classificatory scheme. However I do not present his detailed scheme as the discussions in Turkey mostly relies on the dichotomous models of rigid/assertive secularism vs. flexible/ passive secularism.

¹¹ Though Turkey is used as an example of rigid secularism, indeed it is not easy to describe Turkish model because the historical formation of Turkish secularism has strong ties with Turkish nationalism and Sunni Islam (see Davison, 2003; Hurd, 2013).

scholars. As for the discussions of ‘post-secular’, ‘post-secularity’ and ‘post-secularism’¹², certainly Habermas initiated controversial debates. If we put aside the extensive disputes over his epistemic stance towards ‘modernity’, basically Habermas (2005, 2010) states that religious faith should be part of public dialogue that the state, on the contrary of a strong secularist outlook, should not exclude religious voices. In addition, Taylor, as another prominent philosopher, writes extensively on the ‘condition of belief’ in a modern liberal political order. Taylor (2007) specifies three modes of secularity, which are respectively related to public sphere, commitment to belief and the ‘condition of belief’, and among these three, the last mode of secularity indicates the distinctive aspect of secularism of our age. According to Taylor (2007, 2010), secularism is an ‘overlapping consensus’, to which both religious and secular values have equal access, and the core of Western secularism lies in the status of ‘unbelief’, that is being an option just as being a believer. Despite the differences between Habermas’ and Taylor’s approach (see Spohn 2015), what is important here is that, ‘religion’ is given a place in social dialogue by overcoming the exclusive dichotomy of ‘the religious’ and ‘the secular’, nevertheless both scholars seems to take the existence of a liberal ‘secular state’ taken-for-granted. In short, the third route indicates rather more philosophical debates on ‘secularity’ and ‘post-secularity’ questioning how and in which forms religion became embedded in ‘modernity’, but the role of ‘state’ and the multi-layered network of power relations in a social setting appear to be out of critical focus of these inquiries. This is why, these philosophical discussions do not offer the critical lens to problematize ‘state’, that I intend through an ‘ideology’ perspective.

Finally, the last route, which I have observed within theoretical literature on secularism and/ or secularization is the critical perspectives relying on a post-structuralist orientation. Though this theoretical outlook continues to expand, Asad and Mahmood are two well-known scholars who problematize ‘secularism’ itself and pose questions to challenge certain aspects, which the whole debate of secularism have naturalized. Asad

¹² “Post-secularity means a secularity that has come to be reflexive, and thus as one that it is not to be interpreted as non-secularity, but rather as one that affirms the kind of political discussion coming after secularity-secularity understood as a reaction against religion and therefore as also dialectically dependent on religion” (Sigurson, 2010: 191)

(2003) dwells upon the epistemological category of ‘the secular’ and portrays that what is considered to be the distinction between ‘the secular’ and ‘the religious’ is indeed rooted in the particular history of Western Europe has been through, this is why this distinction is not an essential but an arbitrary one. Thus, the presentation of ‘the secular’ and ‘the religious’ as universal categories are nothing but a construction of a reality dominated by the relations of ‘power’ embedded in the historicity entailed by the very concept of ‘the secular’ itself. In the same direction, Mahmood (2007; see also Mahmood and Danchin, 2014) argues that rationality of a secular-liberal order, and the subjectivities created by it, are not universal, as it often claimed; on the contrary, these ‘rationalities’ and ‘subjectivities’ exists only within culture made by particular nexus of history, politics and power; for this reason, ‘secularism’ cannot be a universal cure. As it is observed in Asad’s and Mahmood’s scholarly interventions, the fourth strand in my classification relies on a Foucauldian conceptualization of ‘power’ and directed at the critique of ‘the secular’ as an epistemic category embedded in ‘discourse’ of secularism. This thesis dwells upon how secularism has assumed a different relationality between state, society and religion and it does not question the discursive boundaries between ‘the religious’ and ‘the secular’. Thus, the fourth route, which refers to post-structuralist critical perspectives within the theoretical literature, could not illuminate the research problematic chosen for the inquiry by this study.

Having unrolled the four analytically separated theoretical routes within the general literature on secularism and/ or secularisation, I find it necessary to touch upon studies particularly focusing on Turkish secularism as well. Most of the studies on Turkish secularism converge with other subject-matters related to Kemalist modernization, Turkish nationalism and political Islam, and they bear quiet different disciplinary origins. This is why, it seems impossible to categorize studies on Turkish secularism by strictly relying on the four analytical routes although these studies may extensively refer to the concepts or perspectives of that of general literature on secularism and/or secularization. Hence, without following a strict classification, I prefer to mention the main arguments raised in respect to secularism in Turkey. In this regard, ‘secularism’ in Turkey is generally recognized as an aspect of ‘modernization process’ in terms of institutional

arrangements between religion and state as well as the place and content of religion in social life (see Ahmad, 2012; Barkey, 2010, 2012; Berkes 1998; Karpat, 2012; Ortaylı, 2010; Mardin, 1991, 2011; Timur, 2008; Zürcher; 2004). Within this framework, Berkes (1998), one of the most cited scholars, interprets development of secularism in Turkey as a process by which ‘the religious’ and ‘the secular’ falls apart and ‘the religious’ loses its all-encompassing authority both in social life and state organization; thus the initial steps towards a secular order dates back to late periods of Ottoman Empire, however it becomes established only after the proclamation of republic and preceding reforms of Atatürk. Mardin (2011) and Karpat (2012) emphasize that secularism the advancement of secularism in Turkey is indeed a top-down process through which Kemalist elite circles undertook particular changes in state organization and utilize state institutions to impose a particular version of Islam and secularism onto ‘society’. Particularly, the approach of Mardin (1991, 2011), which is known as the centre-periphery paradigm, is important in the sense that it influenced both public discussions and academic scholarship with respect to how the debates and criticisms of Kemalist understanding of secularism are framed as a matter of ‘Kemalist elites’, ‘official ideology’ of state and conflict between ‘state’ and ‘society’. Besides, Barkey (2010) and Davison (1998) underscore that how religion and secularism intertwine with nationalism as an ideology and a new frame of identity in the process of transition from Ottoman Empire to nation-state.

Along with these broader historical remarks on the relationship between ‘secularism’ and ‘modernization’, it is essential to move towards studies particularly elaborating ‘secularism’ from different angles. In this regard, analysis heavily focusing on the institutional aspect in terms of state policies towards religion describe Turkish secularism as being ‘rigid’, ‘assertive’ or ‘laicist’ since the state enforces restrictions over various kinds of religious manifestations (Erdoğan, 2000; Hurd, 2008; Keyman, 2010; Kuru, 2009; Özbudun, 2012a; Yavuz, 2009). Despite the widespread acceptance of the terms ‘rigid’/ ‘assertive’ secularism or laicism, indeed the complex entanglement of religion and state paves way to further discussions. Besides the compulsory religion class at elementary schools, the presence of *Diyanet (Diyanet İşleri Başkanlığı- Directorate of*

Religious Affairs) is the most controversial issue of mode of secularism in Turkey. Though the state claims to be secular, it maintains a direct connection with the religion through an institution responsible for religious services. At this point, scholars indicate the unique organization of secularism which not only police religion in the public sphere but also control the content of religion (Gözaydın, 2009; Davison, 1998; Kuru, 2009; Yavuz, 2009). This particular organizational frame between state and religion is linked to ‘official ideology’ of state, which is considered to be the continuity of top-down modernization mind set implemented during the early Republican period. In other words, in the case of Turkey, particular ‘statecraft’ regarding religion and politics intertwines with ‘secularism as ideology’ adopting a stance towards religion by trying to govern public forms and content of religion (see Davison, 1998; Erdoğan, 2000; Gözaydın, 2009; Gürbey, 2012; Hurd, 2008; Keyman, 2007; Kuru, 2009; Özbudun 2012a; Özdalga, 1998; Rosati, 2012; Warhola and Bezci, 2010; Yavuz, 2009).

After setting forth the relationship with ‘secularism’ and ‘official ideology’ of the state, there are different arguments and criticisms, which scholars illuminate, against Turkish secularism. Kuru (2009), Yavuz (2009), Özbudun (2012a, 2012b) and Keyman (2007) all concur that secularism in Turkey reflects a positivistic mentality of ‘social engineering’ and authoritarian ‘modernization’ by which ‘state’ tries to shape ‘society’, thus the rigid secularism in Turkey is incompatible with the requirements of ‘civil society’ and pluralistic democracy. It is also argued what Turkey is being through particularly post-1980 period is an emergence of a post-secular society (Göle, 2012a; Rosati, 2012), which contests and undermines Kemalist version of secularism. In addition, there are some studies which implement a ‘critical’ perspective through a poststructuralist orientation. In their analysis, Çınar (2012) and Özyürek (2006) dwell upon the formations of the ‘self’ in everyday life as ‘secular’ political agents through ‘secular’ politics (in which ‘state’ is a node of ‘power’), whereas Göle (2012b) and Navaro- Yashin (2002) seems to be more focused on how the reality is shaped upon the distinction of ‘religious’ and ‘secular’ that is a product of secularism itself. In short, the literature of secularism and/or secularization in Turkey studies and analyses secularism as a matter closely related to the history of Turkish modernization from a variety of

theoretical perspective. Despite diversity of arguments and theoretical orientations, it is possible to identify certain tendencies that the most of these studies share: ‘state’ is reified in the sense that it is considered to be an apparatus of elites (as if they hold state power for itself) to control and shape ‘society’ from above and secularism in Turkey is assumed to be ‘ideological’, ‘official ideology’¹³, which is fixed to a particular version of ‘Kemalism’, is regarded to be a constant of ‘state’ and the whole controversy over secularism in post-1980s period is interpreted as being solely a symptom of Kemalist modernization project of the early Republican period¹⁴. However, this study does not focus on the problems of Kemalist modernization and secularism but problematizes the overturn of what is considered as Kemalist secularism in a strategic ‘state’ institution, and it aims to overcome the reification of ‘state’, which is a dominant tendency in the study of secularism, through a critical perspective.

Hitherto I tried to introduce the main theoretical routes in the general literature on secularism and/or secularisation and to present the core arguments raised particularly concerning ‘secularism’ in Turkey. Then, one may rightfully ask that what is the concrete position appropriated by this thesis? To remind, what is problematized by this study is the sudden shift regarding the definition of ‘secularism’ that the Constitutional Court of Turkey adopted. Turkey, after long being a ‘unique’ example of ‘rigid secularism’, is now attached to a different definition of ‘secularism’. Why did the Constitutional Court change the long-standing paradigm of secularism? Did the Court implement ‘flexible secularism’ out of free choice or as a result of the criticisms towards ‘rigid secularism’? Or was it a part of unfolding process which should be considered as a ‘natural’ outcome of ‘religious resurgence’, ‘de-secularization’ or ‘post-secularism’? Referring back to

¹³ For a critical evaluation of the problems embedded in the assumptions and criticisms of ‘official ideology’, see Örnek, 2016.

¹⁴ Aytürk (2016) refers to the term “post-Kemalist paradigm” to describe the paradigmatic thinking among intellectuals in post-1980 period. According to Aytürk (2016) ‘post-Kemalist paradigm’ had dominated intellectual circles including academic scholarship after 1980s in terms of the central axis of social and political inquiries, and it was believed that ‘Kemalist’ ‘top-down’ ‘modernisation project’ was the main cause of the problem of ‘democracy’/ ‘democratisation’ vs. tutelage in Turkey. Thus, amongst other aspects of Turkish history of modernization, the discussions over secularism were fixed to the criticism of Kemalism –by treating Kemalism as a coherent and unchanging ideology and disregarding historical transformations and varieties from within.

Casanova, with this new definition, the Court determined a new position of state vis-à-vis religion, thus, certainly, we may talk about a move from an ‘ideology’ of secularism to that of other. In other words, the Court described how the place of ‘state’, ‘society’ and ‘religion’ should be in their relation to each other, and meanwhile, it reflected a ‘world-view’ on the normative place of ‘religion’ in a given social order. In the same vein, it indicates a change in the ‘official ideology’ of the Turkish state, which has long been associated with top-down ‘modernisation’ process driven and sustained by Kemalist elite. Taking ‘ideology’ as being merely ‘world-view’, we may observe a shift, nevertheless such an approach does not lead us to conceptualize this ‘shift’ by means of ‘power’ relations and struggles of ‘hegemony’. The very initial argument of this thesis is to claim that the new definition of secularism should be considered as a part of ‘power’ struggles and quest for ‘hegemony’ within society, thus it can be merely taken neither as an appropriation of a new principle by the ‘state’ itself nor as an implementation of a ‘world-view’ among others. Hence, this study aims to propose an alternative framework than both the existing routes in the theoretical secularism and/or secularisation literature and the perspectives on Turkish secularism by utilizing a different conceptualization of ‘the state’. In other words, unlike the reified notions of ‘the state’, which is defined in opposition to ‘society’, ‘the state’ is considered to be embedded within ‘society’ and ongoing ‘power’ struggles in a given historical moment. Thus, I believe, if our intention is to comprehend the shift in the ‘ideology’ of secularism as an historical event, then we should utilize a ‘critical’ notion of ‘ideology’. At this point, an ‘ideology’ analysis, mostly relying on the thought of Antonio Gramsci, equips us with necessary analytical tools to evaluate secularism as a front over which ‘battle of ideas’ takes place.

2.2. Ideology Perspective: Thinking through Gramsci

‘Ideology’ is a slippery concept of social sciences (McLennan, 2012: 1) and it is not always clear what the word ‘ideology’ refers when it is used in scientific field as the meaning may substantially differ with respect to the theoretical position of scholar as well as epistemic community to whom the scholar speaks. Along with diverse meanings

of 'ideology' in different theoretical traditions, the concept's close relationship to political connotations and its wide circulation in daily language also add to the elusiveness of the concept (Larrain, 1979: 13). In this regard, Eagleton (1991)'s classification on the six different meanings of 'ideology' may serve as a benchmark to orient our critical position as well as its difference from the usages of the 'ideology' in secularism literature. Eagleton (1991)'s definitional schema takes off from the very general meaning, and moves towards to the conceptions gradually sharpening in their focus. In this classification, the most general meaning of 'ideology' has an understanding closer to 'culture', whereas the second meaning conveys a definition closer to 'world-view' since it links particular ideas and beliefs to a specific social group (Eagleton, 1991: 28). 'Ideology', when it is used by the literature on secularism, generally connotes to this second definition. On the other hand, Eagleton adjoins 'promotion' and 'legitimation' elements in the third meaning of ideology, and if the promotion and legitimation of certain beliefs and ideas serve the interests of 'dominant' social group –i.e. "help to unify a social formation"-, then fourth meaning enters into the scene (1991: 29-30). 'Ideology' as it is used by Gramsci could be considered under this fourth meaning. Nevertheless, 'ideology' is also used to denote element of 'distortion', which comes along in the fifth and sixth meanings identified by Eagleton.

In the light of this classification, Gramsci's theoretical insights illuminate that certain ideas, beliefs and practices are neither deceptive nor accidental or free-floating, on the contrary particular ideas, beliefs and practices are intentionally articulated and packed into 'ideologies', which are fostered by social groups in order to maintain or achieve 'hegemony' in a given society. Hence, the 'ideologies' of secularism are not exceptional when they are given an 'ideological' role in the process of hegemony building. To clarify, different standpoints regarding the place and role of the 'religion' in a 'secular' state are indeed 'ideologies' of secularism, which are not only world-views in themselves but indispensable components embedded in struggles for 'hegemony'. So that, different ideologies of 'secularism' are backed by different social groups if 'secularism' is a front among other fields over which struggles for 'hegemony' take place. In this direction, the purpose of this sub-chapter is to present the central concepts in Gramsci's thought in

order to explain the relationship between ‘ideology’ and power as well as to show how ‘ideology’-critique proposes an alternative way to capture the change that secularism in Turkey had been through.

2.2.1. ‘Ideology’ and its relation to ‘Hegemony’ and ‘Historical Bloc’

For locating ‘ideology’ in the broader framework of ‘power’ relations, the first destination of theoretical inquiry should be Gramsci’s concepts of ‘hegemony’ and ‘historical bloc’. This is also important for the analysis of ‘secularism’ because in the end, it allows us to observe how particular ‘ideologies’ of secularism are fostered by certain social groups as part of their ideological articulations, and how those ‘ideologies’ of secularism become immanent to the ‘hegemony’ in a given ‘historical bloc’. Nevertheless, before dwelling upon ‘ideology’ in Gramsci’s thought, it is a prerequisite to mention his political agenda that conditioned his way of thinking and his theoretical position. By relying on the secondary literature, we could identify two important elements being influential on how Gramsci analysed the social ‘whole’ - as well as the complex set of power relations made ‘the social’ a ‘whole’-. First, the endurance of capitalism and the absence of a proletarian revolution in the West, under even the worst conditions of inter-war period, led him to focus on a new “theoretical-strategic paradigm” which would give hints on how a proletarian revolution in advanced capitalism could be possible (Femia, 1981: 6). Second, “crude economic determinism” was prevalent among Marxists of his generation, and Gramsci not only criticized this ‘economistic superstition’ but also intended to construct a theoretical model for the careful study of economic structure and superstructure of concrete social realities that act on the other in a particular society (Crehan, 2002: 21-22). Though there are other factors historically shaping Gramsci’s vision and agenda, in my opinion, these two elements are the most significant ones for an understanding of his theoretical outlook: Gramsci was in search of a “theoretical-strategic” approach to both go beyond abstractions of Marxism and present concrete ways as to how a proletarian revolution becomes possible.

At this point, one may wonder that why the thought of Gramsci is chosen as the theoretical plane of this study, which has nothing to do with a proletarian revolution:

Indeed, what makes his work impressive is that it conveys concrete mechanisms through which ruling groups could remain as the ‘ruling’ ones since they manage to succeed in organizing a social ‘unity’ (Ransome, 2011: 179). In this sense, Gramsci’s theorization over the concept of ‘hegemony’ brings forth the questioning of ‘power’ in term of as a “real dialectical processes” between structure and superstructure (Gramsci, 2000: 193), thus his approach situates ‘superstructure’ into the complex set of relations producing a certain order along with the structural conditionings. Through the conceptualization of ‘hegemony’, Gramsci’s theoretical framework provides insights into the importance of ‘ideologies’ at the level of ‘politics’ in producing and reproducing a particular social order and legitimate authority, which is backed by a social alliance constituted among dominant and sub-ordinate groups and based on ‘consent’ rather than sheer ‘force’¹⁵. Hence, despite his problematic of absent proletarian revolution, his theoretical framework cannot be constrained with this particular horizon since it enlightens the concrete social forces, structural and superstructural, making up a historical ‘unity’. In this direction, it seems crucial to discuss his elaborations specifically on ‘ideology’ before moving how structure and superstructure fuses into unity in his conceptualization of ‘hegemony’ and ‘historical bloc’.

As it is recently emphasized, one of the main concerns of Gramsci is to re-interpret Marxism and save it from a simple determinism between structure and superstructure. For such a re-formulation, Gramsci returns to the early works of Marx to find a ground on which he develops an alternative conceptualization of ‘ideology’. By this point, it is crucial to underline that Marx, himself, did not develop a “fully pre-packaged” theory of ‘ideology’ and indeed he used the concept in different manners (Eagleton, 1991: 81-82; Hall, 1986: 30). Gramsci takes up a Marxist line, and instead of conceptualizing

¹⁵ Though the relationship between ‘hegemony’ and ‘ideology’ is elucidated below, I find it necessary to include Hall (1988)’s explanation of Gramscian hegemony in order to guide reader and to distinguish it from other meanings and connotations of ‘hegemony’ in broader social science literature. As Hall (1998: 133) indicates, “for Gramsci, the question of hegemony is not a question of permanent state of affairs, in which relations of force is susptended. It is neither a functional condition of ruling-class power, nor a matter, exclusively of ‘ideological consent’ or ‘cultural influence’. What is in question, is the issue of ‘ethical state’: the ceaseless work required to construct a social authority, throughout all the levels of social activity, such that ‘moment of economic, political, intellectual and moral unity’ may be secured, sufficient to ‘raise the level of the state to a more general plane”

‘ideology’ as a matter of ‘distortion’, he adopts a different epistemological position by affirming ‘reality’ of ‘ideologies’: “(...) men become conscious of their social position, and therefore of their tasks, on the terrain of ideologies, which is no small affirmation of reality” (2000: 196). With this statement, Gramsci draws from Marx (1978:5)’s well-known quote from *Preface*, that is “(...) ideological forms in which men become conscious of their conflict and fight it out”. Even a quick look on the way Gramsci employs Marx’s assertion allows us to see that he uses ‘*terrain* of ‘ideologies’ rather than ‘ideological forms’ or just ‘ideology’. This small, but important, nuance could be taken as a hint presenting Gramsci’s treatment of ‘ideology’, that is ““objective and effective reality’, the terrain of ‘superstructures”” (Rehmann, 2013: 118). Nevertheless, the emphasis on ‘superstructure’ should not immediately be considered as the neglect of ‘structure’ in Gramsci’s analysis, since he points out that “It is the problem of the relations between structure and superstructures which must be accurately posed and resolved if the forces which are active in the history of a particular period are to be correctly analysed and the relation between them determined” (2000: 200). Then, where do ideologies reside and what are the roles of them in the ‘history’ of a particular period?

Within the dialectical relationship between ‘structure’ and ‘superstructure’, there is no hesitation that ‘ideology’ belongs to ‘superstructure’, but it retains its necessary reciprocity to the ‘structure’. In this regard, Gramsci distinguishes between historically organic and conjectural ideologies: Conjectural ones cause individual ‘movements’, whereas organic ideologies are “(...) necessary to a given structure” as they “(...) organize human masses, they form the terrain on which men move, acquire consciousness of their position, struggle etc.” (2000: 199). Whether or not an ‘ideology’ is organic manifests its importance in the analysis of ‘relations of force’, which include three distinctive moments (namely ‘structural’, ‘political’ and ‘military’ forces) of historical processes. At the level of highest political phase, ‘ideologies’, in the form of ‘political party’, become the ‘objective’ ground of struggle since they bring “(...) about not only a unison of economic and political aims, but also intellectual and moral unity (...) creating ‘hegemony’ of a fundamental social group” (Gramsci: 2000: 205). Thus, ‘ideologies’ are organic if they are tied to the constitution and maintenance of

‘hegemony’ in a given period. In other words, for Gramsci, ‘ideology’ is important because it brings together free-floating ideas and due to both its pivotal role in the constitution (and continuous ‘re-constitution’) of a ‘hegemony’ as well as its potential role in formation of a ‘counter-hegemony’. At this juncture, ‘party’ is given a strategic task at the ‘political’ moment since it is a “complex element of society”, which assembles and re-works ‘ideologies’ in a way that various subordinate groups integrated into political struggle. In this direction, what makes Gramsci’s notion of ‘ideology’ into an ‘ideology-critique’ is the mechanisms through which ‘ideology’ has a vital connection to ‘hegemony’ of dominant groups or classes in a given ‘historical bloc’ (Rehmann, 2014: 10). Since ‘ideology’ finds its ‘critical’ meaning in terms of its relation to ‘hegemony’, then it is essential to shed light on the uses of ‘hegemony’ in Gramsci’s theory.

Just as other concepts of Gramsci, ‘hegemony’ bears a single meaning and usage neither in his own writings nor in the secondary literature (see Anderson, 1976: 7-8; Crehan: 2002: 99; Ransome, 2011: 176). Because the scope of this sub-chapter is rather limited, it is not feasible to scrutinize every single usage of Gramsci, hence ‘hegemony’ is discussed in the particular ways, which relates to ‘ideology’. Along with the ‘structural forces’, a group, in order to become ‘hegemonic’, should succeed in initiating an ideological ground upon which a ‘new conception of the world’ can be germinated. To refer Gramsci’s own words, “the realization of hegemonic apparatus, in so far it creates ideological terrain, determines a reform of consciousness and of methods of knowledge” (Gramsci, 2000: 192). In fact, comprehending ‘ideology’ as something to be created for the realization of ‘hegemony’ could be seen as a break with the one-sided interpretations of ‘dominant ideology’ thesis developed upon particular phrases of Marx. Roughly, the thesis assumes that ‘dominant ideology’ is particular set of ideas and beliefs, which are fostered by the ruling class, serving interests of ruling class and preventing subordinate classes from developing a revolutionary opposition (Abercrombie and Turner; 1978). Nevertheless, Gramsci’s theorization of hegemony shakes the static understanding of ‘dominant ideology’ thesis, because there is no a ready match between ‘ideology’ and class positions, since, for the constitution of ‘hegemony’, certain ideas, beliefs,

references should be intentionally tied together to construct an ‘ideological framework’, reaching beyond immediate corporate interests to “propagate itself over the whole social area” (Gramsci, 2000: 205). In other words, ‘ideology’ of the hegemonic social group – which is usually a particular fraction of bourgeoisie and their allies in a given capitalist social formation- cannot be assumed on the grounds of being purely ‘capitalist’ in its content. On the contrary, ‘ideology’ is required to be articulated and tied to “a set of organized political positions and to a particular set of social forces” (Hall, 1986: 41) this is why, in the context of ‘hegemony’, ‘ideology’ draws from a variety of resources, which might be nothing to do with class interests in purely structural terms.

Though ‘ideology’ is indispensable for a social group to create and sustain its ‘hegemony’, it does not mean that a particular social group *invents* certain ideas, beliefs and practices, which together forms an ‘ideology’. Unlike the *universal* assumptions of ‘dominant ideology’ thesis, Gramsci’s use of ‘hegemony’ recognizes ‘historicity’ – referring to particular historical conditions in a given society and given time- in the making of ‘ideologies’. As the normal process of hegemony building requires ‘consent’ of the masses by establishing a unitary common ground at the level of ‘ideology’, ideological framework should necessarily cling upon historical reserve that a society brings about. To follow Gramsci, “what was previously secondary and subordinate, or even incidental, is now taken to be primary- becomes the nucleus of a new ideological and theoretical complex” (cited in Simon, 1991: 62). Thus, an ‘ideology’ accompanying a particular ‘hegemony’ is historical in the sense that it rests upon already existing ideological components of a given society, from which rearrangements and new combinations are framed. In the same direction, for an ‘ideology’ to become a ‘terrain’ to establish a ‘unity’, the interests and tendencies of the groups, on whom ‘hegemony’ will be exercised, should be taken into account (Gramsci, 2000: 211). Hence, ‘ideologies’ are not only mere reflections of dominant bourgeois economic interests, but also historical entities containing general interests of the masses (Gramsci, 2000: 196-199). Indeed, “mass adhesion” to an ‘ideology’ proves the “rationality and historicity of modes of thinking” (Gramsci, 2000: 341). As it is manifested in the various examples of nationalism or patriotism, a hegemonic ideology necessarily employs popular feelings

(Rogers, 1991: 63), additionally ideas and beliefs that are rooted in the ‘common-sense’. In short, from the perspective of Gramsci, ‘ideology’ is not a deception, but a historical entity, turning disintegrated into an organized wholeness in order to ‘cement and unify’ into a hegemonic ‘historical bloc’.

Aside with ‘hegemony’, ‘historical bloc’ is a key concept to emphasize in order to discern the particularities of Gramsci’s theoretical model in positioning ‘ideology’ in a society. It is already explained that ‘ideology’ is real and material historical phenomenon, which is constituted consciously to unify ruler and ruled on a common ground for governed to give consent for the hegemony of ruling social group. The conceptualization of ‘ideology’ within a hegemonic order enables us to grasp the relevance of ‘superstructural level’ in terms of relations of power within social groups making up society. Herein, concept of ‘historical bloc’ concretizes the dialectical relationship between structure and superstructure, which are two levels of analysis: first, it helps to display the relationship between two levels of abstract reality in manner of purely theoretical terms; second, it serves as a tool to understand how these two levels are linked in real society (Sassoon, 1987: 121). Both in theory and practice, “structures and superstructures form a historical bloc” (Gramsci, 2000: 192), nevertheless, this formation goes beyond being a simple sum. Structure and superstructure are dialectically entrenched into each other that both the continuity of existing social formation and the emergence of a new one rely on the ‘relations of forces’ within a particular ‘historical bloc’. In other words, structure and superstructure are two levels of social reality, possessing the potential of mutually conditioning of each other. The complex relationality between structure and superstructure has remarkable implications for ‘ideology’ as well. As Gramsci indicates, “economic crisis” paves way to “fundamental historical events” not because it is the structure overturning superstructure but because such crisis “create a terrain more favourable to the dissemination of certain modes of thought, and certain ways of posing and resolving questions involving the entire subsequent development of national life” (2000: 208). Moreover, it is ‘hegemony’, which maintains durability of ‘historical bloc’ or empowers a revolutionary change within ‘historical bloc’. Thus, ‘ideology’ is closely tied to “demands of a complex organic period of history” (Gramsci, 2000: 341). Lastly,

it should be noted that although ‘historical bloc’ is established within a given international conjuncture, it is peculiar to national context (Sassoon, 1987: 121). For this reason, the content of ‘ideologies’ making up the ‘hegemony’ may vary from one context to another since ‘ideology’ is the ground of political struggle, which itself a product of history. With the knowledge of these general explanation on ‘ideology’, ‘hegemony’ and ‘historical bloc’, it becomes possible to think on how ideologies of ‘secularism’ may constitute a ‘terrain’ of political struggle on part of different social groups and thus how those ‘ideologies’ of secularism (not solely but together with other particular ideological frameworks) may be taken as a part formation and exercise of ‘hegemony’ by a social group in a particular ‘historical bloc’.

2.2.2. The Problem ‘State’: Does it matter or not?

For this study problematizes the shift in ‘ideology’ of secularism, which we observe at ‘state’ level, a careful and precise conceptualization of ‘the state’ is needed in order to relate ‘ideology’ and ‘hegemony’ as well as to offer an alternative route of studying ‘secularism’ than that of existing literature. Then, we may begin by asking that where does ‘the state’ reside in a ‘historical bloc’? Is state a mere illusion serving the economic interests of bourgeoisie or is it something else? Does ‘the state’ entail a role in the constitution and re-constitution of ‘hegemony’? If so, in which ways does ‘the state’ step in reproduction of particular ‘ideologies’? For an analysis of ‘ideology’ at the level of a state institution, these questions seek an answer in order to theoretically position ‘the state’ and its activities. As it is the case for ‘hegemony’, ‘the state’ in Gramsci’s writing connotes to different elucidations across his writing (Anderson, 1976: 12). In this direction, any discussion of ‘the state’ in theoretical model of Gramsci calls forth a nexus of possible relationships between a couple of dichotomies, which are ‘civil society/ political society’, ‘hegemony/ domination’, ‘consent/ force’. In spite of the fact that ‘the state’ is usually associated with ‘political society’, ‘domination’ and ‘force’ at first sight, the precise position of ‘the state’ stands in a much complicated place with respect to these dichotomous pairs. Thus, this sub-section surveys on how Gramsci places and values ‘the state’ in his theoretical approach with a particular focus on the relationship between ‘ideology’ and ‘the state’.

Prior to any enquiry on Gramsci's conceptualization of 'the state', I find particularly useful to emphasize two pivotal points concerning the question of 'state'. The first point, which requires special attention is that Gramsci does not ontologically separate 'civil society' and 'the state' (or 'political society') but underlines that this distinction is analytical (Gramsci, 2000: 210). Thus, it is necessary to keep in mind that the separation between narrow meaning of 'the state' ('political society') and 'civil society' is a methodological distinction since these two realms do not exist independent of each other in social reality. As a second point, 'the State', that Gramsci speaks of, is modern nation-state (Sassoon, 1987: 113), which is the prevailing polity in Western Europe during his life time, since he seeks for the possibilities of proletarian revolution in the conditions of advanced capitalism. This is the reason behind his differentiation of 'war of position' from 'war of manoeuvre': Although the state is 'everything' in pre-capitalist social formations, the advanced capitalism introduces a complex nexus between 'state' and 'civil society', which poses compound relations of power requiring a distinct analysis (Gramsci, 2000: 229-231). Thus, basically, 'the state' in Gramsci's analysis is only methodologically separated from the social unity and it refers to 'the state' in an advanced capitalist social formation.

Having settled two generic points on 'the state', it would be appropriate to shed light on Gramsci's distinction of 'civil society' and 'state' in order to understand how 'the state' is connected to broader concepts of 'hegemony' and 'historical bloc'. The writings of Gramsci does not include a clear-cut definition of 'the state', and yet more he uses 'the state' with different connotations. In this direction, Anderson identifies three meanings of 'the state' that Gramsci refers: state contrasting with civil society, state encompassing civil society and state being identical with civil society (1976: 13). As Gramsci's conceptualization of 'the state' in a way attached to the understanding of 'civil society', it may be helpful to first have a brief look at 'civil society' to achieve a perspective on 'the state'. For Gramsci, 'civil society' is not reduced to economic activities, rather it also involves political and ideological struggles, which may be centred upon non-economic matters (Rogers, 1991: 70). Since civil society is the site of political and ideological struggles, it is the concrete realm in which 'intellectuals' contribute to the

formation of ideas, ‘political parties are formed’ on the level of ‘ideologies’ and the quest for ‘hegemony’ takes place. Thus, it is ‘civil society’ in which ‘hegemony’ should be concentrated for either sustaining existing ‘historical bloc’ or initiating a process of revolutionary transformation¹⁶. In this sense, ‘civil society’ seems to be pivotal for Gramsci’s theory of hegemony. Nevertheless, prevalence of ‘civil society’ for ‘hegemony’ does not cancel out the importance of ‘the state’.

To turn back to ‘the state’, indeed, it is possible to consider the different meanings of ‘the state’, which Anderson (1976) elaborates, in a complementary manner. Gramsci employs ‘the state’ as contrasting with ‘civil society’ in order to point out the main (not the only) tasks fulfilled by civil society and state. In this direction, Gramsci considers ‘civil society’ and ‘state’ as two superstructural levels that are respectively marked by “‘hegemony’ which the dominant group exercise throughout the society” and “‘direct domination’ or command exercised by the state or juridical government” (2000: 306). As Gramsci himself illustrates, coercive state apparatus come into play especially in the times of crisis due to lacking ‘consent’ of social groups (2000: 307). Due to differentiation of ‘civil society’ and ‘the state’ in this first meaning of ‘the state’, the following tasks usually associated with the State: domination, coercion, force, dictatorship. Nevertheless, it should be underlined that this first narrow meaning of ‘the State’ corresponds to ‘political society’, which “is not a substitute for the term ‘state’ but refers to only to the coercive relations embodied in the state apparatuses” (Rogers, 1991: 71). If we move to second and third meanings of ‘the State’ (which could be discussed together as ‘extended’ definition of state)¹⁷, it is revealed that although coercive apparatuses are indispensable, the functions performed by ‘the state’ cannot be limited to the coercion: “But what does that signify if not that by ‘state’ should be understood not only the apparatus of government, but also the ‘private’ apparatus of ‘hegemony’ or ‘civil society’?” (Gramsci: 2000: 234). These words of Gramsci indicates that he

¹⁶ “... there can, and indeed must, be the hegemonic activity even before the rise to power, and that one should not count only on material force which gives in order to exercise an effective leadership” (Gramsci, 2000: 250).

¹⁷ Even though Anderson (1976) identifies three different usages of ‘the state’ in Gramsci’s own writings, Sassoon proposes to divide Gramsci’s usages of ‘the state’ into two: “extended definition” of state and “methodological distinctions in order to describe aspects of reality” (1987: 112-113).

envisages 'the state' in considerably different manner than that of classical liberal and a particular Orthodox Marxist perspectives. Classical liberal paradigm takes the division between state and civil society taken-for-granted assuming state as "inherently coercive and repressive, from which civil society should be protected", on the other hand, a particular Orthodox Marxist perspective, directed at the critique of Hegelian equation of state with sphere of freedom, pictures state "as the product of class antagonism and as the instrument of a particular class" (Fontana, 2002: 167-168). If 'state' and 'civil society' are neither two distinct realms nor a deceptive distinction, then what exactly is it? For Gramsci, state is "hegemony protected by armour of coercion", in other words, combination of 'political society' and 'civil society' (2000:235). With this definition, Gramsci locates 'the state' into the struggles of 'hegemony', and even though state-in-itself is not the beginning point of a hegemonic concentration, his notion of 'integral state' illuminates that 'the State' is a crucial site of power especially for the maintenance of 'hegemony'.

The notion of integral state enables us to conceptualize 'the state' not as a static entity, but as "a continuous process of formation" (Gramsci, 2000: 206) tied to the articulation of 'hegemony' by dominant social group. Thus, the conquest of 'the state' is a crucial moment in the course of becoming the hegemonic social group that rules the whole society. The mechanical takeover of 'the state' is a necessary moment, but not a sufficient one for the maintenance of 'hegemony'. As Hall (1988: 168-169) puts forward, "the moment when you can get sufficient power in the state to organize a central political project is decisive, you can use the state to plan, urge, incite, solicit and punish, to conform the different sites of power and consent into a single regime", so that the moment of "authoritarian populism" emerges as hegemony operates both from below and above. This is why, "hegemony is precisely the structural and institutional proliferation throughout the state and civil society of cultural, ideological and moral ways of thinking and believing" (Fontana, 2002: 168). At this point, it is essential to return to Gramsci's writings to put together the two significant aspects of the state, which are 'ethical/cultural state' and 'state-as-educator'. First, the state is an ethical/ cultural state if it aims to create a certain cultural and moral climate among masses (Gramsci: 2000:

234). For this reason, ‘the state’ could be considered as a medium of ideological reproduction since the hegemonic group, by organizing within apparatuses of the state in respect to their ‘ideologies’, aims to raise a particular morality among the masses. The second aspect of ‘the state’, which is ‘state-as-educator’, indeed settles the central idea of ‘ethical state’. Gramsci describes “educative and formative role of the state” as “... creating new and higher types of civilization; of adapting the ‘civilization’ and the morality of the broadest popular masses to the necessities of the continuous development of economic apparatus of production; hence evolving even physically new types of humanity” (2000: 232). Especially the words of *mentality* and *physicality* is important in Gramsci’s sentence because it is possible to think these words being parallel to *ideas* and *practices* in a cultural context. As a result, the notions of ‘ethical/cultural state’ and ‘state-as-educator’ spotlight the nexus between ‘hegemony’, ‘ideology’ and ‘the state’: ‘the State’ emerges as a vital moment in constant articulation of ‘hegemony’, because together with other ‘private’ institutions, the state-system provides hegemonic group with apparatuses to articulate ‘common-sense’ with respect to ‘ideologies’ brought into ‘the state’. In this regard, returning to the subject-matter of this thesis, the implementation of a particular ‘ideology’ of secularism into ‘the state’ indicates two important points, that are such an implementation is indeed a historical ‘moment’ of an ongoing political and ideological struggle concerning the role and place of ‘religion’ in social life, and it is directed to re-frame ‘common-sense’ through the state apparatuses.

2.2.3. ‘Ideology’ and ‘Common-Sense’: An Interdependent Relationship

Having unfolded the connections between ‘ideology’ and ‘state’ including its repercussions in respect to ‘secularism’, we need to move further and probe the concept of ‘common-sense’ in order to understand how a particular ‘ideology’ of secularism bears a potential to reproduce a ‘hegemony’ exercised by the dominant social group. In Gramsci’s theoretical approach, both ‘ideology’ and ‘common-sense’ are related to the broader concept of ‘culture’¹⁸, which can be reduced neither to ‘ideology’ nor ‘common-

¹⁸ An inquiry upon the meaning and implications of ‘culture’ itself would exceed the purpose of this subsection, since in terms of Gramsci’s own problematic regarding the possibility of a proletarian revolution, the discussion inescapably calls forth the very much disputed Marxist controversy of ‘consciousness’.

sense'. The most significant aspect concerning 'culture' is that it's a historical product, shaped not only by "spontaneous evolution" but also "through a series of actions and reactions" (Gramsci: 2000, 57). In this sense, Gramsci's theory of hegemony could be considered on the grounds of "a series of actions and reactions" on culture from the perspectives of both constitution and the preservation of hegemony. Since 'common-sense' is both the beginning and the end of any 'hegemonic concentration', a discussion of the engagement between 'common-sense' and 'ideology' seems to be necessary. Nevertheless, before any elaboration, it is essential to underline a hardship related to the concepts of 'common-sense', 'ideology' and even 'culture': In his writings, Gramsci suddenly switches the terms, thus, a cluster of terms including 'culture', 'philosophy', 'world outlook', 'conception of the world' and 'moral and intellectual reform' may be believed to be equivalent of 'ideology' in its broader sense (Rogers, 1991: 60). Thus, I find it useful to spotlight the concept of 'common-sense' and then, to demonstrate the interdependence of and differences between 'common-sense' and 'ideology'.

In the original texts of Gramsci, it is hard to identify the delicate distinction between 'culture' as a general category and 'common-sense' as a particular analytical category. In relation to 'culture' and 'common-sense', Crehan's approach seems to be guiding: "To capture the solidity and apparent 'naturalness' of cultures in the eyes of who inhabit them, Gramsci uses the notion of common sense" (2011: 277). Consequently, 'common-sense' emphasizes that 'culture' is not something that people have been through consciously most of the time and it refers to how particular cultural elements are experienced in an *unconscious* and *uncritical* manner. To clarify, it is possible to be aware of, pick up and unify certain cultural elements, and indeed, this is what 'ideologies' or 'philosophy of praxis' intends to do. However, in the absence of such an intellectual activity, we live our 'cultures' as taken-for-granted, and this is 'common-sense'. Gramsci writes "Common-sense is not a single unique conception, identical in time and place" (Gramsci, 2000: 343) and adds that it "is a product of history and a part of historical process" (2000: 327). The idea of 'common-sense' as being both "a product of history and a part of historical process" reveals that it is always subject to transformation because what is not a part of 'common-sense' in a given time and place may become a part of it

in a different context and vice versa. Yet, the transformation of ‘common-sense’ is not spontaneous process but a process lying at the centre of power relations as the relationship between ‘common-sense’ and ‘ideology’ demonstrates.

In the above sections, where ‘ideology’ is mapped out, it is already quoted that “(...) men become conscious of their social position, on the terrain of ideologies, and therefore of their tasks” (Gramsci: 2000: 196) and what ‘ideology’ does for the constitution of a hegemony is to “cement and unify” (Gramsci, 2000: 330). Additionally, it is also underlined that ‘ideologies’ draw elements from historically available resources, which would be successful in order to frame the ‘ideology’ and appeal to mass ‘consent’. Therefore, any ideological framework is constructed *consciously* and *intentionally* to raise a *coherent* conception by articulating ideas and beliefs, which are not purely ‘original’ but embedded in pervious ideological struggles or just in ‘common-sense’. In this regard, ‘ideology’ (and practically ‘organic intellectuals’) should take ‘common-sense’, which is “spontaneous philosophy of the multitude”, and operate on ‘common-sense’ in order to generate a popular philosophy being “ideologically homogenous” (Gramsci, 2000: 345). As a result, ‘ideology’ organizes a coherent, systematic and conscious ways of ‘thinking and acting’ from fragmented, incoherent, unsystematic and unconscious layers of ‘common-sense’. So far, it is displayed that ‘common-sense’ is an input for an ‘ideology’, but it is an output as well in terms of consequences of the exercise of a hegemonic historical bloc.

The operative ends of ‘ideologies’ (including ideological apparatuses too) on ‘common-sense’ is the cross-road at which ‘philosophy of praxis’ is distinguished from other ‘ideologies’. Whereas ‘philosophy of praxis’ is directed at the criticism of ‘common-sense’ and “critical understanding of self” to arrive at a “higher conception of life” (Gramsci: 2000: 333), ‘organic ideologies’ do not possess such a concern. For ‘ideologies’ intertwined into the system, ‘common-sense’ provides “raw materials to be processed and transformed by ideological apparatuses and ideologues” (Rehmann, 2013: 128). In this regard, dominant social groups, who hold hegemony over society, make ideological investments into ‘common-sense’ in order to raise a renewed common-sense that is in accordance with their ‘ideologies’. As Gramsci exemplifies from French

Revolution, “the result was to transcend a particular form of common-sense and to create another which was closer to the conception of the leading group” (2000: 345). Consequently, we should elaborate ‘the state’ and state apparatuses through this relationship between ‘ideology’ and ‘common-sense’: ‘the state’ along with other ‘private’ apparatuses, is a medium through which ‘ideology’ (or ‘ideologies’) of the dominant social group is transmitted for the aim of shaping ‘common-sense’. If we revisit our subject-matter bearing in the mind the relationship between ‘ideology’ and ‘common-sense’, it becomes apparent that particular ‘ideology’ of secularism and its implementation into ‘the state’ in certain ways serve the continuity of hegemony exercised by the dominant social group. In other words, ‘common-sense’ allow us to re-connect the changing ‘ideology of secularism’ back to the whole matter of ‘hegemony’ and ‘historical bloc’ (thus the question of ‘power’). This new ideology implemented into state could be seen as strategy of generating ‘consent’ for holding the political power as well as attempting to intervene into the realm of ‘culture’ by re-constellating what we take for granted or not.

2.2.4. Thinking in Concrete Terms: “Ideology” of Secularism and Its Implications

Up to now, the essential concepts of Gramsci are depicted and their possible connections to ‘ideology’ of secularism are very briefly mentioned. The aim of this chapter is to wrap up the theoretical discussion and look closely how Gramscian ideology-critique is appropriated for the analysis of ‘secularism’. As it is outlined in the Introduction chapter, this study problematizes the sudden shift in the ‘ideology’ of secularism, and proposes to interpret as a part of ‘state’ transformation within a particular historical process. In other words, my aim here is to analyse the shift in the ‘ideology’ of secularism not in itself but as part of a broader process involving ‘power’ relations embedded in hegemonic formations in Turkey. Then, what are those broader processes of ‘hegemony’ that are referred to? Here, it is crucial to underline that the thesis does not attempts towards a comprehensive analysis of how and in which ways the AKP emerged as a ‘hegemonic project’¹⁹ from the scratch since the AKP has already been studied as a process of

¹⁹ To refer the AKP rule, rather than using ‘hegemony’ as such, I prefer to employ the term ‘hegemonic project’ in line with Hall’s appropriation (see Hall, 1985a). By using the term ‘hegemonic project’, I aim

‘hegemony’ building and exercise having a particular ‘economic’ as well as ‘ideological-political’ agenda, which brought a cross-class social coalition together (see Açıkel, 2013; Akça, 2014; Bozkurt, 2013; Bodirsky, 2016; Hoşgör, 2015; Saraçoğlu, 2011, Saraçoğlu and Yeşilbağ; 2015; Tuğal, 2009a; Uzgel, 2010; Yaşlı, 2014; Yıldırım, 2010). Therefore, this study intends to locate the debate of secularism into this ‘ideological-political’ dimension of this hegemonic process, which is studied in detail in Chapter 3, in order to understand the shift in the Court as part of the stage of hegemonic expansion in ‘the state’. The shift in ‘ideology’ of secularism solidifies in the decisions of Turkish Constitutional Court, and it is suggested to analyse the shift by conceptualizing ‘the Court’ as a strategic ‘state’ institution for transmission of a particular ‘ideology’ and stimulation of a certain ‘common-sense’. Through such an insight, this study tries to move beyond the horizon of existing literature on secularism and/ or secularisation, which reifies ‘state’ by putting an artificial divide between ‘state’ and ‘society’. After explaining the Court’s strategic position in the ‘state-system’²⁰, I will try to demonstrate how we could think the problematic through Gramsci’s analytical tools.

The general question of why state matters for power struggles at the level of ‘ideologies’ is explained above. Then, what is the particular significance of Constitutional Court for ‘ideology’ of secularism? The answer indeed lies at the strategic position that the Court occupies in the ‘state-system’. The primary duty of the Constitutional Court is to scrutinize legislative acts of the parliament and invalidate the legislation if the Court concludes that a regulation violates the constitution. While conducting its regular duty of constitutional review, the Court interprets highly abstract principles written in the Constitution and herein the crucial position of the Court reveals: The Court has official monopoly to interpret constitutional principles and all other state institutions, including the parliament itself, are bounded by what the Court says. This is the case for secularism

to clarify my position regarding two interrelated arguments. First, in my discussions, I do not claim that the AKP had reached ‘hegemony’ exactly in the sense that it is described by Gramsci. Second, I aim to emphasize that ‘hegemony’ building requires a constant process of articulation of various social groups at ‘ideological-political’ phase to create a ‘social alliance’ among dominant and sub-ordinate through deconstruction-reconstruction of particular ideological elements and deployment of different strategies.

²⁰ Here, I use ‘state-system’ in order to refer to palpable institutional organization of the state. See Abrams (2008).

as well. The Article 2 of the Constitution states that Turkey is a ‘secular state’, however the text of the Constitution does not explain what ‘being a secular state’ or ‘secularism’ mean. Even though ‘the Court’ is assumed to be apolitical and *neutral* by liberal paradigm as it is bounded by the Constitution itself, the act of interpreting a constitutional provision in a specific manner to determine and fix its meaning and scope is ‘ideological-political’ from a critical perspective, which conceptualizes ‘the state’ (and its institutions) in relation to a ‘hegemonic’ processes aimed at the production and reproduction a particular social order and authority. In this respect, the social group who holds the majority votes in the Court acquire the ‘power’ to define what ‘secularism’ means and what should be the normative order between ‘state’, ‘society’ and ‘religion’ in a ‘secular-state’.

Having illustrated the importance of the Court within the state-system, we may move towards implications of a Gramscian insight. Since the whole process through which a social group (or a class fraction) constructs hegemony and comes to power will not be focus of analysis, by depending on the secondary literature mentioned above, the enquiry will begin by presuming that the ruling party (the AKP) as a ‘political party’, having alliance with a particular fraction of bourgeoisie, has succeeded in incorporating different ‘economic’ and ‘political’ interests and gain ‘consent’ of the masses, and it operates as a ‘hegemonic’ group over a decade. Hence, the shift in the ‘ideology’ of secularism will be discussed with a particular reference to the relationship between ‘the state’, ‘ideology’ and ‘common-sense’ and as part of being a re-articulation at the ‘ideological-political’ phase of ‘hegemonic project’, which AKP should sustain. Considering the sudden change in the ‘ideology’ of secularism took place in 2012, what is interesting that in 2010, a constitutional referendum took place and it changed the composition of the Court’s chamber. The constitutional referendum of 2010 increased the number of judges in the office and granted greater authority to president (and also assembly) to nominate judges in line with political preferences of ruling government (Kaboğlu, 2010: 267).²¹ When we monitor the judges who had declared opinion in favour of the mentioned decision in

²¹ For detailed information regarding the change in the Court’s structure please see Table 1

2012, it is revealed that the majority of judges in the Court's chamber had been appointed by the President Abdullah Gül, who is among the founding cadres of the AKP. Is it a coincidence that the Court adopts a different 'ideology' of secularism simultaneously with a new Personnel holding the office? ²²

If we think through Gramsci's theoretical paradigm, the nomination of a new Personnel to 'the Court' could be interpreted as the hold of a 'state' institution with an identifiable social group, which would bring its own 'ideology' to the institution. The Court, with this new Personnel, in its decision in 2012, re-interprets the principle of 'secularism', and calls forth a completely different understanding of 'secularism' than that of stated in previous decisions. In this particular decision (and also in the following decisions related to secularism) re-articulates the normative relationality between 'state', 'society' and 'religion'; putting a strong emphasis on vitality of religion in social life and bounding 'the state' with the duty to sustain the convenient environment in which individuals can enjoy their (freedom of) religion. The constellation of a normative nexus on state, society and religion is crucial because the State "...allows the site of different practices to be transformed in to systematic practice of regulation, of rule and norm, of normalization, within society" (Hall, 1985b: 93). Thus, the State's 'ideological position' concerning modes of intervention or non-intervention to religion, in a way, might contribute to the different aspects of hegemonic re-articulation.

Then, what could the implementation of a particular ideology of 'secularism' into 'the state' lead us to think about in the context of 'hegemony'? First, in my opinion, it urges to reconsider whether this particular 'ideology' of secularism operated in the formation of a 'social alliance' and in the production of 'consent' in 'civil society' before it was brought into 'the state'. Second, following its integration into the 'state', the re-arrangement of how 'state' relates to 'society' and 'religion' may enable the use of 'state' power in a particular way to further strengthen 'consent' and to amplify the active support given to a 'hegemonic' rule. In other words, for our case, it is significant to investigate whether or not the incorporation of a new 'ideology' of secularism into 'the state' became

²² The list of decisions with 'former' and 'new' ideologies of secularism and the Personnel approved those decisions are provided in Table 2.

a mechanism to cement and unify social coalition from within. Third, it would be an interesting investigation to question the possible effects of the new 'ideology' of secularism of 'the state' on stimulation of 'common-sense' at different sites in 'civil society'. It could be asked that how and in which ways does 'the state's new 'ideology' of secularism impact on 'common-sense' on the content of 'the social' by stimulating the taken-for-granted place of religion in everyday life? Such a question would lead us to the core of 'hegemony' to examine the potential consequences of 'state' having a new normative relational order between 'society' and 'religion' –as a result of the new 'ideology' of secularism- on the 'common-sense' of sociality. Lastly, the whole discussion of 'ideology' of secularism and its engagement with 'common-sense' in the context of 'hegemony' may bring the debate of 'historical-bloc' leading to the questioning of how a particular 'ideology' of secularism may relate the dialectical process between 'structure' and 'superstructure'.

2.3. Methodology

2.3.1. Preliminary Remarks

Prior to the explanation of the methods used, I find it important to dwell upon certain methodological inquiries on 'ideology', 'language' and 'discourse' in order to better demonstrate how the method of content analysis fits into the theoretical orientation of the study. A quote from Gramsci may directly lead us to the centre of the whole discussion: "It is true that every language contains the elements of a conception of the world and of a culture, it could also be true that from anyone's language one can assess the greater or lesser complexity of his conception" (2000: 326). With this sentence, Gramsci conceives 'language' as the signification of something else that is the 'conception of the world'. Hence, unlike poststructuralist appropriations of 'language', in Gramsci's perspective, it is possible to distinguish between particular 'discursive chains' on the one hand and a framework of ideas on the other. Having settling down that 'language' embodying certain 'conceptions' and 'conceptions themselves' are two

different ‘things’ (though they are not completely independent of each other), then it is possible to achieve ‘conceptions’ by following and studying language.

Nevertheless, for an ‘ideology’ analysis by looking at certain ‘discourses’, principally, we need an operationalized definition of what ‘ideology’ is and an explanation of how it is related to ‘discourse’. In this regard, following Hall, ‘ideology’ could be defined as “mental frameworks – the languages, the concepts, categories, imagery of thought, and the systems of representation- which different classes and social groups deploy in order to make sense of, define, figure out and render intelligible the way how society works” (1986: 29).²³ As this definition shows, though ‘ideologies’ are composed of ‘ideas’, they can only operate through additional tools, such as language, concepts etc. However, this does not mean that there are languages, concepts, categories etc., which exclusively belong to different ‘ideologies’. Rather, what is important is the way how ‘ideologies’ re-articulate shared concepts within ‘discursive chains’: “Ideologies do not operate through single ideas; they operate, in discursive chains, in clusters, in discursive formations” (Hall, 1985b: 104). In other words, ‘ideologies’ need ‘discourses’ to embody ‘ideas’ that they intend to convey, thus, ‘ideas’ should be coded through ‘discursive chains’, which re-articulates already existing concepts in line with the meanings that ‘ideologies’ frame. To better explain, ‘secularism’ in itself has no fixed and single meaning; ‘ideologies’ of ‘secularism’ exhibit different interpretations of the concept via ‘discourses’ of ‘secularism’ utilizing the ‘concept’ in particular ways.

In the light of Hall’s elaborations on ‘ideology’, two important points concerning this study could be concluded. The first one is the link between ‘ideologies’ and the ‘discursive’ articulations that they operate through, thus, in order to depict ‘ideology’ of secularism, empirically we need to sort out and analyse ‘discourses’ describing ‘secularism’. The second relevant outcome of Hall’s definition of ‘ideology’ is the association of ‘ideologies’ with ‘social groups’. Hence, it should be determined that ‘whom’ (which ‘group’) brings forth a particular ‘ideology’ of secularism. For this ends,

²³ Though Hall is largely influenced by the philosophy of Gramsci, it is necessary to state that this specific definition of ‘ideology’ partially covers the notion of ‘ideology’ in Gramsci because ‘ideology’ in Gramscian sense explicitly included “practises” too. However, as this study is more focused on the ‘ideas’ rather than ‘practices’, Hall’s definition seems to be appropriate for the operationalization.

methodologically ‘discursive chains’ employed by different (identifiable) ‘social groups’ could be taken as a ‘data’ indicating ‘ideologies’ of those groups in terms of how they envisage the concept of ‘secularism’.

2.3.2. Methods

Up to this point, the theoretical and methodological orientation of this study is explained. In a nutshell, it is aimed to historicize the shift in the ‘ideology’ of ‘secularism’ at state level by evaluating this change as part of re-articulation of ‘hegemonic’ relations in the society. The preliminary methodological remarks above clarifies that the change in the ‘ideology’ of secularism is tracked through the ‘discourses’ appropriated within the decisions of Turkish Constitutional Court (‘the Court’), which is theoretically conceptualized as a ‘state’ institution mediating hegemonic ‘ideology’. In this respect, this study utilized documentary research as a qualitative research technique (see Scott, 1990) to collect its primary sources, which are Judgements of the Court. Once the judgements were collected according to the criteria explained below, the discursive chains, that the Court had employed, were analysed to map two distinguishable ‘ideologies’ of secularism. Secondary literature on contemporary Turkey and some public speeches of politicians were utilized to contextualize and historicize the changing ‘ideology’ of secularism by framing and discussing it as being part of ‘hegemonic project’ of the AKP. Since the arguments on ‘hegemonic project’ of the AKP, which are raised in the secondary literature, are evaluated in the next chapter, here the detailed explanation on the collection and analysis of primary material are provided.

To begin with data collection, rather than making a sampling among the judgements of the Court, I decided to gather every single decision of the Court, in which ‘the Court’ interprets what secularism is, in order to present and distinguish between discursive patterns of different ‘ideologies’ of secularism. For this reason, I searched the judgements on the online database of the Court by respectively entering the following keywords into the ‘content’ section, that the search engine provides: ‘secularism’ (*laiklik*), ‘secular’ (*laik*) and ‘religion and conscience’ (*din ve vicdan*). The search engine

listed every single decision, which include one of those keywords in its text, regardless of whether the Court conducts a debate on secularism or not²⁴. Thus, those decisions, in which the Court deliberates the meaning and scope of secularism for its final judgement under the subheadings of “Review on Merits”, “Merits”, “Evaluation” and “Grounds”, were selected for the analysis. In other words, I eliminated the judgements that the Court did not provide an argumentation of secularism, although the violation of secularism and/or freedom of religion and conscience are raised as a contention or complaint, or are evaluated under “dissenting opinions” written by members of the Court who does not agree with the majority decision. It is noteworthy to underline that although ‘dissenting opinions’ are significant sources portraying the struggle over the meaning of secularism within the Court, their content is left out of the scope of analysis since the target of this study is to elaborate how ideologies of secularism formulated and implement by the Court as an ‘institution’. In the end, a total number of 25 judgements²⁵, including 14 constitutional review, 8 political party closure and 3 constitutional complaint cases, were collected (see Table 3 and 4).

Having gathered the whole set of judgements, in which the Court conducts a discussion on secularism, I engaged the documents in two ways. First, I analysed the discourses that the Court employed in order to interpret and present a consistent meaning of what secularism is. In this manner, it was determined that discursive chains used to describe ‘secularism’ has changed in 2012, and the former and new discourses were outlined in detail. In this direction, it was attempted to evaluate how ‘the Court’ defines ‘the religion’ (whether as a ‘freedom’) how it represents the place and role of ‘religion’ in society and how it positions ‘the state’ vis-à-vis ‘the religion’ as well as ‘society’ itself. Through the analysis of ‘discourses’ construing ‘secularism’, the former and new ‘ideologies’ of ‘secularism’ laid out on the basis of how ‘state’, ‘society’ and ‘religion’ are re-articulated within a meaningful ideological framework. Second, I picked up the last judgement

²⁴ To assure that all the decisions are covered, the articles on law journals, which largely comments upon case law of the Court, were also checked.

²⁵ The search engine in the official website of the Court provides the entire catalogue of the judgements concluded by the Court and published in the Official Gazette since they become legally effective only after publication. Considering that it sometimes takes several months for a judgement to be published, there may judgements, which were concluded in 2016 but not published and publicized yet.

based on former 'ideology' of secularism and the first judgement hinged upon new 'ideology' of secularism in order to compare the judges in Grand Chamber of the Court when those judgements have been concluded. The comparison of the Personnel in office displayed that the new ideology of secularism was adopted by the Court , after the judges appointed by the President Abdullah Gül (who was among the ruling cadre of AKP) had secured the majority of the votes. Thus, a match between a the timing of the shift in the 'ideology' of secularism and a renewed personnel in office supported the theoretical view of conceptualizing 'the Court' as a strategic state institution in which the 'hegemonic' expansion took place.

CHAPTER 3

THE AKP: RE-ARTICULATING SECULARISM AND RELIGION WITHIN A NEW HEGEMONIC PROJECT

This chapter probes how the AKP emerged as a ‘hegemonic project’ force in ‘society’ through bringing a social coalition of different class positions, interests and political orientations. As it is explained below, along with the ‘economic’ component, which serves to the interests of the particular fraction of the bourgeoisie, the success of this ‘hegemonic project’ in the phases of emergence, development and extension into ‘the State’ was relied on the ‘ideological-political’ dimension, which realized mass adhesion and intellectual support to the Party. The ‘hegemonic project’ assembled by the Party, in this regard, was a *formative* response to the extensive economic and political crises of the previous decade. It is crucial to understand neither ‘economic’ nor ‘ideological-political’ component of ‘hegemonic project’ is a naturally unfolding outcome, on the contrary, they are *intentional* re-articulations within the quest hegemony taking place in the wake of a prolonged period of crises. In this chapter, I aim to probe ‘ideological-political’ aspect of ‘hegemonic project’ and its transformations, which were accompanied by different strategies throughout the AKP period, in order to discuss how an alternative ‘ideology’ of secularism links to the broader ‘ideological-political’ processes. In this regard, first, I present a brief introduction to political and social contestations around secularism in pre-AKP period to better elucidate in which ways an alternative ‘ideology’ of secularism harboured the potential of addressing the crisis that secularism have been through. Second, I provide a detailed framework of ‘ideological-political’ aspect of the ‘hegemonic project’ of the AKP including its transformations and portray stages and strategies of ‘hegemonic’ expansion both in ‘civil society’ and in ‘the

state’. Lastly, I explain alternative ‘ideology’ of secularism and its linkages with the broader ‘ideological-political’ framework.

3.1. Recalling the Past: Contestations of Secularism in Pre-AKP Period

In the Introduction of this thesis, it is stated that secularism in Turkey is usually described with negatively-connoted adjectives²⁶ in order to emphasize and criticize the ‘state’s controversial relationship with religion particularly referring to the exercise of political and legal control over religion. Then, how could we explain the emergence of such an academic ‘common-sense’, which consistently defined and labelled secularism in Turkey with particular undesirable words? This question does not have a single and easy answer since these reasons are multi-layered including academic-intellectual paradigms and concrete ‘relations of forces’ in a particular time and place in which certain ‘ideas’ spread and become given. Nevertheless, it is possible to admit that one of the reasons behind the formation of such an academic ‘common-sense’ was the concrete state policies and practices towards religion even if one may reject to diagnose secularism in Turkey with those adjectives. Considering that the vast majority of literature on secularism in Turkey developed after 1980s, it appears to be inevitable to wonder and ask: What were concrete state policies implemented and enforced throughout 1980s and 1990s that led scholars to describe secularism with negative adjectives? In other words, even the content of academic ‘common-sense’, which conceptualize secularism in Turkey in an antipathetic manner, indicates that secularism was being contested, criticized and challenged during those years. In this sub-chapter, I focus on certain practices associated with secularism in post- 1980 period and try to portray social and political contestations and anxieties over the particular modality of Turkish secularism.

In Turkey, secularism has never been a product of a full social consensus, however, post-1980s marks an historical period, in which social anxiety and political contestations

²⁶ “assertive” (Kuru, 2009), “authoritarian” (Göle, 1996), “didactic” (Gellner, 1981), “insistent” (Özbudun, 2012a), “Jacobin” (Mardin, 1991), “oppressive” (Yavuz, 2003), “militant” (Çağlar, 1994), “militarist” (Navaro-Yashin, 2002), “pathological” (Kadioğlu, 2010) and “state-centric” (Keyman, 2007).

around secularism became much more condensed in parallel to the explicit challenge posed by the rise of Islamism (or Political Islam)²⁷. Though Political Islam in Turkey, which is known as National Outlook (*Milli Görüş*) movement, emerged earlier, it was late 1980s that the movement strengthened its party organisation in civil society. Through the course of 1990s Islamist RP (*Refah Partisi*- Welfare Party) achieved a tremendous success in both local and general elections²⁸, which led to the securing of the municipalities of largest metropolitan areas, majority seats in the parliament as well as a partnership in coalition governments (Mecham, 2004: 342-343; Saraçoğlu, 2015a: 818-823). In terms of ideological-political framework, the National Outlook movement “explicitly criticized the secular nature of the Republic and presented an alternative ideology to the secular conception of the modernity project” (Altunışık, 2005: 48) and claimed that social problems of Turkey would have been solved by returning to Islam’s teachings and living “the Muslim way of life” (Toprak, 2005: 182). Therefore, their agenda was targeted to freeing civil society from the oppression of modern secular-state (Gülalp, 2003: 97) and also taking hold of the state power: “Turkish Islamists considered Islam as a form of ideology that should regulate social, political, cultural, and economic domains through an Islamic state” (Bayat, 2013: 10). Therefore, starting from the late 1980s, secularism both as an idea and as a state principle, was openly confronted and objected by Islamist movement, which redefined social and political order on the basis of religion in its conception.

The context of rising Political Islam is significant since, in that historical period, secularism became increasingly controversial due to particular practices fostered and urged by state institutions against Political Islam. An extensive elaboration of the crisis of Turkish secularism reaches beyond the limits of this sub-chapter, therefore, I only

²⁷ Islamism (or sometimes referred as ‘Political Islam’) refers as an umbrella term to denote different movements or regimes based on Islamic radicalism that attempted to gain political power starting from 1960s in the Middle East (see Roy 1994). According to Bayat (2013:4), Islamism refers “to those ideologies and movements that strive to establish some kind of ‘Islamic order’ - a religious state, shari’a law, and moral codes in Muslim societies and communities”.

²⁸ RP framed its economic and political agenda through its programme of ‘Just Order’ (Adil Düzen), through which it unify the growing Islamic-oriented capital For a detailed analysis of the class base of social alliance brought together by RP, see Saraçoğlu, 2015; Gülalp, 2003; Tuğal, 2009a.

illuminate three instances, which intensified the criticisms over secularism and enabled the cultivation of the alternative ‘ideology’ of secularism. In this regard, I argue that the headscarf ban for university students, the military intervention of February 28 and closure of political parties having Islamic orientation, could be considered as the three instances, which fuelled the criticisms against the particular implementation of secularism in Turkey.

To begin with headscarf issue²⁹, it was at the centre of the whole social and political contestations over secularism probably because it is something embedded into the expression of political identities in everyday life. The headscarf ban for university students gradually became effective in universities following the decree issued by Higher Education Council (*Yükseköğretim Kurulu*, known as YÖK) in 1986 (Çınar, 2005:81)³⁰, and despite the attempts of the parliament to lift the ban with a legislative act³¹, the Constitutional Court annulled the legislation on the grounds of the violation of secularism and underlined that clothing in scientific institutions should be modern, freedom of religion shall not be abused and religious obligations of citizens shall not be a legitimate ground for a legal regulation (see F6 in Table 3). As Saktanber and Çorbacıoğlu (2008: 519) notes, throughout the history of the Republic, headscarf signified a variety of meanings in different historical periods and “in the 1980s and 1990s, it became a matter of public confrontation with the state authorities as well as the secular sections of the civil society”. Headscarf became a way of resistance challenging the given norms of public sphere (that is mandated by a particular interpretation of Kemalism) and for veiled women, it is a self-identity through which they constructed themselves as political agencies (Çınar, 2012: 31-35). Throughout 1990s, the ban on

²⁹ Though headscarf ban in public institutions was also challenged (for example, the case of Dr. Nebahat Koru) (see Saktanber and Çorbacıoğlu, 2008: 524), to a large extent, the debate over 1980s and 1990s was about the ban for university students. For a detailed information on events, regulations and legal proceedings, See Cindoğlu and Zencirci, 2008; Çınar, 2005; Saktanber and Çorbacıoğlu, 2008.

³⁰ The decree required students to wear “modern clothing” in universities and it authorized university administrations to decide what is “modern clothing”. Following this decree, most universities started to ban headscarf. (Çınar, 2005:81)

³¹ The legislation lifting the ban for university students were introduced during the rule of *Anavatan Partisi* (Motherland Party – ANAP).

headscarf continued to be enforced strictly resulting in mass street mobilizations and other forms of demonstrations of Islamist movement, who protested the ban as a violation of ‘religious freedom’ (Saktanber and Çorbacıoğlu, 2008: 525; Tuğal, 2009b: 436). Therefore, headscarf entailed a symbolic value for Islamist movement and activism (Saktanber and Çorbacıoğlu, 2008: 525) and it retained its position as “a top issue of antagonism between secularist and Islamist circles” in a conjecture in which the dichotomy of Islam vs secularism became the central axis of social and political cleavages (Çınar, 2012: 38)³². In so far headscarf was embraced as a political symbol of Islamist movement, for secular sectors of society, it was registered as a threat towards modernity and secularism in general and Atatürk’s principles in particular (Çınar, 2005: 81-82). Hence, it is necessary to note that the practices of state authorities to keep headscarf out of universities and public institutions enjoyed a remarkable social support as well.

The headscarf issue emerged as a social and political conflict paving way for the formation and strengthening of opposite political camps, but, the controversy acquired new meanings and outcomes in the aftermath of the general elections in 1995 since the Islamist RP reached the largest share of the votes and became a partner of the coalition government led by Necmettin Erbakan, the leader of the RP. The RP’s anti-secularist discourses and its “symbolic battles with the Republic” further contributed to the fears of secular sectors of society leading to the unification on that camp too (Bora and Çalışkan, 2008: 144). The inclining tensions on the line of Islam vs secularism led to the second incident that once more put secularism in Turkey into the debate in terms of its compatibility with democracy. As Çınar (2012: 38) indicates, with the military intervention took place on February 28th, 1997, the headscarf became “a matter of national security when it was identified as one of the main indicators of the Islamist threat”. On February 28th, 1997 the regular meeting of National Security Council (*Milli Güvenlik Kurulu* –MGK) ³³ took longer than usual and during that meeting, Prime

³² Gülalp (2003:79) argues that the division of secularism and Islamist replaced the classical separation of right vs. left in the political spectrum in 1990s.

³³ National Security Council is regulated under the Article 118 of the Constitution. The Council is composed of Prime Minister, particular Ministers and also high military officials assembled under the

Minister Necmettin Erbakan was forced to sign a list of security measures against the rise and expansion of Islamism. These measures included the introduction of eight-year compulsory education- which resulted in the closure of the Imam Hatip Middle schools, the strengthening of headscarf bans, the increasing state control over the activities of religious sects and unofficial Quran courses, and the establishment of a specialized section within the prime ministry to monitor the activities of reactionary Islamist activities (Dağı, 2013: 82; Saraçoğlu, 2015a: 825). Along with these general measures, a number of military officers and civil servants were removed from office due to their alleged affiliation with Islamism (Kuru, 2009: 161-162). In this direction, the phase “February 28 process” denotes these measures and its “far-reaching implications” as well as “the suspension of normal politics until the secular correction was completed” (Cizre-Sakallıoğlu and Çınar, 2003: 310). There is no hesitation that February 28 process was an undemocratic intervention of the military into formal political processes, however, it received a remarkable support from secular camp -including business elites, civil society organizations, academics, judges, prosecutors, media organizations- since they considered suspension of democratic politics as a necessary measure to save the existence of the regime from Islamic treat and they regarded the military as the guardian of the Republic (Cizre-Sakallıoğlu and Çınar, 2003: 322; Çınar, 2012: 38; Saraçoğlu, 2015a: 827).

Following February 28, although Prime Minister Erbakan signed the security measures of the military, he remained unwilling to enforce them since it would have led to a dramatic alienation of the Party from its popular support (Mecnam, 2004: 344). Eventually, due to the persisting pressure coming from the military, the RP-led coalition government had to resign within a couple of months (Çınar, 2008: 110; Mecnam, 2004: 344) and the February 28 process was followed by dissolution of the RP by the Constitutional Court, which is the last instance that should be mentioned among controversial state practices in relation to secularism. Within a couple of months following the resignation of the government, in 1998, the Constitutional Court dissolved

chairmanship of the President. The Constitutional Amendment in 2001 increased the number of civilian members resulting in the decline of the influence of the military.

the RP on the grounds of its anti-secular activities and practices (see RP case in Table 3), and imposed sanctions on the prominent figures of the Party by banning them from politics (Kuru, 2009: 162). Though Islamist movement institutionalized under a new party, called the FP (*Fazilet Partisi* – Virtue Party), which did not achieve the electoral success of the RP and in a relatively short-period of time, in 2001, it was also dissolved by the Constitutional Court on the basis of its anti-secular activities (see the FP case in Table 3). Leaving aside the discussions in favour or against the Court’s rulings on these instances, what is crucial in these political party closures is that they are based on a particular interpretation of secularism that later on further fuelled the criticism of Turkish secularism along with other factors. In other words, recalling the previous cases of political party closures (see Table 3), any sort of pro- Islamism or a criticism of secularism were one of the reasons, that the Court frequently dissolved political parties in its history (Celep, 2014: 383-384) and this was another reason paving the way for the criticism of secularism in Turkey.

So far, three prevalent instances, which were brought into action by the state institutions (mainly the judiciary and the military), are overviewed, and the social polarization revolved around Islam vs. secularism divide is briefly explained. In this regard, the practices associated with secularism as well as the particular ideology of secularism, upon which those practices had been based, became a site of social and political conflict throughout 1980s and 1990s. This particular ideology of secularism and the practices attached to it were embraced and supported in the name of Kemalism by those having secular sensitivities. Nevertheless, those who support the existing ideology of secularism and practices such as the headscarf ban and February 28 were unable to provide a reasonable account of their perspective with respect to the needs of a democracy. In other words, as Gülalp (2016: 179-182) indicates in post-1980s period, the manner of supporting and promoting secularism were reduced to a form of stigmatization and accusation being incapable of responding the demands raised on the grounds of freedom of religion and conscience and consequently, secularism began to be associated with

militarism and hostility towards religion³⁴. Similarly, it became much more prone to the criticisms arguing that Turkish secularism “works against representative democracy and pluralism” (Keyman, 2007: 225; see also Çınar, 2006). As a result, secularism in Turkey was started to be considered ‘authoritarian’ in the sense that it had always been part of ‘official ideology’ of the state, through which ‘Kemalist elites’ enforced and aimed to top-down modernisation by undemocratic ways and through violation of freedoms and rights.³⁵

In short, in the pre-AKP period is marked with “the crisis of staunch republican secularisation, namely principle of laicism, which dismisses liberal-democratic approaches to the problem and fails to address discriminately the question of individual rights/ liberties and anti-democratic fundamentalist abuses” (Açıkkel, 2003: 187). Therefore, historically accumulated challenges, grievances and criticisms against the existing mode of secularism in Turkey set the ground for articulation of an alternative ‘ideology’ of secularism in response to the *crisis* that secularism had been through in previous decades. In this regard, through an alternative ‘ideology’ of secularism, which was integrated into the broader ‘ideological-political framework, the AKP problematized the existing meaning of secularism upheld in ‘the state’ and proposed a solution to the deep-seated discontents caused by it.

3.2. The Rise of AKP: A New ‘Hegemonic’ Project?

(...) immediate economic crises of themselves produce fundamental historical events; they can simply create a terrain more favourable to dissemination of certain modes of thought, and certain ways of posing and resolving questions

³⁴ As Güllalp (2016) indicates the link constituted between secularism and militarism-hostility towards religion is a product of the historical conjuncture of 1990s, however it is usually considered to be inherent characteristic of secularism in Turkey.

³⁵ Indeed, this is a common assumption, that not only reproduced through political discourses of the AKP throughout its rule, but also extensively shared by scholars, who were speaking within ‘post-Kemalist’ paradigm. (For example, see Çınar, 2006, 2008, 2010; Keyman, 2007; Kuru, 2009; Özbudun, 2012a; 2012b).

involving the entire subsequent development of national life. (Gramsci, 2000: 208)

In advance of dwelling upon the ‘ideological’ instance of the AKP, it is necessary to recall the particularities of the extraordinary period, in which the AKP emerged and managed to integrate different sectors of society into its ‘hegemonic project’. As it is elaborated above, the challenge of political Islam, the headscarf issue and military intervention of February 28 were pivotal issues bringing societal polarization along ‘secularist’ vs. ‘Islamist’ line as well as raising serious concerns about ‘democracy’ including harsh criticisms against ‘Kemalism’ and ‘military’. Nevertheless, the generalized political unrest was not limited to the problems of ‘secularism’ and ‘religion’ since other matters, such as short-lived coalition governments, ‘Kurdish issue’ and state violence, the scandals of governmental corruptions, the emergence of activities related to ‘deep state’ etc., had turned the last decade of the 20th century a period of condensed social and political anxiety. On the part of ‘economy’, the macroeconomic instability resulted in high inflation rates accompanied by the low and flawed growth rates throughout the 1990s, which eventually led to the deepest economic crisis of the post-1980 period in 2001 following the economic crisis of 1994 and 2000 (Boratav, 2008: 182-185; Öniş, 2012: 138-140). The economic crisis of 2001 had devastating effects on all segments of the society due to increase in unemployment, decline of output and negative distributional results (Öniş, 2012: 138) and as a result, the crisis also undermined the electoral support of established political parties (Öniş, 2006: 114).

Within such an exceptionally turbulent environment, the AKP achieved an unpredicted support by receiving majority votes, which enabled it to form a single-party government following the first general elections in the aftermath of the economic crisis of 2001. The success of AKP in the elections of 2002 and its enduring popularity³⁶ had been subjected to various academic explorations employing diverse perspectives and it remains as an attractive case receiving scholarly attention. Among the scholarly explanations, one

³⁶ The vote shares of the AKP in general elections are as follows: 35% in 2002, 46.6% in 2007, 49.8% in 2011, 40.9% in 2015-June and 49.5 % in 2015-November (snap election) (The election results are available at the official website Supreme Election Council of Turkey)

strand of literature conceptualizes the rise and durability of the AKP as a successful articulation of a ‘hegemonic project’ having a particular ‘economic’ as well as ‘ideological-political’ agenda (see Açıkel, 2013 Akça, 2014; Bozkurt, 2013; Bodirsky, 2016; Hoşgör, 2015; Saraçoğlu, 2011, Saraçoğlu and Yeşilbağ; 2015; Tuğal, 2009a; Uzgel, 2010; Yaşlı, 2014; Yıldırım, 2010). Then, what did the AKP materialize in terms of a ‘hegemonic project’ to structurally re-design the ‘economy’ on the one hand, and to bring different sectors of society into an ‘ideological-political’ struggle on the other? How did it frame ‘ideological-political’ struggle and what was the elements of social coalition that *unified* through the AKP?

Prior to elaborating upon these questions, it should be noted that the ‘political-ideological’ instance of the AKP’s hegemonic project did not remain as a constant over the course of its history despite the endurance of core conservative elements. With respect to ‘political-ideological’ instance, different elements were amplified in order to gain and/ or solidify ‘consent’ of certain social segments while excluding others. In this respect, the social alliance, brought together through the AKP, altered over time, as did the balance between ‘consent’ and ‘force’ making up its rule. The walk from ‘conservative democracy’ to the ‘vision of New Turkey’ could only be understood by scrutinizing the changes within the ‘hegemonic project’, which is continually in the making. After briefly addressing the emergence of the AKP and the response hold by it in the aftermath of the devastating crisis of 2001, I will try to dismantle ‘political-ideological’ strategies of the AKP in order to understand how the AKP has embraced and appropriated an alternative ‘ideology’ of secularism, which is indeed indispensable to its ‘hegemonic project’.

Although the founding cadres of the AKP have their origins in the National Outlook tradition represented by the RP in 1990s, they challenged the agenda of conventional horizon of the political Islam, and the split became apparent after the closure of the FP by the Constitutional Court. The traditional line of Islamists founded the FP whereas reformists, gathered around Recep Tayyip Erdoğan and Abdullah Gül, established the AKP in the August of 2001 (Mecnam, 2004: 349). This newly founded political party envisioned a considerably different ‘economic’ as well as ‘ideological-political’

programme than the RP's political project of 'Just Order'. The first election bulletin, titled as Programme of Development and Democratization (*Kalkınma ve Demokratikleşme Programı*), illuminated the AKP's its commitment to neoliberal 'economic' policies while determining its 'ideological-political' position as the supporter and promoter of 'conservative democracy', which was the banner used to highlight the rupture from Islamist tradition represented by National Outlook movement (Dağı, 2006: 89-90). The 'ideological-political' framework of 'conservative democracy' is closely probed below, therefore it seems necessary to figure out 'economic' aspect in order to better observe the 'hegemonic' positioning of the AKP. In terms of 'economic' matters, the anti-liberal ideas of 'Just Order' was discarded and the AKP manifested its commitment to the principles of 'free-market', 'private enterprise' and 'regulatory state' (Hale, 2005: 302) together with the neoliberal style of informal redistribution mechanisms, that was encouraged by the global monetary institutions such as IMF and World Bank (Öniş, 2012: 141). Hence, in the pre-election discourse, AKP emphasized its overt engagement with neoliberal economic policies (Coşar and Özman, 2004: 63) and following the general election of 2002, the AKP adhered to the neoliberal structural adjustment programme of Kemal Derviş, that was the IMF-recommended austerity measures to overcome economic breakdown of the 2001 crisis (Boratav, 2015: 5). The re-structuring of the 'economy' in line with the 'neoliberal' paradigm became a constant of the AKP rule in the later years such as, mass privatizations, commodification of public services such as education and health, cutting down of the welfare expenditures, eliminating the legal barriers in front of the penetration of foreign capital into national economy, undermining social rights through the introduction of flexible and insecure working conditions etc. (see Akça, 2014; Öniş 2012; Boratav, 2015). Taking into the consideration the 'economic' re-structuring agenda implemented by the AKP, it is not difficult to observe that the AKP had solidified the 'economic' interests of bourgeoisie vis-à-vis subordinated classes of capitalist social formation. In other words, the 'economic' instance of the AKP's 'hegemonic project' was directed towards the realization of the interests of the 'capital' at the expense of 'labour', hence the AKP served the interests of bourgeoisie as a whole in spite of its apparent alliance with a particular fraction of bourgeoisie (Saraçoğlu, 2011; Boratav, 2015; Akça, 2014; Uzgel,

2010). Having settled the ‘economic’ instance of AKP’s ‘hegemonic project’, it is crucial to investigate how the party incorporated the subordinated classes into its ‘hegemonic project’, which in turn secured the AKP’s governmental power until today.

The AKP entered the political scene with the ‘ideological’ manifesto of ‘conservative democracy’ through which the Party articulated a cluster of contradictory discourses and practices. Considering the AKP represented the ‘economic’ interests of the bourgeoisie, then how did the AKP embody a cross-class alignment through the ‘ideological’ framework of ‘conservative democracy’? Bearing in mind that the ‘conservative democracy’ was presented as the ‘ideological’ counterpart of ‘economic’ neoliberalism, should we interpret the amalgamation of ‘conservative democracy’ as a genuinely bourgeois ‘ideology’ to deceive the subordinated classes? Or was the ‘ideological’ framework of ‘conservative democracy’ ‘real’ in the sense that it set the terrain on which different sectors of society become a part of ‘political’ struggle rather than being passive receivers of ‘ideology’? Answers of these questions substantially differ with respect to how ‘ideology’ is conceptualized within a theoretical perspective. Recalling from Gramscian insight of ‘ideology’, this sub-section attempts to demonstrate that the AKP’s umbrella terms of ‘conservative democracy’ and ‘New Turkey’ could be considered as the ‘ideological-political’ frameworks of its ‘hegemonic project’. In this direction, ‘conservative democracy’ is not treated as a veil hiding the AKP’s agenda of neoliberal ‘economic’ agenda, but as the indispensable facet of the ‘hegemonic project’ in which ‘economic’ neoliberalism and ‘conservative democracy’ complements each other. The evaluation of ‘conservative democracy’ and then ‘New Turkey’ as the ‘ideological-political’ instance is an essential step for the problematic of this thesis because the new ‘ideology’ of secularism is an element within these broader ‘ideological-political’ schemes, hence the role and terms of this new ‘ideology’ of secularism could only be understood if the particular amalgamation of these ‘ideological-political’ horizons are recognized. In the rest of this sub-section, I elucidate broader ‘ideological-political’

framework of the AKP and track how the framework as well as strategies of the Party changed over time³⁷.

3.2.1. Alignment Strategies: ‘Conservative Democracy’ and Beyond

In a commentary, Tuğal argues that “the AKP had always been a nationalist, authoritarian, statist party. But this was not the only case. The AKP is so eclectic: It can be both nationalist, authoritarian, statist, partially Islamic and partially liberal-democrat”³⁸. Tuğal’s sentences illustrates the hardship, if not impossibility, to describe ‘the ideology’ of the AKP with a single word since the party drew from a variety of ‘ideological’ sources, employed contradictory discourses and practices, which targeted to appeal different sectors of the society into ‘hegemonic project’. The AKP anchored its ‘hegemonic project’ around the banner of ‘conservative democracy’ when it entered into the political scene. The term ‘conservative democracy’ echoed substantially in the early years of the AKP as an ideological linkage among different political interests. Though the AKP still retains the ‘conservative democracy’ as a principle in its official party programme, the banner lost its significant over the years as the political strategies and strategic social allies has been modified. Despite the intricacy of including the term ‘democracy’ in a discussion of the AKP’s ideological layout today, it is crucial to revisit its initial catchphrase of ‘conservative democracy’, without being bound to the official definition alone, as to explore the eclectic ‘ideological’ components, that generated ‘consent’ of diverse social groups quite a long period of time.

Then, what does ‘conservative democracy’ denote? Is it a type of democratic regime, that textbooks could provide a definition and a checklist? Unfortunately, there is no short-cut defining its content in an essentialist manner. The term ‘conservative

³⁷ In my overview, I prefer to overview until the last governmental period of the AKP, that started in 2015, because the recent developments in Turkey are not directly related to the issue of secularism and I believe it might be too early to evaluate the current social and political conjuncture.

³⁸ Turkish – “AKP her zaman milliyetçi, otoriter, devletçi bir partiydi. Ama sadece bu değildi. O kadar eklektik bir parti ki bu. Hem milliyetçi, otoriter, devletçi; hem kısmen İslamcı hem kısmen liberal demokrat olabiliyor” (Translated to English by the author). For the rest of the text, See Tuğal, C. (2012, June 2). *Cihan Tuğal: AKP eskisi gibi olmayacak*. Retrieved May 25, 2016 from www.sendika12.org/yazi.php?yazi_no=45422.

democracy' is an empty signifier (Alpan, 2016: 17), it does not self-manifest its content, and thus it is a crucial task to figure out the heterogeneous elements that have been brought together through the framework of 'conservative democracy'. Prior to explaining how a social alliance brought together through 'ideological' linkages harboured by 'conservative democracy', it would be beneficial to illuminate the official meaning employed by the AKP: The first election bulletin, Programme of Development and Democratization, describes the AKP as being both 'democrat' and 'conservative' (the AKP, 2002). Following the clarification made by the prominent ideologue of the Party, 'conservative democracy' recognizes the source of political legitimacy as 'national will' and 'rule of law', respects 'plurality' and 'reconciliation' on the one hand, and it perpetuates the 'moral values' such as religion and family on the other. Therefore, 'conservative democracy' is the demarcation line by which AKP distinguished its political identity than that of National Outlook (Dağı, 2006: 89-90). Although the vision of National Outlook was fixed to the replacement of 'secular-state' with an Islamic one to promote a comprehensive social transformation (Yıldız, 2008: 46), at discursive level, AKP's 'conservative democracy' illustrated a 'democratic' state, which would ideally be backed by a society sensitive to Islamic moral values (Akdoğan, 2006: 58). Within this connotation of 'conservative democracy', a considerable volume of literature discusses the political ideology of the AKP over the question of whether it is a continuity within Islamism or a rupture (see Çınar and Duran, 2008; Dağı, 2013; Şen, 2010). Although the alleged transformation of Islamism from political Islam to moderate Islam (or post-Islamism) might be an important question deserving scholarly attention, our primary concern with 'conservative democracy' was not the transformation of 'Islamism' per se, but rather, how the banner of 'conservative democracy' could harboured contradictory and eclectic elements, that 'ideologically' drew the different segments of the society into the 'political' struggle launched and perpetuated by the AKP.

Even though the definition provided by the AKP for 'conservative democracy' reveals the basic line of its course of action, as Saraçoğlu (2011) points out, if we confine to the limits of 'conservative democracy' on paper, it becomes impossible to observe how the AKP speaks to society and construct alliances with strategic social groups as well as with

the masses. This is why, we should go beyond the official definition provided by the AKP, and consider the framework of ‘conservative democracy’ together with conservative populist strategy in order to comprehend the ‘ideological’ expansions of the AKP’s ‘hegemonic project’. In this direction, especially in its first two governmental periods between 2002 and 2011, basically the AKP’s ‘ideological’ framework consists of two interrelated pillars, first the party appropriated and monopolized the agenda of ‘democratization’ and ‘pro-EU’ campaign, second it envisioned a unique articulation of conservatism backed by the populist strategy. This two-fold ‘ideological’ framework of the AKP should be considered as a constant process of re-making within the AKP’s interaction with opposing social forces (Saraçoğlu and Yeşilbağ, 2015: 874). In line with Turkish central-right tradition, the AKP presented the axis of political conflict against Kemalist elite and their civilian ties, who not only excluded the ‘majority’ through top-down modernization but also constructed ‘tutelary regime’ over ‘democracy’ via institutionalizing in various state apparatuses such as military and judiciary (Akça, 2014: 32-33). Thus, the ‘ideological’ tenets of the AKP could only resonate with respect to the antagonisms that the AKP constructed between ‘democracy’ vs. ‘tutelage’ and ‘Kemalist elite’ vs ‘the nation’.

Within this political axis, the AKP launched a ‘democratization’ programme with a strong emphasis on ‘rights and freedoms’, ‘civil society’, ‘pluralism’ and ‘diversity’ (Dağı, 2006: 97; Yavuz, 2009) and the adherence to EU membership was utilized “as an umbrella symbol [that] embodies the democratic, reformist and modern aspects of the AKP’s political identity” (Çoşar and Özman, 2004: 63). The discourse of ‘democratization’ and ‘pro-EU’ stance within the manifesto of ‘conservative democracy’ is very important because it enabled the AKP to introduce itself as the sole actor of ‘democratization’ in the aftermath of political crisis of February 28 (Çınar, 2008: 122) in terms of both extensions of democratic rights and freedoms, and rescue ‘civil society’ from the oppression of ‘Kemalist elite’. Through the discourse of ‘democratization’, the AKP could have also penetrated into the deep-rooted political problems of Turkey including ‘secularism’ along with ‘Kurdish issue’ on the grounds of ‘human rights’ (Saraçoğlu and Yeşilbağ, 2015: 898). In spite of the fact that the discourse of

‘democratization’ and championship of the EU membership empowered the AKP as a ‘legitimate’ political actor and played a key role in the producing ‘consent’ of liberal intellectuals, this rhetoric was not enough to appeal the masses into the ‘hegemonic project’ of the AKP. Indeed, the strategies that the AKP utilized to raise a mass adhesion were not limited to the ‘ideological’ attachment since the strategies to produce ‘consent’ included the material concessions through charity and social assistance mechanisms (Hoşgör, 2015: 216-217; Bozkurt, 2013: 380). Nevertheless, what made the mass support long-lasting was not the material concession, but the persistent and comprehensive ‘ideological’ appeal and attachment (Saraçoğlu, 2011: 38). Basically, the AKP has aimed to incorporate economically disadvantaged groups as well as the ones feeling excluded by the ‘Kemalist state’ into its ‘hegemonic project’ (Atasoy, 2009: 109-110; Saraçoğlu, 2011: 34), for this ends, the Party utilized conservative populist strategy, which is elaborated later in this sub-section. Having settled the basics of the ‘ideological’ framework of the AKP’s hegemonic project, I could move towards the elaboration of how the AKP constructed social alliances through these elements. In this direction, first, it is preferred to probe the stance of the bourgeoisie towards the AKP in order to identify the fraction of bourgeoisie having strong alignments of the AKP. Second, the position of ‘liberal intellectuals’, who became influential in politics in 2000s, is elaborated. Lastly, the AKP’s conservative populism is scanned in order to figure out the variety of ‘ideological’ sources and discursive strategies, through which the party could have incorporated large sections of the society into its ‘hegemonic project’.

Even though the ‘economic’ programme of the AKP served to the economic interests of the bourgeoisie as a whole, at ‘ideological-political’ instance, it seems hard to posit the AKP had the same degree of alliance with the bourgeoisie as a whole. In the turn of the new century, just before the birth of the AKP, it is possible to distinguish two prominent fractions of capital, which had been institutionalized under two distinct business associations: TÜSİAD (*Türk Sanayicileri ve İş Adamları Derneği*/ Turkish Industry and Business Association) and MÜSİAD (*Müstakil Sanayici ve İş Adamları Derneği*/ Independent Industrialists’ and Businessmen’s Association). These two business associations not only were established at different stages of capitalist development in

Turkey but also flagged different “macro-level social projects” (Buğra, 1998). In this regard, TÜSİAD, established in 1971, is considered to be the representative of ‘secular’-oriented, big, Istanbul- bourgeoisie, whereas MÜSİAD, established in 1990, is seen as the association representing ‘Anatolian Tigers’ (known also Islamic-capital) composed of largely small-medium sized entrepreneurs, whose location was geographically spread across Anatolian cities and Istanbul (Atasoy, 2009: 113-123; Buğra and Savaşkan, 2014: 38-39; Öniş, 2006: 221; Öniş and Türem, 2001: 100). TÜSİAD did not become the dominant fraction of bourgeoisie, that the AKP had alliance with (see Buğra and Savaşkan, 2014), nevertheless, it was aware of the unsustainability of a political order envisioned by the 1980 military coup³⁹, this is why, the onset of ‘democratization’ by AKP managed to receive the support of TÜSİAD alongside the economic neoliberalization programme (Atasoy, 2009: 108; Saraçoğlu, 2011: 35). Although the relationship between TÜSİAD and AKP revealed significant conflicts over ‘political’ issues particularly after 2007, the legislative reforms undertaken within the framework of democratization and EU- membership retained the collaboration between AKP and TÜSİAD in the early years of AKP government (Uğur and Yankaya, 2008: 589-594), and this support had facilitated the AKP to present itself as a ‘legitimate’ political actor unlike the parties of National Outlook (Saraçoğlu and Yeşilbağ, 2015: 886).

On the other hand, the core bourgeois fraction within ‘hegemonic project’ articulated by the AKP, was the Islamic-capital represented by MÜSİAD. Alongside mere ‘economic’ interests, it is the ‘ideological’ terrain, which constituted and re-produced key alliance between this particular fraction of bourgeoisie and the AKP. To spot the organic ties between them, we need to recall how MÜSİAD had positioned itself: First, MÜSİAD problematized the close connections between TÜSİAD and the ‘Kemalist’ state by framing TÜSİAD as state-protected bourgeoisie while perceiving itself as marginalized capital by the ‘state’, hence representative of the ‘civil society’ vis-à-vis the ‘state’ (Atasoy, 2009: 114; Buğra and Savaşkan, 2014: 205). Second, MÜSİAD envisioned an ‘alternative modernity’ in which Islam should be the constitutive set of values concerning

³⁹ Although TÜSİAD was implicitly supported the military intervention of February 28, in the aftermath, it published three consecutive reports calling forth ‘democratization’ through the consolidation of ‘rule of law’, ‘human rights’ and ‘minority rights’ (Atasoy, 2009: 116).

economic and social layout on the contrary to the paradigm of secular –Western modernity (Öniş, 2006; Buğra and Savaşkan, 2014: 195-198). Hence, “cultural signification of ‘Muslim Other’” became the ‘ideological’ ground on which MÜSİAD differentiated itself from the existing big bourgeoisie that is represented by TÜSİAD (Atasoy, 2009: 114). Even though in its initial years MÜSİAD was incorporated into ‘economic’ and ‘ideological-political’ programme of the RP, at the turn of the century, MÜSİAD left its strong anti-Western tendencies in both ‘economic’ and ‘political’ vision as a result of multi-layered reasons (see Koyuncu Lorasdağı, 2010; Yankaya, 2014), however, it retained its emphasis on ‘religion’ as both the basis of morality and a particular kind of social capital (see Buğra and Savaşkan, 2014). Thus, it is possible to track a parallelism between the transformation of MÜSİAD and that of political Islam itself in terms of both ‘economic’ and ‘ideological-political’ agendas, which leads us to comprehend AKP as the representative of MÜSİAD in the political realm (Saraçoğlu and Yeşilbağ, 2015: 884). This is why, in 2002, it was not a coincidence that about 20 MÜSİAD members were within the founding cadre of the AKP and they became deputies in the parliament following the general elections (Şen, 2010: 71). In the aftermath of AKP’s electoral success and its 14 years-long governmental period, two other instances also supported the claim that the main fraction of bourgeoisie within AKP is MÜSİAD: AKP initiated a series of legislative changes in Public Tender Law, which enabled Islamic capital to take part in large-scale public procurements; and the MÜSİAD revealed a drastic growth in terms of capital expansion during AKP period (Buğra and Savaşkan, 2014; Saraçoğlu and Yeşilbağ, 2015: 884). In short, the core bourgeoisie component of AKP’s hegemonic project was the Islamic-oriented fraction, even though the economic policies undertaken by the prospective AKP governments largely served the interests of the whole bourgeoisie.

Having outlined how the different fractions of bourgeoisie were connected to ‘hegemonic project’ though varying degrees of articulation and support, the second resort, deserving particular attention with regard to ‘ideological’ instance of the AKP’s hegemonic appeal, is position of ‘liberal intellectuals’. Along with the partial support of TÜSİAD before and during first governmental period of AKP, the discourse of ‘democratization’- and

AKP's concrete legislative commitments towards it- brought forth the alignment of 'liberal intellectuals' into the party.⁴⁰ In order to grasp the engagement of 'liberal intellectuals' with the AKP, we need to point out their intellectual grid. From the beginning of 1980s, a new paradigm had emerged and in both academic and intellectual circles and later it became dominant perspective in academia to explain Turkish political history through criticism of Kemalism and early Republican era. Aytürk (2016) coins the term 'post-Kemalist paradigm' to describe this dominant perspective since it was built upon the criticism of 'Kemalism' per se. In terms of historical conjuncture in general and Turkish military-driven politics in particular, there was a rational ground, which made the founding ideology of 'the Republic' open to re-assessment. Nevertheless, this perspective had certain epistemological assumptions and that explain why 'democratization' discourse was so appealing. It was considered that what is distinctive about Turkish history, including both Ottoman Empire and modern Turkey, was the 'strong state tradition' since 'state' was always the prevailing force subordinating 'society' (Dinler, 2009). In this regard, throughout the history of modern Turkey, 'the state' was controlled by 'Kemalist elite' –who were alien to their 'society' and its values-, and 'the state' enforced 'official ideology' –'Kemalism'- over 'the society' through imposing certain beliefs, ideas, practices and norms of conduct. This is why, 'civil society' was under the tutelage of 'Kemalism' and 'Kemalist elite' –holding 'military' and 'bureaucracy'- were the primary obstacle in front of 'democratization' (Aytürk, 2016: 336-337). As this paradigm constituted its criticism through a conceptualization of 'the state' as a 'subject' in itself –being a political actor having an independent rationality- (Dinler, 2009: 45), the cure for those illnesses of Turkish democracy was self-evident: 'democratization' through the discharge of 'Kemalist' elite, strengthening of 'civil society' by enhancing rights and freedoms against 'the state', and including marginalized groups- i.e. Kurdish people and conservative Muslims into 'civil society' (Aytürk, 2016). Therefore, in the aftermath of social and political anxiety of 1990s, AKP appeared as the sole social actor entailing the capacity to actualize 'democratization' and

⁴⁰ Here, the aim is to indicate the influence of 'liberal intellectuals' not to provide a detailed analysis of the concrete role that liberal intellectuals had played. For a detailed analysis, see Ersoy, D. (2012) "The Relationship Between Liberal Intellectuals and Power in the Search For a New Hegemony During AKP Period in Turkey", Unpublished PhD thesis. METU

to carry out necessary reforms for the EU-accession process (Saraçoğlu and Yeşilbağ, 2015: 898). The discourse of ‘democratization’ and ‘EU-accession’ within ‘ideological’ framework of ‘conservative democracy’ was also decorated with the concepts borrowed from the liberal-left such as pluralism, tolerance, consensus, freedom etc. in proposing the agenda of ‘democratization’ (Doğanay, 2007: 75-77). As it is discussed in the next sub-chapter, such a language enabled AKP to re-formulate headscarf issue on the basis of fundamental rights, which in turn generated a strong public opinion against the ban (Saraçoğlu and Yeşilbağ, 2015: 899).

Basically, the ‘pro-EU’ ‘democratization’ discourse was the central line of alignment of ‘liberal intellectuals’ into the AKP, and thus, the electoral victory of AKP was interpreted as the “normalization” (İnsel, 2003) and “consolidation” of democracy (Yavuz, 2006) against “Kemalist establishment” (Çınar, 2011) and “strong-state tradition” (Öniş and Keyman, 2003). In the first years of its governmental period, AKP’s commitment to “legal harmonization” to improve ‘democracy’ and ‘human rights’ with respect to EU-norms further solidified the co-operation between AKP and liberal intellectuals (Onar, 2007: 278). Even though certain ‘conservative’ tendencies of AKP occasionally disturbed liberals (Onar, 2007), they continued to cooperate with AKP until the Gezi protests in 2013 (Açıkel, 2016: 32). Besides the harmony between liberals and AKP on ‘Kurdish issue’ and the ‘e-coup’ of April 27th, 2007, in terms of my inquiry on ‘secularism’, it is essential to mention the position of liberal intellectuals on two instances. First, in the second governmental period of AKP after 2007, the headscarf issue was raised on the basis of fundamental rights (Saraçoğlu and Yeşilbağ, 2015: 899) and on this issue, ‘liberals’ “increased their voices against authoritarian state along with pious Muslims” (Hoşgör, 2015: 211). Certainly, unlike the experience of National Outlook in 1990s, the overt support of intellectual circles strengthened AKP’s hand in opening the authoritarian secularism to debate. Second, liberal intellectuals also championed the constitutional referendum in 2010 under the motto of “*Yetmez ama Evet*” (Not Enough, but Yes), which in turn amplified the AKP’s campaign in favour of the amendment (Saraçoğlu and Yeşilbağ, 2015: 936). As the result of the constitutional amendment, AKP had opportunity to acquire power within various state institutions that

it used as an apparatus for the reproduction of its ‘hegemonic’ position in the later years. Although the alliance between AKP and liberal intellectuals seems to have ended after Gezi uprising, it is not possible to deny the role of ‘liberal intellectuals’ in the constitution of ‘hegemony’ by AKP since intelligentsia provided the ‘legitimacy’, something AKP’s predecessors were not able to enjoy without being backed by the liberal intelligentsia.

Up until now, I tried to illuminate how the bourgeois fractions and ‘liberal intellectuals’ were incorporated into the ‘hegemonic project’ of the AKP through different degrees of attachment. Certainly, the support of TÜSİAD and the collaboration of ‘liberal intellectuals’ endowed the AKP with a strong legitimacy in the general public opinion while MÜSİAD emerged as the core bourgeois fraction within AKP’s ‘hegemonic project’. However, these strategic alliances did not explain why AKP’s ‘ideological-political’ project is ‘hegemonic’ if we disregard the mechanisms through which AKP tied up with the masses. As it is mentioned above, the AKP aimed to appeal economically disadvantaged groups, which included small-scale craftsman, agricultural sectors and urban poor (Özbudun and Hale, 2010: 36- 38) together with the ones excluded by the Kemalist state, namely Islamists and Kurds (Saraçoğlu, 2011: 34). To embrace all these different groups, the AKP utilized a variety of mechanisms aside with the ‘ideological’ strategies. In this direction, the party cleverly used both formal and informal redistributive mechanisms to generate and reproduce its support (Öniş, 2012; 137). The re-structuration of social policy mechanism towards a market-oriented and charity-based system was also included within the AKP’s agenda of neoliberal project and in turn, the Party advertised its social reforms under the banner of service to people (especially health and housing reforms) as well as utilized various kinds of social aids, such as free coal, food and textbooks for children, to provide immediate symptomatic relief for the disadvantaged sectors of the society (Çelik, 2010: 74-75; Yıldırım, 2010: 79-82, 93-102; Keyman 2010: 216; Saraçoğlu and Yeşilbağ: 903). In spite of the escalating inequalities and poverty, the “favourable liquidity environment” at the global scale and AKP’s commitment to neoliberal economic re-structuring improved economic parameters that chronic high inflation rates of 1990s was replaced with steady economic growth and low inflation rates facilitated the AKP to extend its electoral support especially among middle

and lower income groups, who were drastically affected by the previous economic crises (Öniş, 2012: 139-140). Material benefits had undeniable impact on the consecutive electoral victories of the AKP, however, those factors, alone, do not explain the ‘hegemonic’ appeal of the AKP. Then, how did the AKP incorporate the masses into its ‘political struggle’? At this point, we should seek the answer in the concrete ‘ideological’ strategies, which organically concatenates the masses and the AKP into each other around and through a ‘hegemonic project’.

To comprehend the way that the AKP connects to the masses and recruit them into its ‘ideological-political’ struggle, before anything else, it is essential to admit that the AKP is not only a ‘bourgeois’ party favouring the economic interests of the dominant classes but also it is a ‘hegemonic process’ through which the horizons of the Party and the masses fuse into each other that the political agenda becomes their own ‘political struggle’ as ‘ideologies’ speaks to hearts and minds of the masses. This is why, the ‘ideological’ strategies of the AKP extends beyond the official representation of ‘conservative democracy’ even though the term itself hints to particular elements. As it is already noted, there is no single ‘the ideology’ of the AKP since the ‘ideological’ instance was a process of formation, in which certain elements prevailed over the others in the course of its rule. On the whole, the ‘ideological’ framework of the AKP could be described as a unique amalgamation of ‘nationalism’, ‘conservatism’ and ‘Islamism’, which grants a distinctive place to the Party in Turkish right (Saraçoğlu, 2011: 39). On the contrary to the theses depicting the AKP as ‘liberal’ and ‘democrat’ later-turned ‘authoritarian’ (Çınar, 2006, 2008; İnel 2003; Özbudun, 2006), all these elements were present initially despite the changing strategies regarding the manner how they would be combined and employed. Under the banner of ‘conservative democracy’, in its initial years, the AKP successfully managed to encode itself as the representative of the ‘silent Muslim majority’ (Akça, 2014: 33; Taşkın, 2008: 66), whereas in the later years, the horizon of ‘conservative democracy’ left its place to more overt references to ‘nationalism’ and ‘Islamism’ within the imagination of a ‘nation’ informed by ‘Islam’ and ‘conservativeness’ (Saraçoğlu, 2011; Koyuncu, 2014). These two facets of ‘ideological’ framework are not separate strategies and cannot be detached from each

other since even the scheme of ‘conservative democracy’ is backed by a particular notion of ‘nation’ and ‘religion’. Nevertheless, to grasp how the ideological linkage had become stronger and tight through direct references to ‘Sunni-Muslim nation’, it is central to dismantle ‘ideological’ elements articulated the masses from the very beginning. In this regard, we probe the ideological linkage sustained through an explicit project of ‘Sunni-Muslim nation’ in the next sub-heading while elaborating the vision of ‘New Turkey’. Thus, the focus in the rest of this part is to scrutinize the ‘ideological’ strategies of the AKP, which would have enabled it to launch itself as the ‘representative’ of the ‘silent Muslim majority’.

The success of the AKP, in terms of the mass mobilization through ‘ideological extension’, would have been probably impossible without certain advantages of the historical conjuncture, in which it stepped into the politics. Prior to the general elections of 2002, the consecutive economic crisis of 1994, 2000 and 2001 had coupled with the political crisis by means of the fragmentation and degradation of centre-right (Açikel, 2003: 188-197; Ataay and Kalfa, 2009: 11), the incapacity of the centre-left to propose a nation-wide strategy instead of “exclusive Kemalism” (Açikel, 2013, 189; Tuğal, 2009b: 435), the denial of the recognition of ‘Kurdish issue’ and the incline of sheer violence (Saraçoğlu, 2015: 810-813), and lastly, the challenge of ‘political Islam’ and the opposition through a military intervention, backed by a civil support known as February 28 Process (Çınar, 2010: 111-112; Saraçoğlu and Yeşilbağ: 825-829). Within such an historical context, the banner of ‘conservative democracy’ is a populist strategy to quest for the ‘center-right’ by unifying the conservative elements while absorbing the radical Islamic current into this new project (Coşar and Özman, 2004: 62-63, Tuğal, 2009a:147-150). Therefore, the historical conditions paved the way to a favourable setting in which “Erdoğan assembled a broad coalition of the economically and politically dislocated and disaffected” (Tepe, 2005: 71). Then, how was such a coalition emanated and sustained? To understand and explain ‘ideological’ attachment of the masses, we need to address the manner that the Party constituted the axis of political conflict and try to understand how ‘conservatism’ and ‘democracy’ resonated and moral leadership guided in relation to this axis.

Despite the hardship to categorize AKP as part of traditional centre-right party in terms of Turkish political history, the ‘ideological’ strategies to ground its ‘political’ agenda was very similar to that of the centre-right tradition. Starting from the Democrat Party of 1940s and 1950s, the traditional centre-right argued that the political power should belong to the ‘real representatives’ of the ‘nation’ (Mert, 2007: 38) and through discursive manipulations, intended to mobilize the common uneasiness over the ‘Western’ and ‘secular’ features of the founding ideology into an alternative ‘identity’ (Mert, 2007:77). This ‘ideological’ strategy presumes a dichotomous contradiction existing between mass and minority, defines ‘minority’ in reference to Republican Era as if ‘Kemalism’ is a uniform ideology of the privileged, so it employs ‘Kemalism’ as the signifier of what is considered to be ‘alien’, ‘Western’ and ‘secular’. In the same direction, the axis of political conflict, upon which the AKP grounds its political project and further ideological formulations, was constituted in opposition to “the power bloc composed of Kemalist state elites and their civilian ties that excluded the ‘nation’ politically, economically and culturally” (Akça, 2014: 32). Constitution of the Kemalist state elites and their civilian support, which was believed to be represented by the CHP, in contradiction to ‘the nation’ unravels the potential harboured by the banner of ‘conservative democracy’: As an overtly adopted ‘ideological’ source, ‘conservatism’ becomes the terrain through which the Party re-discovers authentic values making up a society and organizes within ‘civil society’ as the representative and protector of these values. The content of the values, that should be preserved and promoted, also appears as an indispensable part of ‘ideological’ strategy, and in the case of the AKP, ‘religion’ turns out to be a decisive source to incorporate the masses as we analyse in detail below.

What we have to indicate here is that conservative populism of the AKP is a powerful ‘ideological’ stock for it echoes through the historically-specific duality of ‘us’ vs ‘them’. The AKP visualizes the ‘nation’/ ‘society’ as an extended ‘family’ sharing a common history and destiny, so ‘ideologically’ the Party and the nation merges and unites around common values, which has to be protected from any kind of disruption (Saraçoğlu, 2011: 40-41). In this regard, the Party articulated and canalized the condensed discontent and despair towards to ‘the State’ into a brand new political quest for the power. The

statements raised by Erdoğan in the First Ordinary Congress of the Party, which was held less than a year following the general elections of 2002, are noteworthy to mention:

The mission of our party is to bring values and demands of societal centre into the centre of the politics, so that to eliminate the problems caused the distance between state and society. (...) The common language, excitement and goals were like to have been exiled in this country. (...) By creating an Anatolian movement, our sacred nation accomplished what could not have been achieved by the elites.⁴¹.

The arguments that Erdoğan pointed out in his speech reflects the manner that the Party ‘ideologically’ re-invents and reproduces the gap between ‘society’ and ‘state’ in order to speak to ‘majority’ through their feeling of long-standing exclusion. By this means, the Party narrated a present and a future over the theme of ‘inclusion’ since the common and local values meet with universality through the success of the Party. The statements of Erdoğan also refers to the theme of ‘being oppressed’ through the dichotomy of us (‘nation’) vs. them (‘elites’/ ‘state’). In this regard, the reference to sense of ‘oppression’ enables the ‘ideological’ strategy to constitute previous losers as active subjects, which solidifies and justifies the claim of the ‘oppressed’ over the ‘state’ in the later stages of ‘hegemonic project’ (Aktoprak, 2016: 302). In brief, starting from the early years, conservative populism backed the AKP’s ‘ideological’ intervention to generate mass support by identifying itself with the ‘nation’/ ‘society’.

Nevertheless, the emphasis on ‘democracy’ had also played a crucial role in the mass mobilization. It is true that the AKP’s self-presentation as the sole actor of ‘democratization’ and concrete legal-political reforms to extend rights and freedoms within the scope of EU accession process had fostered the support of Western oriented

⁴¹ Turkish – “Partimizin misyonu, toplumsal merkezin değer ve taleplerini siyasetin merkezine taşımak ve bu suretle devlet ile toplum arasında oluşan mesafenin doğurduğu problemleri gidermektir. (...)Ortak dil, heyecan ve hedefler, sanki bu ülkede sürgüne gönderilmiş gibiydi. (...)elitlerin başaramadığını, aziz milletimiz bir Anadolu hareketi oluşturarak başardı.” (Translated to English by the author). For the whole speech, see Erdoğan: AKP Muhafazakar Eksenli Çağdaş Parti (2003, October 12) *Hürriyet*. Retrieved September 30, 2016 from <http://www.hurriyet.com.tr/erdogan-akp-muhafazakar-eksenli-cagdas-parti-176689>.

capital and liberal intellectuals together with backing by international actors (Taşkın, 2013: 121-122; Uzgel, 2010; Onar, 2007; Hoşgör, 2015; Saraçoğlu and Yeşilbağ, 2015). However, the impact radiated by the emphasis on ‘democracy’ could not be considered as being limited to the strategic allies. Although the framework of liberal rights in terms of ‘democracy’ was not the central element producing ‘consent’ of larger sectors of society (Saraçoğlu and Yeşilbağ, 2015: 902), we can admit the influence of ‘democracy’ as an ‘ideological’ ground to incorporate the masses if we refer to the axis of political conflict again. In this regard, it is necessary to think through the ‘ideological’ coupling of ‘democracy’ with ‘national will’ in order to realize the political project of overturning ‘tutelary regime’. For the AKP, Kemalist power-bloc had captured the State through their hold over the presidency, the military, the Higher Education Council and high courts including the Constitutional Court, and they institutionalized a ‘tutelary regime’ hampering ‘democracy’ (Akça, 2014: 33). In such a context, ‘democracy’ resonated together with ‘national will’ in order to emphasize the superiority of ‘elected’ representatives of ‘the nation’ over the ‘nominated’ bureaucrats (Çınar, 2015:93). Hence, the ‘ideological’ match between ‘national will’ and ‘democracy’ provided the inclusion of the masses at the political level since the political project against the ‘tutelary regime’ turned out to be directly related to the ‘nation’ itself. In other words, ‘democracy’ became the signifier to stress the “the rule of moral majority”, so that the AKP entrenched its status as the representative of “silent conservative/ Muslim majority” (Taşkın, 2008: 66).

Last but not least, it is needful to address the role of leadership regarding the discussion of the AKP and the mass mobilization. In the hegemonic project, articulated through the AKP, the durable charisma of Erdoğan requires to be evaluated in terms of a successful example of intellectual and moral leadership, which had played and still plays a decisive role in the Party’s ability to expand to the masses and keep their ‘consent’ solid. As it is already stressed, by taking advantage of the historical conjuncture as well as the long-lasting axis of social and political divisions, the Party ‘ideologically’ constructs a terrain upon which the boundaries between the Party and ‘the society’/ ‘the nation’ blurs as they merge into each other. At this juncture, Erdoğan’s personality and life trajectory entrenches the mass ‘consent’ given to the ‘hegemonic process’ since it is a figure both

educated and non-educated could easily identify himself/ herself (Tuğal, 2009a: 177). Despite the influence of Erdoğan's leadership at large, it is especially significant in the articulation of the lower strata and the newly emerging middle classes to the Party since he is considered to be "child of the people", who could have made from bottom to the top through an alternative path than that of republican elites, this is why "the other leaders could at best be on the side of people". Amongst political leaders prominent in the history of the Turkish Republic, Erdoğan was the person most clearly and authentically "one of the people" (İnsel, 2003: 299). Besides the relative easiness for an ordinary person to find himself/ herself in him, the leadership of Erdoğan enabled to keep 'religious' sentiments alive especially in the initial years, in which the Party tried to refrain from overt references to 'religion'. In this direction, even though 'conservative democracy' officially excluded Islam as part of the Party's identity and ideology (Akdoğan, 2006: 58-59), Erdoğan did not avoid to define himself as a pious 'Muslim' (Çınar, 2006: 478) and his imprisonment due to an Islamist poem continued to resonate, which preserved 'religion' as being a 'symbolic capital' in the early years of the AKP (Tuğal, 2009a: 80). In brief, the moral leadership of Erdoğan synchronized with the AKP's 'ideological' strategy to constitute 'nation'/ 'society' as being the same on the basis of the shared values vis-à-vis the Kemalist power-bloc, which represents minority having the monopoly over the repressive state apparatus.

Taking everything into account, the banner of 'conservative democracy' denotes an 'ideological' framework as well as a 'political' project, which had been developed in the aftermath of a devastating economic crisis in 2001. The 'hegemonic project' articulated through the AKP is 'hegemonic' in the sense that it 'economically' aimed at neoliberal re-structuring and at the same time, it formulated an 'ideological-political' perspective, which incisively addressed to discontents of 'political' crises experienced throughout 1990s. Therefore, in spite of the fact that a particular fraction within bourgeoisie was the core ally of this 'hegemonic project', it is the potential of 'ideological-political' dimension, which produced 'consent' and brought different sectors within 'civil society' into the 'hegemonic project'. In this direction, the political agenda of 'democratization' echoed with diverse 'ideological' elements speaking to different sectors of the society.

The emphasis over ‘rights and freedoms’ and pro-EU stance provided the alignment of ‘liberal intellectuals’ and also the support of Western-oriented bourgeoisie, which in turn inscribed the AKP as being a legitimate actor of democratic politics. Aside with the theme of liberal rights and EU, conservative populist strategy eased the alignment of the masses since ‘ideologically’ the AKP and ‘the nation’/ ‘society’ became one and the same and ‘democracy’ equated to ‘national will’ of ‘moral majority’, which amplified through the leadership of Erdoğan, in opposition to ‘Kemalist’ power-bloc and its ‘tutelary regime’. Nevertheless, the ‘hegemonic project’, which assembled in ‘civil society’ through formative efforts of the AKP, was not something stable leading to an end in itself. What emerged around ‘conservative democracy’ is just a beginning of a ‘process’, which has to be kept intact and alive through a series of ‘ideological-political’ constructions. In this direction, the next subsection intends to discuss the transformations within this ‘hegemonic project’ as it expands to ‘the state’.

3.2.2. On the Way to ‘New Turkey’: Interplay of Force and Consent

What we have to explain is a move toward ‘authoritarian populism’- an exceptional form of capitalist state- which, unlike classical fascism, has retained most (though not all)of the formal representative institutions in place, and which at the same time has been able to construct around itself an active popular consent (Hall, 1979: 15).

The ‘hegemonic project’ launched with the official banner of ‘conservative democracy’ was initial part of an on-going process, which had undergone substantial transformations in terms of content of ‘ideological’ articulations, strategies of ‘hegemony’ as well as composition of social coalition backing up the formation. The ‘hegemonic project’ paving the way to building of a social alignment in ‘civil society’ through ‘political’ organization and representation of the AKP, gravitated to the conquest of ‘the state’ itself, which had been considered to be a site of ‘Kemalist power bloc’. Despite a series of political confrontations throughout 2007 and 2008, the ‘hegemonic project’ succeeded to enlarge into ‘the state’, which provided it to sustain the process through orchestration of ‘force’ and ‘consent’ simultaneously. In this regard, as it is theoretically grounded in

the Chapter 2, 'the state' became not only the tool of 'force' but also a medium that served to the re-articulation and re-production of 'ideological' dimension, which is key for the continuity for a hegemonic rule. In the rest of this sub-heading, I briefly shed light on the stages regarding the extension into 'the state' and then elaborate the transformation within 'ideological' framework, which was flagged with the term 'New Turkey' and reinforced through the interplay of 'force' and 'consent'.

It is generally accepted that, in the first governmental period, the AKP had to prove itself as a legitimate actor especially in the eyes of both national and international capital, and thus, particularly between 2002-2005, it pursued a politics based on dialogue and reconciliation while implementing a series of legal reforms targeted at harmonization with the EU standards (Saraçoğlu and Yeşilbağ, 2015: 896-897, 904; Akça and Balta-Paker, 2012: 80-83). However, following the slow-down of EU-inspired reforms, the authoritarian tendency of the AKP began to surface and simultaneously the military, which had relinquished its influence over civilian politics throughout pro-EU reforms, started to reclaim its role (Akça and Balta-Paker, 2012: 83). In such a context, the presidential elections⁴² was approaching and in spite of some efforts to seek support both inside and outside of the Assembly, Erdoğan refused to negotiate with the CHP, which was the main opposition party (Dinçşahin, 2012: 627-628). The social unrest, triggered by the Erdoğan's refusal, was flamed up by Bülent Arınç, who was the speaker of the assembly, since he stated that "this time Turkey would have 'a civilian, democratic, and religious president'" (cited in Dinçşahin, 2012: 629). Along with the concerns regarding the candidate himself, another central fear was the wife of the Presidential candidate. Recalling that headscarf had become the prominent symbol of the cleavage of 'secularists' vs. 'Islamists' starting from late 1980s, and the issue of headscarf had been considered to be the AKP's hidden agenda of replacing the secular Republic with a state based on Sharia (Saktanber and Çorbacioğlu, 2008), the possibility of having a first lady with a headscarf contributed much to the fears, which had become publicized. The moves of the AKP paved the way for a formation of oppositional social coalition leading to the

⁴² Prior to the Constitutional Amendment of 2007, under Article 101 of the Constitution, the President was used to be elected by the Assembly.

strategic state officials and/ or institutions, such as the President Ahmet Necdet Sezer, the Council of Higher Education, the military and the judicial officials to act together with the CHP, certain NGOs and large segments of society having secular sensitivities. While the state officials declared that the presidential candidate should entail the credentials in line with state tradition and he/she should adhere to the requirements of secular and democratic republic, the mass demonstrations under the name of Republic Rallies (*Cumhuriyet Mitingleri*) took place as part of public opposition to the election of a president having an Islamic background (Saraçoğlu and Yeşilbağ 2015: 933-925; Dinçşahin, 2012: 628-629).

On the other hand, the AKP opted to consider presidential elections as an opportunity to conquest a strategic site within ‘the State’ (Saraçoğlu and Yeşilbağ, 2015: 922) to extend and to solidify the ‘hegemonic project’, which requires constant rework. In this direction, Erdoğan decided to nominate Abdullah Gül, who was holding the offices of vice prime ministry and ministry of foreign affairs, as the presidential candidate. The nomination of Gül further intensified the reactions from the oppositional side due to his former political career in the RP and his wife wearing a headscarf. In fact, the escalation of the social and political conflict was an intentional strategy with respect to conservative populism and the ‘ideological’ effect that the Party targeted to amplify. As the statements of Erdoğan conveys, it has been accentuated the idea that Gül would be the president of ‘the people’:

Our candidate has all sorts of qualifications to achieve general acceptance both in the Assembly and in society. He will become a president who will embrace society with integrity and all social values, and represent the people with merit... [By nominating Gül] we want the presidency (*Çankaya*) to be united with its people (cited in Dinçşahin, 2012: 630).

Therefore, the candidacy of Gül not only served as the first step towards the extension of ‘hegemonic project’ into ‘the state’ but also provided a powerful ‘ideological’ ground to present the political crisis as a struggle between ‘the people’ vs. ‘the elite’, ‘the nation’/ ‘society’ vs. ‘state’ and ‘democracy’ vs. ‘tutelage’. The Presidency was ‘ideologically’ constituted as a site within ‘the state’, which had been seized by the ‘Kemalist power-

bloc' and waiting to meet with its 'society'/ 'nation'. Aside with the appropriation of the discourse of 'us' and 'them' for the 'political' aim towards capturing a strategic site within 'the state', the controversies over presidential election signalled the end of "politics of patience" with the overt reference to 'religion' (Duran, 2013: 98) as part of 'ideological-political' struggle. During the Presidency of Ahmet Necdet Sezer, the wives of deputies wearing headscarf had not been invited to the celebrations of the Republic in at Presidential Residence because 'headscarf' had been considered as taking position against 'secularism' (Cindoglu and Zencirci, 2008: 803), for this reason, the religious attire of Abdullah Gül's wife was a crucial tactic to address the headscarf issue after a period of silence on the one hand and to reiterate the feeling of identification between conservative sectors of the society and the Party (Saraçoğlu and Yeşilbağ, 2015: 900).

Whereas the candidacy of Gül had 'ideological' implications in terms of the solidification of the AKP's image as being representative of 'the society'/ 'the nation', it paved the way for a series of political crisis. Within a couple of days following the announcement of Gül's candidacy, on April 27th, 2007, the first round took place without the presence of the CHP in the Assembly since they had decided to boycott the election in order to prevent the AKP securing the assumed quorum necessary for the election. In the aftermath of the controversial first round, the military published an online announcement (known as e-memorandum) stating that the presidential election had turned into a dispute over secularism and when necessary, the military would not have hesitations to intervene as the defender of secularism (Saraçoğlu and Yeşilbağ, 2015: 924-925). Both Gül and Erdoğan denied the claims raised by the e-memorandum, and the election process continued. Nevertheless, upon the appeal of the CHP, the Constitutional Court stated that to the quorum of 367 is mandatory to begin to first and second rounds of presidential election, and thus it cancelled the first round, which had taken place on April 27th, and ruled that the Assembly should repeat the first round satisfying the quorum of 367 (Özbudun, 2012c).⁴³ The decision of the Court had been decisive in terms of presidential election process because the AKP was not able to meet the quorum in the absence of the CHP and the Assembly became incapable of proceeding

⁴³ See also Eroğul (2007) for the legal disputes over the decision given by the constitutional Court.

a valid first round, which led to the deadlock of the elections. Under such a political turmoil, even prior to the announcement of the Constitutional Court, the AKP had decided to initiate necessary steps for an early general election in July of 2007 and a constitutional amendment, which would replace the existing procedure with a popularly elected presidency.

The decision rendered by the Constitutional Court had marked a historic moment in terms of re-articulation of AKP's 'ideological' framework as well as the party's further strategies to expand its hegemonic position in 'the State'. Following release of the decision, Erdoğan described it as "a shot fire at democracy" (Baran, 2008: 63), he put into circulation the themes of being 'victim', 'oppressed' and 'wronged' (Dinçşahin, 2012: 631; Yavuz, 2009: 252) and the rhetoric of 'the nation'/ 'society' being identical with the AKP in opposition to 'Kemalist power bloc' had acquired a new connotation: those who blocked and imprisoned the 'will of people' became 'the enemies of the people', which included the Constitutional Court in the first place (Dinçşahin, 2012: 632). Such an 'ideological' scheme not only reproduced 'consent' of 'silent Muslim majority' but also promoted the support of 'liberal intellectuals' and they continued to be adhered to the alignment with the AKP, who represented 'democracy' in the face of 'tutelage' (Ersoy and Üstüner, 2016: 8-9). Under these circumstances, 'hegemonic project' formed through and around the AKP expanded, re-unified and stabilized, which led to a stunning victory in the general elections held in July 2007. Following the electoral victory, Abdullah Gül⁴⁴ was elected as the 11th President of Turkey through a smooth parliamentary process in August, and in October the constitutional amendment adopting popular vote for presidential election was approved in the referendum with a vast majority.

In the literature, the general elections of 2007 is considered to be threshold in terms of the 'political' style of the AKP as well as the overt deployment of 'religion' as a part of 'ideological-political' dimension of its 'hegemonic project' (Saraçoğlu and Yeşilbağ,

⁴⁴ In the general elections held in 2007, the MHP passed the election threshold and secured 71 seats in the Assembly. As the MHP supported the candidacy of Gül, together with the AKP, he elected as the President in the first round.

2015; Duran, 2013; White, 2013). Basically, the Party continued to monopolize the agenda of ‘democratization’ through the promise of drafting a civilian constitution, and Kurdish and Alevi openings on the one hand, it targeted to further expand in ‘State’ apparatuses to overthrow ‘Kemalist power-bloc’ from ‘the State’ on the other. Within such a constellation, the solving of the long-standing headscarf issue brought to the political agenda as an urgent issue. What is distinctive about headscarf issue is that the AKP formulated the whole debate by relying on a renewed ‘ideology’ of secularism, which is an amalgamation of its ‘ideological-political’ project of ‘conservative democracy’ blending ‘conservative’ motives with a strong deployment of ‘rights and freedom’ and ‘democracy’. As I elaborate in the next sub-section, even though this new ‘ideology’ of secularism prompted another stage in terms of ‘political’ crises with the Constitutional Court, which had been clung to a different ‘ideology’ of secularism, it had a strong resonance within the broader ‘ideological-political’ struggle of the AKP. In addition to the deadlock of presidential elections, after the turn of 2008, two significant political crises erupted with the involvement of the Constitutional Court. First, the Court annulled the constitutional amendment, which had been drafted and approved by the AKP with the support of the MHP to lift headscarf ban for university students, even though the Constitution limits the review of constitutional amendments with the procedural matters by refraining the Court from scrutinizing its content (Özbudun, 2012c: 160)⁴⁵. Second, on March 2008, the chief prosecutor of the Republic submitted his indictment to the Constitutional Court and requested the dissolution of the AKP on the grounds of being a centre of anti-secular activities. The Court rendered its judgement in a couple of months, and although the Court ruled monetary sanction instead of dissolution, it asserted that the AKP had become the “centre of anti-secular activities” due to the public statements of deputies and local representatives opening ‘secularism’ into discussion as well as the constitutional referendum drafted to lift headscarf ban (see the AKP case in Table 3). As a result, “three extremely controversial rulings by the court

⁴⁵ Although the Constitution (Article 148) regulates that the Court shall only conduct a procedural review on constitutional amendments (such as whether it is proposed, approved and discussed duly), through interpretation, the Court concluded that it has the authority to review constitutional amendments on the basis of alleged violations of the first three articles, which are irrevocable. (Özbudun and Hale, 2010: 72-73).

in 2007 and 2008 made it appear as one of the active parties in the ongoing political conflict” (Özbudun, 2012c: 159) and the stance of the Court had significant implications in terms of the AKP’s strategies for not only further expanding in ‘the state’ but also reworking particular emphases within its ‘ideological’ framework.

The AKP’s strategies to enlarge its power within state apparatuses included a variety of methods. Taking hold of ‘the State’ indeed was a strategy since the Party came to power in 2002 as the state officials in the public institutions gradually replaced with “pro-Islamic cronies” through absorption and decapitation of “republican bureaucratic elites” for oppositional cadres had been withdrawn from their posts and encouraged to early retirement (Hoşgör, 2015: 221). On the other hand, in the aftermath of the consecutive political crises of 2007-2008, the re-structuring within ‘the State’ had been moved to a different level with the out-set of a series of investigations and trials, which were “based on allegations of military-inspired plots to overthrow the government” (Akça, 2014: 36). *Ergenekon* and *Balyoz* (Sledgehammer) were two publicly well-known investigations and trials aiming at to the purge of ‘tutelary regime’ from ‘the state’, particularly from the military, as well as the suppression of its civilian counterparts by ‘force’ (Saraçoğlu and Yeşilbağ, 2015: 928-933). Despite the serious concerns about the legality of these investigations and trials, the AKP intentionally ignored to address such concerns and rather it successfully articulated the on-going legal processes to its discourse of ‘being victim’/ ‘being oppressed’, which ‘ideologically’ represented the process as part of ‘democratisation’ against the ‘tutelary regime’ (Saraçoğlu and Yeşilbağ, 2015: 931-932).

The final critical node in terms of the AKP’s expansion into the key state institutions was the referendum held on constitutional amendment in 2010, which is specifically significant for the main problematic of this thesis. The constitutional referendum of 2010 could be considered as the pinnacle of ‘ideological-political’ articulation, which mutually harboured the discourse of rights and freedoms in the march towards ‘democratisation’ against ‘tutelary regime’ as well as the powerful claim of the AKP being the representative of ‘oppressed’ ‘silent Muslim majority’, who had been excluded by ‘Kemalist elites’ throughout the Republican history. In this direction, the content of the amendment had brought along the extension of the scope and protection mechanisms

rights and freedoms, and the abolishment of legal immunity granted to perpetrators of the military coup took place in 1980 on the one hand, it targeted at both strengthening the power of the president and a substantial restructuring of the judiciary as a whole, ranging from the Constitutional Court to High Council of Judges and Public Prosecutors, on the other (Coşkun, 2013; Kaboğlu, 2010). The amendment empowered the position of the president in the 'state-system' to complement the amendment took place in 2007 replacing popular vote for the presidential election and it also symbolized the revenge of the abolished amendment approved in 2008 (Kaboğlu, 2010). Apart from the amorphous content of the amendment, the date of the referendum was intentionally set to September 12, which was the anniversary of the military coup of 1980 in order to re-generate the 'ideological' effect that the preference of voters would unveil that whether they are "coup-lovers" (Dinçşahin, 2012: 638). Thus, the dichotomy of 'us' and 'them' once more echoed over the referendum with a more divisive tone since the opposition was described to be a "coalition of evil" (Dinçşahin, 2012: 637). Within such an 'ideological' constellation, in order for the amendment to pass, the AKP was able to mobilize the masses and generate the support of 'liberal intelligentsia' in spite of the concerns 'liberals' started to raise about the party. The strong 'ideological' accentuation of the conflict as a struggle against 'tutelage' of the 'military' incorporated 'liberals' into the 'hegemonic project' (Ersoy and Üstüner, 2016: 9) and their support that came to be known as 'Not Enough But Yes' had remarkably contributed to the 'ideological' reproduction of the idea that the amendment serves to the interests of the social whole (Saraçoğlu and Yeşilbağ, 2015: 936). For this reason, the referendum of the constitutional amendment has been a pivotal process through which the Party tested and approved its 'hegemonic' position in the 'civil society' and consolidate its 'hegemonic' status further in 'the state'.

Along with the 'ideological-political' struggle, the prevalent concern behind this amendment is the conquest of key state apparatuses of 'authoritarian state form', which had been seized and appropriated by the 'enemies', rather than reforming it (Akça, 2014: 34) and the approval of the constitutional amendment opened the windows of opportunity for the AKP to consolidate its power in the judiciary by appointing those who would act

together with the Party (Saraçoğlu and Yeşilbağ, 2015: 937). At this juncture, it is essential to underline that the constitutional amendment of 2010 was a critical moment in terms of re-structuring of the Constitutional Court in general and the conflict over ‘secularism’ in particular. Since the number of the judges in the Court’s Grand Chamber had been increased by the amendment, new members were appointed by the President Gül and elected by the Parliament, and accordingly, as it had been foreseen (see Arato, 2010; Kaboğlu, 2010), in a short period of time the number of members appointed or elected in line with the AKP’s preferences overrode the number of the members, who had been nominated by President Sezer or beforehand. By this means, it was ensured that the Court would no longer be an obstacle in front of the political projects of the AKP (‘national will’) and the Party would not be under the threat of dissolution anymore (Arato, 2010: 346-347). To put it differently, with the companionship of a friendly Court, the laws, which are drafted and approved by the Parliamentary majority (‘national will’) would less likely to be annulled by the Court and the constitutive principles of the state would more likely to be conceived, interpreted and applied in the specific manner that the ruling Party wishes for. In this respect, the Court, which is a strategic state apparatus in the state-system, was appropriated for the service of ‘hegemonic project’.

Hitherto, it was overviewed that how the AKP could have managed to overcome political crises experienced during 2007-2008 and how it had initiated necessary steps to become ‘hegemonic’ within ‘the State’. Since I do not conceptualize ‘the party’ as an autonomous and unified agent acting in itself, in the overview, I try to indicate how political crises and moves towards the conquest of ‘the state’ had been ‘ideologically’ redefined and reconstituted as a ‘political’ struggle against ‘Kemalist-power bloc’ in order to secure attachment and involvement of a ‘social coalition’ into ‘hegemonic project’. On the contrary to the initial years of the framework of ‘conservative democracy’, following the stagnation of EU-inspired agenda, conservative populist strategies began to gain more aggregate outlook since the Party not only started to address religion in a manifest manner but also adopted a more divisive language towards the oppositional groups, which had become ‘enemies’ and ‘coalition of evil’. Simultaneously, the politics of reconciliation started to leave its place to sheer tension based on antagonism,

stigmatisation and repression (Açikel, 2013: 23) as well as opposition through mechanisms of 'force'. Despite the deepening 'conservative populism' leading strengthening the bond between the party and the masses, in the absence of a potent counter-hegemonic force the AKP successfully continued to dominate the agenda of 'democratization', which resonated via the discourse of 'rights and freedoms' and strategies of 'openings' for 'Kurdish' and 'Alevi' issues. Within such context, 'liberal intellectuals' remained loyal to their alliance with the AKP in the struggle against 'tutelary regime' between 2007- 2010. So, then, a question remains unanswered: How did the AKP address to the issue of secularism and how did it handle the crisis while addressing the long-standing religious issues on the one hand and retaining the 'intellectual' support on the other? The answer lies in the 'ideological-political' struggle to redefine 'secularism' to consolidate its 'hegemonic' position after a series of political conflict with the Constitutional Court. Nevertheless, prior to the elaboration of the 'ideological' struggle on 'secularism' in the next chapter, it is necessary to discuss the transformation of the 'hegemonic project' in aftermath of 2010 in order to evaluate why the insertion of a 'new ideology' of secularism into a strategic state apparatus was crucial for 'hegemonic project' in terms of stimulation of a particular 'common-sense'.

The constitutional referendum of 2010 could be regarded as a threshold in the making of the 'hegemonic project' with respect to 'ideological-political' re-articulation and strategies, that marks the replacement of 'conservative democracy' with the banner of '(vision of) New Turkey' as the definitive catchphrase of the 'hegemonic project'. As it is highlighted in the literature, the elements of 'conservatism' had always been a part of the 'ideological-political' framework, which makes impossible to consider the AKP as being purely 'liberal' in its initial years; nevertheless, following the 2010 referendum, the deployment of 'Islam' in the context of 'nationalism' became the prominent feature of 'ideological' dimension of 'hegemonic project' (Tuğal, 2012; Saraçoğlu and Yeşilbağ, 2015: 939; Aktoprak, 2016; Açikel, 2013). In this respect, the Party opted to consolidate a 'hegemonic project' in a restricted sense, rather than its attempts for an expanded hegemony, through further cementing and mobilising its mass coalition while excluding every sort of opposition (Hoşgör, 2015; Bodirsky, 2016). For this reason, 'New Turkey'

embodies a mode of ‘authoritarian populism’ through which an Islamic-conservative nationalism orchestrated by the Party not only in ‘civil society’ but also in ‘the state’ in order to keep the mass support physically and emotionally as part of a ‘political’ struggle while reorganizing ‘sociality’ in line with this ‘ideological’ horizon.

The catchphrase of ‘New Turkey’ was first used in the campaign for the general elections in 2011 together with the Programme of ‘Vision 2023’ through which the Party casted itself the role of ‘constituent power’ and presented the elections as a breakthrough in the history of the Republic (Aktoprak, 2016: 295; Koyuncu, 2014: 66). The election bulletin declared that “The new story of new Turkey deserves to be told and to be understood” (the AKP, 2011: 273)⁴⁶ and following the general elections of 2011, the presidential campaign of Erdoğan in 2014 and forthcoming election campaigns revolved around the phrase of ‘New Turkey’. Then, what does ‘New Turkey’ tell for itself? On the side of ‘democracy’, the Party continued to present itself as the sole political force towards democratization by rejecting any partnership (Çınar and Sayın, 2014: 381) and for this ends, it put into circulation the term of ‘advanced democracy’, that “acted as a screensaver” (Alpan, 2016: 21), manufactured another agenda for the drafting of a new constitution and kept on Kurdish and Alevi openings. Nevertheless, these steps had been absorbed and superseded by the inclining tone of ‘Sunni-Islam’ as part of creation a ‘new nation’. Unlike the self-image, which the Party had drawn in the initial years, “the AKP’s departure from its MG [Milli Görüş or National Outlook – referring Islamist movement of post-1980 period] roots is not as complete as it claims” from the beginning since it’s conservative populism had always been informed by “values from an Islamic moral universe” to envisage “social solidarity and mutual social responsibility” (Patton, 2009: 442) and to reiterate the distinction between ‘the nation’/’society’ from the ‘Kemalist minority’. On the other hand, in the aftermath of the constitutional referendum in 2010, the Party’s Islamic past had become the central ‘ideological’ resource shaping ‘ideological-political’ dimension of ‘hegemonic project’ that was targeted at the redefinition of the ‘national identity’ on the basis on ‘Sunni-Islam’, which indicated a

⁴⁶ Turkish - “Zira yeni Türkiye’nin yeni hikayesi anlatılmayı ve anlaşılmayı hak etmektedir” (Translated to English by the author).

major modification not only the content of ‘ideological-political’ dimension but also ‘social alignment’ intended to be reproduced. Accordingly, the ‘New Turkey’ denoted the rupture of the support of ‘liberal intelligentsia’, which was crystalized with Gezi Uprising (Ersoy and Üstüner, 2016:11- 14) and ‘Sunni-Islamic nationalism’ backed by authoritarian ‘state-form’, was headed to consolidate ‘consent’ of and reproduce ‘social whole’, in which the class interests were further eroded and the unity was iterated in reference to ‘the nation’.

Then, how did ‘religion’ concretely inform the ‘imagined community’, that formulated through ‘hegemonic project’? ‘Sunni-Islam’ is registered into the centre of the ‘national’ identity, articulated through ‘ideological’ framework, by relocating the imagery of Kemalist nationalism, which had conveyed a ‘secular-modern society’ (Alaranta, 2014; Koyuncu, 2014; Aktoprak, 2016; Maessen, 2014; Yaşlı, 2014; White, 2013). Even though the Party’s ‘ideological’ framework was a unique amalgamation of ‘conservatism’, nationalism’ and ‘Islamism’, among these elements ‘Islam’ determined the social values, that are worth protecting, while assembling the content of ‘nationalism’ in terms of the ‘discursive articulations’ and symbolic references, and in this direction, ‘religious identity’ and ‘national identity’, which were used to be considered as two separate entities, fused into each other to raise a single unity (Saraçoğlu, 2011: 39). This ‘Sunni-Islamic nation’ was accentuated via a number of discourses, political practices and symbols. In this respect, a nationhood imprinted by ‘Sunni-Islam’ was constituted through a re-narration of ‘national history’ with reference to glorious and imperial Ottoman past, and this narration of ‘shared history’ was further entrenched not only by speeches but also practices such as the celebrations for the conquest of Istanbul or the opening of new museums and monuments (Maessen, 2014: 312; Koyuncu, 2014; Yaşlı, 2014: 134). The foreign policy in this period, which had been named as “Strategic Depth” and based on regional leadership in Muslim world, also appropriated into the domestic realm as part of re-narration of ‘shared history’ of ‘the nation’ relying on Islamic elements (Saraçoğlu and Yeşilbağ, 2015: 908-909; Kırdış, 2015).

In a ‘hegemonic’ process, the imagination of ‘the nation’/ ‘society’ through a religious bond had ‘ideological-political’ significance for not only unification of a mass coalition

and mobilisation over these elements but also normalisation and naturalisation of a particular mode of ‘sociality’ as ‘common-sense’. The constellation of ‘the nation’ inscribed by ‘Sunni-Islam’ hints to the “images of who ‘we’ are, and what are ‘our’ essential values, needs, and purposes” (Alaranta, 2014: 123). In other words, ‘Sunni-Islam’ was registered as the symbolic capital determining essence of nationhood in terms of narratives and ethics (Koyuncu, 2014). For this reason, “direct references to Sunni Islam as the core element of nationhood” crystalized with Erdoğan’s controversial statement that “We have four red lines: One state, one nation, one flag, and one religion” (cited in Saraçoğlu and Demirkol, 2015: 308). This particular statement indicates how ‘ideological-political’ instance of ‘hegemonic project’ operates simultaneously through ‘the state’ and ‘civil society’ to cultivate a particular ‘sociality’. In this respect, ‘Islam’-centred national imagery, which had been gradually disseminated in ‘civil society’ by transforming it, now constructed above by the deployment of state instruments of ‘consent’ and ‘force’ (Aktoprak, 2016: 310). To clarify, the unity of ‘one state, one nation, one flag and one religion’ is not something ‘natural’, but manufactured through both ‘consent’ and ‘force’. Probably, the following speech of Prime Minister Erdoğan would better illustrates the point:

I expressed that we would like to raise a religious generation. My sacred nation had understood me but the status quo [referring to ‘Kemalist elites’ and/or the mentality of the CHP] did not want to understand. We had suffered a lot in this country. We refer to a religious generation attached to national moral values. Sorry for the elites, but now we are in this country. We want a religious generation for a country in which religious people would not be oppressed. We want a religious generation for the youth to make free decisions without the instructions of cultural imperialism. We object to formatting.⁴⁷

⁴⁷ Turkish- “Ben dindar bir nesil yetiştirmek istediğimizi ifade ettim. Benim bu ifadelerimi aziz milletim çok iyi anladı ama statüko anlamak istemedi. Biz bu ülkede çok büyük çileler çektik. Biz milli manevi değerlerine bağlı bir dindar nesilden bahsediyoruz. Elitler kusura bakmasınlar biz artık bu ülkede varız. (...)Biz dindarların aşağılanmadığı bir ülke için dindar nesil diyoruz. Gençlerin kültür emperyalizminin yönlendirmesine maruz kalmadan özgür tercih yapabilmesi için dindar nesil diyoruz. Formatlamaya itiraz ediyoruz.” (Translated to English by the author)

For the rest of the speech, see Tiyatroculara çok sert cevap (2012, April 29). *Hürriyet*. Retrieved September 30, 2016 from <http://www.hurriyet.com.tr/tyatroculara-cok-sert-cevap-2044617>

Taking into these statements of Prime Minister Erdoğan, it becomes much easier to understand how ‘civil society’ and ‘state’ simultaneously operate within a ‘hegemonic project’ to raise a particular ‘consciousness’ or a ‘new culture’ while continuing to reproduce ‘consent’ for authority. In other words, for a ‘hegemonic project’ to achieve its goal of raising a religious generation it began to enjoy not only popular support in ‘civil society’ but also ‘hegemonic power’ over ‘the state’ apparatuses, which would enable to for the government to implement necessary reforms to actualize the promise. Therefore, ‘ethical state’ was put into the service of ‘hegemonic project’ to act upon ‘common-sense’ and to cultivate a ‘consciousness’ with respect to the ‘ideological-political’ framework. As I elaborate in Chapter 5, the transformation of education-system, which had led to the re-opening of Imam Hatip Middle schools and introduction of elective modules on Islamic religion, various legal regulations aiming at the limitation of alcohol consumption, and discourses, initiatives and policies upheld by *Diyanet* to encourage ‘religion’ in everyday life could be considered as an examples how ‘ethical state’ was integrated to reproduction and organization of ‘social’ within ‘hegemonic’ formation.

On the other hand, it is also crucial to indicate that the ‘ideological-political’ framework resonated over ‘Sunni-Islamic’ nationalism became a denominator of separation and exclusion alongside being an element of unification. To clarify, the axis of the political conflict, that the Party ‘ideologically’ appropriated into the political struggle had always been relied on a distinction of ‘us’ vs ‘them’. As the ‘Sunni-Islam’ became the main terrain of who ‘we are’, it did for ‘who are enemies’ too (Koyuncu, 2014: 320). In this direction, Kurdish and Alevi openings lost the horizon of democratisation since Kurdish and Alevi identities were reduced to the ‘difference’ recognised on the basis of Muslim fraternity (Pinar, 2013; Saraçoğlu, 2011). As a result, Alevis and Kurts, who did not accept to be recognized on the ground of religious bonds became internal enemies along with Kemalists and leftists (Akça; 2014: 38). Starting from 2007, increasing after 2010 and reaching to its pinnacle with the Gezi uprising in 2013, the AKP’s strategy to maintain and reproduce its ‘hegemonic’ position had been marked by winning of ‘consent’ of the mass support that was already backing the Party while putting into

circulation the mechanisms of ‘force’ for those who did not accepted to be part of ‘the nation’, that the AKP represents (Bodirsky, 2016: 125).

To finalise, in this part, I illuminated the walk from ‘conservative democracy’ to ‘New Turkey’ and demonstrated transformations of ‘ideological-political’ project and strategies employed through the process of ‘hegemonic’ rule of the AKP. I also illustrated the crucial stages in terms of the AKP’s extension into ‘state’ institutions. In this respect, the constitutional referendum of 2010 could be regarded as a turning point since it facilitated the ‘hegemonic expansion’ within ‘the state’ institutions on the one hand, and it introduced a new phase of ‘hegemonic articulation’ entrenching ‘authoritarian populist’ strategy in terms of ‘ideological-political’ framework and interplay of ‘consent’ and ‘force’ on the other. As I tried to emphasize, ‘hegemony’ is not an end in itself, it requires constant ‘ideological’ articulation to recruit people into a ‘political’ struggle, and the changing emphasis and strategies within the AKP’s ‘ideological-political’ framework was not an exception.

3.3. Secularism as a Field of ‘Struggle’: Framing an Alternative ‘Ideology’ of Secularism

In the previous sub-chapter above, I highlighted that the emergence of the AKP as a new ‘hegemonic project’ in the beginning of millennium, relied on the successful incorporation of ‘economic’ interests of bourgeoisie, albeit organic relationship with a particular fraction, as well as formation of a ‘social alignment’ over a contradictory and eclectic cohesion of an ‘ideological-political’ framework. Though ‘ideological-political’ project had undergone substantial modifications over years, for a quite long-period of time, the Party successfully dominated the agenda of ‘democratization’ through which it could have addressed deep-seated social and political controversies. As a result of these strategies, it had opportunity to consolidate its ‘hegemonic’ position in the ‘civil society’ and to extend its power in ‘the state’. In the rest of this sub-chapter, I try to evaluate that how ‘secularism’ had become a field of ‘struggle’ as the AKP had contested ‘ideology’ of secularism inscribed in ‘the state’. In this respect, I demonstrate how the AKP have

formulated an alternative ‘ideology’ of secularism within its broader ‘ideological-political’ fabric and how it inscribed that particular ‘ideology’ of secularism into ‘the state’.

As it is already highlighted, the banner of ‘conservative democracy’ had been used as a demarcation line, that the AKP invented and utilized in order to distinguish itself from Political Islam in general and Islamist roots of its founding cadres in particular. Even though it had been and it is still disputable that whether the Party had broken with Islamic roots at any stage of its career⁴⁸, what is significant for us is that the broader framework of ‘conservative democracy’ included a particular conception of secularism, which operated as an ‘ideology’ within the ‘hegemonic project’ realized through the Party. Unlike the political Islam’s horizon to replace ‘secular-state’ with an Islamic order, in which ‘state’ and ‘society’ would be reorganized in accordance to the principles of sharia (Gülalp, 2003: 97), the AKP recognized secularism as a state principle, albeit within a different meaning and constellation of state-religion relationship (Özbudun, 2006: 548; Topal, 2012). In other words, instead of rejecting secularism per se, the AKP transformed *meaning* attached to secularism into an ‘ideological’ field of struggle through which it recruited different social groups for its ‘hegemonic project’. It is noteworthy that a year before the presidential crisis, Bülent Arınç, speaker of the parliament declared at a parliamentary speech that:

I have to clarify that, nobody objects to secularism, which is irrevocable article of our Constitution. The entire controversy arises from the different interpretation of secularism. (...) The public interest should be extended towards to interest of public, not to the state. (...) Secularism, which is an irrevocable article of our constitution, will exist forever. But, it is necessary to overcome the differences

⁴⁸ It had been a wide-range discussion to what extent the Party could have broken off its Islamic roots and whether or not ‘conservative democracy’ had really marked a shift from Islamism to the marriage of ‘moderate Islam’ and ‘liberalism’ paving the way for a political movement committed to the secular-democratic principles (Şen, 2010; Bayat, 2007; Çınar, 2006, 2008; Özbudun, 2006; Yavuz; 2006; Kuru, 2009).

among interpretations with respect to conditions of day and structure of our society⁴⁹.

The statement made by Arınç is crucial in the sense that it demonstrates the explicit challenge towards the fixated meaning of secularism. In this manner, the official Party documents, the statements of made by the prominent figures of the Party and the AKP's response to the indictment of Chief Public Prosecutor before the Constitutional Court unveil the Party's the fundamental lines of 'discursive articulations', through which, an alternative 'ideology' of secularism was formulated.

Although the disputes over presidential elections and particular speeches of prominent party figures had not only concretized this alternative 'ideology' of secularism in terms of its positioning of 'the state', 'society' and 'religion' into a nexus of relationships but also solidified 'ideological-political' struggle by entrenching the support of a social coalition, in fact, the kernel of their argument had already presented in the first Party bulletin. According to Programme of Development and Democratization, "religion is one of the most important institutions of humanity, while secularism is an indispensable part of democracy and the guarantee of freedom of religion and conscience"⁵⁰ (the AKP, 2002). In fact, this basic statement illustrates the nucleus of the idea behind alternative 'ideology' of secularism: As part of 'conservatism', 'religion' turns out to be a 'social value' to be protected and conserved, and in line with the discourse of 'democracy' and 'liberal rights', 'secularism' is accentuated as being a matter of 'freedom of religion and conscience'. In this axis, 'secularism' is re-defined as a principle of 'state', neither 'society' or 'individual', which requires 'the state' to be neutral towards and independent from 'religion' while it is entitled with the duty to secure the exercise of freedom of

⁴⁹ Turkish – "Açıkça belirtmeliyim ki, anayasamızın değiştirilemez maddesi olan laiklik ilkesine Türkiye'de karşı çıkan kimse yoktur. Bütün tartışmalar, laiklik ilkesinin farklı yorumlanmasından kaynaklanmaktadır. (...)Kamu yararı devletin değil, halkın yararına doğru genişletilmelidir. (...) Anayasamızın değiştirilemez maddesi olan laiklik maddesi, ilelebet var olacaktır. Ancak günün şartlarına, toplum yapımıza uygun olarak yorum farklılıklarını da gidermek gerekir." (Translated to English by the author) For the rest of the speech, see Arınç, cumhurbaşkanı seçimi tartışmalarını eleştirdi (2006, April 23) *Hürriyet*. Retrieved October 12, 2016 from <http://www.hurriyet.com.tr/arinc-cumhurbaskani-secimi-tartismalarini-elestirdi-4302003>.

⁵⁰ Turkish – "Partimiz, dini insanlığın en önemli kurumlarından biri, laikliği ise demokrasinin vazgeçilmez şartı, din ve vicdan hürriyetinin teminatı olarak görür." (Translated to English by the author)

religion and conscience (See AKP case in Table 3). Accordingly, ‘the State’s intervention into ‘religious lifestyles’ is coded as an ‘anti-democratic’ practice and violation of ‘human rights’ (the AKP, 2002) since the understanding of ‘the state’ and ‘society’ was heavily relied on the basic ‘liberal’ thesis that, ‘society’ should be freed from the oppression of ‘the state’. In this manner, ‘society’ is conceptualized as a sphere, which ‘naturally’ regulates itself and produces its own ‘values’ that should be protected from the attempts of ‘social engineering’ that intervene and disrupt natural and evolutionary social change (Özbudun, 2006: 549). In this constellation, the ‘liberal’ language of ‘pluralism’, ‘tolerance’, ‘reconciliation’ and ‘identity’ are deployed to support presumed ‘value’ of religion in sociality as well as the ‘given’/ ‘ideal’ mode of society under a secular and democratic state (Doğanay, 2007: 71). In brief, the ‘ideology’ of secularism, conveyed by the AKP, redefined ‘the state’ as the protector of ‘freedom of religion and conscience’ for the ends of peaceful co-existence of plurality of religions and non-belief. By relying on this reconfiguration of ‘secularism’, the Party had rejected the propositions equating the ‘idea’ of secularism with forms of secularism allegedly entailed hostility towards religion and had explicitly embraced secularism with a renewed ‘discursive articulation’.

Then, why do we conceptualize the interpretation, which is more or less seems to be repetition of ‘flexible secularism’, as an ‘ideology’ in Gramscian sense? The answer lies in the process by which this conception of secularism is incorporated into the whole ‘ideological-political’ framework to bring different sectors of society into the ‘political’ struggle run by the Party as well as the process of cultivation of a particular ‘common-sense’. To understand why the alternative ‘ideology’ of secularism harboured a hegemonic capacity, it is essential to recall the contestations over the secularism in Turkey throughout late 1980s and 1990s. As I outlined in Chapter 3.1, starting from 1980s Turkey witnessed the rise of Islamism, which had challenged the idea and the norms of secularism, which are taken-for-granted (Gülalp, 2003). As our analysis of the Court’s ‘former’ ideology of secularism in the next Chapter depicts, the state’s stance towards religion was legitimized upon the presumption of a particular ‘modern’ society, inscribed by the principles of Mustafa Kemal, in which ‘religion’ is taken as a ‘private’

matter of spirituality. In this respect, for the secular camp, referred to as the ‘Kemalist power-bloc’, ‘secularism’ was not only something about ‘the state’ but it was a mode of existence of the Republic, which had been already adopted with the foundation of the Republic, thus secularism is “reflection of society” as much as it was an incontestable characteristic of ‘the state’ (Navoro-Yashin, 2002:137). Recalling from the explanations of the crisis of secularism in the pre-AKP period, this idea of secularism, which had been orchestrated by the state institutions against ‘Islamic threat’ and remembered with controversial instances such as strict enforcements of headscarf ban, February 28th process and political party closures, not only cultivated the feeling of exclusion for large sections of society but also it made particular ‘ideology’ of secularism, upheld by the state’, prone to criticism. In the wake of the crisis of a particular notion of ‘Kemalist’ secularism, it could be argued that the alternative ‘ideology’ of secularism by the AKP have managed to reach and embrace alienated sections of society on the one hand, and it have successfully responded to the criticisms directed at existing form of secularism through a language of ‘rights’ and ‘freedoms’ on the other. In this regard, the reformulation of secularism by the AKP operated as an ‘ideological’ element within its ‘hegemonic project’ to facilitate the inclusion of ‘liberal intellectuals’ and to recruit the masses into ‘political’ struggle against ‘Kemalist power-bloc’/ ‘tutelary regime’.

To start with the position of ‘liberal intellectuals’, in my previous explanations I stressed that the intellectual and academic ‘common-sense’ produced in post-1980 period defined Turkish secularism with negatively-connoted adjectives and indeed the emergence of this rich catalogue⁵¹ reflected the stance of ‘liberal intellectuals’ vis-à-vis the implementation of secularism in Turkey. Such definitive terms were deployed not only to point out concrete state practices but also ideology’ behind those practices: ‘Secularism’ was the central aspect of ‘top-down modernisation’ project of ‘Kemalist elites’, who had ignored the popular demands and had aimed to transform the whole ‘state’ and ‘society’ through a transcendental state-form to raise a ‘society’ of ‘Western modernity’ (Çevik and Taş, 2013: 15). In this respect, “the norms of ‘Western civilization’ are transmitted and

⁵¹ “assertive” (Kuru, 2009), “authoritarian” (Göle, 1996), “didactic” (Gellner, 1981), “insistent” (Özbudun, 2012a), “Jacobin” (Mardin, 1991), “oppressive” (Yavuz, 2003), “militant” (Çağlar, 1994), “militarist” (Navaro-Yashin, 2002), “pathological” (Kadioğlu, 2010) and “state-centric” (Keyman, 2007).

adopted at the level of everyday practices, definitions of self, and habitus”; and such a discursive constitution of ‘society’ and ‘self’ was not a ‘natural’ process but the assimilation politics imposed by a ‘project of modernity’ (Göle, 2010: 48). However, in an age, which is imprinted with the powerful postmodern critique of ‘modernity’ and ‘grand narratives’, the ‘nation’ project of ‘Kemalism’ and therefore ‘secularism’ as a project of ‘modernisation’ had become much more prone to criticism (Gülalp, 2003: 116-117; Aytürk, 2016: 328). In this direction, as Aytürk (2016) argues, the post-Kemalist paradigm, which constructs an essentialist causality between the lack of ‘democracy’ in Turkey to the bureaucratic dominance of ‘Kemalist elite’, became the dominant academic and intellectual paradigm, shared largely by the liberal left circles in Turkey and it brought along the criticisms of ‘official ideology’ of ‘Kemalism’ more than ever. This paradigmatic thinking has critical importance for the formation of an ‘alternative ideology’ of secularism for two reasons: First, starting from 1980s, the idea of ‘democracy’ started to be echoed over ‘ethnic and religious differences’ and second, the prescription of ‘democratization’ of Turkey was reduced to the purge of ‘Kemalist tutelage’ in the favour of the ‘oppressed’ (that is conservative Muslims and Kurds) since it had been assumed that takeover of ‘centre’ by the ‘oppressed’ would automatically lead to the foundation of an inclusive democracy adhering to human rights and multicultural principles (Aytürk, 2016). Hence, the secularism in Turkey was already under ‘intellectual’ attacks before the AKP, and the Party’s ‘ideology’ of secularism served the terrain linking ‘liberal intelligentsia’ to the ‘hegemonic project’.

Apart from the academic and intellectual labelling of secularism, the adjectives of ‘repressive’, ‘authoritarian’ etc. also denote the way how secularism had been felt and lived by the people, who had been in the Islamist movement in 1980s and 1990s. In this respect, both particular state policies towards religion and the idea of ‘secularism’ as ‘given’ of ‘sociality’ had contributed to the feeling of exclusion of those rejecting to embrace particular norms of conduct. As Navoro-Yashin (2002:140) displays in her ethnographic study,

Young Islamist women, being banned from public service in hospitals, courts and universities for veiling, believed that the story was not yet over. Feeling repressed

and humiliated by secularists for looking religious and maintaining religious life practices, Islamist thought that their experience exposed weakness in a system of government the rationale of which was impartial notion of citizenship and egalitarianism. Despite the government's claims to the contrary, my Islamist informants felt that they were not, in their words, treated as 'equal' under institutionalized 'secular-democracy'. 'Isn't it paradoxical' their objections often began, 'that in a country where 98 percent of the population is Muslim, the Muslim community is experiencing discrimination for practising Islam'?

Following the decline of 'political Islam', which was not the direct and single result of the dissolution of Islamic parties by the Constitutional Court but an outcome of historically-specific social and political conjuncture (White, 2013: 75; Mecnam, 2004), as a formation born out of Political Islam, the AKP succeeded in speaking to long-standing grievances, cultivated by the practices of secularism while absorbing the radicalism of Islamism, in terms of its 'economic', 'social' and 'political' horizons (Tuğal, 2009a). In other words, the Islamic roots of the Party enabled it to 'naturalize' secularism among the constituency of Political Islam on the one hand (Tuğal, 2009a), and to canalize the demands of this constituency through an alternative 'ideology' of secularism on the other. As it is explained in the previous sub-sections, at 'ideological-political' instance, the AKP had employed a number of articulations to raise a 'social whole', composed of different social classes, around its political project as the representative of 'Muslim majority'. In this respect, its alternative 'ideology' of secularism could be regarded as one of the linkages within its 'ideological-political' framework.

The Party's embracement of secularism, albeit with a different 'discursive articulation', provided a renewed 'ideological' terrain to bring the demands, lifestyles and aspirations of 'Muslim majority' into the 'political' struggle without falling into the mutually exclusive dichotomy of Islamism vs. secularism. Thereby, the Party had the opportunity to penetrate and address the deep-seated issue of 'headscarf' and to initiate an 'ideological' battle against 'Kemalist' version of secularism by accusing it as being illiberal and monolithic (Saraçoğlu, 2015b: 310; Doğanay, 2007:71). In this sense, this

alternative ‘ideology’ of secularism echoed the opposition between ‘Muslim majority’ vs. ‘Kemalist minority’, which depicted ‘Kemalist minority’ as being hostile towards ‘religion’ and ‘values’ of society, which the AKP shares. The speech of Erdoğan, a few months before the eruption of presidential crisis, exemplifies the ‘ideological’ positioning:

We had put up with many things. They entered everywhere, even in our harem. They even talked about the attire of our wives, our harem. We bear with. (...) Let us to do this [referring the controversies over a first lady wearing a headscarf] in our harem with respect to democracy, freedom of expression and freedom of religion.⁵²

The language employed by Erdoğan is significant in terms of the alternative ‘ideology’ of secularism for three reasons. First, it implies the antagonism between ‘Muslim majority’ vs ‘Kemalist minority’, who are alien and disrespectful to the values of society. Second, the symbolic description of the headscarf controversy as “entering harem” portray that ‘religion’ is taken as strictly untouchable, and thus it fits into conservative strategy. Third, for the resolution of the controversy, it denotes ‘freedom of religion’. On this basis, as it is outlined in the previous chapter, the Party could have deployed ‘religion’ as an ideological resource in increasing degrees, while intentionally forcing for re-definition of secularism. Within this constellation, in its initial years, the Party did not prioritize headscarf issue despite certain speeches addressing it. However, to secure its hegemonic status, it had to bring the matter into the political sphere and the headscarf issue came to the fore with the nomination of Abdullah Gül as the presidential candidate and a huge debate was launched whether or not his wife would be able to become a first lady without removing her headscarf, as a result, a series of political crises were started. Throughout the political crisis of 2007-2008, the AKP dominated the discussion re-

⁵² Turkish - “Bir çok şeyi sinemize çektik. Her şeyimize girdiler, haremimize varıncaya kadar girdiler. Sabrediyoruz. (...) Bizi de, bırak da kendi haremimizde demokrasi düşünce özgürlüğü, inanç özgürlüğü içerisinde bunu yapalım.” (Translated to English by the author)

For the rest of the speech, see *Haremimize bile girdiler* (2006, December 17) *Hürriyet*. Retrieved October 12, 2016 from <http://www.hurriyet.com.tr/haremimize-bile-girdiler-5628176>

iterating headscarf over discourse of ‘rights and freedoms’ and it accumulated ‘consent’ through the alternative ‘ideology’ of secularism. Recalling the incapacity of ‘Kemalist circles’ to justify their position on secularism (Çınar and Sayın, 2014: 374, Saraçoğlu, 2015b; Gülalp, 2016), the AKP could be argued to have framed ‘Kemalist power-bloc’ as oppositional to its target of ‘democratization’ and it had overcome three political crises (presidential elections, constitutional amendment to lift headscarf and the Party’s dissolution case) by further empowering its hegemonic position (Saraçoğlu and Yeşilbağ, 2015: 899, 928). Hence, the alternative ‘ideology’ of secularism operated as a channel within the Party’s wider ‘ideological-political’ strategies to reproduce mass support by bringing up their issues into political struggle while it contributed the liberal intelligentsia to co-operate with them.

The extension of this alternative ‘ideology’ of secularism, which had become ‘hegemonic’ in ‘civil society’ through the ‘ideological-political’ strategies, started with the Presidency of Gül in 2007. In fact, the election of Gül itself had an ‘ideological’ effect to reproduce the ‘common-sense’ aimed by the alternative ideology of secularism: For the first time in its history, the Republic had a “religious president” and a first lady wearing a headscarf, who embrace and promote ‘religion’ as a ‘social value’ on the one hand, publicize their commitment to secularism in their speeches and conducts on the other. In this respect, the difference between the press statements, which had been released by Sezer and Gül on the anniversary of the adoption of secularism in the Constitution, is noteworthy to indicate how the ‘ideology’ of secularism in ‘the state’ started to shift:

The principle of secularism, which is the main axis of Turkish Revolution, had realized its *layout of modernisation and societal transformation*. (...) Atatürk had believed that the *social and legal structure of the state* should be eliminated to achieve the level of contemporary civilization. (...) Secularism symbolizes the heading of Turkey towards nationalism from panislamism, citizenship from servitude, *modernity from zealotry*. (...) *Secularism does not mean freedom of religion and conscience*. Secularism is guarantee of all freedoms, and in this

context, it is guarantee of freedom of religion and conscience. (Sezer, 2007)
[Emphases added by the author]⁵³

Secularism is one of the most important guarantees to be a *modern state* and *regulate political relations* in a healthy manner. Secularism has great importance for society to be *free in its faiths*, respectful its relations, and *common in destiny*. For this reason, secularism is significant since it requires the State to be the same distance towards different faiths and opinions in order to protect *societal pluralism* and to ensure everybody lives peacefully without harming others.⁵⁴
[Emphases added by the author]

As the quotation from two press releases portray, with the Presidency of Gül, the alternative ‘ideology’ of secularism, became the official ‘ideology’ transmitted through the Presidency. In this direction, even though both press releases share that the separation of religion and state and neutrality of state as requisites of secularism, we observe that, once Gül held the office, secularism ceased to be something related to ‘society’ (in terms of ‘societal transformation’ or ‘social structure of the state’) and turned to be an exclusive feature of ‘state’. For this reason, Gül’s election to the presidency had critical importance

⁵³ Turkish- “Türk Devrimi'nin eksenini oluşturan laiklik ilkesi, çağdaşlaşma ve toplumsal dönüşüm tasarımı hedefine ulaştırmıştır. (...) Laiklik, Türkiye'nin, ümmetçilikten ulusçuluğa, kulluktan yurttaşlığa, bağnazlıktan çağdaşlığa yönelişini simgeler. (...) Laiklik din ve vicdan özgürlüğü değildir. Laiklik, tüm özgürlüklerin, bu bağlamda din ve vicdan özgürlüğünün de güvencesidir.” (Translated by the author) For the whole statement, see Türkiye Cumhuriyeti Cumhurbaşkanlığı (2007) *Laiklik ilkesinin Türkiye Cumhuriyeti Anayasası'na girişinin 70. Yıldönümü*. Retrieved October 14, 2016 from <https://www.tccb.gov.tr/basin-aciklamalari-ahmet-necdet-sezer/1720/7193/laiklik-ilkesinin-turkiye-cumhuriyeti-anayasasina-girisinin-70-yildonumu.html>

⁵⁴ Turkish- “Laiklik, modern bir devlet olmanın ve siyaset ilişkilerini sağlıklı bir şekilde düzenlemenin en önemli teminatlarından biridir. Toplumun inançlarında özgür, ilişkilerinde saygılı ve kaderde ortak olabilmesi bakımından da laiklik ilkesi büyük önem taşımaktadır. Devletin, toplumsal çeşitliliği korumak ve herkesin başkalarına zarar vermeden huzur içinde yaşamasına imkân sağlamak için farklı inanç ve görüşler karşısında aynı mesafede durmasını öngören laiklik ilkesinin bu yönden de önemi büyüktür.” (Translated by the author)
For the rest of the statement, See
Laiklik İlkesinin Türkiye Cumhuriyeti Anayasası'na Girişinin 73. Yıldönümü (2010, February 5). Retrieved October 14, 2016 from <http://www.abdullahgul.gen.tr/aciklamalar/252/69351/laiklik-ilkesinin-turkiye-cumhuriyeti-anayasasina-girisinin-73-yildonumu.html>

for the ‘hegemonic project’ to sprawl into ‘the state’, which would produce the same ‘ideology’ simultaneously.

Nevertheless, the conquest of Presidency does not mean that the control over the whole state-system in the short-run. Within the ‘state-system’, the institution, which is entitled with the authority to determine the binding meaning and scope of ‘secularism’, is the Constitutional Court. This is why, the constitutional referendum of 2010 marks a critical moment for this study. The amendment increased the number of judges in the Grand Chamber of the Court from eleven permanent and four substitute members to a total number of seventeen. With the amendment, the substitute members of the Court became permanent members, the period of office for the members restricted by twelve years, which had been indefinite till retirement due to age limit and the Assembly was given the authority to elect three members to the Court along with fourteen members, who would be appointed by the President (see Table 1). Recalling that the judges has life tenure as the members of the Constitutional Court and thus a new member would normally be appointed when a previous member retires, the increase in the number of judges enabled the re-structuring the Court without waiting for the retirement of the judges in office. Hence, in a short-span, the numbers of the members, appointed by President Gül or elected by the parliamentary majority of the AKP surpassed the number of the judges, who had been appointed by the President Sezer. This particular re-structuring brought along a substantive change in the Court’s interpretation of the principle of secularism. Following the Constitutional referendum of 2010, the Court received the first case related to alleged violation of secularism in 2012, and with this judgement, the Court withdrew from its precedent, which had been applied since 1971, and developed a new interpretation of secularism, which had notable impacts on the final outcome. As the Table 2 demonstrates the composition of the Chamber, the members appointed by the President Gül or elected by the assembly had majority when the Court rendered the particular judgement in 2012. Taking into the consideration the theoretical orientation and problematic of this study, the shift in the interpretation of secularism should be registered not as a technical legal matter, but as a moment of ‘hegemonic project’ through insertion of particular ‘ideology’ into a strategic state apparatus in order

to replace the mentality of entire 'state'. The next chapter analyses and compares the former and new 'ideologies' of secularism in order to illustrate that how the normative assumptions of 'state', 'religion' and 'society' as well as their relation to each other were re-constituted and how the new 'ideology' of secularism had changed the outcomes of final judgements.

CHAPTER 4

CONSTITUTIONAL COURT AND THE IDEOLOGY OF SECULARISM: THE FORMER VS THE NEW

This chapter intends to portray how the ‘ideology’ of secularism, embodied in the way the Turkish Constitutional Court interprets the principle of ‘secularism’ in the Constitution, had undergone a substantial modification. In line with the research problematic of this thesis, here, the word ‘ideology’ is chosen on purpose, as to signal the interpretation of the Court is not discussed as a matter of legal doctrine rather as a part of a ‘hegemonic project’ acting through ‘civil society’ and ‘state’ simultaneously. Recalling the Court’s strategic position in ‘state-system’ to determine the official meaning of secularism, the Court’s ‘ideology’ of secularism represents the ‘ideology’ of secularism upheld by ‘the state’ itself. Keeping in mind that it’s tied to a ‘hegemonic project’, basically ‘ideology’ of secularism refers how the Court makes sense of ‘secularism’ through a particular imagery of ‘state’, ‘society’ and ‘religion’. In sorting out the definition of ‘secularism’ and the scope of the ‘freedom of religion and conscience’ to apply abstract concepts to the concrete cases, the Court illustrates a ‘mental framework’ entailing normative assumptions on ‘state’, ‘society’ and ‘religion’ as well as the relationship between them. In this regard, through an analysis of the discourses employed to describe and define ‘secularism’, this chapter demonstrates the former and the new ‘ideology’ of secularism immanent in the Court’s interpretation. As the target of discourse analysis is to understand how the Court makes sense of ‘secularism’ by dismantling its normative assumptions, it is crucial to point out that the debate concerning rightness, validity, and consistency of ‘the Court’s approach and final judgement remains out of the scope of our evaluation below.

As it is explained in Chapter 2.3.2, a total number of 25 judgements were collected for the analysis. When the content of 25 judgements are monitored, it is apparent that the Court had debated ‘secularism’ and/or ‘freedom of religion and conscience’ over a variety of subject-matters. The subject-matters and other details of each judgement are presented in the Tables 3 and 4. However, it is necessary to briefly mention the cases in order to present social and political disputes over which the Court had the last word. In this direction, the ban of headscarf appears to be the most controversial issue, which had been brought before the Court four times. Following the headscarf ban, we observe that the penalization of religious marriage without the civil marriage and the record of religious affiliations by the State registry had been filed for two times. There had been three judgements related to Directorate of Religious Affairs (*Diyanet*) raising the claim of unconstitutionality of the official status given to personnel of *Diyanet*, the presence of *Diyanet* representative in an official committee and the religious summer schools offered by *Diyanet*. The educational reforms initiated by the governments in office to modify the mandatory education, which had included regulations concerning religious instruction, were subject to constitutional review for two times as well. The penalization of particular actions against secularism and also monotheistic religions were also among the subject-matters the Court had reviewed. The Court’s sections had also evaluated two instances of everyday practices, which are removal of topcoat in security-check and the high-volume of call to prayer, in consequence of individual constitutional complaints. Regarding the claims of violation of secularism by the political parties, in total eight cases had been filed by the chief public prosecutor, and the Court held that six parties out of eight had violated the principle of secularism, and therefore, it dissolved *Milli Nizam Partisi*, *Huzur Partisi*, *Özgürlük ve Demokrasi Partisi*, *Refah Partisi* and *Fazilet Partisi* and it sentenced *Adalet ve Kalkınma Partisi* to monetary sanction.

After this brief information on the content of the Court judgements, it should be clarified how the periodization is made to distinguish the former and the new ‘ideologies’ of secularism. The Court had rendered its first judgement including an interpretation and argumentation of secularism in 1971, until that year, there had not been any case related to secularism and/or ‘freedom of religion and conscience’, which would have urged the

Court to discuss what does ‘secular state’ mean and what does ‘freedom of religion and conscience’ cover in a secular state. In this first judgement, the Court elucidated a detailed explanation of secularism, which embodied a particular ideology of secularism as it discursively constructs both an imagery of state, religion and society and a normative interrelation between them. When it is scanned through the judgements, it is observed that the Court adhered to the legal interpretation of secularism formulated in that first decision till 2008. In almost half of the judgements the Court explicitly referred to and/or employed direct quotations from that first case and in other cases, it kept reasoning within the ‘mental framework’ set by the initial judgement despite the absence of direct acknowledgment.⁵⁵ Considering that the time span between 1971 and 2008 is quite long, it is necessary to indicate that the judgements given in between these years cannot be treated as if they are one and the same because the emphases of the Court varies depending on the concrete political conjuncture in which the decision was given. Nevertheless, it could be argued that the judgements given in this period share a common ‘mental framework’ of secularism, so does the same steps of reasoning and a coherent attitude in terms of their final conclusions. For this reason, the judgements, delivered between 1971 and 2008 are considered to be the cluster referring to the former ideology of secularism. After 2008, the Court did not receive any file claiming the violation of secularism and/or freedom of religion and conscience for four years. In the midst of this period, a constitutional amendment, which was adopted in the referendum in 2010 restructured the Chamber of the Court. In 2012, the Court released a judgement, in which it elaborates ‘secularism’ and ‘freedom of religion and conscience’ from a substantially different perspective incorporating a new ideology of secularism. As the Court has retained and developed this new ‘mental framework’ in the following decisions concluded till June 2016, the aftermath of 2012 is considered to be the cluster conveying the new ‘ideology’ of secularism.

⁵⁵ For instance, following the implementation of a new constitution in 1982, the Court keeps its references to the first decision and it declares that the Court’s arguments on secularism, which have been developed previously, would continue to be valid since there is minor modifications between the Constitution of 1961 and the Constitution of 1982 with respect to secularism and freedom of religion and conscience (see F4 IN Table 3). Similarly, in 2008, the Court overtly cites the initial judgement related to secularism in the case on the headscarf ban as well (see F12 in Table 3).

The rest of this chapter, first, gives a brief preliminary note on the related articles of the 1982 Constitution as well as the mechanisms through which the Court could hear a case. Since the principle of secularism and freedom of religion and conscience regulated in 1961 Constitution were adopted by 1982 Constitution with some additions⁵⁶, here, it is preferred to overview the 1982 Constitution, which is still in effect. Then, the former ‘ideology’ of secularism is scrutinized over the decisions that the Court released between 1971 and 2008. Finally, the new ‘ideology’ of secularism, adopted in the judgements concluded after 2012, is analyzed. These judgements are provided in Table 3 and Table 4.⁵⁷

4.1. A Preliminary Note on the Constitution and Constitutional Court

Throughout its history as a ‘nation-state’, Turkey drafted and implement four constitutions, which were put into effect respectively in 1921, 1924, 1961 and 1982. The freedom of religion and conscience was regulated in the Constitution of 1924, and with an amendment, principle of ‘secularism’ introduced into the Constitution in 1937. Both ‘secularism’ and ‘freedom of religion and conscience’ were preserved by the subsequent constitutions of 1961 and 1982. Even though the implementation of secularism and freedom of religion and conscience dates back to the early years of the Republic, the Constitutional Court, as a high court entitled with the authority and duty of constitutional review, established by the Constitution of 1961. It was 1971, that the Court heard the first case on an alleged violation of secularism, and therefore, it developed a legal interpretation of secularism only after this date. Since then, the Court released a

⁵⁶ The most important changes are the introduction of mandatory religion module in school curriculum and the regulation of Directorate of Religious Affairs in the Constitution. Prior to 1982 Constitution, Directorate of Religious Affairs existed however it was not a constitutionally established institution. For a detailed comparison of 1961 Constitution and 1982 Constitution regarding secularism and freedom of religion and conscience, see Özbudun, 2012a.

⁵⁷ Judgements are grouped with respect to the type of cases and then listed in chronological order. The cases on political party closures, which are referred by the abbreviations of Parties. For other cases of constitutional review and constitutional complaint, letters of “F” and “N” are used to indicate former and new ideologies of secularism.

considerable number of judgements including a reasoning on ‘secularism’, which serves the empirical data for this study. For this reason, it is crucial to take a glance on the related articles of the Constitution of 1982⁵⁸ that the Court invokes in its discussions of secularism, the concrete legal mechanisms, through which the Court hears a ruling and renders a decision and lastly structure of the Court.

A detailed survey of the constitutional and/or various other legal provisions, that the Court based, utilized or referred in its arguments, certainly reaches beyond the focus and limits of this study. Nevertheless, it is essential to present the related Articles of the Constitution that serves the ground for the Court’s interpretation and reasoning. In its statements, the Court underlines the close relationship between principle of secularism and freedom of religion and conscience, thus, in the most of the cases, it prefers to discuss ‘secularism’ with reference to the two Articles of the Constitution. In this regard, first, we have to visit the Article 2 of the Constitution, which regulates “the fundamental characteristics of the Republic”:

The Republic of Turkey is a democratic, secular and social state governed by rule of law, within the notions of public peace, national solidarity and justice, respecting human rights, loyal to the nationalism of Atatürk, and based on the fundamental tenets set forth in the preamble.

Article 2 lists ‘being secular’ among the fundamental characteristics of the Republic, which are irrevocable under Article 4. Therefore, it is the Article 2 to which ‘the Court’ refers while describing and discussing ‘secularism’ as a ‘constitutional principle’. Second, the Article 24 also is significant in the Court’s justifications regarding its interpretation of secularism. The Article 24, regulating “freedom of religion and conscience”, is as follows:

Everyone has the freedom of conscience, religious belief and conviction.

⁵⁸ For the official translation of the Constitution See, Constitution of the Republic of Turkey (1982). Retrieved from https://global.tbmm.gov.tr/docs/constitution_en.pdf.

Acts of worship, religious rites and ceremonies shall be conducted freely, as long as they do not violate the provisions of Article 14.

No one shall be compelled to worship, or to participate in religious rites and ceremonies, or to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions.

Religious and moral education and instruction shall be conducted under state supervision and control. Instruction in religious culture and morals shall be one of the compulsory lessons in the curricula of primary and secondary schools. Other religious 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.

No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political interest or influence, or for even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets.

As the whole text of the Article 24 demonstrates, alongside securing freedom of religion and conscience, it sets the grounds through which the scope of this freedom should be determined.

The Article 2 and 24⁵⁹ together serve as the main ground upon which the Court relies for its interpretation of secularism. However, there are other provisions, which the Court refers, thus they require attention as well. In relation to Article 24, the Article 13 and the Article 14 needs to be mentioned as they are invoked to draw borders of 'freedom of religion and conscience'. In this direction, the Article 13 regulates the restrictions over fundamental rights and freedoms, and it states that:

⁵⁹ The Articles 2 and 24 were not amended since the Constitution of 1982 had been put into effect. Taking into account that, the first three judgements related to secularism had been proceeded while the Constitution of 1961 was in force, it is necessary to mention the equivalent articles of the previous constitution. The Constitution of 1961 adopted principle of secular state and freedom of religion and conscience respectively in the Articles 2 and 19. However, the module on religion, taught at primary and secondary schools was elective. (see Özbudun, 2012a)

Fundamental rights and freedoms may be restricted only by law and in conformity with the reasons mentioned in the relevant articles of the Constitution without infringing upon their essence.

These restrictions shall not be contrary to the letter and spirit of the Constitution and the requirements of the democratic order of the society and the secular republic and the principle of proportionality

As the text shows, it is a matter of interpretation whether a particular restriction on freedom of religion and conscience comply with the Article 13 or not. In addition, Article 14 titled as “Prohibition of Abuse of Fundamental Rights and Freedoms”, settles redline of rights and freedoms:

None of the rights and freedoms embodied in the Constitution shall be exercised in the form of activities aiming to violate the indivisible integrity of the State with its territory and nation, and to endanger the existence of the democratic and secular order of the Republic based on human rights.

No provision of this Constitution shall be interpreted in a manner that enables the State or individuals to destroy the fundamental rights and freedoms recognized by the Constitution or to stage an activity with the aim of restricting them more extensively than stated in the Constitution.

The sanctions to be applied against those who perpetrate activities contrary to these provisions shall be determined by law.

In this direction, acts endangering the ‘democratic and secular order’ of the state are defined as abusive. In the same vein, the article also forbids the exploitation of religion for the political purposes and prohibits the attempts to base the order of the state on religion. Nevertheless, there is no ready-made list for the prohibitions, and thus, the borders of freedom of religion and conscience become a matter of interpreting what ‘secular state’ and ‘secularism’ mean as well.

Additionally, it is needful to disclose the Article on Directorate of Religious Affairs⁶⁰ (*Diyanet*), since *Diyanet* is a strategic institution for both the former and the new ideologies of secularism, which describe and explain the reasons of existence of *Diyanet* in a secular state in a drastically different manner. Article 136 of the Constitution regulates that

The Presidency of Religious Affairs, which is within the general administration, shall exercise its duties prescribed in its particular law, in accordance with the principles of secularism, removed from all political views and ideas, and aiming at national solidarity and integrity.

Apart from articles, which are presented here, in the former ideology of secularism, the Preamble of the Constitution is cited as well. With respect to our research focus, the Preamble of the Constitution emphasizes ‘nation’ and ‘national sovereignty’, it declares attachment to Atatürk and principles and revolutions of him as well as it highlights that “religious feelings shall absolutely not be involved in state affairs and politics as required by the principle of secularism”. Finally, even though it is impossible to comment on each, in its discussion of secularism, sometimes the Court also cites other articles of the Constitution, such as fundamental aims and duties of the State (Article 5), equality before the law (Article 10), Personal inviolability, corporeal and spiritual existence of the individual (Article 17), the Protection of Family (Article 41), Right and duty of education (Article 42) and Preservation of Reform Laws (Article 174).

Having portrayed the constitutional provisions, that the Court invokes to interpret what secularism means, it is necessary to present some brief information regarding the concrete mechanisms through which the Court hears a case. In fact, the knowledge of these mechanisms is also important for comprehension of why the Court is conceptualized as a strategic state institution. As it is implied above, in our package there

⁶⁰ “Diyanet İşleri Başkanlığı” is translated as “Presidency of Religious Affairs” in the official translation of 1982 Constitution. However, presidency refers to a system of government, Therefore, in line with the common usage in the literature, I preferred use “Directorate of Religious Affairs” or *Diyanet*.

are 14 cases of constitutional review, 3 cases of constitutional complaint and 8 cases of political party closures. Therefore, it is crucial to overview these three mechanisms.

First of all, constitutional review is the judicial scrutiny of statutes⁶¹, which were accepted by the parliament and duly put into force, by the Court in terms of their alleged violations of the Constitution. The appeal to the Court can be done in two ways, which are principal proceeding (or abstract norm control) and incidental proceeding (or concrete norm control) (Özbudun, 2011: 117). Principal proceeding, which is regulated under Article 150, allows the President, the main opposition party or a number of deputies to raise the claim of unconstitutionality of statutes promulgated by the Assembly. Incidental proceeding, which is regulated under Article 152, refers to the plea initiated by a regular court if it considers the law applicable in a concrete pending trial is unconstitutional. Upon the lawsuit of unconstitutionality, if the Court concludes a particular statutory legislation violates one or more constitutional principles, then it annuls the law. Under Article 153, the decisions of the Court are final and binding for the branches of legislative, executive and judiciary, administrative authorities and real and legal persons. This is why, the Court has the monopoly over the interpretation of constitutional principles, which would determine whether or not a legislation accepted in the Parliament would be found unconstitutional.

Second, constitutional complaint is a quite new legal mechanism, which was incorporated into the Turkish legal system with the Constitutional Amendment of 2010.⁶² Following the constitutional referendum, ‘constitutional complaint’ was regulated in detail by other legislations and the Court began to accept ‘constitutional complaints’ in

⁶¹ Under Article 148, the Court shall review constitutional amendments, but in this case, the review is restricted to the form of the amendment. Even though the Court was not allowed to conduct a substantial review on constitution amendments, in 2008, the Court annulled a constitutional amendment as a result of substantial review, in which it had ruled that the constitutional amendments can not violated the principle of ‘secular state’ since irrevocable articles of the constitution are above the rest of the text. For controversies over the Court’s decision see (Özbudun, 2012a: 182-183; Roznai and Yolcu, 2012).

⁶² The Constitution and all official documents use the term ‘individual application’ instead of ‘constitutional complaint’. However Sağlam (2012) notes that the title ‘individual application’ fails to reflect the concrete mechanism adopted in Turkey because ‘individual application’ is a broader concept, including ‘constitutional complaint’ but not limited to it. Therefore, this study prefers to use the term ‘constitutional complaint’.

September 2012 (Kontacı, 2014: 109). According to Article 148, after having exhausted the regular legal remedies, everyone may apply to ‘the Court’ by claiming that their fundamental rights and freedoms⁶³ had been violated by the exercise of public power. In the cases brought before the Court through constitutional complaint, the Court evaluates whether a fundamental right and freedom was infringed, and indicates what had to be done for the removal of infringement, however it cannot conduct a review in terms of unconstitutionality of legal provisions (Göztepe, 2011: 31-32). Even though the Court is not given the authority to annul legal provisions in the cases of constitutional complaint, it’s judgements and argumentations are still significant in the sense that they require the interpretations of rights and freedoms and the elaboration of whether a specific exercise of public power may pave the way for violation.

Lastly, we need to mention the Court’s authority to dissolve political parties. The dissolution of political parties is itself a highly controversial debate and it is beyond our aim to portray a detailed account of each and every legal provision that is related to the subject⁶⁴. What concerns us here is that the dissolution of political parties is regulated under Article 68 and 69⁶⁵, and accordingly, the Court can only proceed a case upon the plead of chief public prosecutor and the Party programme and/ or activities conflicting the principles of the democratic and secular republic are one of the grounds, that the Court have the authority to ban a political party (Algan, 2011: 812-813). Because there is no legal catalogue listing what would be considered as a violation of the principles of ademocratic and secular state in terms of dissolution of political parties, the interpretation of secularism turns to be a decisive node as well.

⁶³ Since the logic behind the adoption of constitutional complaint instrumental in the sense that government had targeted to reduce the number of applications before the European Court of Human Rights, only violation of the particular fundamental rights and freedoms, which are mutually protected by the European Convention on Human Rights and the Constitution of Turkey, could be pleaded through constitutional complaint (Göztepe, 2011: 14-15)

⁶⁴ Along with the Constitution itself, the Law on Political Parties and the Law on Establishment and Rules of Procedures of the Constitutional Court includes articles related to the dissolution of political parties.

⁶⁵ Despite two major amendments aiming at curtailing the discretion power in the dissolution of political parties in 1995 and 2001, the Court’s attitude did not change until the re-structuring by the constitutional amendment of 2010 (Algan, 2011: 811-819).

To conclude, in this subsection, the relevant Articles of the Constitution and the concrete mechanisms through which the Court rendered judgements related to secularism are overviewed. Before moving to the analysis, it is necessary to remind that the shift of the ideology of secularism took place without any amendment of the Articles related to secularism. To put it differently, if those articles related to secularism had been amended between 2008 and 2012, our research problematic would have been meaningless because it would have been impossible to determine and test whether such a shift had been a consequence of the transformation of the Chamber of the Court rather than being an outcome of the content of Articles. Considering that the Court is bounded by the text of the Constitution and the related provisions had been remained unchanged, then it is much more grounded to question the underlying social and political forces that had led the Court to opt for a different ideology of secularism. In this direction, this study links the shift in the ideology of secularism to the transformation of the Chamber of the Court after the constitutional amendment of 2010.

4.2. From 1971 to 2008: The Former Ideology of Secularism

The court heard first case on the alleged violation of secularism in 1971, and in its first judgement, it put forward a legal interpretation, based upon a particular ‘ideology’ of secularism. The Court’s interpretation in the first judgement in 1971 came to serve as a precedent for later cases. Therefore, the implementation of Constitution of 1982 did not result in a substantive change regarding the Court’s stance on secularism. Between 1971 and 2008, the Court rendered a total number of 20 judgements, in which it provides a discussion of secularism (see Table 3). Among these 20 judgements, 12 of them were constitutional review and 8 of them were political party closure cases. It is essential to point out that the Court’s ‘ideology’ of secularism as well as the final judgements it had made, were indeed an integral part of what is called as ‘authoritarian secularism’, which has been extensively criticized by various social groups, including the academics, during those years. Since the politics of ‘authoritarian secularism’ has been effective in the formation of a social alliance raising up a strong objection against it, we need to go back

in time and dismantle the Court's this former 'ideology' of secularism in order to evaluate why the 'new' ideology of secularism harbored the potentiality of becoming a site of 'ideological-political' struggle within a hegemonic process.

4.2.1. Secularism in relation to Turkish Revolution

What appears to be a distinctive aspect of the former 'ideology of secularism' is its discourses, which constructs 'secularism' as an indispensable part of the narrative on the birth of the Republic and the nation. The Court re-writes a certain historiography on the founding philosophy of the Republic, the principles of Atatürk and Turkish Revolution, which had led to the formation of modern Turkish nation-state. This is why, the Court interprets secularism not as being an abstract philosophical and political doctrine but as a very historical and specific relationship between 'state', 'society' and 'religion' that could only find its true meaning if its significance for the foundation of the nation state in Turkey is taken into account. The emphasis on the narrative on the nation and Atatürk's principles vary substantially between one judgement to another mostly depending on the political conjecture in which they have been rendered. Despite this varying weight on the narrative of the nation, the elements of this former ideology of secularism does not cohere unless how secularism and formation of nation-state is tied together in the discourse of the Court is taken into account. Hence, to understand the discursive imagery of state, religion and society envisioned by the Court, it is necessary to illuminate its particular historiography which constructs an essentialist link between secularism and nation-state building.

In terms of the relationship between secularism and nation-state building, in the first place, we need to touch upon the Court's emphasis on Atatürk and his principles. According to the Court, secularism is upheld and valued as not only being a constitutional principle but also the prevailing principle of Atatürk. The Court overtly declares that "Secularism is the most important of Atatürk's principles" (F6)⁶⁶ and the principles of Atatürk "require respect and attachment due to the values it contributed to the nation and

⁶⁶ Turkish- "Atatürk ilkelerinin en önemlisi laikliktir" (Translated to English by the author)

the country as well as their effects on the future” (F6)⁶⁷. Elsewhere, the Court underlines the vitality and magnitude of secularism as being the prevailing principle of Atatürk by saying that:

The departure point of Atatürk’s revolutions is secularism and this principle is the keystone of these revolutions. In other words, even a minor concession on part of this principle could derail Atatürk’s revolutions and result in their demise. (the HP case)⁶⁸

From these statements, we observe how the Court codes secularism as being the most important principle of Atatürk and his revolution, which needs to be followed and protected. Having settled the discursive linkage associating the term of secularism with that of Atatürk’s principles, it is crucial to move further in order to figure out the way the Court comprehends secularism as part of nation state-building.

In its well-known judgement on the headscarf, the Court presents the place of secularism within its historiography in an explicit manner:

Rule of law and supremacy of law are based on secularism, the principle of nationalism has been completed with secularism [and] Turkish revolution became meaningful with secularism (F6).⁶⁹

“Secularism is the source and basis of the Turkish Revolution (...) including the stages of salvation, foundation and rebirth.”⁷⁰ (F6)

⁶⁷ Turkish- “Ulusa ve ülkeye her yönden kazandırdıkları değerlerle, geleceğe etkileri, onlara [Atatürk ilkeleri] bağlılığı gerektirmektedir” (Translated to English by the author)

⁶⁸ Turkish –“Atatürk Devrimlerinin hareket noktasında laiklik ilkesi yatar ve devrimlerin temel taşı bu ilke oluşturur. Başka bir anlatımla laiklik ilkesi açısından verilebilecek en küçük bir ödün Atatürk Devrimlerini yörüngesinden saptırarak, yok olması sonucunu doğurabilir.” (Translated to English by the author)

⁶⁹ Turkish- “Hukuk devleti, hukukun üstünlüğü ilkesi gücünü laiklikten almış, milliyetçilik ilkesi laiklikle tamamlanmış, Türk Devrimi laiklikle anlam kazanmıştır.” (Translated to English by the author)

⁷⁰ Turkish – “Gerçekten lâiklik, kurtuluş, kuruluş ve yeniden doğuş evrelerini kapsayan, insan haklarına dayalı olarak geleceğe uzanan bağımsızlık, özgürlük, uygarlık ve barış yürüyüşünü, ulusal gücü özetleyen Türk Devrimi'nin kaynağı ve temelidir.” (Translated to English by the author)

As these quotations highlight, the Court fixates the prospects of secularism through a direct linkage with Turkish Revolution and nationalism. Anchoring the meaning of secularism into the historical experience of Turkish Revolution is pivotal because, as it is elaborated later, such a strategy enables the Court to justify the historical specificity of Turkish secularism in terms of its interventions into religion and politics. Then, what is the significance of secularism for the revolutionary moment from the standpoint of the Court?

Within ‘historiography’ of the Court, ‘secularism’ symbolizes a rupture in the history due to its role in both the formation of ‘nation’ and foundation of ‘nation-state’. In its discussion of nation and state building, the Court employs the dichotomy of ‘ummah’ (religious community) versus ‘nation’ in its historiography to confer the momentousness of secularism. According to the Court, secularism was decisive in the formation of national belonging by undermining the social and political organization of the imperial rule of Ottoman Empire. In this regard, secularism is considered to be “the triggering force of transition to ‘ummah’ [religious community] to ‘nation’” (F6 ve RP case.). Hereby, secularism played an integral role in altering the ground of social unification. Encountered by secularism, religion lost its importance as the social cement and identification since ‘the people’ was reconstituted as ‘Turkish nation’: “What unites people no longer rely on religious bond, as it depends on Atatürk nationalism, national bond and values” (No. 6)⁷¹. For this reason, in the Court’s discourse, secularism is immanent in the historical process of the construction of the ‘nation’. The other facet of ‘ummah’ vs. ‘nation’ dichotomy is the formation of a modern nation-state. In that sense, secularism had transformed how the political organization relates to its subjects since the religious affiliation had been replaced with the membership of a political community: “(...) citizens, through national consciousness, have become members of the Turkish nation who has founded the Republic of Turkey”⁷² (F 6).

⁷¹ Turkish – “Birleřtiricilik dinsel baęda deęil, Atatürk milliyetçilięinde, ulus baęında, ulusal deęerlerdedir”. (Translated to English by the author)

⁷² Turkish – “(...) Yurttařlar, ulus bilinciyle, Türkiye Cumhuriyetini kuran Türk Ulusu’nun bireyleri olmuřlardır” (Translated to English by the author)

The last issue requiring attention is Court's evolutionary reading of history in terms of the relationship between secularism and Turkish Revolution. Indeed, the implications of this evolutionary standpoint constituting 'society' in a specific manner is investigated later in this sub-section, however, it is needful to mention how it is involved in the Court's historiography of Turkish Revolution. Though the Court does not make it explicit in every single judgement, basically, it adopts a positivist understanding of social change through which all societies undertake similar stages of progress. The Court eclectically posits that "the intellectual roots of secularism traces to Renaissance, Reform and Enlightenment" (F12)⁷³ and it positions secularism on the side of 'reason' and 'science' standing in opposition to 'medieval dogmatism'. Therefore, the Court assumes that "(...) secularism is the last stage of intellectual and organizational evolution of societies"⁷⁴ (the RP case). Basing upon these assumptions, from the standpoint of the Court, modernization and progress are solidified in secularism and this is the reason, why it is strictly attached to the horizon of Turkish Revolution. In its first judgement related to secularism, the Court relates 'backwardness' of Ottoman Empire to the religion:

In Ottoman Empire, where state had been subject to the religion and religion had encompassed the whole fields of social life, (...) all the inventions and new discoveries were confronted with fatwas [legal opinions of religious authorities] declaring the incompatibility of those inventions and discoveries with religious dictums. (...) This is why, even the most crucial inventions for the development of our society could have been introduced centuries later; thus it could not have kept up with the walk of civilization [leading to the fall of Empire in the end]. (F1)⁷⁵

⁷³ Turkish- "(...) laiklik ilkesi düşünsel temellerini Rönesans, Reformasyon ve Aydınlanma dönemlerinden alır" (Translated to English by the author)

⁷⁴ Turkish – "(...) laikliğin gerçekte, toplumların düşünsel ve örgütsel evrimlerinin son aşaması olduğu görüşü, öğretilerde de paylaşılmaktadır" (Translated to English by the author)

⁷⁵ Turkish "Gerçekten tarihimizde görülmüştür ki, Devletin dine bağlı olduğu Osmanlı imparatorluğunda, din hürriyetinin sınırlanmadığı devirlerde din toplum hayatının bütün alanlarına, Devletin karar ve hareketlerine daima müdahale etmiş ve dinin sömürülmesi, kötüye kullanılması dinî taassubun son derecelere ulaşması yüzünden, medeniyetin ilerleme aşamalarında ortaya çıkan her icad ve yeni buluş dine aykırı olduğu fetvaları ile karşılaşmış; hatta bu fetvalar düşman istilasına uğrayan vatani kurtarma

Hence, drawing on secularism, Turkish revolution aimed to replace religious dogmas with science and religion in governing of ‘the state’ and ‘society’ (F6 and F12). In this regard, the Court conceptualizes secularism as principle, which “accelerated modernization” (F 6) and it affirms the inevitability of secularism in the course of modernization to open the way leading to “contemporary civilizations” (the RP case and F 6) since secularism is regarded as a universal principle common to all contemporary democracies (the AKP case). For this ends, in elaborating the former ideology of secularism, the Court refers to the Preamble of the Constitution and revolutionary codes of the Republic, which is a tendency that disappears with the implementation of new ideology of secularism. In short, secularism is associated with the ‘progressiveness’ of Turkish Revolution by means of overcoming the authority of religion on the ‘social’ and ‘political’ in line with ‘contemporary civilizations’ of ‘the West’.

4.2.2. State as the protector of secularism

Having settled that the Court incorporates its discussion of secularism into Turkish Revolution by assuming an indispensable connection between the two, I may move towards unpicking the Court’s imagery of ‘state’, ‘society’ and ‘religion’ conveyed by the former ideology of secularism. In spite of the fact that the Court does not draw upon the historical significance of secularism in every single judgement, it is useful to keep it in mind that the ideology of secularism embodying a mixture of interrelated normative assumptions on state, religion and society. In this sub-section, we stress on how ‘the state’ is framed through the former ideology of secularism.

In line with the widespread and prototypical definition, the Court affirms that secularism corresponds to separation of religion and state, which guarantees freedom of religion and conscience. However, for the Court, this abstract definition regarding separation of state and religion is not sufficient to describe and discuss secularism by means of the concrete

çabalarını engelliyecek derecelere kadar varan tehlikelere yol açmıştır. Bu yüzden toplumumuzun gelişmesi için en lüzumlu icadlar bile yıllarca ve hatta bazan yüzyıllarca sonra ülkemize sokulabilmiş; böylece medeniyetin ilerleyişine ayak uydurulamamış, bunun sonucu olarak da Devlet, zaafa ve gerilemelere uğrayarak Osmanlı imparatorluğunun son yıllarında parçalanmalara kadar sürüklenmiştir.” (Translated to English by the author)

relationship between state and religion in a given place and time since there are different conceptions and implementations of secularism:

Before anything else it should be noted that, since the principle of secularism regulates the relationship of religion and state, it is an inevitable consequence that the differences between the conditions, which countries have and religions generate from within, results in the divergences on the understandings of secularism. (F1) ⁷⁶

In its first judgement on secularism, the Court puts forward that there is no single ‘the secularism’ but various secularisms, which are ‘historical’ in the sense that they are formed in relation to the circumstances in a given country and of a given religion. By recognizing the variations among conceptions and implementations of secularism, in fact, the Court empowers itself to constitute and justify a very specific relationship between state and religion, which it declares to be genuine in respect to the historical conditions of Turkey.

The peculiarity, envisioned by the former ideology of secularism, is the separation of ‘state affairs’ from religion without vice versa. This assumption arises out of the way, that the Court interprets the aspect of ‘separation’ and in order to explain how the element of ‘separation’ differs in Turkey, the Court depends on its comparison of Western states, having pre-dominantly Christian population and Turkey, inhabiting a Muslim majority population. This comparison is based on an essentialist reading of religion as the Court’s premises and conclusion disclose. According to the Court, in Christianity church, including clergy, constitutes a separate organization than that of ‘state’, thus in Western states, ‘separation’ corresponds to the mutual independence of ‘church’ (religion) and ‘state’, and such a separation does not threaten the state’s existence. (F 1). On the other hand,

⁷⁶ Turkish- “Her şeyden önce şurasını belirtmelidir ki, lâiklik ilkesi din ve Devlet ilişkilerini düzenleyen bir ilke olması nedeniyle, her ülkenin içinde bulunduğu ve her dinin bünyesinin oluşturduğu koşullar arasındaki ayrılıkların, lâiklik anlayışında da ortaya ayrımlar çıkarması zorunlu bir sonuçtur.” (Translated to English by the author)

Islam not only has regulated religious beliefs, which is restricted to individual conscience, but also has organized the whole social relations, state affairs and law. Therefore, the infringement of the boundaries, that the Constitution has drawn for the freedom of religion, means that religion is being exploited and abused, and the state's order resting on the principle of secularism had been challenged, and this situation results in the suspension of the fundamental objectives of the Constitution. (...) unlimited and uncontrolled freedom of religion and the idea of independently organized religious entities harbor very serious dangers as it is understood through the experiences of distant and near past. (F 1) ⁷⁷

The sentences of the Court gives the hint of the way that it understands 'separation' between state and religion. Due to the differences of the conditions in Turkey, the meaning of secularism could not be expected to be the same with that of 'Western' states: "The article [on freedom of religion and conscience] overtly denotes the meaning of secularism: Religion shall not intervene to the state affairs. This is what it means for the religion and state affairs to be separated from each other for us" (F1).⁷⁸ As certain aspects of religion are considered to be a threat to the existence of the state, an absolute independence of religion from the state turns to be inappropriate for the Court. Therefore, in the conception of the Court: secularism refers to separation of the state affairs from religion by means of eradicating religious authority over 'the state', but not an unconditional separation of religion from the state.

This particular notion of 'separation' entails a specific position and role of 'the state' drawn by the former ideology of secularism. In this constellation, 'the state' should be

⁷⁷ Turkish – "İslâmlık bireylerin yalnız vicdanlarına ilişkin olan dinî inanç bölümünü düzenlemekle kalmamış, aynı zamanda bütün toplum ilişkilerini, devlet faaliyetlerini ve hukuku da tanzim etmiştir. Bu durumda ülkemizde din hürriyetinin Anayasa ile çizilen sınırlarının ihlâli dinin sömürülmesi ve kötüye kullanılması, Devletin lâiklik esasına dayanan düzenine karşı gelinmesi anlamını taşımakta; Anayasanın temel ereklerini engelleme sonucunu doğurmaktadır. Böyle bir tutumun ve sınırsız, denetimsiz bir din hürriyeti ve bağımsız bir dinî örgütlenme anlayışının ülkemiz için pek ağır tehlikelerle yüklü olduğu uzak ve yakın tarihi tecrübelerle anlaşılmıştır." (Translated to English by the author)

⁷⁸ Turkish- "Hüküm [madde 19] Anayasa'daki laiklik ilkesinin, dinin Devletin işlerine karışmayacağı anlamında olduğunu açıkça göstermektedir. Bizde din ve Devlet işlerinin birbirinden ayrılığının anlamı budur." (Translated to English by the author)

kept free from any order or influence of religion, but at the same time, it maintains a certain connection to religion and surveil it in order to ensure that ‘secular state’ is not under threat. If we quote the famous ‘summary of secularism’, that the Court set forth in its first judgement on secularism and repeated fully or partially in the subsequent judgements:

Secularism, recognized in the Constitution of Republic of Turkey, is a principle which:

- a) adopts the principle that religion shall not dominate and influence state affairs
- b) protects religion under the Constitution by means of granting indiscriminate and unrestricted freedom of religion for the aspects of religion belonging individual’s spiritual life
- c) recognizes restrictions and prohibits abuse and exploitation of religion, for aspects of religion that are related to acts and behaviours which affect social life by extending beyond individual’s spiritual life, in order to protect public order, trust and interests
- ç) grants authority to control religious rights and freedoms to state as being the protector of public order and rights⁷⁹ (F1).

Leaving the criticism of the Court’s reasoning aside, the ideology of secularism is indeed condensed and distilled into this ‘summary of secularism’, and thus we need to unravel the normative assumptions of it by backing with the further explanations of the Court.

⁷⁹ Turkish- “Özetlemek gerekirse, Türkiye Cumhuriyeti Anayasasında kabul edilen lâiklik ilkesi: Özellikle;

- a) Dinin Devlet işlerinde egemen ve etkili olmaması esasını benimseme,
- b) Dinin, bireylerin manevî hayatına ilişkin olan dinî inanç bölümünde aralarında ayırım gözetilmeksizin, sınırsız bir hürriyet tanımak suretiyle dinî Anayasa inancası altına alma,
- c) Dinin, bireyin manevî hayatını aşarak toplumsal hayatı etkileyen eylem ve davranışlara ilişkin bölümlerinde, kamu düzenini güvenini ve çıkarlarını korumak amacıyla, sınırlamalar kabul etme ve dinin kötüye kullanılmasını ve sömürülmesini yasaklama,
- ç) Devlete, kamu düzenini ve haklarının koruyucusu sıfatıyla dinî hak ve hürriyetler üzerinde denetim yetkisi tanıma niteliklerinden oluşmuş bir ilkedir.” (Translated to English by the author)

First, it is necessary to probe how the Court envisions the independence of state affairs from religion with respect to “the principle that religion shall not dominate and influence the state affairs”. In this direction, for the Court, it is unacceptable for religious concerns to become an objective behind the state affairs. As the Court repeats in its judgements related to freedom to wear headscarf: “[The regulation under scrutiny] has contradicted with the principle of secularism as it allows the use of headscarf due to religious conviction and thereby recognizes religious precepts within the domain of public law”⁸⁰(F6, F7, F12). Therefore, the ideology of secularism depicts a state having no interest in the mandates of religions for its believers. Another characteristic of ‘the state’ that the Court accentuates is its obligation to act with respect to the principle of ‘equality’ in terms of protection of religious freedoms and non-discrimination of citizens having different religious affiliations. Although it is quite disputable to what extent secularism in Turkey has provided ‘equality’, what is important here is the Court’s highlight on ‘equality’ in its imaginary. In this direction, the Court underlines that “in a modern state religion is not a prerequisite of having certain rights” and it states that “the state should not discriminate among individuals with respect to their beliefs while using its authority to penalize” for the justification of annulment of the penal provision distinguishing between monotheistic and non-monotheistic religions (F 4). Accordingly, it is the responsibility of equally securing the rights of believers of minority religions and non-believers is discursively ascribed to ‘the state’ (F 9).

The state’s independence from religion is relatively clearer in comparison to how the Court constellates the state’s interference into religion, which is conveyed in the paragraphs following ‘summary of secularism’. As it is explained above the Court makes sense of ‘separation’ significantly different than that of in ‘the West’. Within this ideology of secularism, the Court operates on an essentialist dichotomy putting ‘the West’ (or Christianity) and the ‘East’ (or Islam) in opposition to each other to argue that Islam is open to exploitation and abuse bearing the potentiality to imperil secularism (F 1 and the ÖZDEP case). By relying on this assumption, the Court reckons that ‘freedom

⁸⁰ Turkish- “ [İncelenen kural] başörtüsü kullanımına dinsel inanç nedeniyle geçerlik tanımakla, kamu hukuku alanındaki bir düzenlemeyi dinsel esaslara dayandırmak suretiyle lâiklik ilkesine aykırılık oluşturmuştur.” (Translated to English by the author)

of religion and conscience’ include the protection of an unlimited freedom for individual ‘belief’ but not an absolute freedom of ‘religion’, that could be enjoyed out of the surveillance of ‘the state’. As the ‘summary of secularism’ denotes, ‘the State’s authority and duty to surveil and control religion is based upon the presumption that ‘the State’ is the protector of ‘public order’. For this reason, the former ideology of the Court constitutes ‘secularism’ as being a matter of ‘public order’, which should be under close scrutiny of ‘the state’.

On these grounds, the Court justifies the State’s interference into religion by means of monopoly over religious services and restrictions over religious freedoms, as being a necessary part of secularism. Here, the monopoly over religious services refers to the existence of *Diyanet* and religious instruction by the state. Indeed, both *Diyanet* and religious instruction by the State were installed by the Constitution, hence the Court did not have an authority to overturn them because it is bounded by the Constitution too. However, the Court’s own explanation regarding why the constitution-maker had implemented them, and why they are necessary for secularism unveil crucial nodes of the Court’s ideology of secularism. It would not be wrong to argue that, according to the ideology of the Court, the State’s monopoly over religious services is designed to function as ‘ideological state apparatuses’ rather than being mere services. The first case before the Court was indeed a challenge of *Diyanet* since a legal regulation, counting religious officials as civil servants had been claimed to be a violation of secularism. In this judgement, the Court posits that “while determining the meaning of secularism in the Constitution, the constitution-maker has not intended that the sanctuary and those who take charge in religious affairs shall be autonomous and independent”⁸¹ and regards the presence of *Diyanet* as a ‘historical necessity’, which serves the aims of preventing religious fanaticism, promoting a particular religiosity compatible with the goals of the Constitution and supplying religious needs (F1). In the same vein, the Court advocates

⁸¹ Turkish – “(...) Anayasa koyucu, Anayasa’daki laiklik ilkesinin anlamını tayin ederken mabedin ve din işleriyle uğraşan kimselerin özerk veya bağımsız oldukları biçiminde bir anlam kasetmiş değildir”. (Translated to English by the author)

that “even religious training is done in accordance to the conception of secular state”⁸²(F 6) and elsewhere states that

The reason for religious and morality education to be conducted under supervision of the state is (...) to prevent abuse of freedom of religious education. Culture of Religion and Knowledge of Morality module had been included among mandatory courses within primary and secondary schools in order to give neutral and introductory information about religions⁸³ (F 9)

The Court’s attitude on *Diyanet* and State-run religious education is pivotal because it allows us to observe the active role taken up by ‘the State’ to discipline and regulate ‘religion’ and ‘society’, which would not endanger the ‘public order’.

Another point requiring attention in the analysis on ‘the State’ is its entitlement with the authority and duty to undertake necessary measures in terms of restrictions. This entitlement is also based on the imagery of ‘the state’ constituting it as the keeper of ‘public order’. However, this time, the Court’s ideology of secularism expects ‘the state’ to activate its ‘repressive state apparatuses’ in order to safeguard secularism when necessary. In this direction, the Court does not find the penalization of the propaganda and/ or indoctrination of ideas against secularism as violation of freedom of expression and the Court regards it as “natural and inevitable outcome of” secularism (F3). In the Court’s reasoning, the constitutional compliance of penalization of religious marriage in the absence of civil marriage is grounded in a similar manner since ‘the State’ is entitled with the duty to protect women and children for the safeguarding of ‘public order’ (F9). Similarly, while annulling the regulation known as freedom of headscarf, the Court

⁸² Turkish – “Dinsel eğitim bile laik devlet anlayışına uygun biçimde yapılır” (Translated to English by the author)

⁸³ Turkish – “Din ve ahlak eğitim ve öğretiminin devletin gözetim ve denetimi altında yapılmasının nedeni (...) bu konudaki eğitim ve öğretim özgürlüğünün kötüye kullanılmasını engellemektir. Dinler hakkında yansız ve tanıtıcı bilgiler vermek ve ahlaki değerleri benimsetmek amacıyla din kültürü ve ahlak öğretimi dersleri ilk ve orta öğretim kurumlarında okutulan zorunlu dersler arasına alınmıştır”. (Translated to English by the author)

underlines that none of freedoms could be interpreted against secularism and abused. Referring to headscarf ban, it asserts that

It is the most natural right for the state to make regulations for its own institutions. It is under the responsibility of the state to prevent any situation that is against the principle of secularism and to ensure that situations pertaining to secularism prevails ⁸⁴(F 6).

The statement of the Court is in fact iconic in the sense that it constitutes ‘the state’ as the holder of ‘natural rights’ to regulate itself. Particularly, the Court’s stance in terms of headscarf ban and penalization of religious marriage is significant as these state practices are not registered as a matter of ‘freedom of religion’ but as an issue of ‘public order’ related to secularism. In the same direction, the Court does not rule that ‘freedom of religion and conscience’ is violated in the cases related to the recording of religious affiliation in civil registry as it considers that information is collected towards keeping of ‘public order’ (F2, F8). In brief, the former ideology of secularism discusses the position of the state vis-à-vis religion on the basis of ‘public order’ primarily rather than ‘freedom of religion and conscience’ per se.

Finally, I need to mention the closure of political parties by restricting our inquiry with the question of what is considered to be endangering secularism by the Court. As the Court’s judgements portray, not only the overt challenge of secularism as an abstract category (the MNP case and the RP case) but also the criticism of the interpretation of secularism in Turkey (see ÖZDEP and AKP cases) could be enough for the State to apply sanctions. For instance, though the Court had changed its view later (see the DBHP and the DKP cases) it considered that the political party programme promising the abolition of *Diyanet* is an infringement of secularism, since ironically *Diyanet* is regarded as a necessary component of Turkish secularism according to the former ideology of secularism (see the ÖZDEP case). In the same line, the AKP case portrays the challenge of the meaning and practices of ‘official secularism’, that is upheld by the Court, is

⁸⁴ Turkish – “Devletin kendi kurumlarında düzenleme yapması en doğal hakkıdır. Laiklik ilkesine aykırı durumların önlenmesi, uygun durumların sağlanması devletin yükümlülüğüdür”. (Translated to English by the author)

judged as center of “anti-secular activities” (the AKP case). Thus, for the former ideology, the meaning of secularism, which was determined by the Court itself, is an unchangeable and unquestionable characteristic of ‘the state’ itself.

Taking everything into account, the Court’s former ideology of secularism conveys an imagery of ‘the state’, which is claimed to be historically necessary due to social and religious characteristics of the country. Even though ‘the state’ in the Court’s imagination is assigned several tasks, the prevalent function of ‘the state’ appears to be functioning as the protector of ‘secularism’ since ‘secularism’ is defined and constituted as a matter of ‘public order’. As it is analyzed later in this chapter, the new ‘ideology’ of secularism considers ‘the state’ neither as the protector of secularism nor as a matter of ‘public order’ rather it re-positions ‘the state’ on the basis of ‘freedom of religion and conscience’.

4.2.3. Religion and its sacred place in the individual conscience

The Court’s normative assumptions regarding ‘the State’s attitude towards ‘religion’ indeed uncovers a critical element regarding how ‘religion’ is conceptualized by the former ideology of secularism. As it implied above, the Court recognizes that spiritual-individual aspect of religion could not be restricted, and it is under full protection of freedom of religion and conscience in a secular state. On the other hand, what is defined as the social aspect of religion could be subject to certain limitations and restrictions, and secular state is entitled with the authority to control religion in order to ensure that secularism is not challenged. Therefore, while determining the scope of ‘freedom of religion and conscience’ and the margin of ‘the state’s intervention, the Court differentiates between an ‘individual-spiritual aspect’ and ‘social’ aspects of religion. To put it differently, the Court’s ideology of secularism conceptualizes ‘religion’ as something that is strictly separable into two realms, and it organizes further normative assumptions relying on this dichotomy between ‘individual-spiritual’ aspect and ‘social’ aspect of religion.

The divide between ‘individual-spiritual’ and ‘social’ aspects of religion is made on the basis of whether religion reaches beyond “spiritual life of the individual”. Within this schema, if religion stays in the borders of “spiritual life of the individual”, then the Court

talks about “religious beliefs”, which we call ‘individual-spiritual’ aspect of religion. But, if religion steps out of the margins of “spiritual life of the individual” and begins to affect social life by means of acts and conducts of the individual, then we enter into the realm of social aspect of religion, which could be subjected to the restrictions of ‘the State’. Therefore, according to the ideology of the Court, ‘social aspect’ of religion involves not only religious rites or practices but also words, symbols, attitudes and other ‘things’ that does not stay in the ‘mind’ but reaches to the ‘body’ of the individual. The Court’s position on the three consecutive cases on headscarf could be read as the prototypical examples of how the Court interprets ‘social aspect’ of religion and justifies restrictions:

It has been accepted that restrictions may be enforced in determining the place and manner of exhibiting rituals and symbols related to religion in order to ensure the peaceful cohabitation of the students of various beliefs and thus the preservation of the public order and the beliefs of others (F 12)⁸⁵.

Hence, anything outside of the ‘mind’ is counted as ‘social aspect’ of religion and it may fall out of the absolute protection of freedom of religion and conscience into the realm of ‘the State’s intervention as the keeper of ‘public order’. As it is explained in Chapter 3.1, the first two judgements on headscarf were rendered in an historical conjuncture of condensed political polarization around the axis of Islamism and secularism, in which the Court had been a part of a bloc defending secularism. Putting aside the political causes and results of final judgements, the Court’s argumentation illuminates how it places ‘religion’ in a social order, which allows us to grasp its interpretation of freedom of religion and conscience.

The imagery on ‘religion’ uttered by the former ideology of secularism is in accordance with the Court’s evolutionary understanding of social change. Just as the political

⁸⁵Turkish- “ (...)çeşitli inançlara mensup öğrencilerin barış içinde bir arada yaşamalarını ve dolayısıyla da kamu düzeni ve başkalarının inançlarının korunmasını teminen söz konusu dine ilişkin ritüel ve sembelleri sergilemenin yeri ve şeklini belirleme hususunda sınırlamalar öngörülebileceği kabul edilmiştir.” (Translated to English by the author)

progress is meant to be transition from theocratic order to secular modern-state, the Court assumes a social progress leading religion to lose its significance on ‘the social’. In other words, the Court considers that secularism should be accompanied by secularization, so that religion becomes a ‘private’ matter in the course of development:

The political organization and regulations are religious in societies based on religion, thus the belief that religious thought and evaluations are valid. In a secular order, religion is spared from being politicized, stopped from being a tool for administration, and left in its true honorable place, that is conscience of people⁸⁶ (F 6)

The statement of the Court overtly demonstrates the normative place of religion that is the conscience of the individuals. Elsewhere it explains it in detail:

Religion is a belief between God and man in its own field, within the conscience. It is unthinkable for the religion, which is the organizer of the inner-faith world of the individual, to become the source and bearer of legal regulations in state affairs⁸⁷ (F6, F 7 and the RP case)

In the light of these two quotations, the ideology of secularism constitutes ‘religion’ as a matter of ‘conscience’, which belongs to the ‘inner-world’ of the individual. According to the imagery of the Court, the ideal place confined to religion is ‘individual- spiritual’ realm corresponding to the ‘conscience’. Since ‘religion’ is primarily regarded as an issue of ‘conscience’, its ‘sacred’ place in there should be protected and secured carefully.

⁸⁶ Turkish – “Dinsel düşünce ve değerlendirmeler in geçerli olduğu dine dayalı toplumlarda siyasal örgütlenme ve düzenlemeler dinsel niteliklidir. Lâik düzende din, siyasallaşmadan kurtarılır, yönetim, aracı olmaktan çıkarılır, gerçek, saygın yerinde tutularak kişilerin vicdanlarına bırakılır.” (Translated to English by the author)

⁸⁷ Turkish – “Din, kendi alanında, vicdanlardaki yerinde, Tanrı-insan arasındaki inanış olgusudur. Kişinin iç-inanç dünyasının düzenleyicisi olan dinin, devlet işlerinde söz sahibi ve çağdaş değerlerle, hukukun yerine geçerek yasal düzenlemelerin kaynağı ve dayanağı olması düşünülemez” (Translated to English by the author)

Here, it is also possible to observe the implications of another facet of the Court's evolutionary conception of social progress, which was already mentioned above: presumption of religion being 'dogmas' in opposition to 'reason' and 'science'. In a modern society, religious dogmas cannot serve as the ground of 'the social' and 'the political' because the collective decisions of a society is the outcome of collective 'thoughts' based on 'reason'. According to the Court, this is also the best circumstance to safeguard the 'sacredness' of 'religion': "The separation of fields of thought and belief is the most suitable condition for sacredness of religion" (No. 6)⁸⁸. The emphasis on 'sacredness' of religion is significant in the sense that it embodies a distinction between what is 'sacred' and what is 'worldly' as well. 'Religion' should stay its 'sacred' place, which is designated as the individual 'conscience' in order to ensure that it does not conflate with 'worldly' affairs, which is deemed inappropriate for 'sacredness' of religion. 'Thought', as a rational activity of the 'mind' falls into the realm of 'worldly' affairs dominated by 'reason' and 'science', while 'belief' resides in a different site of the 'mind', which is 'individual-spirituality' strictly separated from rational 'thought'. This is why, 'religion's place is 'conscience', which should be a matter of 'spirituality' rather than 'thought', 'religion' is not endowed with raising legitimate claims in 'social' and 'political' realms.

This normative assumption regarding the place of religion in Court's ideological constellation helps us to better comprehend the Court's stance and final verdict on particular cases. For instance, in three consecutive cases on headscarf, the Court continued to hold the same opinion: wearing of headscarf could be restricted for university students in order to protect the rights of other and 'public order' and it annulled legislations which would open window of opportunity for university students to attend university courses with their headscarves (F 6, F7, F12). One of the reason leading the Court to its final decision could be considered as the fact that the Court does not recognize the claims based on 'religion' as a legitimate ground for 'social' and 'political' controversy at all because of the taken-for- granted idea that religion should belong to

⁸⁸ Turkish- "Düşünce ve inanç alanlarının ayrılması dinin kutsallığına en uygun durumdur" (Translated to English by the author)

‘individual-spiritual’ conscience, and religious ‘beliefs’ should not interfere into the sphere of ‘thought’ concerning ‘the social’ and ‘the political’. Apart from headscarf cases, it is possible to observe the reflections of this imagery on religion on another set of disputable judgements of the Court, which are the cases on political party closures.

Nevertheless, we need to clarify that the Court’s ideology of secularism does not refer to a total rejection of ‘social’ aspect of religion. It ideally describes ‘religion’ as being an ‘individual-spiritual’ ‘belief’ in the conscience of individual, but individuals are free to observe their religion in ‘society’ providing that their practices related to religious observance stays within the limits drawn by the Constitution: “In a secular state, everybody is free to choose his/her religion and disclose his/her beliefs provided that they remain within the recognized boundaries of freedom of religion and conscience”⁸⁹ (F 4). What is at stake for the Court is whether ‘religion’ steps in the realm of ‘thought’ by means of how society takes ‘social’ and ‘political’ decisions. At this point it is interesting that how the Court could hold on to its strict separation of ‘reason’ and ‘dogma’ as well as ‘belief’ and ‘thought’. For instance, in a judgement, the Court did not find it as a violation of secularism since it assumed a representative from *Diyanet* would base his/her evaluations not on religion but on the common moral values while his/her duty in the committee deciding upon if a certain publication is obscene or pernicious (F5). In other words, in the Court’s conception the distinction between ‘belief’-‘dogma’ and ‘thought’-‘reason’ is so clear-cut that even a state official working at *Diyanet* is expected to remain the field of ‘thought’ and ‘reason’ in his decisions regarding a public post.

As a final remark, it is crucial to point out ‘the Court’s self-defense regarding its own ideology of secularism. The Court declares that “secularism does not mean hostility towards religion, atheism or being against to a religion, it is a mode of attitude and conduct, which arises out of respect for freedom of belief and leave religion to deepness

⁸⁹ Turkish - “Laik devlette herkes dinini seçmekte ve inançlarını açığa vurabilmekte, tanınmış olan din ve vicdan özgürlüğünün sınırları içerisinde serbesttir”. (Translated to English by the author)

of personal freedom” (F 8, F10).⁹⁰ Through this sentence, the Court justifies its particular imagery on religion as a part of its ‘ideology of secularism’, which protects ‘religion’ in its ‘sacred’ place in individual ‘conscience’. However, this normative conceptualization of ‘religion’ also changes with the implementation of the new ‘ideology’ of secularism, in which ‘religion’ is re-interpreted as a component of sociality.

4.2.4. Secularism as a philosophy of life

The last aspect requiring attention is how ‘society’ is envisioned by the former ideology of secularism. Even though our previous elaborations already illuminate the Court’s imagery on ‘society’ to large extent, it is beneficial to briefly recapitulate in order to notice the difference of the conception of ‘society’ visualized by the new ideology of secularism. So, then how the Court conceptualizes society and its relation to state and religion within its ideology of secularism? At this point, it is hard to argue that the Court equally stress the role attributed to ‘society’ in a secular order since this emphasis gradually increases, reaches its pinnacle in late 1980s and early 1990s, and begins to lose its weight thereafter. As an initial concern, it is pivotal to indicate that ‘society’ is constituted as an active component of secularism by the Court: “Secularism also includes reciprocal secular attitude of the state and the society”⁹¹(F6). Secularism, according to the Court, refers to not only a particular organization of ‘the state’ but also a presence of a certain type of ‘society’, which would be in a mutual relationship with ‘the state’. Such a presumption has two important implications: first, it gives us the hint that the Court’s evolutionary conception of social progress shapes the way it understands ‘society’ and second, it takes ‘society’ as something that could be modelled in a specific way. These two elements complement each other in the Court’s conception of ‘society’ as our analysis below portrays.

⁹⁰ Turkish- “Laiklik, din düşmanlığı, dinsizlik ya da dine karşı oluş değil, inanç özgürlüğüne saygıdan kaynaklanan ve dini, kişi özgürlüğünün enginliğine bırakan bir tutum ve davranış biçimidir.” (Translated to English by the author)

⁹¹ Turkish – “Laiklik, devlet ve toplumun karşılıklı laik tutumunu da içerir”. (Translated to English by the author)

The Court draws from its dichotomy of ‘religious dogmas’ vs. ‘reason’ and ‘science’ while making its imagery of ‘society’ as well. In parallel to prior explanations, secularism undermines the authority of ‘religion’ in the ‘social’ space and replaces ‘reason’ and ‘science’ as the new values serving the ground for ‘society’ to make ‘political’ decisions:

Secularism is tied to dictates of free thought outside of metaphysics at the levels of individual and societal order, and functioning of the state. It makes the requirements of reason and science mandatory in political regulation of personal and societal life. It prevents obedience to theological pressure of any religion (F6)⁹²

The statement of the Court discloses its idea that secularism requires not only a ‘state’ but also a particular ‘society’. In this direction, the ‘ideal’ society in Court’s imagery, is free from the influence of religion in its collective decisions. This is why, the role of ‘religion’ for society is described not as a social bond but as a ‘spiritual discipline’ (see F1).

For the Court, this is the prerequisite of being a modern society and to reach ‘the level of contemporary civilization’, the aim set by Atatürk. This is why, secularism is regarded as a way of forestalling any worldview with a potentiality to hamper societal development and progress: “(...) secularism is formulated and adopted as a remedy to subdue those worldviews which could prevent the societal development and hinder efforts to reach the level of contemporary civilization” (F.4). From the argumentations of the Court, it could be deduced that a particular type of ‘society’ is immanent in secularism, which in turn contributes to the promotion of that ‘society’ as well. The Court put weight on the description of this ideal ‘society’ especially in judgements related to headscarf and political party closures due to both the symbolic power of headscarf in Turkish political history and its the eligibility for such a discussion. In the first judgements on headscarf, the Court posits that “Clothing is not only physical appearance.

⁹² Turkish- “Laiklik, bireysel, toplumsal düzeyde ve devlet işlerinde metafizik dışında özgür düşünce gereklerine bağlanır. Kişisel ve toplumsal yaşamın siyasal yönden düzenlenmesinde aklın ve bilimin gereklerini zorunlu kılar. Herhangi bir dinin teolojik baskısına uyulmasını önler” (Translated to English by the author)

Secularism is alteration of structure of thought. It is the prerequisite of bringing about a modern and healthy society” (F6) ⁹³ Since secularism is a necessity for being a ‘modern’ and ‘healthy’ society, according to the Court, it is unacceptable to grant freedom to religious manifestations among university students, who participate in scientific studies: “Those, who participate in scientific studies led by reason and observation, should be cultivated without being exposed to any external influence except requirements of science” (F6) ⁹⁴ The sentences is noteworthy in understanding how ‘religion’, which is deemed not to remain in individual conscience, is positioned in contradiction with ‘modern society’.

These elaborations on ‘society’ indeed enables us to grasp why the Court repeats the following statement in a number of judgments: “Secularism is not only a philosophical and ideological concept, it is a principle brought to life” ⁹⁵(F 4). As the Court manifests, secularism is not an ordinary principle regulating the state but a mode of life having concrete implications on society. In the Court’s ideology, a ‘modern’ society, in which the authority of religion had been broken and replaced by ‘reason’ and ‘science’, is considered to be immanent to secularism, and this is why, secularism becomes “a philosophy of life” (F.6). Just as the other components of the former ideology, the all-encompassing conception of secularism, as being a “philosophy of life” is eroded by the new ideology, which fixes secularism as a characteristic of ‘the state’.

4.3. 2012 to onwards: The New ‘Ideology’ of Secularism

Starting from the hearing of the first case related to secularism in 1971, the Constitutional Court of Turkey adhered to a particular interpretation of secularism, which it had

⁹³ Turkish - “Giysi durumu, salt biçimsel görünüm konusu değildir. Laiklik, düşünsel yapının değiştirilmesidir. Çağdaş, sağlıklı toplum olmanın koşuludur”. (Translated to English by the author)

⁹⁴ Turkish - “Aklın ve gözlemin yönlendirdiği bilimsel çalışmaya katılacak kimselerin bilimsel gerekler dışında bir etkiyle karşılaşmaksızın yetiştirilmeleri gerekir”. (Translated to English by the author)

⁹⁵ Turkish - “Laiklik sadece felsefi ve ideolojik bir kavram değil, hayata geçirilen bir ilkedir”. (Translated to English by the author)

formulated in 1971 and developed in its subsequent cases. Although the emphases of the Court had varied with respect to historical period and peculiarities of the case under scrutiny, the Court's argumentations as well as its final judgements were relied on a coherent framework, which is referred as the former ideology of secularism. In 2008, the Court's judgement on the AKP was the last case in which it reasoned through the former ideology of secularism. For a period of four years, there is no case related to secularism and/ or freedom of religion and conscience brought before the Court, therefore it was 2012 following the constitutional referendum of 2010, that the Court heard a case related secularism and had opportunity to discuss secularism in a new social and political context. In 2012, the main opposition party claimed the unconstitutionality of the education reform, known as 4+4+4, and took it before the Court. In its judgement, the Court offered a new understanding of secularism while discussing religion-based elective courses introduced by the reform, and it built its final decision upon the new interpretation of secularism. Since then, the Court rendered a total number of 5 judgements (Table 4), including 2 constitutional reviews and 3 constitutional complaints. Since there is no claim filed requesting closure of a political party on the grounds of alleged violation of secularism, there is no judgements of this sort. Even though the total number of judgements, which hinge on this new understanding, may be much less than those in the first cluster, these judgements provide a systematic and consistent 'mental framework' of a new 'ideology' of secularism. Then, it is necessary to dismantle this new ideology of secularism into its components in order to be able to compare with the former one and to evaluate how the incorporation of this new ideology of secularism links to the 'hegemonic project' in the following chapter.

4.3.1. State as the protector of freedom of religion

The initial issue, which deserves attention in the analysis of new ideology of secularism, is the Court's withdrawal from the previous emphases on the importance of secularism as being the most important principle of Atatürk and as an indispensable element of Turkish Revolution. Unlike the former ideology of secularism, the Court approaches

secularism in terms of its historically specific meaning for Turkish history, and it opts to embrace it as an abstract concept regulating the relationship between religion and state. In this direction, the primary characteristic in the new ideology of secularism, is recognition of secularism as a ‘political principle’ related to ‘the state’ itself:

(...) secularism is designated as a political principle determining the position of state with respect to religious beliefs. In other words, secularism is not a feature of the individual or the society, but rather it is a feature of the state ⁹⁶(N 1)

The statements of the Court clearly shows that secularism is constituted as a characteristic of the state in the new ideology of the secularism. It is essential to remind that defining secularism as a political principle does not mean that the new ideology of secularism does not convey any normative assumptions on ‘religion’ and ‘society’. Hence, defining secularism, which was assumed to be a “philosophy of life” by the former ideology of secularism, as a ‘political principle’ or ‘feature of state’ is an ideological strategy in the construction of a particular imagery of ‘the state’ in its relation to ‘society’ and ‘religion’.

After fixing secularism as a characteristic of ‘the state’, the Court dwells upon the problem of how the relationship between state and religion is determined by secularism. Here, on the contrary to the arguments in the former ideology, the Court does not accept that secularism is specific to the historical conditions of a given country in terms of its formation. According to the Court, secularism has two generalized and abstract distinct types, which are ‘rigid’ and ‘flexible’ secularisms, and what has to be done is to determine which type of secularism would be applied to the relationship between ‘the state’ and ‘religion’:

An examination of historical development of secularism shows that there are two forms of interpretation and practice of secularism in terms of the position of the state with respect to religion. According to the rigid understanding of secularism,

⁹⁶ Turkish – “(...) laiklik, devletin dini inançlar karşısındaki konumunu belirleyen siyasal bir ilke olarak düzenlenmiştir. Diğer bir ifadeyle, laiklik, bireyin ya da toplumun değil, devletin bir niteliğidir.” (Translated to English by the author)

religion should remain in the conscience of the individual and should not be reflected in the social and public sphere.

The more flexible or libertarian interpretation of secularism on the other hand relies on the acceptance that religion is as much a social issue as it is an individual one. (...) [In such a secular system] individual preferences on religion and lifestyles basing on those preferences are kept out of interference of the state but rather they are guaranteed by the state (N1) ⁹⁷

The Court's distinction between 'rigid' and 'flexible' secularism is in parallel to the ideal- types of secularism utilized extensively in the literature on secularism (see Chapter 2 of the thesis). Nevertheless, what concerns us is not the validity of such a classification but the 'idea' that accepts models of secularism as 'real' entities as if there is no historical variations does not exist and reduces the definition of 'secularism' to choice made between those two.

In reference to the dual models of secularism, it seems obvious that the former ideology of secularism would be classified as 'rigid' secularism, but the Court does not mention any single word on its former precedent of forty years. Rather, the Court manifests that it opts for 'flexible' or 'libertarian' secularism and interprets the related articles of the constitutions in accordance with its choice. Without conducting any substantial discussion of 'separation' between the state and religion with respect to peculiarities of Turkish secularism, the Court argues that secularism should be understood as the "guarantee of freedom of religion and conscience"⁹⁸ (N1). In this direction, it is asserted that "Secular state is a state which does not have an official religion, has equal distance

⁹⁷ Turkish "Laikliğin tarihsel gelişimi incelendiğinde, din olgusuna yönelik yaklaşım farklılıklarına bağlı olarak, kavramın iki farklı yorumu ve uygulamasının bulunduğu görülmektedir. Bunlardan, katı laiklik anlayışına göre din, bireyin sadece vicdanında yer bulan, bunun dışına çıkarak toplumsal ve kamusal alana kesinlikle yansımaması gereken bir olgudur.

Laikliğin daha esnek ya da özgürlükçü yorumu ise dinin bireysel boyutunun yanında aynı zamanda toplumsal bir olgu olduğu tespitinden yola çıkmaktadır. (...) [Böyle bir laik sistemde] dini konulardaki bireysel tercihler ve bunların şekillendirdiği yaşam tarzı devletin müdahalesi dışında ancak, koruması antıldadır" (Translated to English by the author)

⁹⁸ Turkish - "(...) laiklik din ve vicdan özgürlüğünün güvencesidir" (Translated to English by the author)

with respect to religion and beliefs, establishes a legal order in which individuals could freely learn and practice religion and guarantees freedom of religion and conscience” (N1). The description of the Secular state illuminates the weight put in ‘freedom of religion and conscience’, which we evaluate in detail below.

Prior to the elaboration of the ‘State’s position vis-à-vis ‘religion’, it is necessary to mention the link between secularism and democracy constructed through the new ideology of secularism. Even though ‘democracy’ in the former ideology of secularism is utilized to refer national sovereignty in opposition to authority of religion, in the new ideology ‘democracy’ entails a different connotation. According to the Court ‘democracy’ and ‘freedom of religion and conscience’ are mutually interdependent in the sense that ‘freedom of religion and conscience’ is a vital component of ‘democracy’, on the other hand, it “could only be preserved in a democracy underpinned by recognition, pluralism and neutrality” (N3). Here, ‘recognition’ requires the state to recognize all religious groups, ‘pluralism’ indicates State’s obligation to welcome diverse identities as they are, and lastly, ‘neutrality’ denotes to the State’s neutrality towards religions for the equal protection among them (N3). Whereas it is open to debate to what extent the Court’s final judgements potentially serve to the promotion of such a ‘democracy’, especially the reference to ‘recognition’ and ‘pluralism’ stand out as a crucial ideological strategy to justify State’s obligation to protect ‘freedom of religion and conscience’ and to naturalize the place of ‘religion’ in ‘sociality’.

After this brief information on the prevailing elements of ‘democracy’ envisioned by the new ideology of secularism, without keeping the insights of ‘recognition’ and ‘pluralism’, we continue with the fragmentation of the imagery of ‘the state’. In the new ideology of secularism, it would not be arguing that the relationship between ‘state’ and ‘religion’ is bounded and determined by the ultimate goal of preservation of ‘freedom of religion and conscience’. This is why, the Court ascertains that “the State must take necessary measures to prepare a suitable setting in which freedom of religion and conscience could be realized”⁹⁹ (N1). Therefore, ‘the State’ is assigned the obligation to

⁹⁹ Turkish – “Devlet, din ve vicdan özgürlüğünün gerçekleşebileceği ortamı hazırlamak için gerekli önlemleri almak zorundadır”. (Translated to English by the author)

create a suitable social and political setting in which individuals can enjoy their freedom of religion and conscience. For this ends, ‘the State’ is supposed to satisfy negative and positive obligations.

To examine, the imagery of ‘the state’, that is depicted through what the Court names ‘negative obligation’, it is possible to cite the Court’s own statement: “Negative obligation requires that the state does not officially adopt a religion or faith and it does not intervene in freedom of religion and conscience unless there is unavoidable necessity to do so” (N1)¹⁰⁰. In terms of the negative responsibility, principal non-intervention of the State covers the freedom of religion and conscience as a whole without distinguishing between ‘individual-spiritual’ and ‘social’ aspect of religion and adopting different regimen for each. Moreover, unlike the former ideology, the Court’s new ideology of secularism allows a very narrow margin of appreciation in determining the scope of unavoidable necessities, which would be a justifiable reason for ‘social’ aspect of religion. ‘The State’ can only intervene into freedom of religion as long as it proves that an exercise of a freedom of religion concretely steps in freedoms of others by means of repression or provocation suspending social order, thus, exercise of religious freedoms cannot be restricted by relying on the claim that the religious manifestation or practice alone is a threat to secularism (N3). To put it differently, secularism is not regarded as a matter of ‘public order’ in the new ideology of the Court, for this reason, the constitutional principle of secularism cannot be the legal ground to restrict freedom of religion and conscience. This is why, the Court concludes that the prohibition of a women lawyer from wearing her headscarf during trials, the requirement for women to take their coat off to pass security checks and the penalization of religious marriage in the absence of civil marriage results in the violation of freedom of religion and conscience (see N2, N3, N4).

Along with the ‘negative obligations’, in the new ideology of secularism, ‘the State’ has to fulfill ‘positive obligations’ to ensure the presence of suitable environment in which

¹⁰⁰ Turkish - “Negatif yükümlülük, devletin bir dini ya da inancı resmi olarak benimsememesini ve bireylerin din ve vicdan hürriyetine zorunlu nedenler olmadıkça müdahale etmemesini gerektirmektedir.” (Translated to English by the author)

the freedom of religion and conscience could be enjoyed by individuals. According to the Court, “positive obligation requires the State to remove the obstacles hindering the exercise of freedom of religion and conscience and to maintain a suitable environment as well as necessary facilities for individuals to live in accordance to their beliefs” (N3)

¹⁰¹ Then, how does the Court develop such an obligation by relying on the same Articles of the Constitution, upon which former ideology of secularism has been built? In fact, ‘positive obligation’ is a matter of interpretation that the Court frames through a selective reading of constitutional articles. In its argumentation, the Court refers to the Article on the fundamental aims and duties of the State, which regulates State’s duty “to provide the conditions required for the development of the individual’s material and spiritual existence”. Within this scope, the Court argues that “... The primary fundamental right and freedom serving to the spiritual development of the individual”¹⁰² (N1). Accordingly, the reasoning concludes that since ‘the State’ is obliged to advance ‘spiritual development’, a secular State has ‘positive obligation’ in the protection of freedom of religion and conscience because it is the primary freedom among others contributing the spiritual development of the individual.

The formulation of ‘positive obligation’ within the imagery of ‘the State’ has a key implication on the way the Court explains the presence of Directorate of Religious Affairs (*Diyanet*) and the State’s supervision on religious instruction as well. For the Court, the State cannot be indifferent to the ‘religious needs’ of society and indeed religious services by the State is immanent in secularism: “Secularism has not resulted in total exclusion of religion from social life in the West, where it was born, it has brought along state policies towards meeting religious needs” (N1)¹⁰³. For this reason, the Court

¹⁰¹ Turkish - “Pozitif yükümlülük ise devletin, din ve vicdan hürriyetinin önündeki engelleri kaldırması, kişilerin inandıkları gibi yaşayabileceği uygun bir ortamı ve bunun için gerekli imkanları sağlaması ödevini beraberinde getirmektedir.” (Translated to English by the author)

¹⁰² Turkish - “(...) din ve vicdan hürriyeti, bireyin manevi gelişimine hizmet eden temel hak ve hürriyetlerin başında gelmektedir”. (Translated to English by the author)

¹⁰³ Turkish - “Laiklik ilkesi, doğup geliştiği Batı’da, dinin toplumsal ve kamusal alandan tamamen dışlanması sonucunu doğurmamış, dini ihtiyaçların karşılanmasına yönelik devlet politikalarını beraberinde getirmiştir”. (Translated to English by the author)

argues that both compulsory and elective religious modules in school curricula are the leading examples of those state policies (see N1). Considering that the State has monopoly over any kind of religious instruction in Turkey, then, the Court believes that this particular circumstance even make the ‘positive obligation’ of the State inevitable and important (see N1). In relation to *Diyanet*, the Court clarifies the relationship between ‘the State’ and religion:

(...) When considered holistically, from the very beginning, it cannot be argued that the principle of secularism at the level of Constitutional as well as in the practice excludes the relationship the State and Islam. While not adopting an official religion, the Constitution has envisioned official mechanism for meeting the needs, such as belief, worship and education, of the followers of majority religion. (N1) ¹⁰⁴

The Court’s account on *Diyanet* explicitly demonstrate how the relationship between the State and religion (more precisely majority-religion) is constituted by the new ideology of secularism: In this direction, the Court recognizes the relationship between the State and majority- religion as ‘natural’ and ‘necessary’. On this grounds, the offering of elective religious modules, named as ‘The Great Quran’ and ‘Life of Our Holly Prophet’ are not regarded as a violation of secularism (N1). In the same vein, the Court denies an applicant’s complaint regarding the high-volume of call to prayer, coming from a mosque, since it rules that the call for prayer is a vital part of worship rituals of majority-religion, those who are disturbed by the volume should tolerate it as a natural outcome of pluralism (N5). It is also noteworthy that, in this particular case, the Court regards the complaint as a disturbance from loud noise and it omits a discussion touching upon the question whether the applicant has the freedom of ‘non-belief’ and how the freedom of ‘non-belief’ could be balanced with the ‘needs’ of majority-religion. As the concrete final judgements portray, ‘the state’ is depicted to the protector of freedom of religion and

¹⁰⁴ Turkish - “(...) Bir bütün olarak bakıldığında, Türkiye’de baştan beri laiklik ilkesinin anayasal düzeyde ve uygulamada Devlet ile İslam dini arasındaki kurumsal ilişkiyi mutlak surette dışladığı da söylenemez. Anayasa, resmi bir dine yer vermemekle birlikte, çoğunluk dininin mensuplarının inanç, ibadet ve eğitim gibi ihtiyaçlarını karşılamaya yönelik resmi mekanizmalar öngörmüştür”. (Translated to English by the author)

conscience, especially of those belonging to majority-religion, in the new ideology of secularism.

Lastly, the imagery of ‘the State’ as the protector of religion prompts to another discussion regarding who would have the authority to determine whether a particular manifestation or practice is ‘religious’, hence whether it would be counted under the safeguard of freedom of religion and conscience. On the contrary to the former ideology of secularism, which depicted ‘the state’ as indifferent to claims raised on the grounds of religion, the Court’s new ideology adopts a counter position and recognizes ‘religion’ as a legitimate basis of justification. To put it differently, ‘the state’ is not only obliged to fulfill the ‘religious’ needs of individuals but it is also bounded by the claims raised within ‘religion’ concerning if a manifestation or practice is ‘religious’ or not. As the Court asserts,

Except for those situations where an urgency is handled, it is up to the religion or the observers of the religion to determine in which way a religion or belief could be best manifested or whether an act that is deemed to be a religious necessity is so or not. (...) By the same token, it is not within the authority of the judiciary to question the interpretations of the applicant regarding his/her religion as well as the contents of ‘usual religious practices (N3) ¹⁰⁵

The arguments of the Court shows that it is the ‘religion’, who has the final word in determining whether or not a practice is ‘religious’ and thus deserves the protection of the State. In this direction, what the Court can do is to refer the religious authorities, if it has doubts about the validity of the claims raised by the applicant (N3 and N4). This is why, in the new ideology of secularism, the State cannot dictate in which manner an individual should experience his/ her religious beliefs. Relying on this reasoning, in its final judgements, the Court ruled that the enforcement of the removal of headscarf or the

¹⁰⁵ Turkish - “(...) acil bir toplumsal ihtiyacı karşılama hali dışında, bir din veya inancın en iyi hangi şekilde açığa vurulacağına veya bir davranışın başvurusunun ileri sürdüğü din veya inancın bir gerekliliği olup olmadığına söz konusu din veya inancın mensuplarınca karar verilebilir. (...) Aynı şekilde başvuruçuların kendi dinleri ile ilgili yorumlarını ve ‘alışıldık dini uygulamaların’ neler olduğunu sorgulamak yargı organlarının ilgisi dışındadır” (Translated to English by the author)

coat results in the violation of freedom of religion and conscience, since wearing a headscarf or a coat does not harm others' rights or public order (N3 and N4). It is also significant that in the case on headscarf, while explaining its use as part of religious observance, the Court refers to Quran, hadiths and opinions of *Diyanet*, which have been enclosed to the file by the applicant, in order to conclude that the rejection to remove the headscarf is a justifiable demand in terms of Islam.

To put it briefly, the new ideology of secularism designates 'the state' as the protector of 'freedom of religion and conscience'. According to the Court, prevailing element of secularism is the protection of freedom of religion and conscience, therefore, the State not only refrain from restricting freedoms but also undertakes policies to meet the religious needs of society. Such a definition of secularism, in Court's perspective, is both cause and result of a democratic society, based on 'recognition', 'pluralism' and 'neutrality'. Among these elements, 'recognition' and 'pluralism' prevail in the Court's reasoning regarding why freedom of religion and conscience requires protection, nevertheless, the Court interprets the meanings of these elements from the perspective of majority-religion. It is also essential to mention the crucial differences between the former and the new ideologies of secularism. First, in opposition to the former ideology, secularism itself is no longer considered as a matter of 'public order', hence the margin of the State's authority to lawfully restrict freedom of religion and conscience is interpreted in the narrowest sense. Secondly, the new ideology justifies the presence of *Diyanet* and compulsory religious module in school curricula through an emphasis on 'religious services', and unlike the former ideology, it disregards a conception of the functioning of these institutions as an ideological state apparatus, which not only render services but also contributes to the control and discipline of particular religiosities. Lastly, on the contrary to former one, the new ideology of secularism recognizes 'religion' as a legitimate source for state policies and legal regulation. Overall, the discourse of the Court constitutes the State as the protector of freedom of religion and conscience in the new ideology of secularism, and as we discuss above, the replacement of the ideology had concrete effects on the Court's final judgements.

4.3.2. Religion as a component of sociality

The new ideology of secularism conveys a considerably different imagery on ‘religion’ just as it does for ‘the State’. It is already mentioned that the Court withdraws from the distinction, which conceptualizes religion as being strictly separable into the realms of ‘individual-spiritual’ and ‘social’. Even though the Court permits the restriction of ‘external’ aspect of religion as long as it is factually proved that a particular exercise of religious freedom harms others’ rights or public order, this does not mean that, for the Court, it is possible to make a clear-cut separation. To clarify, contrary to the imagery of religion in the former ideology of secularism, the Court conceptualizes ‘religion’ as a whole, composed of beliefs and practices but not divisible to these two. In the case on the wearing of headscarf by a lawyer, the Court underlines that “The prevention of an individual from acting in accordance with his/her religion or belief results in the weakening of belief and violation of freedom of religion and conscience (...)” (N3 N4)

¹⁰⁶ As the Court’s phrase shows, belief and practice (referring to worship as well as norms of conduct) are together constituted as ‘religion’, and ‘belief’ without practice cannot become ‘belief’ in real terms.

After settling the presumption on entirety ‘religion’, which treats religion as being a fusion of belief and practice, the Court dwells on the significance of ‘religion’ at individual and societal basis: “The freedom of religion and conscience is one the pillars of a democratic society since religion not only is one of the fundamental sources, that individuals refer to understand and make sense of the life, but also plays an important role in shaping the social life” ¹⁰⁷(N3, N4). This particular sentence of the Court has a critical importance since it illustrates the gravity attributed to ‘religion’ by the Court and it portrays the causality between the gravity attributed to ‘religion’ and ‘freedom of religion and conscience’ being a pillar of democratic society. On the contrary to the

¹⁰⁶ Turkish- “Bireyi, din veya inancına uygun davranmaktan alıkoymak, inancın kendisinin zayıflatılması ve bireyin din ve inanç özgürlüğünün ihlali ile sonuçlanacağından (...)”(Translated to English by the author)

¹⁰⁷ Turkish - Din ve vicdan özgürlüğünün demokratik toplumun temellerinden biri olmasının kökeninde hayatı anlama ve anlamlandırmada başvurdukları temel kaynaklardan biri olması hem de toplumsal yaşamın şekillenmesinde önemli bir işlev görmesi bulunmaktadır” (Translated to English by the author)

former ideology of secularism, here, we observe that the discourse of the Court does not constitute religion as merely a matter of internal ‘spirituality’, which stands in opposition to ‘reason’. Leaving aside the dichotomy of religion vs. reason and science as in the former ideology, the Court regards ‘religion’ as a mainstay through which individuals connects to life itself. Therefore, in terms of individuals, ‘religion’ is something ‘worldly’ no less than it’s being ‘spiritual’ because religion serves as a reference point, that individuals address to in their daily encounters. Acceptance of religion as a frame of reference is not confined to the limits of individuality since the Court links the discussion to the implications of religion within ‘the social’. As the Court indicates, “Religions and beliefs influence lifestyles, identities and social relations of their adherents”¹⁰⁸ (N3). In fact, the presumption of the Court sheds light on the two-fold role taken by religion in terms of ‘sociality’: first, ‘religion’ is considered to be distinctive marker of lifestyles and identities inhabiting in social space, and second, ‘religion’ is described as being influential in social relations. Hence, religion turns out to be an important component of sociality for the new ideology of secularism. Since we discuss how describing religion as an identity affects the outputs of the Court below, the examples are given in the following.

Another issue requiring attention as to grasp the extent of social significance of religion from the Court’s point of view is the approval of religion as being a legitimate ground for claim-making. Whereas the former ideology of secularism absolutely rejects religion as a legitimate means for the collective decisions taken over ‘the social’ and ‘the political’, the Court discards its previous interpretation and begins to recognize religion as a legitimate basis of state policies. As it is illustrated while analyzing the imagery of ‘the state’, for the new ideology of secularism sets the protection of freedom of religion and conscience as the primary objective of secularism, and such a definition of secularism grants and secures the position of ‘religion’ as an invariable element taken into consideration in the political processes. Recalling the two-fold obligations of the state, ‘religion’ turns out to be a key concern of official policies with respect to ‘positive

¹⁰⁸ Turkish- “Dinler ve inançlar, mensuplarının yaşam biçimlerini, kimliklerini ve diğer insanlarla ilişkilerini etkiler” (Translated to English by the author)

obligation’ and also it becomes a valid reason to oppose particular inventions of the State, which are found to be justifiable by the former ideology of secularism. In this direction, the Court’s justifications towards the implementation of elective modules of religious instruction (N1) exemplifies how religion is incorporated to the motives leading the State to follow particular policies. The Court’s judgements, in which it declares the unconstitutionality of headscarf ban for lawyers (N3), enforcement requiring the removal of the coat of women (N4) and the penalization of religious marriage in the absence of civil marriage (N2), are the instances showing the invalidation of the interference of the State through the claims based on ‘religion’.

In sum, the new ideology of secularism encodes ‘religion’ as a vital component of ‘sociality’, which can be confined by the borders of neither ‘spirituality’ nor ‘individuality’. Due to the social significance of ‘religion’, ‘religion’ is constituted as a ‘value’ that has to be protected and promoted by ‘the State’ and therefore a legitimate position is ascribed to religion in the collective decisions, that a society makes over ‘the social’ and ‘the political’. In this direction, our analysis on the imagery of ‘religion’ portrays the substantial differentiation between the former and new ideologies of secularism concerning the place and role attributed to ‘religion’. Therefore, the Court’s normative assumption attributing a pivotal role for the religion in sociality illustrates why ‘freedom of religion and conscience’ becomes the prevailing emphasis within new ideology of secularism.

4.3.3. Identity as the new terrain of ‘the social’ and ‘the self’

The final step, we need to investigate as part of our analysis on the new ideology of secularism, is the Court’s imagery of ‘society’. Although central elements of the Court’s conception of society is mentioned in the sub-parts on ‘the State’ and ‘religion’, it is essential to bring those elements together in order to grasp the new ideology of secularism in its coherency and totality. Above, it was argued that ‘freedom of religion and conscience’ is considered among the pillars of a democratic society. Recalling that the former ideology of secularism established an affinity between ‘democracy’ and

‘secularism’ per se, why does the new ideology of secularism prefer to link ‘democracy’ to ‘freedom of religion and conscience’ in place of ‘secularism’ per se? This is a critical question since it leads us to seek the answer in the particular imagery of ‘society’ adopted by the new ideology of secularism. At this point, we observe that the Court no longer refers to the Preamble of the Constitution, which includes the purpose to raise ‘the society’ to the level of ‘contemporary civilizations’. Accordingly, the themes of ‘nation’ as being a non-religious bond uniting ‘society’ and the social progress replacing the authority of religion with ‘reason’ and ‘science’ in ‘sociality’ disappear in the Court’s interpretation of secularism. So then, how does the discourse of the Court narrate ‘society’?

To figure out the imagery of ‘society’ conveyed by the Court, it is needful to evoke the way that ideal ‘democracy’ is marked out. In line with our previous explanations, the ideal ‘democracy’ of the Court is composed of three principles namely ‘recognition’, ‘pluralism’ and ‘neutrality’. Even though it is impossible to ignore the disparity between this ideal definition of ‘democracy’ and the final judgements of the Court and reasoning behind them, our primary concern is not to judge the Court and propose an alternative path, but to try to dismantle its steps of argumentation in order to understand how its imagery of society springs out of its logic. Among the three pillars of ideal ‘democracy’, the component of ‘pluralism’ is decisive in terms of how ‘society’ is imagined. According to the Court, “pluralism is possible as long as all attends political life with their own identities and as they are themselves. One cannot talk about pluralism in an environment where differences and the different are not recognized and they are not spared from threats” (N3, N4).¹⁰⁹ From the statement of the Court, ‘difference’ and ‘identity’ appear as the crucial elements for ‘pluralism’. In other words, ‘pluralism’ requires all individuals to participate in ‘the politics’ with their ‘identities’ and ‘differences’, and therefore if ‘identities’ and ‘differences’ are left behind the sphere of ‘politics’, ‘pluralism’ ceases to exist and ‘democracy’ cannot be realized. As a result, in

¹⁰⁹ Turkish- “Çoğulculuk ise herkesin kimliğiyle ve kendisi olarak toplumsal ve siyasal yaşama katılmasıyla mümkündür. Farklılıkların ve farklı olanların tanınmadığı ve tehditler karşısında korunmadığı bir yerde çoğulculuktan bahsedilemez”. (Translated to English by the author)

the Court's imagery of society, political subjectivity defined on the basis of 'identities' and 'differences'. The Court also points it out,

(...) It has to be reminded that the ideals and values of a democratic society base on a dialogue and spirit of reconciliation requiring mutual compromise. The duty of a democratic state is to take necessary measures against criminal acts such as repression, coercion and use of violence. Instead of this requirement of pluralism and political neutrality, the attempt to prohibit the elements, which cause tensions in the society, bears the potential to pave the way for a regime that is repressive, totalizer and targets homogenization. Pluralism is not a concept referring to co-existence of individuals whose identities are repressed and freedoms are restricted (N3) ¹¹⁰

Therefore, 'society' appears to be something composed of different 'identities', which are expected to reconcile and co-exist principally without the State's intervention. The presence of 'identities' are so vital for a democratic society that trimming of them results in repressive regime trying to homogenize individuals. All these explanations on 'pluralism' and its link to the 'democracy' illustrates the significance of 'identity' as the constitutive unit of 'society' as well as the terrain of social and political subjectivity of individuals.

Following this general perspective, it is also important to elaborate how 'religion' is inscribed into this imagery of 'society' through the new ideology of secularism. In the judgement, in which the interpretation of secularism is modified, the Court demonstrates why it opts for 'flexible secularism' and states that "this understanding of secularism [flexible secularism] does not imprison religion into the inner world of individual, but it regards religion as an integral part of individual and collective identity, thus it enables

¹¹⁰ Turkish- "(...) demokratik toplumun ideallerinin ve değerlerinin kişilerin karşılıklı ödün vermelerini gerektirecek bir diyaloga ve uzlaşma ruhuna dayanması gerektiği hatırlatılmalıdır. Bundan sonra demokratik devletin görevi, ortaya çıkabilecek baskı kurma, zorlama ve şiddete başvurma gibi suç oluşturacak davranışlar karşısında gerekli tedbirleri almaktır. Çoğulculuğun ve siyasal tarafsızlığın bu gerekleri yerine, toplumda gerilim konusu oluşturabilecek unsurları yasaklamaya kalkışmak, baskıcı, totaliter ve homojenleştirmeyi hedef alan bir rejim ortaya çıkarma potansiyeli taşır. Çoğulculuk, kimlikleri bastırılmış, özgürlük kısıtlanmış bireylerin bir arada yaşamasını ifade eden bir kavram değildir." (Translated to English by the author)

social visibility for religion”¹¹¹(N1, N3, N4). The Court overtly qualifies ‘religion’ as an indispensable part of both individual and collective ‘identity’, and therefore, ‘religion’ is recognized as an element of social and political subjectivity. In other words, the Court admits that ‘religion’ interpellates individuals as being an observer and a member of a particular ‘religion’, so that the content of ‘religion’ is articulated in the formation of ‘the self’ and ‘the social’. Hence, ‘religion’ becomes a constituent element of ‘identity’, which turns individuals into ‘subject’. If we return to the judgements to observe how ‘religion’ is embodied as ‘identity’ by the Court, as it is implied above, ‘religion’ is counted among the sources through which individuals make sense of their lives (N3, N4). In the same manner, the Court stresses that “To interpret the meaning of any religious manifestation as solely being a religious challenge towards the secular state leads to the assumption that t observers of that religion are deprived of the capacity to determine their acts”¹¹²(N3). As this particular sentence, the Court put forward in the judgement related to headscarf, the suspension of religious manifestation is considered to be an insult to the mental capacities of individual, therefore this assumption displays how ‘religion’ is depicted as an immanent of the ‘identity’ governing one’s thoughts and actions.

After all these explanations, the reason why ‘freedom of religion and conscience’ is highlighted as being one of pillars of ‘democratic society’ by the new ideology of secularism becomes comprehensible. The liberal concept of ‘pluralism’ is flagged up to set a conceptualization of ‘society’ constituted on the basis of ‘identities’, which are registered as the prerequisite of a democratic society. As a result, the new ideology of secularism adopts a substantially different imagery of society by admitting ‘identity’ in general, and ‘religious identity’ in particular as the new terrain upon which ‘the self’ and ‘the social’ are formed. Since ‘religion’ is counted as an ‘identity’, the ‘freedom of religion and conscience’ is turned to be a pillar of democratic society. The notion of this democratic society is pivotal in determining the State’s authority to exercise restrictions

¹¹¹ Turkish- “Bu laiklik anlayışı [esnek laiklik], dini sadece bireyin iç dünyasına hapsetmemekte, onu bireysel ve kolektif kimliğin önemli bir unsuru olarak görmekte, toplumsal görünürlüğüne imkan tanımaktadır” (Translated to English by the author)

¹¹² Turkish- “Bir dinin herhangi bir dışa vurum davranışının tek anlamının laik devlete dini bir meydan okuma olarak yorumlamak ise, bu dinin mensuplarının kendi eylemlerini tanımlama kapasitesini yok saymak anlamına gelir” (Translated to English by the author)

over freedom of religion and conscience as well. In this sense, a non-proportional or absolute restriction of a religious manifestation by the State itself impair pluralism, for this reason, the State may only implement restrictions as long as such a restriction is compulsory for the survival of pluralist society (See N2, N3, N4). Because the Court does not find any restriction as lawful with respect to its criteria as of today, we do not know how such a restriction would be applied in practice. On the other hand, it is noteworthy to point out two critical issues that is related to the Court's imagery of 'society'. First, in the final judgements, we observe that 'pluralism' ironically is transformed into an instrument serving for the protection of 'identity' of the majority religion. As the decision on the call for prayer illustrates, the Court does not even evaluate whether the announcement of call for prayer is an intervention to the 'identity' of minorities, who believe in different religion or who does not have any religious belief at all, and it declares that

It is a requirement of democratic tolerance and pluralism that certain practices, with respect to the faith of the majority have to be allowed and others have to tolerate these cultural and religious practices as a precondition of co-existence” (N5)¹¹³

Second, the Court regards 'identity' and especially 'religious identity' as if they are self-regulatory mechanisms within society and they are independent of 'the State'. Nevertheless, such an imagery of society, which defines 'the social' identities in opposition to repressive mechanisms of the State, ignores the roles taken by 'ideological state apparatuses' acting on what is called 'identities' to shape and reproduce them in particular ways.

¹¹³ Turkish- “Öte yandan demokratik hoşgörü ve çoğulculuk, toplumun büyük çoğunluğunun inancı doğrultusunda bazı uygulamalara izin verilmesini kaçınılmaz kılmakta ve bir arada yaşamının getirdiği bu tür kültürel ve dini uygulamalara belli ölçüde tahammül etme yükümlülüğü doğurmaktadır.” (Translated to English by the author)

CHAPTER 5

THE NEW ‘IDEOLOGY’ OF SECULARISM, ‘THE STATE’ AND ‘COMMON-SENSE’: AN EVALUATION

The salience of religion in civil society, however, will depend on how it is articulated to other forces. In certain projects, moreover, it is rather the distance from religion that becomes a distinguishing feature. In other words, a religion's salience and the shape this salience takes are outcomes of the hegemonic project that articulates it. Religion cannot be conceptualized in a vacuum and must be studied in relation to space, the economy, and political factors (Tuğal, 2009a: 29)

As it is explained in the introduction and mentioned throughout previous chapters, this study problematizes the shift in the interpretation conveyed by Constitutional Court on secularism and conceptualize the new interpretation of secularism as an ‘ideology’ which connects to the ‘ideological-political dimension’ of a ‘hegemonic project’. For this ends, in Chapter 3, I focused on the ‘ideological-political’ dimension of ‘hegemonic project’ of the AKP and tried to locate how ‘secularism’ was become a field of ‘ideological-political’ struggle. In this respect, I shed light on different stages of ‘ideological-political’ dimension of the ‘hegemonic project’, displayed the steps through which ‘hegemonic project’ extended to the state institutions, including the Constitutional Court. Then, in Chapter 4, I analysed the former and new ideologies of ‘secularism’, through ‘discursive chains’ of the Court, and illustrated how the Court adopted a substantially different imagery on what ‘state’, ‘society’ and ‘religion’ are and in which ways they connect to each other. Then, a pivotal question arises: What is the significance of the insertion of this ‘new’ ideology into the Court, which is conceptualized as a strategic state institution? How does it relate to the broader ‘ideological-political’ framework of ‘New Turkey’?

In this chapter, I attempt to evaluate the importance of incorporation of the new ‘ideology’ of secularism into the Court by focusing on different aspects of the

‘hegemonic’ processes of the AKP. First, I indicate new uses of ‘the state’, which was enabled by the incorporation of secularism into the Constitutional Court. Second, I address potential outcomes of ‘the State’ upholding the new ‘ideology’ of secularism in solidifying social coalition backing the AKP and reproducing their ‘consent’, which is a must for any sort of ‘hegemonic’ concentration. Third, I question whether or not the new ‘ideology’ of secularism and its implementation into ‘the state’ may have impact on ‘common-sense’ by intervening, stipulating and modifying what is ‘taken-for-granted’. For this ends, I dwell upon ‘common-sense’ of sociality through recalling the concept of ‘ethical state’. As a final remark, I discuss whether or not the new ‘ideology’ of secularism links to formation and reproduction of the ‘historical-bloc’.

5.1. The new ‘ideology’ in the ‘the Court’: New uses of ‘the State’

As it is explained in the Introduction and Chapter 2, the Constitutional Court is a strategic state institution in state-system, which has the final word on what the principle of secularism in the Constitution should mean. The meaning attributed by the Court to a constitutional principle is binding even for the parliament unless it overrules verdicts of the Court by a constitutional amendment. Therefore, the ‘ideology’ that the Court employs in the interpretation of secularism becomes the official ‘ideology’ of secularism inscribed into ‘the state’ and it determines how ‘the state’ perceives ‘religion’ in ‘society’ and in which ways it can legitimately relate to ‘religion’ by means of restricting or supporting it in particular ways. Recalling from the theoretical explanations in Chapter 2, although ‘the state’ is not the initial point of a ‘hegemonic’ articulation, it retains a crucial role in ‘hegemonic’ processes because, once sufficient power in ‘the state’ is secured, then ‘the State’ can be used to “to plan, urge, incite, solicit and punish, to conform different sites of power and consent into a single regime” (Hall, 1988: 168-169). Hence, for the subject-matter of this thesis, a very brief wrap-up of the former and new ideologies of secularism is necessary to understand the new uses of ‘the state’ enabled by the new ‘ideology’ of secularism. Having overviewed the new uses of ‘the state’, in the rest of this thesis, I concretely address how the new uses of ‘the state’ become part

of the ‘hegemonic project’ of the AKP in terms of solidifying alliances and stimulating the formation of a particular ‘common-sense’.

In the previous chapter, I analysed that the former ‘ideology’ of secularism, and the detailed analysis of former ideology of secularism inscribed in ‘the Court’ illuminated assumptions of normative relationship between ‘state’, ‘society’ and ‘religion’, and justifications of a particular form of secularism at state-level, which had been enforced until 2008. The exploration of former ideology of secularism enabled to observe what the AKP had been able to problematize as ‘Kemalist’/ or ‘authoritarian’ secularism as well as how meaning of secularism and final judgements have been changed after the implementation of the new ideology of secularism. The analysis of the Court’s judgements portrayed that ‘the state’ had been primarily entitled with protecting secularism by the former ideology of secularism. Because secularism had been defined as “the philosophy of life” of Turkish society and religion had been registered as a matter of “individual conscience”, secularism had been constituted as a matter of ‘public order’. Therefore, ‘the state’s intervention to various public manifestations and visibilities of ‘religion’ were justified on a number of cases. For instance, the dissolution of political parties incorporating ‘Islam’ and ‘the political’ (see HP, RP and FP cases in Table 3), the ban of headscarf in universities for women students (see F6, F7, F12 in Table 3) and the penalisation of religious marriage ceremony between non-married couples (see F10 in Table 3) would have not been possible by defining ‘the state’ as the protector of secularism. Since the protection of secularism had been regarded as the precondition of ‘freedom of religion and conscience’, the restriction over ‘religion’ were also upheld not as a violation but as a necessary action to further protect ‘freedom of religion and conscience’. In this context, *Diyanet* and religious courses, which are still part of the ‘state-system’ were justified on the ground of the ‘state’s duty to teach the ‘true religion’, that is compatible with secularism as it had been eliminated from fanaticism (see F1, F9, F11 in Table 3). Therefore, in the former ‘ideology’ of secularism, in line with the critiques, which had been directed against ‘Kemalist’ or ‘authoritarian’ secularism in both academic-intellectual and political fields, ‘secularisation’ of ‘society’ had been considered as a necessary counterpart of secularism, ‘the state’ was primarily constructed as the instrument to teach ‘true religion’, to secure that religion stays in its

boundaries, and to ensure that religion does not hamper the realisation of a ‘modern’ society, which should be led by the virtues of ‘reason’ and ‘science’, not ‘religion’.

On the contrary to the nexus of ‘state’, ‘society’ and ‘religion’ envisioned by the former ‘ideology’ of secularism, the new ‘ideology’ of secularism, which had been manifested by the Court in its judgement concluded in 2012 (see N1 in Table 4), redefined secularism on the basis of a substantially different normative relationality between ‘the state’, ‘religion’ and ‘society’. In this respect, as it was explained in detail in the preceding chapter, the new ‘ideology’ registered secularism as a ‘state’ principle, not as a trait of either ‘religion’ or ‘society’, and it bounded ‘the state’ with the duty to protect ‘freedom of religion and conscience’. In other words, secularism was equated with the protection of ‘freedom of religion and conscience’ and ‘religion’ was recognised as an important part of ‘sociality’ as well as individual and collective ‘identities’ in a democratic society. In this direction, unlike to the outcomes of the former ideology of secularism, the Court ruled that wearing of headscarf and even a long coat, if it is worn due to religious obligations, are indispensable parts of ‘freedom of religion and conscience’ and thus, except very limited situations, ‘the state’ does not have a right to ask the removal of these items, otherwise it violates ‘freedom of religion and conscience’ (see N3 and N4 in Table 4). In a similar direction, the penalisation of religious marriage ceremony prior to civil marriage was found to be a violation of ‘freedom of religion’ in opposition to the previous ruling on the same issue (see N2 in Table 4). It is also ruled that call to prayer is related to an indispensable practice of majority religion and those, who believe in different religions or who do not have a religious belief, should respect and tolerate the practice of call to prayer, even if they are disturbed by the voice, because secularism requires the protection of ‘freedom of religion and conscience’ (see N5 in Table 4). Nevertheless, the equation of secularism with ‘freedom of religion and conscience’ was not limited to the protection of different manifestations and visibilities of religion in ‘negative’ sense, which had been unacceptable for the former ideology. Accordingly, ‘the state’ was also given the ‘positive’ obligation to safeguard a social environment in which individuals enjoy their ‘freedom of religion and conscience’. On this grounds, the elective courses on Islam as well as the presence of *Diyanet* were re-interpreted as being

“service to people” rather than state apparatuses to raise particular religiosities (see N1 in Table 4).

As brief overview of former and new ‘ideologies’ of secularism demonstrates, each ideology of secularism constitutes a different normative relationality between ‘state’, ‘society’ and ‘religion’, which in the end decides legitimate ways of intervention or non-intervention to ‘religion’ by ‘the state’. Whereas the former ideology of secularism entitles ‘the state’ with the duty to safeguard secularism and for this purpose to restrict ‘social’ aspect of religion and to teach “true religion”, the new ‘ideology’ of secularism assign ‘the state’ with obligation to protect ‘freedom of religion and conscience’ by removing restrictions on ‘religion’, and responding the needs of society in terms of providing services or other positive actions to ensure a social setting in which ‘freedom of religion and conscience’ can be enjoyed. For this reason, the new ‘ideology’ is not only important because it redefines the ‘official’ meaning of secularism, upheld by ‘the state’ but also because it institutionalizes new uses of ‘the state’, such as the introduction of elective courses on Sunni-Islamic religion, the launch of a new public TV-channel broadcasting religious programmes, the lift of headscarf ban for students and civil servants.

Before moving to the evaluation of how the new ‘ideology’ of secularism and the new uses of ‘the state’ connects to ‘hegemonic’ process, as part of a broader discussion of secularism, it seems to be necessary to underline that the concrete state policies under this new ‘ideology’ of secularism did not bring the protection of ‘freedom of religion and conscience’ for all in practice. On the contrary, both discourses and state policies indicate that, for the AKP, ‘freedom of religion and conscience’ is a freedom primarily granted to the observers of Sunni-Islam with respect to ‘negative’ and ‘positive’ obligations of ‘the state’, therefore ‘rights and freedoms’ of Alevis, non-Muslim minorities or atheists remain as being secondary (Beylunioğlu, 2015; Pınar, 2013; Zengin- Arslan, 2015). In the same direction, it would be erroneous to conceptualize this new redefinition of ‘the state’ in relation to ‘religion’ as a mere shift from ‘Kemalist secularism’ to some sort of ‘flexible secularism’ or a ‘post-secular’ order because of the particular relationship between ‘the state’ and majority-religion, that is Sunni-Islam. In this regard, rest of this

chapter elucidates the ways that the new uses of ‘the state’ were appropriated into ‘hegemonic project’ of the AKP and resonated within the ‘ideological-political’ framework of ‘New Turkey’.

5.2. Reproduction of ‘Consent’: How does ‘the State’ Contribute?

In Chapter 3, I outlined the ‘ideological-political’ framework in different stages of the ‘hegemonic project’ of the AKP and I attempted to portray how the meaning of ‘secularism’ itself became a site of ‘ideological-political’ struggle before its implementation into the Court, and thus to ‘the state’. To briefly recall, the crisis of secularism in 1990s stemming from the controversial state policies towards religion on the one hand, and the rise of political Islam, as an open challenge to ‘secular-state’ on the other, facilitated the AKP to penetrate into the field of secularism by reconstituting it as a site of ‘ideological-political’ struggle under the banner of ‘conservative democracy’. As it was explained, the Party absorbed radicalism of Islamism and canalized demands of its social base into an ‘ideological’ framework, which enabled to party reformulate the whole debate on the grounds of ‘freedom of religion’ while embracing ‘secularism’, albeit with a different meaning. Such a redefinition of ‘secularism’ became ‘ideological’ in the sense that it succeeded to speak to the mass coalition, which was the main social and political source backing the AKP, together with the influential liberal intelligentsia, whose support was pivotal in granting legitimacy to the party’s ‘ideological-political’ struggle (Saraçoğlu and Yeşilbağ, 2015).

The years 2007-2008 had also brought along a new stage of debates related to secularism. The nomination of Abdullah Gül as presidential candidate, the AKP’s constitutional amendment lifting headscarf ban and the chief prosecutor’s indictment requesting the dissolution of the Party had fuelled up the criticisms of a particular form of secularism enforced by ‘Kemalist elite’ against ‘the nation’/ ‘Muslim majority’ especially after controversial decisions of the Constitutional Court, which I surveyed in Chapter 3. Even though the Party has not been dissolved unlike the Islamist parties in the past, the Court ascertained that the AKP’s discourses and actions were ‘anti-secular’ and drafting of a

constitutional amendment to lift headscarf ban was counted amongst anti-secular activities of the Party (see the AKP case in Table 3). In such a context, the significance of its new ‘ideology’ of secularism became more manifest, since it contributed the alliance of liberal intellectuals and the mass around ‘political struggle’ of transforming the ‘Kemalist’, ‘authoritarian’, ‘tutelary’ form of secularism registered into ‘the state’. In other words, in relation of secularism, ‘the state’ itself became a site of contestation for realization of a ‘ideological-political project’ for not only purging ‘Kemalist elite’ from the state institutions but also to redefining secularism upheld and enforced by ‘the state’. In this respect, the election of Gül as the president in 2007 amplified the ‘ideological’ effect that ‘the state’ met with ‘the nation’/ ‘Muslim majority’, who was being represented at the top of ‘the state’ by a “religious president” and by a first lady wearing a headscarf. As it was elucidated in Chapter 3.3, Gül’s election was the first step towards ‘political’ project of redefinition of secularism at ‘the state’-level, which was achieved after the re-structuring of state institutions following the Constitutional Referendum of 2010.

One of the institutions, re-structured by the Constitutional Amendment in 2010, was the Court, and as it was explained earlier in this study, the Court started to employ the new ‘ideology’ of secularism in 2012, after the judges appointed by Gül or elected by the AKP-majority parliament had obtained majority seats in the Court’s Grand Chamber (see Table 2). Then, what was the significance for the new ‘ideology’ inscribed in the ‘Court’ for the continuation of ‘hegemonic’ appeal of the AKP? Considering that the incorporation of the new ‘ideology’ of secularism into the Court occurred in an interval in which the support of ‘liberal intellectuals’ began to weaken (Açıkel, 2016; Ersoy and Üstüner, 2016), did it influence the production of ‘consent’ at all? The possible answers of these questions lie at the changing strategies of ‘hegemony’-building on the one hand and the appropriation of the new uses of ‘the State’, enabled by the new ideology of secularism, to reproduce ‘consent’ of the mass social coalition supporting the party. In this respect, especially after the Constitutional referendum of 2010, the Party aimed at the building and reproducing ‘consent’ of the mass alliance while explicitly excluding others (Bodirsky, 2016), who were considered to be ‘enemies of the nation’, and thus, it

is crucial to evaluate how the new uses of ‘the state’ have played a role in entrenching the masses into ‘ideological-political’ project of the AKP through ‘hegemonic’ processes. Before anything else, the encoding of ‘the state’ as the protector of ‘freedom of religion’ brought along the resolution of the long-standing headscarf controversy, which the AKP failed to solve in 2008 due to the veto of the Court (see F12 in Table 3). The new ‘ideology’ of secularism had altered how the Court conceives the relationship between ‘religion’ and ‘the state’. Along with the concrete outcomes of the Court’s judgements on the headscarf of a lawyer and a long-coated women, who had rejected to remove her outfit due to religious reasons (see N3, N4 in Table 4), the shift in the ‘ideology’ of secularism allowed the AKP to take initiatives to reconsider the headscarf ban. In other words, before the constitutional referendum of 2010, it had was the Court which had blocked political attempts and had annulled the legal regulations promulgated to lift the ban by depending on the former ‘ideology’ of secularism. However, the existence of a ‘friendly’ Court, which explicitly recognizes ‘freedom of religion and conscience’ as a ‘duty’ of ‘the state’, empowered the AKP to address the headscarf issue and gradually lift the ban: In 2011, the Higher Education Council sent an official directive to universities to discontinue the ban¹¹⁴, and more importantly, in 2013, the headscarf ban for state officials had been withdrawn by a legal regulation.¹¹⁵ The resolution of ‘headscarf issue’ by the AKP had conveyed significant ‘ideological’ effect entrenching the ties that the Party constructed with the masses. In this respect, it would be possible to argue that symbolically resolution of the ban contributed to ‘ideological’ effect, that the AKP is the representative of ‘the oppressed’/ ‘the nation’/ ‘the majority’. Prime Minister Erdoğan’s campaign for presidential elections in 2014¹¹⁶ and the Party’s

¹¹⁴ See Üniversitelerde artık türbana engel yok. (2011, February 2). *Radikal*. Retrieved October 16, 2016 from <http://www.radikal.com.tr/egitim/universitede-artik-turbana-engel-yok-1038728/>

¹¹⁵ Even though the ban had continued for particular state officials, such as judges, police and military officials, it also had gradually lifted until today.

¹¹⁶ In one of the videos, that Prime Minister Erdoğan used for the presidential election campaign in 2014, we watch a woman lawyer wearing a headscarf, while reading books, going to courthouse and talking to her client, says that “I had elected [him] as Prime Minister, he lifted the ban of headscarf. Now, [wearing of] headscarf is free in universities and public [institutions]. I now make Turkey even stronger by electing [him] as the President” See the AKP (2014) *Kamuda Başörtüsü Yasası Kalktı*. Retrieved October 20, 2016 from <https://www.akparti.org.tr/site/video/65605/kamuda-basortusu-yasagi-kalkti>.

campaign for general elections held in 2015 extensively utilized the rhetoric of ‘being oppressed’ in reference to headscarf ban, and in this manner, the Party intended to intensify ‘ideological’ attachment through ‘freedom of religion’, that it had granted. For instance, in an election video for 2015 general elections, we watch a woman, who is telling her story of admittance to university after being graduated from Imam-Hatip High School:

I finished [Imam-Hatip] high school as valedictorian. Despite the coefficient problem I was admitted to the university with a good degree. But I couldn’t even set my foot into the university of my dreams [Medical school]. They had “persuasion rooms”¹¹⁷ like the “gas rooms”. They took me there. I resisted this oppression and cruelty, and did not uncover my head and returned to home! After so many years of oppression, Ak Party lifted the ban on headscarf. Once the ban was lifted I went back to the university and graduated. Thanks god no one else is going through this cruelty anymore. Now those people, who established persuasion rooms, dare to teach the nation lessons of freedom¹¹⁸

In addition to this, the lifting of the ban of headscarf for civil servants was closely connected to the explicit manifestation and presentation of religious symbols, values and practices in the ‘state’ institutions, which had been pivotal in amplifying up the ‘ideological’ effect that ‘the party’, ‘the state’ and ‘the nation’ are one and the same (Saraçoğlu and Yeşilbağ, 2015: 907). Hence, the redefinition of ‘the state’ as the protector of ‘freedom of religion and conscience’ provided the AKP to resolve headscarf

¹¹⁷ Here, “persuasion rooms” indicates a practice appeared and used during ‘February 28th’ process. It is known that Istanbul University had set-up “persuasion rooms” in order to persuade covered women students to remove their headscarf and continue their education. (Kadıoğlu, 2005: 31-32)

¹¹⁸ Turkish – “Liseyi [İmam-Hatip] birincilikle bitirdim. Katsayı problemine rağmen üniversiteyi iyi derece ile kazandım. Ama hayallerimdeki üniversitenin [Tıp Fakültesi] kapısından dahi giremedim. Gaz odaları gibi ikna odaları kurulmuştu. Beni de oraya aldılar. Bu zulme baskıya isyan ettim, başımı açmadım, evime döndüm! Yıllar süren mücadele sonunda AK Parti başörtüsü yasağını kaldırdı. Yasak kalkınca üniversiteye döndüm ve mezun oldum. Çok şükür, artık bu zulmü kimse yaşamıyor. Şimdi bakıyorumda ikna odalarını kuranlar millet özgürlük dersi vermeye kalkıyor.” (Translated to English by the author) See, the AKP (2015) *AK Parti Başörtüsü Yasağını Kaldırdı #OnlarKonuşurAkPartiYapar*. Retrieved 20 October, 2016 from <https://www.youtube.com/watch?v=Dr0YjIXbx1Q>.

issue and to use it as an ‘ideological’ resource to keep the social support as part of ‘ideological-political’ struggle.

The use of ‘the state’, brought by the new ideology of secularism, was not only limited to ‘negative obligations’ to remove restrictive measure on religion, which had been put into force previously, but also included what the Court calls ‘positive obligations’. ‘Positive obligations’ attributed to ‘the state’ is connected to its redefinition as the protector of ‘freedom of religion and conscience’ and they require ‘the state’ to promote a social setting for the realization of ‘freedom of religion and conscience’. In this specific constellation, ‘the State’ was accepted as the provider of services, which is necessary for ‘society’ to live their religion. In this respect, the educational reform of 4+4+4 included the elective modules titled as ‘The Great Quran’ and ‘Life of Our Holy Prophet’ – referring to the prophet of Islam and these offerings were not been found a violation of secularism by the Court just because ‘the State’s duty to provide these ‘services’ had been legitimized by the ‘new’ ideology of secularism (see N1 in Table 4). As part of ‘the state’s duty to render ‘services’, the 4+4+4 education reform also re-introduced Imam Hatip Middle Schools, which had been shut down during February 28th process. The re-opening of Imam-Hatip Middle Schools, just as the lift of headscarf ban, operated as an ‘ideological’ linkage to consolidate the mass social support and to keep them within ‘political’ struggle represented by the AKP. President Erdoğan’s speech in 2014 exemplifies how the re-opening of Middle Imam Hatip schools were located into the axis of ‘ideological-political’ struggle that the Party intended to grow:

Imam Hatip Middle Schools were closed and a co-efficient obstacle [in university admission process] was implemented for the high school sections in February 28 process. As a father, I know that suffering very well. (...) That oppression is over now. We took the locks off, which had been put on the doors of Imam Hatip schools and we removed the obstacles one by one in front of Imam Hatip schools. (...) If god lets, our government, our Ministry of Education, and

especially our benefactors will work more in order to satisfy the demand [for Imam-Hatip Schools]¹¹⁹

In the same direction, *Diyanet* also began to be regarded as an institution rendering ‘services’. In parallel to this conception, steadily starting from 2010, the budget of *Diyanet* grew enormously and it became an institution directly involving into daily life: it opened a kindergarten, launched TV- broadcasting having Sunni-Islam based content and initiated “a free telephone hotline service” to give fatwas on daily matters (Öztürk, 2016). Since we discuss the potential of these practices in acting upon ‘common-sense’ of ‘sociality’ below, here, it is necessary to point out that ‘the state’s new use as the provider of religious services enabled the ‘legitimate’ appropriation of ‘religion’ as part of ‘the state’ as a ‘hegemony’-building strategy. In other words, this particular use of ‘the state’ provided the Party to construct ‘ideological’ connections in ‘civil society’ through the tools of ‘the state’ within the ‘hegemonic project’. In this respect, the infrastructure, that had already provided by *Diyanet*, as a state institution, utilized as part of ‘ideological-political’ dimension of ‘Sunni-Islamic nationalism’, which we discussed in Chapter 3.

Hitherto, I tried to observe that the connection of the inscription of new ‘ideology’ to ‘the state’ and the politics of hegemony-building since the new uses of ‘the state’ were utilized in producing ‘consent’ of social base. The presumption ‘religion’ as a central social value, which should be protected and promoted by ‘the state’ legitimized ‘the State’s relation to ‘religion’ in a different manner. Even though the use of sheer ‘coercion’ or ‘force’ in order to foster a particular ‘sociality’ seems to be discontinued in this ‘political’ project to some extent, it would be hard to say that the new ‘ideology’ of secularism, and the state-form that it had brought, withdrew from the agenda to act upon

¹¹⁹ Turkish – “28 Şubat sürecinde imam hatip okullarının orta kısımları kapatıldı, lise kısımlarına da katsayı engeli getirildi. Bu ızdırabı, o süreci yaşamış bir baba olarak çok iyi bilirim. O zulüm de artık sona ermiş oldu. İmam hatip okullarının kapılarındaki kilitleri tek tek söktük attık, imam hatip okullarına giden yollardaki engelleri tek tek kaldırdık. Hükümetimiz, Milli Eğitim Bakanlığımız, özellikle de hayırseverlerimiz talebi karşılamak için inşallah daha çok seferber olacaklar”. (Translated to English by the Author) For the rest of the speech see, Ministry of National Education (2014). *Ankara’da 155 Eğitim Tesisi Cumhurbaşkanı Erdoğan’ın Teşrifleriyle Açıldı*. Retrieved 24 October, 2016 from <http://www.meb.gov.tr/ankarada-155-egitim-tesisi-cumhurbaskani-erdoganin-tesrifleriyle-acildi/haber/7456/tr>

‘civil society’ because it continued to be operated as part of ‘hegemonic’ processes, and hence ‘power’ relations in society. In Hall’s words, this is the ‘moment’ of ‘authoritarian populism’ because ‘hegemonic project’ continues to enjoy the support from ‘below’ while operating in and through ‘the state’, which means ‘from above’ (Hall, 1988: 169). Therefore, the AKP utilized the mechanisms of ‘the state’, which had become available after the adoption of new ‘ideology’ of secularism by ‘the Court’, in order to reinforce its cross-class coalition by reproducing ‘consent’ of the masses and uniting them around ‘ideological-political project’ of ‘New Turkey’.

5.3. ‘Common-sense’ of sociality: Thinking through ‘Ethical State’

Recalling our theoretical framework in Chapter 2, ideologies are not only important in ‘unifying and cementing’ a social coalition around a ‘hegemonic project’, but also they are also crucial in operating upon ‘common-sense’. As Hall (1988: 8) underlines, “the hope of every ideology is to naturalize itself out of History into Nature, and thus become invisible, to operate unconsciously” because ‘ideologies’ act and operate upon ‘culture’ through creating, re-shaping, questioning, reworking ‘common-senses’, which were defined as the ‘taken-for-granted sphere of ‘the social’. In other words, ‘common-sense’ is the realm of the ‘unquestioned’, ‘unconscious’ and ‘uncritical’ elements that we live by and pass by without questioning it and that we reproduce without thinking through them. Then, how does new ‘ideology’ of secularism relate to the formation of a particular ‘common-sense’ in sociality? To answer this question, it is essential to re-consider the new uses of ‘the state’, enabled by the new ‘ideology’ of secularism, through the concept of ‘ethical state’ within the broader context of ‘ideological-political’ framework of ‘New Turkey’.

The Gramscian concept of ‘ethical state’ indicates the ‘state’s role in raising “great mass of the population to a particular cultural and moral level” through a multitude of apparatuses and initiatives of ‘state’, which cannot be restricted to the repressive function and apparatuses (Gramsci: 2000: 234). Following the statement of Gramsci (2000: 234), “(...) only the social group that poses the end of the state and its own end as the target to

be achieved can create an ethical state, one which tends (...) to create a technically and morally unitary social organism.” Therefore, if ‘hegemonic’ concentration in ‘civil society’ succeeds to extend its power in ‘state’ institutions as well, then it can create an ‘ethical state’ to re-shape ‘common-sense’ in line with its ‘ideological-political’ horizon. Considering ‘authoritarian populism’ strategy of the AKP and its hold on the state institutions after the constitutional referendum of 2010, it is not a new argument in the literature that the ‘hegemonic project’ of the party aims to re-design ‘the social’ by deployment of its power in ‘the State’ within its ‘ideological-political’ framework of ‘Sunni-Islamic nationalism’ (Açıkel, 2013; Aktoprak, 2016; Koyuncu, 2014; ; Moudouros, 2014; Öztürk, 2016; Saraçoğlu, 2015b; Yaşlı, 2014). In the rest of this sub-chapter, I attempt to indicate that the insertion of new ‘ideology’ of secularism into the Court was part of the formation of ‘ethical state’ by discussing how new uses of ‘the state’ became apparatuses to intervene and act upon ‘common-sense’ of sociality within the framework of ‘Sunni-Islamic nationalism’.

It is previously emphasized that the new ‘ideology’ of secularism reconstituted ‘the state’ as the protector of ‘freedom of religion and conscience’ and ‘religion’ as a vital social value and indispensable component of individual and collective ‘identity’, hence it enabled a different legitimate relationship between ‘state’ and ‘religion’. In so far the new uses of the state had ‘ideological’ effects in hegemony-building, it is possible to argue that they also orchestrated as apparatuses of ‘ethical-state’ for the promotion of an intended ‘common-sense’ of ‘sociality’ by penetrating into concrete ‘lived realities’. To explain, religious education by the state and presence of *Diyanet* are grounded as ‘positive obligations’ of ‘the state’ to protect ‘freedom of religion and conscience’, nevertheless, these could be treated as apparatuses of ‘ethical-state’ aiming at the stimulation of particular ‘common-sense’ in which public presence and value of religion (majority religion) is unquestioned and registered as part of ‘national identity’. In this regard, in the context of ‘New Turkey’, it was not a coincidence that 4+4+4 educational reform re-opened Imam Hatip Middle Schools and introduced religious elective religious modules solely on Islamic religion, which had been approved by the Constitutional Court since it based its argumentation upon the new ‘ideology’ of secularism (N1 in Table 4). Following the promulgation of education reform, a remarkable number of regular schools

were transformed into İmam-Hatip schools¹²⁰ despite the mobilization of students and parents against these transformations¹²¹. The offering of religious modules in regular education and the abrupt increase in the number of İmam-Hatips could be considered as a part of “efforts aim at replacing Turkey’s Kemalist identity narrative with an Islamic one” and promoting a religious social setting (Lüküslü, 2016:7). Therefore, the idea conceiving ‘the state’ as provider of religious instruction makes sense if ‘ethical state’s role in raising “religious generations” of ‘New Turkey’ is taken into account.

The new ‘ideology’ of secularism also grounds the presence and activities of *Diyanet* on the basis of ‘the State’s duty to protect ‘freedom of religion and conscience’ by means of responding the needs of ‘society’. As it is mentioned above, through legislative reforms, *Diyanet*’s “bureaucratic and administrative capacities” were dramatically strengthened and its budget was increased enormously after 2010. It launched a religion-based TV-channel called *Diyanet- TV* in corporation with official state television, opened a kinder garden, began to issue halal food-certificates and set up a free telephone giving religious advices (Öztürk, 2016: 10). Therefore, though a number of initiatives or activities, *Diyanet* became much more involved in issues of everyday life related to divorce, marriage, family, sexuality, abortion etc. (Öztürk, 2016:10; Zengin-Arslan, 2015: 144-146). These extended activities and initiatives run by *Diyanet* on the basis of the principles of Sunni-Islamic religion were indeed legitimized by the new ‘ideology’ of secularism since ‘the State’ is entitled with the obligation of providing ‘religious services’. Though the new ‘ideology’ of secularism presents *Diyanet* and its social activities as if they are amongst ordinary and relatively-neutral public services, such as transportation or water-supply, it could be argued that expanding bureaucratic structure, inclining budget and increasing presence of religious activities in everyday life are apparatuses of ‘ethical state’ directed towards cultivation of a particular ‘common-sense’

¹²⁰ Though the number of İmam-Hatip schools when the AKP came to power was 450 it surged to 1149 in 2016. See Eğitim- Sen (2016) *2015-2016 Eğitim Öğretim İstatistikleri*. Retrieved October 20, 2016 from <http://egitimsen.org.tr/2015-2016-egitim-ogretim-istatistikleri/>

¹²¹ In the schools term of 2012-2013, Turkey experienced a number of local protests of parents and students, who had objected the transformation of regular public school to İmam-Hatip school See, 5 bin kişi 4+4+4'e karşı yürüdü (2012, September 15). *Hürriyet*. Retrieved October 26, 2016 from <http://www.hurriyet.com.tr/5-bin-kisi-4-4-4e-karsi-yurudu-21474392>

entrenching ‘religion’ as an incontestable ‘social value’ regulating daily conduct. In other words, the ‘services’ of *Diyanet* in fact serve to the reproduction of ‘religion’ as a vital component of sociality – as it is registered by the new ideology of secularism- on the one hand, and enable the AKP penetrate into capillaries of society through private state apparatuses to promote its version of ‘Sunni-Islam’ as an ethical code on the other.

Although religious education and activities of *Diyanet* are the two prominent examples in the context of ‘ethical state’, the concrete implications of new ideology of secularism and its impact on the formation of ‘common-sense’ are not limited to these two stark cases. It is significant to think through changing ‘lived realities’ at the other sites of sociality and how different encounters with ‘religion’ might contribute to the shaping of ‘common-sense’ intended by new ‘ideology’ of secularism in particular and by broader ‘ideological-political’ framework of ‘New Turkey’ in general. In this regard, it is also necessary to recall how the new ‘ideology’ of secularism in the Court led to particular outcomes, which in the end having concrete repercussions on the experience of ‘the religious’ in everyday life. As it was explained earlier, the new ‘ideology’ of secularism altered the Court’s long-standing stance on headscarf, since headscarf and even a long-coat began to be regarded as an indispensable part of ‘freedom of religion and conscience’ that should be under the protection of ‘the state’ (See N3 and N4 in Table 4). The Court’s changing stance was crucial since it empowered the AKP to gradually lift headscarf ban for students and civil servants without having the fear of a possible judicial veto. Therefore, following the implementation of new ‘ideology’ of secularism, through the mediation of ‘the state’, headscarf was given public visibility within ‘state’ institutions contributing to increasing encounter with ‘religion’ in daily life. In a similar vein, the Court’s judgement annulling penalization of religious marriage prior to civil marriage (see N2 in Table 4) and overturning the complaint against the loud volume of call to prayer (see N5 in Table 4) reinforced the ‘ideological’ effect that religion is a vital part of sociality and thus it should be under protection of ‘the state’, not the restriction or oppression of it. Hence, it could be argued that these concrete outcomes of new ‘ideology’ of secularism were also an aspect of ‘ethical-state’ aiming to entrench ‘religion’ as a key aspect of sociality encountered, practiced and reproduced through ‘lived realities’.

In brief, in this sub-section, I attempted to portray the ways that the new ‘ideology’ of secularism and the new uses of ‘the state’ apparatuses in line with the new ideology might be regarded as part of formation of ‘ethical-state’ intending to promote a particular ‘common-sense’ within the ‘hegemonic project’ of the AKP. It is necessary to remind that this does not mean to measure and/or come up with a final conclusion whether or not society became more ‘religious’ and more ‘Islamised’ in comparison to pre-AKP period since such an analysis falls beyond the scope and capacity of this thesis. Instead, my inquiry focuses on how the new ideology of secularism might have been influential on the stimulation of particular ‘common-sense’, since the new ‘ideology’ in the Court enabled the AKP to use ‘state’ in the form of ‘ethical-state’ to shape and work on ‘common-sense’ of sociality, in which presence and significance of religion stays solid. In this regard, the new sites of power, channelled by the expansion of ‘religion’ on ‘the social’ via the practices of ‘ethical-state’, transmit and diffuse a particular norms of conduct, morality, thinking and behaving, that are linked to the whole project of ‘Sunni-Islamic nationalism’.

5.4. Rethinking religion in ‘New Turkey’ through ‘Historical-Bloc’

So far I intended to explore how the changing ‘ideology’ of secularism in the Court enhanced the use of state apparatuses, and in which ways the new ‘ideology’ of secularism connects to ‘ideological-political’ instance of the AKP’s ‘hegemonic’ articulation in terms of a consent-building mechanism as well as an effort to act upon ‘common-sense’. In this sub-chapter, I question whether it is possible to re-think the new ideology of secularism in the ‘state’ and its relationship with religion not only as a matter of ‘ideological-political’ struggle but also as an element of ‘historical-bloc’. In other words, does new ‘ideology’ of secularism in ‘the state’ connect to ‘economic’ aspect of ‘hegemonic’ articulation of the AKP in terms of unifying ‘historical-bloc’ from within? Though this study problematized the new ‘ideology’ of secularism as part of ‘ideological-political’ struggle of the AKP and attempted to scrutinize its role in ‘hegemonic’ articulation before and after its implementation into the Constitutional Court, it would be thought-provoking to briefly re-consider its potential linkages to

formation and continuity of historical-bloc making up ‘New Turkey’. It was already clarified and explained that the correspondence between “ruling ideas” and “ruling class” are not guaranteed within Gramsci’s theoretical perspective (Hall, 1986: 42), however, it is essential not to forget that “(...) though hegemony is ethico-political, it must also be economic” (Gramsci, 2000: 211-212). As Hall (1986:42) points it out, “the effective coupling of dominant ideas to the historical bloc which has acquired hegemonic power in a particular period is what the process of ideological struggle is *intended to secure*”. Then, could ‘ideological-political’ struggle over secularism be considered as an “effective coupling” to ‘historical bloc’?

In order to discuss the potential connections of ‘ideological-political’ struggle over secularism to ‘historical bloc’, it appears to be necessary to illuminate how ‘religion’ as being a constitutive element of ‘sociality’ attaches ‘economic’ project of ‘neoliberalism’. In this regard, ‘religion’ not only unifies a social coalition around an ‘ideological-political’ struggle but also it serves to naturalisation of inequalities and durability of a cross-class social coalition at the political field. When ‘hegemonic’ concertation of the AKP is overviewed, it is possible to argue that ‘religion’ played a crucial role in the fostering a disciplined work-ethic that is harmonious with the demands of neoliberal capital accumulation on the one hand and it reinforced perceived feeling of brotherhood between workers and capitalists through religious shared values, attachments and practices on the other (Atasoy, 2009; Buğra and Savaşkan; 2014; Durak; 2013; Duran and Yıldırım; 2005; Moudouros; 2014; Tuğal, 2009a). In so far religious observance and practices strengthened the experience of being on the same side, ‘religion’ was also utilized and mediated through ‘the state’ to solidify the feeling of unity and to discipline labour force. For example, *Diyanet*’s statement associating strikes with ‘sin’ causing ‘religious responsibility’¹²² (Öztürk, 2016: 12) or discourse of *fitrat*¹²³ legitimizing and

¹²² In 2008, a local branch of *Diyanet* declared that “slowing down the work, damaging the workplace, actions that cause a decrease in profits put workers under religious responsibility” (cited in Öztürk, 2016). As Öztürk (2016:14) clearly states during the AKP period one of the functions, which *Diyanet* has gained as an ‘ideological state apparatus’, is “converting contentious dominant structure policies to religious-based, indisputable facts which cannot be openly and widely discussed, as they are bound by Islam”.

¹²³ *Fitrat* is translated as “creation” in English, however it is necessary to indicate that it is used to refer “creation” entailing a religiously- informed connotation. Following Soma massacre, which had resulted in the death of 301 mining-workers on May 17th, 2014, Erdoğan stated that the work accidents are normal

normalizing work accidents could be pointed to as two incidents of appropriation of ‘religion’ in relation to capital-labour relations. Along with its role in the making of a ‘culture’ of ‘unity’ among cross-class social coalition, ‘religion’ is also deployed as a source in easing the negative effects of structural process of neoliberalisation on subordinated classes. For instance, religious trust networks and religious associations began to operate as informal recruitment as well as charity mechanisms providing temporary and symptomatic relief for deepening structural outcomes such as unemployment and poverty (Atasoy, 2009: 131-135; Saraçoğlu and Yeşilbağ, 2015: 903). Considering that neoliberal transformation eroded social rights and public services rendered by the state itself, charity associations in ‘civil society’ were integrated into social policy mechanisms at increasing degrees, which, in the end, made the role of religious solidarity networks and associations much more important and effective in distribution of in-kind or monetary social assistance (Bozkurt, 2013; Çelik, 2010; Kaya, 2014).

Taking into account these specific examples showing how ‘religion’ embedded in ‘structural’ processes regarding ‘economic’ instance of ‘hegemonic’ articulation, the new ‘ideology’ of secularism, which recognizes the centrality of ‘religion’ within sociality could be considered as part of ‘historical-bloc’ unifying ‘New Turkey’ from within. Although an extended analysis of ‘religion’ in the making of neoliberalism in ‘structural’ terms are beyond the subject-matter of this study, above mentioned hints allow to re-think ‘religion’s potential role not just in ‘ideological-political’ struggle but also in ‘economic’ instance of a particular ‘hegemonic’ articulation. As the analysis of new ‘ideology’ of secularism portrays, it operates as a part of broader ‘ideological-political’ framework of religious nationalism simultaneously in ‘civil society’ and through ‘state’ apparatuses in order to reproduce ‘consent’ to the authority and stimulate the formation of a particular ‘common-sense’, in which ‘religion’ becomes an indispensable element of ‘the social’. Therefore, the new ‘ideology’ of secularism may

and they are a part of *fitrat*, which later became very controversial. However, the discourse of *fitrat* is significant in showing the denial of the state’s responsibility and the stance towards a disaster caused by the mass privatizations of neoliberal economic policies (see Çelik, 2013).

be further questioned and discussed as being an 'ideological' component of 'historical-bloc'.

CHAPTER 6

CONCLUSION

Secularism in Turkey, in post-1980 period, was the central axis of social and political antagonism and it was amongst the top topics of academic scholarship. Recalling from the Introduction of this thesis, an extensive catalogue of negatively-connoted adjectives were deployed to describe a particular implementation of secularism in Turkey. Secularism in Turkey came to be known as “assertive” (Kuru, 2009), “authoritarian” (Göle, 1996), “didactic” (Gellner, 1981), “insistent” (Özbudun, 2012a), “Jacobin” (Mardin, 1991), “oppressive” (Yavuz, 2003), “militant” (Çağlar, 1994), “militarist” (Navaro-Yashin, 2002), “pathological” (Kadıoğlu, 2010) and “state-centric” (Keyman, 2007). The main reason behind the emergence of such a rich repertoire is the controversial practices and policies enforced by ‘the state’, which were considered to be a symptom top-down modernization project of ‘Kemalism’ at the expense of democracy and freedoms. However, in 2012, the Constitutional Court of Turkey, which is the state-institution having a monopoly to decide what the principle of secularism means within state-system, abandoned its deep-seated precedent based upon ‘Kemalist’ understanding of secularism and embraced a substantially different interpretation of secularism with an emphasis on state’s duty to protect ‘freedom of religion and conscience’ rather than restricting it. Then, what does this mean? How could the shift in the interpretation of secularism in a strategic state institution be explained?

This study problematized the sudden shift manifested in the interpretation of secularism in the Court’s argumentation, and attempted to contextualize, discuss and elaborate it within the context of the AKP’s ‘hegemonic project’ by relying on a theoretical perspective informed by philosophy of Antonio Gramsci . As it was explained in detail in Chapter 2, theoretical perspective of Gramsci provided to conceptualize ‘ideologies’ not only as a schema of particular ideas, but also as part of ‘hegemonic projects’

operating in ‘civil society’ and ‘the state’ simultaneously for the ends of producing ‘consent’ and unifying a cross-class social coalition around a ‘political’ project on the one hand and acting upon ‘common-sense’ on the other. The concepts and theoretical insights of Gramsci enabled me to critically engage with the debate of secularism without reifying ‘the state’ vis-à-vis ‘society’ and to analyse the shift took place in the Court as part of social transformation. In this direction, the former and new interpretations developed by the Court were conceptualized as ‘ideologies’ of secularism in order to indicate that they both convey a normative imagery on how ‘state’, ‘society’ and ‘religion’ should relate to each other and connect to broader ‘ideological-political’ frameworks of particular ‘hegemonic projects’. As the subject-matter of this study was new ‘ideology’ of secularism, in Chapter 3, it was overviewed that how the AKP assembled a ‘hegemonic project’, which unified a cross-class social coalition at the level of ‘ideological-political’ struggle and how the ‘hegemonic’ articulation of the AKP gradually extended into ‘state’ institutions including the Constitutional Court. Within this overview, the modifications and strategies within ‘hegemonic’ process was also emphasized. With respect to subject-matter of this thesis, it was elaborated that the party succeeded to develop an alternative ‘ideology’ of secularism, which was a *formative* response to the crisis of secularism experienced throughout 1980s and 1990s, within its broader ‘ideological-political’ framework of ‘hegemonic’ concentration. Therefore, it was presented that central themes and assumptions of the Court’s new ‘ideology’ of secularism, had already embedded in ‘ideological-political’ framework of the AKP and had served to recruit liberal intelligentsia and the masses into its social alliance.

In Chapter 4, the former and new ‘ideologies’ of secularism, inscribed into the Court, were examined by using documentary research technique. Having collecting the entire set of the judgements, in which the Court conducted an elaboration on secularism, the ‘discursive chains’ that it had employed to define and describe secularism were analysed to demonstrate how imagery of ‘state’, ‘society’ and ‘religion’ was re-constituted by the new ‘ideology’ of secularism. It was also showed that the implementation of new ‘ideology’ adopted by the Court, after the judges, who had been appointed by the President Gül or elected by the AKP-majority parliament, surpassed the number of judges having already been in office. The analysis and comparison of the two ideologies

of secularism basically illustrated that the former ‘ideology’ of secularism, which in the end determined content, aim and outcome of concrete state policies of ‘Kemalist’ version of secularism, constituted ‘the state’ as the protector of secularism, regarded religion as a matter of ‘individual-spiritual’ belief and conceived ‘society’ as a unity based on ‘science’ and ‘reason’. On the contrary, the new ‘ideology’ of secularism fixated the meaning of secularism with the state’s study to protect ‘freedom of religion and conscience’ since it recognized ‘religion’ as a vital social value and one of the constitutive elements of collective and individual ‘identity’. Following in-depth analysis of former and new ‘ideologies’ of secularism, in Chapter 5, it was discussed that why the implementation of the new ‘ideology’ of secularism into the Court was a crucial moment for the ‘hegemonic’ process of the AKP in terms of its ‘ideological-political’ framework and strategies targeted at the formation of ‘New Turkey’. Considering the strategic position of the Court within ‘state-system’, the incorporation of the new ideology to the Court indicated the change of the official ‘ideology’ of secularism upheld by the state, which enabled the different uses of ‘the state’ and its apparatuses in line with the ‘ideological-political’ horizon of ‘hegemonic’ project. In this regard, Chapter 5 dwelled on how the new uses of the state and its apparatuses served to a mechanism of support building as well as operated through ‘ethnic-state’ for the aim of shaping ‘common-sense’, in which ‘religion’ is intended to be given an expanded and influential position in ‘sociality’. As a final hint, the Chapter 5 discussed whether or not the new ‘ideology’ of secularism could be considered as part of ‘historical-bloc’.

Then, what is the significance of this study? How does it engage in the debates on and the prospects of Turkey? Prior to the elaboration of the relevance of the thesis with respect to its engagement with Turkey in particular, I prefer to explain more general and theoretically significant outputs of this thesis. The critical inquiry on the shifting ‘ideology’ of secularism, which had been manifested in ‘the state’, first of all, enabled to present that a specific implementation of secularism, as a particular institutional arrangement of ‘state’ and ‘religion’, are presumed by a ‘ideology’ of secularism envisioning a normative imagery of what ‘state’, ‘society’ and ‘religion’ mean and how they should be positioned towards each other. Therefore, it would be stated that it is not

possible to imagine any form of secularism, which is *neutral* even if it claims to be so, since a cluster of presumptions on ‘state’, ‘society’ and ‘religion’ would back up any specific institutional constellation of religion and state. Second, the analysis also illuminated that different forms of secularism are ‘ideological’ since they are part of ‘ideological-political’ projects and become effective only if they connect to social forces in a given historical period. In other words, secularisms being ‘ideological’ refers not only the embodiment of a conception (or worldview) but also the attachment of these conceptions to the ‘ideological-political’ projects articulated by and through ‘hegemonic’ processes both in ‘civil society’ and ‘the state’. Third, I believe that the critical analysis of a certain ‘ideology’ inscribed in ‘the state’ also emphasized the importance of ‘the state’ not as an end for itself but as a crucial site within ‘hegemonic’ process. In this manner, through the example of the ‘ideology’ of secularism, the thesis demonstrated that ‘the state’ retains its significance in a social transformation since, under a polity of ‘modern-state’ of our age, the influence of state apparatuses in the stimulation, channelization and reproduction of ‘common-senses’ could be hardly denied. Therefore, even though it may not be appropriate to consider the influence of ‘the state’ as a top-down indoctrination guaranteeing the end-product, the analysis of new ‘ideology’ of secularism encourages to re-think direct and indirect effects of ‘ethical-state’ and its apparatuses in the formation of intended ‘common-senses’ organizing ‘the social’ in particular ways.

Alongside of these general theoretical outputs, it is crucial to indicate how the thesis connects to wider social and political prospects of Turkey. In my opinion, the analysis of the new ‘ideology’ of secularism from a critical perspective provided to better observe the continuity of ‘religious’ and ‘conservative’ elements embedded in broader ‘ideological-political’ horizon of the AKP in spite of its changing strategies and emphases of ‘ideological’ elements throughout its rule. In other words, the new ‘ideology’ of secularism had been differently amalgamated into the Party’s own ‘ideological-political’ self-descriptions of ‘conservative democracy’ and ‘New Turkey’. On the contrary to the assumptions of ‘post-Kemalist’ paradigm, which had been the dominant perspective amongst the liberal intelligentsia including academics until

recently (Aytürk, 2016), the language of rights and freedoms, and concrete reforms initiated to democratize authoritarian ‘Kemalist-state’ were not an end in itself to set ‘civil society’ free and establish *neutral* and disinterested state of liberal utopia. As the analysis of new ‘ideology’ of secularism illuminated, the overturn of former (‘Kemalist’) ‘ideology’ of secularism and introduction of a new ‘ideology’ into the Constitutional Court changed the ‘official’ ideology of secularism upheld by ‘the state’ through redefining normative imagery of what ‘state’, ‘society’ and ‘religion’ are and how they should relate to each other. At this juncture, adopting a critical perspective was crucial to explore that the new ‘ideology’ of secularism enabled the new uses of the state and its apparatuses to further generate ‘consent’ of the mass coalition, that the AKP had consolidated in a setting of inclining social polarization and to create an ‘ethical-state’ through which (majority) ‘religion’ was promoted as an indispensable component of ‘common-sense’ embedded in sociality.

It also appears to be necessary to underline that the new ‘ideology’ of secularism, re-interpreting secularism on the basis of ‘freedom’, did not bring along a complete overturn of the institutions that has been already established as part of state-system. As it was explained in the thesis, the new ‘ideology’ of secularism inscribed in ‘the state’ redefined the duties of ‘the state’ and the roles of controversial state institutions or practices, which had been justified and appropriated differently by the former ‘ideology’ of secularism. To explain in a different manner, the new ‘ideology’ of secularism in ‘the state’ allowed the AKP to address the deep-seated social discontent of ‘Kemalist’ secularism, especially headscarf ban, and to lift the ban as part of ‘freedom of religion and conscience’. However, other controversial institutions and practices of ‘the state’, such as activities of *Diyanet*, compulsory religious modules in school curricula, Imam-Hatip schools, were preserved, further enhanced and re-appropriated as ‘the state’ apparatuses to promote and support a particular interpretation of ‘Sunni-Islam’. For this reason, it could be argued that though the new ‘ideology’ of secularism, the AKP replaced ‘Kemalist’ version of secularism with a “religious secularism” (Azak, 2016: 192), which protects ‘freedom’ of majority religion and puts ‘the state’ in the service of majority religion at the expense of observers of minority religions or non-believers. There is no hesitation that majoritarian

understanding and current relationship between state and religion in Turkey could be questioned and studied from a variety of perspectives, and it could also be discussed whether or not it is appropriate to use the term ‘secularism’ in describing the present model. Since the subject-matter of this study was the ‘ideology’ of secularism as being part of ‘hegemonic’ processes, my primary purpose was not to dwell upon the problems and discontents of current version of ‘secularism’ per se, rather to explore the connections of new ‘ideology’ of secularism to the broader ‘ideological-political’ struggle within ‘hegemonic’ project. In this regard, the integration of new ‘ideology’ of secularism into ‘the state’ and deployment of new ‘state’ apparatuses to reinforce ‘Sunni-Islam’ was discussed as part of ‘authoritarian populist’ strategy and the ‘ideological-political’ framework of ‘New Turkey’.

The critical insight informed by Gramsci’s philosophy provided the analytical tools to conceptualize, analyse and evaluate the shift in the ‘ideology’ of secularism within the processes of ‘hegemonic’ concentration rather than being solely a technical aspect of legal or administrative settlement of secularism. Nevertheless, the study could be supported and developed by a number of different potential approaches and future research agendas. In this direction, it would be interesting to examine the dissemination of the logic embedded in the new ‘ideology’ of secularism throughout other state institutions reproducing ‘ideological’ discourses at different sites of public service. Besides, micro-level/ ethnographic studies focusing on how ‘ethical-state’ diffuses into the organization of everyday life and the production of subjectivities might better portray the modalities that ‘religion’ concretely integrates or disintegrates into the sphere of ‘common-sense’. These sort of approaches might also illuminate in which ways the expanding presence of ‘religion’ and the impacts of ‘ethical-state’ upon ‘lived experiences’ are contested and objected by those, who are not included in the frame of ‘Sunni-Islamic’ nationalism. As it was pointed out as a hint in Chapter 5.4, it would be thought-provoking to problematize the role of ‘religion’ within historical-bloc in neoliberal era and conduct an extensive analysis of how ‘religion’ intertwines into structural aspect of neoliberalism by means of naturalizing inequalities, functioning as a resource for the issues of social policy and fostering subjectivities responding the

demands of the capital. Moreover, the evaluation of international dimensions, which had created a favourable social and political conjuncture for the AKP's hegemonic articulation, might also be regarded as a possible contribution. In this regard, it could also be relevant to discuss potential impacts of dominant intellectual paradigms and academic currents of post-1980s, valuing 'difference' and 'identity', in shaping social and political debates and controversies over secularism in Turkey, which had been crucial in making the meaning of secularism as a site of 'ideological-political' struggle. In short, this thesis and its arguments could be further advanced a variety of future research agendas.

To sum up, it was explained that the new 'ideology' of secularism operated within the broader 'ideological-political' framework of the AKP's 'hegemonic' project starting from its initial years to later periods. Since 'hegemonic' processes are not something constant and static, strategies of 'consent' reproduction and the emphases within 'ideological-political' framework had changed in the course of its rule. This thesis demonstrated that an alternative 'ideology' of secularism was one of the 'ideological-political' axes to reproduce 'consent' of a mass social coalition and to gain the support of 'liberal intellectuals' against 'Kemalist-state' and its conception of secularism especially in the first two governmental periods of the AKP. From the theoretical perspective of this thesis, the implementation of this new 'ideology' into the Constitutional Court, which was the strategic state institution determining the meaning of secularism upheld by 'the state' itself, was regarded as a moment that the 'hegemonic' articulation of the AKP extended into the state-institutions, that it could not have previously controlled. Although the emphasis on rights and freedoms had started to fade away and the support of liberal intelligentsia had begun to weaken when the new 'ideology' of secularism was brought into the Court, the implementation of it to the Court -and thus to 'the state'- was a crucial moment for its later 'hegemonic' strategies. As the analysis portrayed, the new 'ideology' of secularism redefined the normative imagery of 'state', 'society' and 'religion', which in the end determines the legitimate modalities of 'state's' intervention or non-intervention to 'religion' within 'state-system'. In this respect, re-definition of secularism as the protection of 'freedom of religion and

conscience' enabled the new uses of 'the state' and its apparatuses, which are appropriated to protect and promote (majority) religion within the 'hegemonic project' of 'New Turkey' to further entrench the mass support and to work on 'common-sense' through 'ethical-state'. In spite of the fact that secularism per se lost its significance within 'ideological-political' framework in parallel to the inclining references to religious and conservative elements (Saraçoğlu, 2015b) and the AKP's relationship with secularism became much more controversial in recent years, this thesis intended to demonstrate that the integration of new 'ideology' of secularism into 'the state' was essential in understanding how 'the state' and its apparatuses are utilized within the politics of 'New Turkey'.

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Date of Judgement: 27.5.2015
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Case Detail: Başvuru no. 2014/ 256
Date of Judgement: 25.6.2014
Date of Publication in Official Gazette: 5.7.2014 (Official Gazette no: 29051)

Case Detail: Başvuru no. 2013/ 7443
Date of Judgement: 20.5.2015
Date of Publication in Official Gazette: 10.8.2015 (Official Gazette no: 29441)

Case Detail: Başvuru no. 2014/ 3977
Date of Judgement: 30.6.2016
Date of Publication in Official Gazette: 13.10.2016 (Official Gazette no: 29856)

TABLE 1: THE COMPOSITION OF THE CONSTITUTIONAL COURT	
Before the Constitutional Amendment in 2010	After the Constitutional Amentment in 2010
Two members and two deputy members appointed by the President among the three candidates nominated by and from among the members of the Court of Cassation.	Three members appointed by the President among the three candidates nominated by and from among the members of the Court of Cassation.
Two members and one deputy member appointed by the President among the three candidates nominated by and from among the members of the Council of State	Two members appointed by the President among the three candidates nominated by and from among the members of the Council of State
One member appointed by the President among three candidates nominated by and from among members of Military Court of Cassation	One member appointed by the President among three candidates nominated by and from among members of Military Court of Cassation
One member appointed by the President among the three candidates nominated by and from among the members of High Military Administrative Court	One member appointed by the President among the three candidates nominated by and from among the members of High Military Administrative Court
One member appointed by the President among three candidates nominated by and from among members of Court of Accounts	Two members elected by the Grand National Assembly of Turkey among three candidates nominated by and from among the president and members of the Court of Accounts
One member appointed by the President among three candidates nominated by the Council of Higher Education among members of higher education institutions	Three members appointed by the President from among three candidates nominated by the Council of Higher Education among teaching staff from higher education institutions in the fields of law, economics and political sciences.
Three members and one deputy member directly appointed by the President among high level executives and self-empolyed lawyers	Four members directly appointed by the President among high level executives, self-employed lawyers, first category judges and public prosecutors or rapporteur judges of the Constitutional Court.
	One member elected by the Grand National Assembly of Turkey from among three candidates nominated by the heads of the bar associations from among self-employed lawyers

TABLE 2: MEMBERS OF THE COURT

Members of the Court in 2008			Members of the Court in 2012	
Name- Surname	Appointed by		Name- Surname	Appointed or Elected by
Haşim Kılıç	Turgut Özal	The decision given in 2008 was the last case in which the Court repeated the former ideology of secularism. The Court attached to a new ideology of secularism in the decision given in 2012. The number of members in the Court's chamber increased from 11 to 17. The shift in the 'ideology' of secularism took place after 2010 referendum.	Haşim Kılıç	Turgut Özal
Osman Alifeyyaz Paksüt	Ahmet Necdet Sezer		Serruh Kaleli	Ahmet Necdet Sezer
Sacit Adalı	Turgut Özal		Alparslan Altan	Abdullah Gül
Fulya Kantarcıoğlu	Süleyman Demirel		Fulya Kantarcıoğlu	Süleyman Demirel
Ahmet Akyalçın	Ahmet Necdet Sezer		Mehmet Erten	Ahmet Necdet Sezer
Mehmet Erten	Ahmet Necdet Sezer		Serdar Özgüldür	Ahmet Necdet Sezer
A. Necmi Özler	Ahmet Necdet Sezer		Osman Alifeyyaz Paksüt	Ahmet Necdet Sezer
Serdar Özgüldür	Ahmet Necdet Sezer		Zehra Ayla Perктаş	Ahmet Necdet Sezer
Şevket Apalak	Ahmet Necdet Sezer		Recep Kömürcü	Abdullah Gül
Serruh Kaleli	Ahmet Necdet Sezer		Burhan Üstün	Abdullah Gül
Zehra Ayla Perктаş	Ahmet Necdet Sezer		Engin Yıldırım	Abdullah Gül
			Nuri Necipoğlu	Abdullah Gül
			Hicabi Dursun	General Assembly (elected in 2010)
			Celal Mümtaz Akıncı	General Assembly (elected in 2010)
			Erdal Tercan	Abdullah Gül
			Muammer Topal	Abdullah Gül
			Zühtü Arslan	Abdullah Gül

TABLE 3: DECISIONS OF THE COURT (1971-2008)						
Abbreviation	Details of the Case	Type of the Case	Dates of the Judgement and its Publication	The Claim Related to Secularism and/or Freedom of Religion and Conscience	The Verdict	Judgement is concluded by
F1	E. 1970/53 K.1971/76	Constitutional Review	21.10.1971 15.6.1972	The presence of 'religious services as a branch of professions that Public Servant Law defines	Compatible with Secularism	Majority of Votes
F2	E. 1979/9 K. 1979/44	Constitutional Review	27.11.1979 13.3.1980	The presence of a special section of religious affiliation amongst personal datas of citizens recorded by the state registry	Compatible with Secularism	Majority of Votes
F3	E. 1980/19 K. 1980/48	Constitutional Review	3.7.1980 3.11.1980	The penalisation of propaganda and/ or indoctrination of ideas that are against secularism	Compatible with Secularism	Majority of Votes
F4	E. 1986/11 K.1986/26	Constitutional Review	4.11.1986 22.2.1987	The distinction made between monotheistic religions and non-monotheistic religions in penalisation of offences against practices, beliefs, books, prophets, religious officials and worship. (The conducts against monotheistic religions are penalized whereas there was used to be no sanction for the same conducts against non-monotheistic religions.	Compatible with Secularism	Majority of Votes

Table 3- continued

F5	E.1986/12 K.1987/4	Constitutional Review	11.02.1987 21.11.1987	The presence of a member from Directorate of Religious Affairs in the Committe, which decides whether a publication is obscene and/or pernicious. (Such publications are subject to certain restrictive measures	Compatible with Secularism	Majority of Votes
F6	E.1989/1 K.1989/12	Constitutional Review	7.3.1989 5.7.1989	The provision allowing the wear of headscarf (for students) in universities.	Incompatible with Secularism (annulled)	Majority of Votes
F7	E.1990/36 K.1991/8	Constitutional Review	9.4.1991 31.7.1991	The provision regulating freedom of dress (for students) in universities	Compatible with Secularism (providing that it is compatible with the court's previous decision on headscarf, which states that dress of students should be modern and non-religious)	Majority of Votes
F8	E.1995/17 K.1995/16	Constitutional Review	21.6.1995 14.10.1995	The presence of a special section of religious affiliation amongst personal datas of citizens recorded by the state registry	Compatible with Secularism	Majority of Votes

Table 3- continued

F9	E.1997/62 K.1998/52	Constitutional Review	16.9.1998 20.10.2000	The law extending the duration of mandatory education from 5 years to 8 years by closing down middles schools, including Imam-Hatip Middle school.	Compatible with Secularism	Unanimity
F10	E.1999/27 K.1999/42	Constitutional Review	24.11.1999 2.5.2002	The penalisation of religious marriage in the absence of a civil marriage between partners.	Compatible with Secularism	Unanimity
F11	E.2005/16 K.2009/139	Constitutional Review	8.10.2009 19.3.2010	Religious summer schools offered by Directorate of Religious Affairs for children who completed at least 5 years in formal education	Compatible with Secularism	Majority of Votes
F12	E.2008/16 K.2008/116	Constitutional Review	5.6.2008 22.10.2008	The constitutional amendment regulating that no one shall be forbidden from right to higher education unless the right explicitly restricted by law. (know as headscarf regulation intending to lift the ban)	Incompatible with Secularism (annulled)	Majority of Votes

Table 3- continued

the MNP case	E.1971/1 K.1971/1	Political Party Closure	20.5.1971 14.1.1972	Milli Nizam Partisi was claimed to have been violated secularism (with respect to related legislation)	Banned- Violation of Secularism	Unanimity
the HP case	E.1983/2 K.1983/2	Political Party Closure	25.10.1983 15.10.1984	Huzur Partisi was claimed to have been violated secularism (with respect to related legislation)	Banned- Violation of Secularism	Majority of Votes
the Özdep case	E.1993/1 K.1993/2	Political Party Closure	23.11.1993 14.2.1994	Özgürlük ve Demokrasi Partisi was claimed to have been violated secularism (with respect to related legislation)	Banned- Violation of Secularism/ Separatism and Kurdish Nationalism	Unanimity
the DBHP case	E.1996/3 K.1997/3	Political Party Closure	22.5.1997 2.6.2000	Demokrasi ve Barış Hareketi Partisi was claimed to have been violated secularism (with respect to related legislation)	Not banned- No violation of Secularism	Majority of Votes

Table 3- continued

the DKP case	E.1997/2 K.1999/1	Political Party Closure	26.2.1999 22.11.2001	Demokratik Kitle Partisi was claimed to have been violated secularism (with respect to related legislation)	Banned - Separatism and Kurdish Nationalism (No violation of Secularism)	Majority of Votes
the RP case	E.1997/1 K.1998/1	Political Party Closure	16.1.1998 22.2.1998	Refah Partisi was claimed to have been violated secularism (with respect to related legislation)	Banned- Violation of Secularism	Majority of Votes
the FP case	E.1999/2 K.2001/2	Political Party Closure	22.6.2001 5.1.2002	Fazilet Partisi was claimed to have been violated secularism (with respect to related legislation)	Banned- Violation of Secularism	Majority of Votes
the AKP case	E.2008/1 K.2008/2	Political Party Closure	30.7.2008 24.10.2008	Adalet ve Kalkınma Partisi was claimed to have been violated secularism (with respect to related legislation)	Monetary Sanction (Not Banned)- Violation of Secularism	Majority of Votes

TABLE 4: DECISIONS OF THE COURT (2012-2016)						
Abbreviation	Details of the Case	Type of the Case	Dates of the Judgement and its Publication	The Claim Related to Secularism and/or Freedom of Religion and Conscience	The Verdict	Judgement is concluded by
N1	E.2012/65 K.2012/128	Constitutional Review	20.9.2012 18.4.2013	The law transforming the education system by replacing 8-year mandatory education with 12 years of education known as 4+4+4 reform. The law regulated re-introduction of Imam-Hatip Middle Schools and explicitly mentions elective religious modules, which could be taken in the formal education in addition to already existing mandatory religion course. (New elective modules are 'The Holy Quran' and 'The Life of Our Prophet')	Compatible with Secularism	Majority of Votes
N2	E.2014/36 K.2015/51	Constitutional Review	27.5.2015 10.6.2015	The penalisation of religious marriage in the absence of a civil marriage between partners.	No discussion of Secularism per se. Violation of freedom of religion and conscience (annulled)	Majority of Votes

Table 4- continued

N3	Başvuru no. 2014/256	Constitutional Complaint	25.6.2014 5.7.2014	The prohibition of a lawyer to conduct her duty during trials while wearing a headscarf.	Violation of freedom of religion and conscience	Majority of Votes
N4	Başvuru no. 2013/7443	Constitutional Complaint	20.5.2015 10.8.2015	The obligation for a women to take off her coat (which she wears as part of religious observance) in the security check of a courthouse	Violation of freedom of religion and conscience	Unanimity (2nd section)
N5	Başvuru no. 2014/ 3977	Constitutional Complaint	30.6.2016 13.10.2016	The loud voice of the call to prayer disturbing a citizen, who declared not being a follower of Sunni-Islam.	No violation of freedom of religion and conscience. (The Court rules that the complaint is not related to freedom of religion and conscience.)	Unanimity (1st section)

APPENDIX 5- Turkish Summary/ Türkçe Özet

Laiklik, özellikle 1980’li yılların sonlarından itibaren, Türkiye’de, toplumsal ve siyasal alandaki temel çatışma ve ayrışma eksenlerinden biri olmuştur. Bu dönemde, bir yandan Siyasal İslam’ın yükselişi, öte yandan ‘dine’ yönelik bir takım devlet politikaları ve pratikleri, toplumsal ve siyasal düzlemdeki kutuplaşmanın ana hattını oluşturmakla kalmamış, aynı zamanda Türkiye’de uygulanmakta olan laikliğe ilişkin zengin bir kavramsal literatürün oluşmasına katkıda bulunmuştur. Mevcut literatürdeki tanımlara bakıldığında, Türkiye’de uygulanmakta olan laiklik modelinin “dışlayıcı” (Kuru, 2009), “otoriter” (Göle, 1996), “didaktik” (Gellner, 1981), “dayatmacı” (Özbudun, 2012a), “Jakoben” (Mardin, 1991), “baskıcı” (Yavuz, 2003) “militan” (Çağlar, 1994), “militarist” (Navaro-Yashin, 2002), “patolojik” (Kadıoğlu, 2010) ve “devlet-merkezci” (Keyman, 2007) olarak betimlendiği görülmektedir. Literatürden örneklenen negatif tanımlamaların da işaret ettiği üzere, Türkiye’de uygulanmakta olan ve ‘Kemalist’ modernleşme projesine içkin olarak düşünülen laiklik, ‘din’i kontrol etmek üzere kullanılan mekanizmalar ve dini özgürlüklerin sınırlandırılmasına yönelik devlet politikaları ve pratikleri dolayısıyla, uzun yıllar boyunca devletin dine karşı düşmanca tutumuyla birlikte anılmış ve bu sebeple eleştirilmiştir. Neredeyse 40 sene boyunca literatürdeki gözlem, saptama ve betimlemeleri destekleyen bir laiklik yorumu benimseyen ve bu yorum doğrultusunda tartışmalı birçok karara imza atan Anayasa Mahkemesi, 2012 yılında vermiş olduğu bir kararda, önceki içtihadından tamamen vazgeçerek, laikliği ‘din ve vicdan özgürlüğü’ne vurgu yaparak yeniden tanımlamış ve bugüne değin vermiş olduğu kararlarda yeni yoruma sadık kalmıştır.

Seçmeli din derslerinin ortaokul ve lise müfredatlarına eklenmesi ve İmam Hatip ortaokullarının yeniden açılması ile gündeme gelen 4+4+4 eğitim reformuna yönelik laiklik ilkesine aykırılık iddiasını reddettiği bu kararda, mahkeme, küresel düzeyde laikliğin katı laiklik ve esnek/özgürlükçü laiklik olmak üzere iki yorumu olduğunu belirterek Anayasa’daki laiklik ilkesinin esnek/ özgürlükçü yorum doğrultusunda

yorumlanması ve uygulanması gerektiğine hükmetmiştir. Mahkemeye göre, bireysel ve kolektif kimliğin ayrılmaz bir parçası olan ‘din’, aynı zamanda en önemli ‘toplumsal değer’lerden biridir. Bu nedenle, ‘devlet’in görevi ‘din ve vicdan özgürlüğü’nün sadece bireysel inanç yönünü korumak değil, aynı zamanda dinin kamusal yaşamdaki görünümünü ve pratiklerini de güvence altına almaktır. Bu doğrultuda, mahkeme, laikliğin yegane amacının ‘din ve vicdan özgürlüğü’nün korunması olması sebebiyle, ‘devlet’in negatif anlamda dini inançlara müdahale etmeme ve pozitif anlamda ‘din ve vicdan özgürlüğü’nün kullanımını teminat altına almak için gerekli toplumsal ortamı sağlama yükümlülükleri olduğunu vurgulayarak 4+4+4 eğitim düzenlemesini laiklik ilkesine aykırı bulmamıştır. Türkiye’de uygulanan özgün laiklik modelinin hem toplumsal-siyasal düzlemde hem de akademik literatürde dine karşı düşmanca tutum benimsemekle anıldığı düşünüldüğünde, daha önceki yıllarda üniversite öğrencilerine uygulanan başörtüsü yasağının devamında ve laiklik karşıtı eylemleri sebebiyle siyasi partilerin kapatılmasında önemli bir rol oynayan Anayasa Mahkemesi’nin 2012 yılındaki yorum değişikliği ne ifade etmektedir?

‘Devlet-sistemi’ içerisinde, Anayasa Mahkemesi’nin, laiklik ilkesinin ne anlama geleceğini belirlemede tekeli bir yetkiye sahip olduğu ve laiklik ilkesi Anayasa’da yer aldığı sürece, mahkemenin laiklik yorumunun yasama da dahil olmak üzere ‘devlet’in tüm organlarını bağladığı dikkate alındığında, mahkeme tarafından benimsenen laiklik yorumunun ‘devletin’ resmi laiklik tanımını oluşturduğunu söylemek yanlış olmayacaktır. Mahkemenin, laikliğin anlamının belirlenmesi noktasında, ‘devlet’ içerisindeki stratejik önemi nedeniyle yukarıda açıklanan yorum değişikliği sadece teknik bir hukuki muhakeme meselesini değil, Türkiye’de uygulanmakta olan laiklik bakımından çok daha kapsamlı bir değişim uğrağını işaret etmektedir. Bu itibarla, gözlemlediğimiz yorum değişikliği ‘katı laiklikten’ ‘esnek laikliğe’ geçildiği anlamına mı gelmektedir? Yoksa literatürde dinin kamusal görünürlüğü ve etkilerini ifade etmekte kullanılan ve küresel ölçekte gözlemlenen ‘de-sekülerleşme’ sürecinin olağan bir parçası mıdır? Ya da bu değişim Türkiye’de ‘dini’-‘laik’ ikiliğinin aşıldığı bir ‘post-seküler’ toplumun ortaya çıkışının bir nüvesi olarak mı görülmelidir? Her ne kadar tüm bu sorular, mahkemenin yorum değişikliğini anlamak için bir başlangıç noktası olarak ele

alınabilse de, tez, bu soruların ve onların üzerine temellendirildiği kavramsal şemaların stratejik bir ‘devlet’ kurumunda meydana gelen söz konusu değişimi, toplumsal iktidar ilişkileri bağlamında daha kapsamlı bir toplumsal dönüşümün bir uğrağı olarak sorunsallaştırmamıza imkan sağlamadığını iddia etmektedir.

Bu nedenle, tez, laiklik tartışmalarına eleştirel bir teorik çerçeveden yaklaşmayı ve böylelikle, ‘devlet’i ‘toplum’dan ontolojik olarak ayrı bir varlık olarak şeyleştirmeden (*reification*), ‘devlet-sistemi’ içerisinde kritik öneme sahip bir kurum olan mahkemenin laiklik yorumunda meydana gelen değişimi, tarihsel dinamikler içerisinde daha geniş bir toplumsal dönüşümün parçası olarak analiz etmeyi amaçlamaktadır. Bu doğrultuda, mahkemenin 2012 yılından önceki ve 2012 yılından sonraki laiklik yorumları belirli laiklik ‘ideolojileri’ olarak kavramsallaştırılmakta ve 2012 yılında mahkeme tarafından benimsenen ve dolayısıyla ‘devlet’ tarafından kabul edilen yeni laiklik ‘ideolojisi’ Gramsci-ci bir perspektiften incelenmektedir. Çalışma, kısaca şu sorulara temas etmeyi hedeflemektedir: Mahkemenin önceki ve yeni laiklik ‘ideolojileri’ nasıl bir normatif ‘devlet’, ‘toplum’ ve ‘din’ tahayyülü ortaya koymakta ve bunlar arasındaki ilişkiyi nasıl kurgulamaktadır? Yeni laiklik ideolojisi AKP’nin ‘hegemonya projesince’ eklenilen ve yönlendirilen ‘ideolojik-politik’ kerteğe ne şekilde bağlanmaktadır? Yeni laiklik ‘ideolojisi’nin mahkeme tarafından benimsenmesinin bir süreç olan hegemonya ilişkilerinin devamlılığı ve gerçekleştirmek istediği toplumsal dönüşüm bakımından potansiyel sonuçları nasıl değerlendirilebilir?

Bu bağlamda, mahkemenin, 2012 yılı öncesinde ve sonrasında ortaya koyduğu iki farklı yorumu, normatif anlamda ‘devlet’, ‘toplum’ ve ‘din’in ne olması ve bu üç ögenin birbirlerine karşı nasıl bir ilişkisellik içinde bulunmaları gerektiğine dair belirli bir tahayyül ortaya koymalarından yola çıkılarak birer ‘ideoloji’ olarak ele alınmış ve Gramsci-ci bir ‘ideoloji’ kavramsallaştırması üzerinden, laikliğin yeni ideolojisinin hangi biçimlerde AKP’nin ‘hegemonik projesi’nin ‘ideolojik-politik’ kertesine eklenildiğinin tartışılması amaçlanmıştır. Belgelere dayalı araştırma yönteminin uygulandığı bu çalışmada, önceki ve yeni laiklik ‘ideoloji’lerinin ayrıntılarıyla karşılaştırılması ve açıklanmasını sağlamak için mahkemenin, kuruluşundan 2016 Aralık ayına değin, laiklik

ilkesini irdelediği ve tartıştığı tüm kararları resmi internet sitesi üzerinden taranmıştır ve inceleme için 25 karar elde edilmiştir. Metnin devamında da açıklanacağı üzere, mahkemenin, ilk kez laiklik ilkesini tartıştığı 1971 tarihli kararda açıkça benimsediği laiklik ideolojisine 2008 yılına kadar bağlı kaldığı ve bu yıllar arasında önceki ideolojinin varsayımları doğrultusunda hüküm verdiği görülmüştür (1971 ve 2008 yılları arasında verilen kararlar için bkz. Tablo 3). 2008 yılı ile 2012 yılı arasında, mahkemenin önüne laiklik ilkesini tartışabileceği herhangi bir dava gelmiş olmadığı için, bu tarihler arasında laiklik ile ilişkilendirilebilecek bir karara imza atmamıştır. 2012 yılında ise ana muhalefet partisi CHP'nin başvurusu üzerine 4+4+4 eğitim reformunu tartıştığı kararda yeni laiklik ideolojisini benimsemiş ve 2012 yılından sonraki kararlarında, hüküm kurarken yeni ideolojinin varsayımlarına dayanmıştır (2012- 2016 yılları arasında verilen kararlar için bkz. Tablo 4). Çalışmada, 'devlet' tarafından kabul edilen yeni laiklik ideolojisi mahkeme kararları üzerinden incelenmiş olmakla beraber, 'devlet' düzeyinde gözlemediğimiz bu değişimi 'hegemonik' süreç içerisinde değerlendirebilmek için AKP'nin yükselişini ve iktidarını hegemonya perspektifinden değerlendiren literatürden ve partinin önde gelen isimleri tarafından yapılan bazı açıklamalardan yararlanılmıştır.

Buraya kadar açıklanan sorunsaldan ve yöntemden yola çıkan bu çalışmanın, giriş bölümünü izleyen ikinci bölümünde, Gramsci-ci bir izleğe dayanan eleştirel bir 'ideoloji' incelemesinin olanaklı kıldığı bakış açısını daha iyi anlatabilmek üzere ilk önce sekülerizm (laiklik) ve sekülerleşme (laikleşme) literatürü ile literatürde Türkiye'de uygulanan laiklik hakkındaki temel argümanlar kısaca belirtilmiştir. Bunun ardından, Gramsci'nin 'ideoloji' kavramsallaştırmasının ortaya konulması ve çalışmaya kaynaklık eden kuramsal çerçevenin sunulması amacıyla, özellikle 'ideoloji'- 'hegemonya' ilişkisi, 'hegemonik' süreçte 'devlet'in önemi ve 'ideoloji' ile 'ortak-duyu' arasındaki etkileşim ayrıntılı bir biçimde ele alınmıştır. Aynı zamanda Gramsci (2000)'nin sosyal ve siyasal kuramında önemli yer tutan 'sivil toplum', 'tarihsel-blok', 'rıza'- 'zor', 'etik-devlet' kavramları da 'hegemonya' ve 'ideoloji' ile ilişkileri bağlamında irdelenmiştir. Kısaca değinmek gerekirse, 'zor' kullanımından ziyade toplumsal 'rıza' üretimine dayalı bir otorite biçimini ifade eden ve bir sürekli eklemlenme süreci (*process of articulation*) olan 'hegemonya', 'ekonomik' momentte belirli bir 'sınıf'tan (ya da 'sınıf' fraksiyonundan)

ortaya çıkmakla beraber ‘ideolojik-politik’ kertede ‘rıza’ya dayalı sınıflar-arası bir toplumsal ittifakın kurulabilmesine ve sürdürülebilmesine dayanmaktadır. Temelde eleştirel kuramcı Stuart Hall’un Gramsci okuması üzerinden ilerleyen bu tezde, ‘ideoloji’ler belirli ‘ekonomik’ çıkarların yansıması ve bağlı sınıfların kendi ‘ekonomik’ pozisyonlarını idrak etmelerini engelleyen düşünce ve pratik sistemlerini değil, farklı sınıf kesimlerini ortak bir siyasi mücadele etrafında birleştiren ve kendi ‘rıza’ları ile ‘hegemonik’ sürece eklemlenmelerini sağlayan bir zemin (*terrain*) olarak kavramsallaştırılmıştır. Gramsci’nin perspektifinde, ‘devlet’ ve ‘sivil toplum’ ontolojik olarak değil analitik olarak birbirinden ayrılmıştır. Her ne kadar ‘hegemonik’ bir oluşum ‘parti’ aracılığı ile ‘sivil toplum’da ortaya çıksa da, ‘devlet’in kontrol altına alınmasının ‘hegemonik’ süreç için kritik bir moment olmayı sürdürdüğü vurgulanmıştır. Böylelikle, toplumsal ‘rıza’nın üretilmesi noktasında yaşanan krizlerde ‘zor’ kullanımı devreye girebilecek ve ‘ideoloji’ sorunsalı açısından daha da önemlisi ‘etik-devlet’in oluşumu ile birlikte ‘devlet’ aygıtları da kitlelerin belirli bir kültürel ve ahlaki formasyon doğrultusunda yönlendirilebilmesi ve eğitilebilmesi için hegemonik süreçler dahilinde kullanılabilir. Gramsci’nin kuramı ile ilgili olarak üzerinde durulması gereken son nokta, ‘ideoloji’ler ile ‘ortak-duyu’ arasındaki etkileşimdir. ‘Ortak-duyu’ daha geniş bir kategori olan ‘kültür’ün tarihsel olarak sorgulanmayan ve verili olarak kabul edilen unsurlarından oluşmaktadır. ‘İdeoloji’ler ise, ‘toplumsal-olan’a içkin olan ‘ortak-duyu’lardan filizlenerek farklı toplumsal kesimleri bir siyasi proje etrafında kenetlemek ve birleştirmekle kalmamakta, aynı zamanda ‘ortak-duyu’ olarak tanımlanan alanı etkileyerek, ‘toplumsal-olan’ın verili kabul edilen bir bileşeni haline dönüşme amacını taşımaktadırlar. Dolayısıyla, Hall (1979, 1988)’ın deyimiyle, ‘otoriter popülist’ momentte, ‘hegemonik proje’ hem ‘sivil toplum’ (aşağıdan) hem de ‘devlet’ (yukarıdan) koordineli bir şekilde işleyen bir otorite ve yönetim biçimi haline gelmektedir.

Çalışmanın ikinci bölümünde, kuramsal çerçeve ortaya konulduktan ve ‘ideoloji’ kavramsallaştırması irdelendikten sonra, bu perspektif üzerinden yeni laiklik ‘ideolojisinin’ nasıl düşünülebileceği ve ‘devlet’ içerisindeki dönüşümü analiz etmek için eleştirel bir yaklaşımdan nasıl yararlanılabileceği üzerinde durulmuştur. AKP’yi, belirli bir ‘ekonomik’ ve ‘ideolojik-politik’ gündemi bünyesinde barındıran bir ‘hegemonya’

kurma ve icra etme süreci olarak değerlendiren literatürden (Açıkel, 2013; Akça, 2014; Bozkurt, 2013; Bodirsky, 2016; Hoşgör, 2015; Saraçoğlu, 2011; Saraçoğlu ve Yeşilbağ, 2015; Tuğal, 2009a; Uzgel, 2010; Yaşlı, 2014; Yıldırım, 2010) yararlanıldığı vurgulanarak yeni laiklik ‘ideolojisi’nin AKP’nin ‘ideolojik-politik’ projesi içerisinde diğer ‘ideolojik’ öğelerle bağlantılı ve ilişki içerisinde olan bir ‘ideolojik’ bileşen olarak tartışılmasının amaçlandığı belirtilmiştir. Bu bağlamda, her ne kadar liberal paradigma tarafından apolitik ve tarafsız olduğu varsayılsa da, Anayasa Mahkemesi’nin ‘devlet-sistemi’ içerisindeki konumu düşünüldüğünde, mahkemenin belirli bir yorum çerçevesinde ‘devlet’in işleyişine ilişkin bir takım ilkelerin anlamını saptaması ve de bu anlamları sabitlemesi, eleştirel bir perspektiften ‘ideolojik’ bir faaliyet olarak anlamlandırılmış ve yeni laiklik ‘ideolojisinin’ özelde mahkeme, genelde ise ‘devlet’ tarafından benimsenmesinin ‘hegemonik’ süreç içerisindeki rolü ve etkilerinin irdelenmesi amaçlanmıştır. 2010 Anayasa referandumu ile yapısı değiştirilen mahkemede (Bkz. Tablo 1) Cumhurbaşkanı Gül tarafından atanan ya da meclis tarafından AKP’nin çoğunluk oyu ile seçilen hakimlerin mahkemenin genel kurulunda çoğunluğu sağlamanın ardından (Bkz. Tablo 2) laikliğin yeni ‘ideolojisinin’ benimsendiği gözlemlenmiştir. Buradan hareketle, stratejik konumda bulunan ‘devlet’ kurumundaki bu değişiklik, ‘devlet’ ile ‘din’ arasındaki meşru ilişki biçimini belirlediği için ‘devlet’ aygıtının yeni kullanımlarının ‘hegemonya projesine’ nasıl eklemlendiğinin tartışılması hedeflenmiştir.

Tezin üçüncü bölümünde, AKP’yi hegemonya perspektifinden analiz eden literatüre dayanarak ve aynı zamanda AKP hakkındaki diğer çalışmalardan da faydalanarak, 2001 ekonomik krizinin ardından AKP’nin belirli bir burjuva fraksiyonu ile geniş toplumsal kesimlerin rızasını üreterek, onları ‘ideolojik-politik’ düzlemde birleştiren ve yaygın bir toplumsal ittifakı mümkün kılan bir ‘hegemonya projesi’ olarak ortaya çıkışı; iktidara geldiği ilk dönem ile son seçim dönemi arasındaki süre boyunca ‘ideolojik-politik’ çerçeve içerisindeki vurguların değişimi ve partinin hegemonya kurma stratejilerindeki farklılaşma anlatılmıştır. AKP, kendisinin Siyasal İslam geleneğinden farklı olduğunu vurgulamak için kullandığı ve ‘muhafazakar demokrasi’ sloganı adı altında sunduğu eklektik bir ‘ideolojik-politik’ çerçeve ile 2001 öncesindeki toplumsal ve siyasal krizlere

bir çözüm umudu yaratırken, bir yandan da neoliberal yapısal reformlara bağlılığı ile art arda yaşanan ekonomik krizlere yönelik bir yanıt ortaya koymuştur. Bu bakımdan, AKP'nin 'muhafazakar demokrasi' başlığı altında birleştirdiği 'ideolojik' ögeler ile nüfuz edebildiği siyasal krizlerden biri de, özellikle üniversite öğrencilerine uygulanan başörtüsü yasakları, siyasi parti kapatmaları ve 28 Şubat süreci ile birlikte giderek daha da fazla tartışmalı hale gelen ve 'Kemalist' devlet elitleri ile özdeşleştirilen laiklik yorumu ile devletin 'zor' kullanımı ile hayata geçirilen laiklik pratikleri olduğunun altı çizilmiştir. AKP'nin 'muhafazakar demokrasi' sloganıyla tanımladığı 'ideolojik' şemaya baktığımızda bir yandan 'demokratikleşme' vurgusu ve 'AB-yanlısı' bir söylemle 'liberal hakları' sahiplenmiş; öte yandan, iktidarının ilk yıllarında açık dini vurgulardan kaçınsa da, muhafazakarlık, İslamcılık ve milliyetçiliğin özgün bir biçiminden oluşan içerik ile 'ideolojik-politik' çerçevesini çizmiştir (Saraçoğlu, 2011). Bu 'ideolojik' bileşenler üzerinden, siyasi mücadele kurgusunu ise 'devlet' aygıtlarını elinde tutan 'Kemalist' elitler ve dışlanan- ezilen 'millet'/ 'toplum', 'demokrasi'/ 'milli irade' ve 'vesayet' gibi antagonizmalar üzerinden inşa etmiştir (Akça, 2014).

Siyaset sahnesine çıktığı ilk yıldan itibaren, AKP'nin muhafazakâr popülizminin, 'ideolojik-politik' kertede, özellikle MÜSİAD tarafından temsil edilen burjuva fraksiyonu ile 'ideolojik' eklemlenme süreçleri ile farklı sınıfsal pozisyonlara sahip "sessiz Müslüman çoğunluğu" (Taşkın, 2008) bir araya getirdiği bir toplumsal ittifak oluşturduğu ifade edilmiştir (Saraçoğlu ve Yeşilbağ, 2015). AKP iktidarının ilk yıllarında, 'post-Kemalist' paradigmanın etkisiyle (Aytürk, 2016), AKP'yi 'Kemalist' vesayeti ortadan kaldıracak ve Türkiye'nin demokrasi sorunlarına çözüm üretebilecek tek aktör olarak gören 'liberal entelektüellerin' de AKP'nin toplumsal ittifakının içerisinde yer aldıkları ve bu desteğin, partinin, kendini 'meşru' bir aktör olarak sunabilmesindeki rolü irdelenmiştir. 'Sivil toplum'da üretilen 'rıza'ya dayalı bir 'hegemonik' oluşum olarak ortaya çıkan AKP, özellikle ikinci iktidar dönemini izleyen süreçte 'devlet' kurumlarındaki etkisini de pekiştirmiş ve böylelikle 'hegemonik' yönetme biçimi 'rıza' ve 'zor'un farklı modalitelerde kullanılması ile ilerleyen ve devamlılık sağlayan bir şekle bürünmüştür. Bu noktada, 2010 Anayasa referandumu neticesinde, Anayasa Mahkemesi ve HSYK (Hakimler ve Savcılar Yüksek Kurulu) gibi kurumlarda, dolayısıyla yargı erki

içinde partinin giderek daha da etkin hale geldiği ve yargısal kurumlar da dahil olmak üzere, ‘devlet’in de ‘hegemonik’ süreç ve stratejilere dahil edildiği vurgulanmıştır (Saraçoğlu ve Yeşilbağ, 2015). ‘Sivil toplum’ kurumları ve ‘devlet’ aygıtlarının eşzamanlı bir biçimde eklenme süreçlerine dahil edildiği, Hall (1979; 1988)’ın deyimiyle ‘otoriter popülist’ momentte, ‘hegemonik’ projenin, sürekli bir yeniden üretime ihtiyacı olduğu da vurgulanarak özellikle 2010 sonrasında ‘ideolojik-politik’ çerçeve içerisindeki vurguların nasıl değiştiği de aktarılmaya çalışılmıştır. Bu dönemde, parti liberal entelektüellerin desteğini yitirmiş, ‘muhafazakar demokrasi’ şemsiyesi altında birleştirilen ‘liberal haklar’ ve muhafazakar öğeler yerini ‘Yeni Türkiye’ adı altında sunulan ve doğrudan ‘İslam’ üzerinden içeriklendirilen bir milliyetçiliğe bırakmıştır. ‘İdeolojik-politik’ kerte Sünni- Müslüman milliyetçilik üzerinden kurgulanan ‘Yeni Türkiye’ siyasetinde bir yandan ‘din’ içerikli öğeler üzerinden konsolide edilen toplumsal ittifakın ‘rıza’sı aktif tutulmuş, öte yandan, ‘din’ temelli bir milli kimlik tahayyülünün devletın tüm ‘zor’ ve ‘ideolojik’ araçlarının kullanımı ile inşa edilmesi amaçlanmıştır (Aktoprak, 2016).

Peki, laikliğin yeni ‘ideolojisi’, ‘devlet’ aygıtının bir parçası haline gelmeden önce, AKP’nin hegemonya projesinin ‘ideolojik-politik’ kertesinde nasıl bir rol oynamıştır? Çalışmanın üçüncü bölümünün devamında, AKP’nin ‘ideolojik-politik’ eklenme süreçlerinin ve hegemonya stratejilerinin bir panoraması sunulduktan sonra, baskıcı- otoriter olarak nitelenen ve ‘Kemalist’ olarak kodlanan laiklik uygulamalarına karşı, partinin, ‘ideolojik’ düzlemde nasıl bir alternatif laiklik ‘ideolojisi’ oluşturduğu ve bu yeni laiklik ‘ideolojisinin’ toplumsal ‘rıza’nın üretilmesindeki rolü tartışılmıştır. Tezin ilgili bölümünde ifade edildiği gibi, eklektik ‘muhafazakar demokrasi’ kurgusu ile uyumlu bir şekilde AKP (2002), ilk seçim döneminden önce yayınladığı Demokratikleşme ve Kalkınma Programı’nda “dini insanlığın en önemli kurumlarından biri” olarak kabul etmiş, laikliği ise “din ve vicdan hürriyetinin teminatı” olarak tanımlamıştır. Bu doğrultuda, 1980ler ve 1990lar boyunca Siyasal İslamcı partilerden farklı olarak, AKP bir ‘ilke’ olarak laikliği tümünden reddetmemiş, aksine farklı bir anlamla yeniden tanımlayarak, “laiklik nedir?” sorusunu ‘ideolojik’ düzlemde bir mücadele alanı haline getirmeyi başarmıştır. Diğer bir ifade ile, laikliği ‘din ve vicdan hürriyeti’

ekseninde yeniden tanımlayan ve böylece başörtüsü sorunu başta olmak üzere tartışmalı laiklik pratiklerini gündemine alan AKP, ‘ideolojik-politik’ kertede bir yandan ‘Kemalist’ laiklik tarafından dışlandığını düşünen “sessiz Müslüman çoğunluğu” temsil ettiği mücadelenin bir parçası kılabilmiş, bir yandan da “özgürlük” vurgusu ile ‘liberal entelektüellerin’ desteğini kazanabilmiştir. 2007-2008 yıllarında yaşanan siyasi krizler* üzerinden AKP, yeni laiklik ‘ideolojisini’ dolaşıma sokarak bir yandan ‘devlet’ tarafından kabul edilen ‘laiklik’ tanımını eleştirebilmiş, öte yandan ‘dışlanan-ezilen’ ‘millet’ ve ‘Kemalist’ devlet (ile devlet elitleri) antagonizması üzerine kurguladığı ‘ideolojik-politik’ mücadeleyi yeniden üretebilmiştir. “Dindar” ama “laikliğe bağlı” olduğu vurgulanan Abdullah Gül’ün cumhurbaşkanlığı adaylığı ve seçimi sırasında partinin önde gelen figürlerinin açıklamalarından da görülebileceği üzere, AKP yeni laiklik ‘ideolojisi’ dolayısıyla bir yandan toplumsal ittifakını sağlamlaştırmış, öte yandan ‘millet’i ve ‘millet’in değerlerini dışlayan ‘Kemalist’ laikliği bir mücadele alanı olarak hegemonya sürecinin ‘ideolojik-politik’ kertesine eklemleyebilmiştir.

Yeni laiklik ‘ideolojisinin’ stratejik bir ‘devlet’ kurumu olarak kavramsallaştırılan Anayasa Mahkemesi tarafından sahiplenilmesinden önce ‘ideolojik-politik’ kertedeki rolünün irdelenmesinin ardından, çalışmanın dördüncü bölümünde, mahkemenin 2012 yılından önceki ve yeni laiklik ‘ideolojileri’ analiz edilmiştir. Mahkemenin laikliğin anlamını ve içeriğini tartıştığı tüm kararları üzerinden yapılan incelemede, laikliği tanımlamada kullanılan farklı normatif ‘devlet’, ‘toplum’ ve ‘din’ tahayyüllerini somutlaştıran ‘söylemsel dizgeler’ çözümlenerek, önceki ve yeni laiklik ‘ideolojileri’ ortaya konulmuştur. Çalışmada belirtildiği gibi, mahkeme 1971-2008 yılları arasında verdiği kararlarda istikrarlı bir biçimde önceki laiklik ‘ideolojisi’ olarak tanımladığımız (literatürde ‘Kemalist’ laiklik ideolojisi olarak anılan) belirli bir bakış açısına bağlı kalmış ve kararlarını bu doğrultuda vermiştir (Bkz. Tablo 3). Önceki laiklik ‘ideolojisinde’ laiklik Türk Devriminin ve Atatürk ilkelerinin ayrılmaz bir parçası olarak nitelenmiş ve

* Üniversite öğrencilerine başörtüsü serbestisi sağlamak amacıyla yapılan Anayasa değişikliğinin Anayasa Mahkemesi tarafından iptali, AKP’nin “dindar” cumhurbaşkanı olarak kamuoyuna tanıttığı Abdullah Gül’ün aday olduğu cumhurbaşkanlığı seçimlerinin Anayasa Mahkemesi’nin “367 kararı” ile geçersiz kılınması, 27 Nisan “e-muhtırası” ve Yargıtay Cumhuriyet Başsavcılığı tarafından AKP’nin laikliğe aykırı eylemlerin odağı haline geldiği iddiasıyla partinin kapatılması istemiyle iddianame düzenlenmesi.

‘devlet’ laikliđi korumakla yükümlü kılınmıştır. ‘Devlet’in laikliđi korumakla görevlendirilmesi, esasen laikliđin bir ‘kamu düzeni’ meselesi olarak görülmesini ve kamu düzeninin koruyucusu sıfatıyla ‘devlet’in ‘din ve vicdan özgürlüğünün’ bireysel boyutunu mutlak bir biçimde koruma altına alırken, toplumsal boyutunu belirli durumlarda sınırlandırmasını meşru kılmıştır. Benzer bir şekilde, zorunlu din dersleri ve Diyanet’in varlığı ‘devlet’in laikliğe ve kamu düzenine aykırı olmayan ‘dođru din’i öğretme görevi bağlamında meşrulaştırılmıştır. Önceki laiklik ‘ideolojisinde’, ‘din’ ise bireysel ve toplumsal olmak üzere iki boyuta bölünebilir bir ‘şey’ olarak tahayyül edilmiş ve modern bir toplumda ‘din’in olması gereken yerin ‘kutsal’ ‘bireysel vicdan’ olduğu vurgulanarak, ‘din’in ‘toplumsal’ ve ‘siyasal’ meselelerin bir bileşeni haline gelmesinin laik devlette mümkün olmadığı sonucuna varılmıştır. Son olarak, laiklik aynı zamanda bir ‘yaşam felsefesi’ addedilerek ‘toplum’un bir niteliđi olarak düşünölmüş, aklın ve bilimin egemen olduğu laik bir toplumda ‘din’in bireysel-manevi bir disiplin meselesi olması gerektiğinin altı çizilmiştir. Bu dođrultuda, önceki laiklik ‘ideolojisi’, mahkemenin verdiđi hükümlerde cisimleşmiş*, ‘din ve vicdan özgürlüğünün’ sınırlarını çizmiş ve ‘devlet’in ‘din’e yönelik hangi müdahalelerinin meşru olduğunu belirlemiştir.

Yukarıda da ifade edildiđi gibi, 2012 yılında mahkeme, önceki laiklik yorumundan vazgeçerek, farklı bir ‘devlet’, ‘toplum’ ve ‘din’ tahayyülü üzerine kurulu yeni bir laiklik ‘ideolojisi’ benimsemiş ve bu tarihten sonra verdiđi tüm kararlarda tutarlı bir biçimde yeni laiklik ‘ideolojisi’nin varsayımlarını tekrarlamıştır. (Bkz. Tablo 4) Yeni laiklik ‘ideolojisi’nde, laikliđin anlamı ‘din ve vicdan özgürlüğünün’ güvencesi olarak sabitlenmiş ve laikliđin ‘devlet’e ait bir nitelik olduğunun üzerinde durulmuştur. Bu dođrultuda, ‘devlet’, hem ‘din ve vicdan özgürlüğüne’ müdahale etmekten kaçınmak hem de vatandaşların ‘din ve vicdan özgürlüğü’nü yaşayabilmesi için pozitif anlamda gerekli toplumsal ortamı ve ‘dini hizmetleri’ sağlamakla yükümlü kılınmıştır. Önceki laiklik

* Tezde ayrıntılı biçimde değerlendirildiđi üzere, ‘Kemalist’ laiklik olarak anılan laiklik uygulamalarının birçođu Anayasa Mahkemesi önünde de tartışılmıştır. Önceki laiklik ‘ideolojisi’ tarafından öngörölen ‘devlet’, ‘toplum’ ve ‘din’ tahayyülü üzerinden ‘din’ ile ‘devlet’ arasında olması gereken ilişkiyi belirleyen mahkeme, örneğın başörtüsü yasaklarını ve resmi nikah olmaksızın dini nikah yapanlara uygulanan cezai yaptırımını ‘din ve vicdan hürriyeti’nin ihlali olarak görmemiştir. Benzer şekilde, mahkemenin, önceki laiklik ‘ideolojisi’, siyasi parti kapatma davalarında ‘laikliğe aykırı’ eylemlerin tanımlanması ve siyasi partilere uygulanacak yaptırımın belirlenmesinde etkili olmuştur. (Bkz. Tablo 3)

‘ideolojisinden’ farklı olarak, yeni ‘ideolojide’, ‘devlet’in resmi bir dine sahip olmamakla beraber, vatandaşlarının ‘dini’ ihtiyaçlarına karşı kayıtsız kalamayacağı vurgulanmış, bu nedenle, zorunlu din dersleri ve Diyanet’in faaliyetleri ‘din ve vicdan özgürlüğü’nün yaşanabilmesi için ‘devlet’in sağladığı ‘hizmet’ler olarak nitelenmiştir. Önceki ‘ideolojide’ bireysel-manevi ve toplumsal olarak birbirinden ayrılabilir iki veçhesi olduğu düşünülen ‘din’ ise, yeni ideoloji tarafından inanç ve ibadet boyutları birbirinden ayrılamayan bir bütün olarak tasavvur edilmiş, aynı zamanda ‘toplumsallığın’ ayrılmaz bir parçası olarak dikkate alınmıştır. ‘Din’e yüklenen toplumsal değere paralel olarak, yeni ‘ideolojideki’ ‘toplum’ tahayyülü de önceki ‘ideolojiden’ farklılaşmış, ‘toplum’ bir ‘kimlikler’ bütünü olarak tanımlanmış ve bu bağlamda, ‘din’, bireysel ve toplumsal kimliğin (ve kimlikler tarafından içeriklendirilen özneliliğin) ayrılmaz bir parçası olarak tanınmıştır. Laikliği yeni ‘ideoloji’ üzerinden yorumlayan ve anlamlandıran mahkemenin, bu yoruma dayanarak verdiği hükümler de değişmiştir. Bu itibarla, önceki dönemden farklı olarak, başörtüsü ve dini inanç sebebiyle giyilen kıyafetlere yasak getirilmesi ile resmi nikah olmaksızın dini nikah kıyanların cezalandırılmaları ‘din ve vicdan özgürlüğünün’ ihlali olarak değerlendirilmiş, kanunla İslami içerikli seçmeli derslerin düzenlenmesi laikliğe aykırı görülmemiş- aksine ‘din ve vicdan özgürlüğü’nün bir gereği olarak kabul edilmiş- ve azınlık dinine mensup olanlar rahatsız olsa dahi ezan ritüelinin çoğunluğun ‘din ve vicdan özgürlüğü’nün dokunulamaz bir parçası olarak korunması gerektiği vurgulanmıştır.

Mahkemenin önceki ve sonraki laiklik ‘ideoloji’lerinin analiz edilmesinin ardından, tezin beşinci bölümünde, yeni laiklik ‘ideolojisi’nin mahkeme tarafından benimsenmesinin AKP’nin hegemonya projesinin ‘ideolojik-politik’ uğrağı bakımından potansiyel etkileri ve önemi tartışılmıştır. Çalışmanın ilgili kısmında belirtildiği gibi, yeni laiklik ‘ideolojisi’nin ‘devlet-sistemi’ içerisindeki stratejik bir kurum olan Anayasa Mahkemesi tarafından benimsenmesi, ‘devlet’in kabul ettiği laiklik yorumunun da değişmesi anlamına gelmiş ve bu durum da ‘devlet’ ile ‘din’ arasındaki ‘meşru’ ilişkinin yeni laiklik ‘ideolojisi’ düzleminde yeniden tanımlanmasını getirmiştir. Söz konusu değişim, bu çalışmanın sorunsalı açısından, salt ‘devlet’e içkin laiklik fikrinin değişmesinden öte, ‘devlet’ aygıtlarının ‘hegemonik’ süreç içerisinde farklı modalitelerde kullanımını

mümkün kılması bakımından da önemlidir. Bu bakımdan, yeni laiklik ‘ideolojisinin’ hegemonik süreç içerisinde, toplumsal desteğin yeniden üretilmesi ve ‘etik-devlet’ aracılığı ile ‘ortak-duyu’nun dönüştürülmesi çabaları bakımından önemli bir moment olduğu öne sürülmüş, ayrıca, ‘ideolojik-politik’ kertenin yanında, ‘tarihsel-blok’un bütünleştirilmesinde de potansiyel bir rolü olup olmayacağı tartışılmıştır. ‘Yeni Türkiye’ olarak adlandırılan ‘hegemonya projesinin’ ‘ideolojik-politik’ eklenme süreçleri bakımından, ‘devlet’in ‘din ve vicdan özgürlüğü’nün koruyucusu ve destekleyicisi olarak yeniden anlamlandırılması, AKP’nin üniversite öğrencilerine ve kamu görevlerine uygulanan başörtüsü yasağını, daha önceki yıllarda olduğu gibi yargı organları tarafından iptal edilebileceğine yönelik bir endişe taşımadan, kaldırabilmesine olanak sağlamıştır. Başörtüsü yasağının kaldırılmasının ise ‘ideolojik-politik’ kertede, AKP’nin ‘çoğunluğun’, ‘ezilenlerin’- ‘dışlananların’, ‘milletin’ temsilcisi olduğu iddiasını ‘ideolojik’ olarak yeniden üretmesinde ve kitlesel desteğini perçinlemede önemli bir rol oynadığı düşünülmüştür. Aynı şekilde, ‘devlet’e ‘din hizmetlerini’ sağlama yükümlülüğü yüklenmesi ve 4+4+4 eğitim reformunun laikliğe aykırı görülmemesi, 28 Şubat sürecinde kapatılan İmam Hatip ortaokullarının giderek artan sayılarda yeniden açılabilmesini mümkün kıldığı ve partinin İmam Hatip okullarının yaygınlaştırılması üzerinden de kendi toplumsal ittifakı ile kurduğu ‘ideolojik’ bağlılığı sağlamlaştırdığı savunulmuştur.

Çalışmanın beşinci bölümünde, ‘devlet’e içkin hale gelen yeni laiklik ‘ideolojisinin’, kitlesel desteğin sağlamlaştırılmasındaki rolünün yanı sıra, ‘hegemonik’ süreç içerisinde ‘etik-devlet’ aracılığıyla ‘ortak-duyunun’ belirli bir yönde şekillendirilmesine hangi biçimlerde hizmet ettiği de değerlendirilmiştir. Bu bakımdan, ‘devletin’ ‘din hizmetlerinin’ sağlayıcısı olarak yeniden kurgulanması, ‘devlet-sistemi’nin işleyişi içerisinde, AKP’nin ‘devlet’in eğitsel aygıtlarını ‘dini içerikli’ eğitimi yaygınlaştıracak biçimde kullanabilmesini (seçmeli din derslerinin örgün eğitim müfredatına eklenmesi ve İmam Hatip okullarının yaygınlaştırılmasını) ve aynı zamanda Diyanet’in faaliyet repertuarını gündelik hayatın farklı yönlerine nüfuz edecek şekilde genişletebilmesine olanak sağladığı savunulmuştur. Örnelemek gerekirse, bu dönemde Diyanet, İslami içerikli yayın yapan bir televizyon kanalı kurmuş, anaokulu açmış, gündelik hayata ilişkin

evlilik ve cinsellik gibi konularda danışma servisi sunan ücretsiz telefon hattını kullanıma açmış ve başka birçok faaliyetle toplumsal hayatın olağan devimini içerisindeki faaliyetlerini genişletmiştir. Dolayısıyla, tezde, “dindar nesillerin” yetiştirilmesi amacını açıkça ortaya koyan bir ‘hegemonik’ oluşum içerisinde, yeni laiklik ‘ideolojisi’ ile birlikte, ‘etik-devletin’ ve aygıtlarının toplumsal ‘ortak-duyunun’ belirli bir yönde şekillendirilmesi için ‘hegemonik’ sürece dahil edildiği ileri sürülmüştür. Başka bir ifade ile, ‘etik-devletin’ ve aygıtlarının dolayısıyla, gündelik toplumsal pratiklerde ve deneyimlerde, ‘dinsel-olan’ın alanı genişletilerek, ‘din’in toplumsallığın önemli bir vechesi olduğu önkabulüne dayalı ve toplumsal ahlakın Sünni-İslam üzerinden içeriklendirildiği ‘ortak-duyunun’ inşasına yönelik ‘hegemonik’ süreçlere eklenildiği düşünülmüştür. Ayrıca, ‘hegemonik’ sürecin ‘ideolojik-politik’ kertesine odaklanan analizin ve değerlendirmenin doğrudan bir sonucu olmamakla birlikte, ‘din’in neoliberal ‘ekonomik’ yapının üretilmesi ve sürdürülmesi süreçlerinde nasıl bir rol oynadığına ışık tutulmuş ve bu nedenle, yeni laiklik ‘ideolojisinin’ ‘tarihsel-blok’u içeriden bütünleştiren bir ‘ideolojik’ bileşen olarak da tartışılabileceği ifade edilmiştir.

Özetlemek gerekirse, tez, ‘devlet-sistemi’ içerisindeki stratejik bir kurum olan Anayasa Mahkemesi’nin laiklik yorumundaki değişimi bir ‘ideoloji’* olarak kavramsallaştırmıştır. Gramsci-ci eleştirel perspektiften kuramsal çerçevesini oluşturan bu tez, yeni laiklik ‘ideolojisini’ bir parçası olduğu ‘ideolojik-politik’ eklenme- yeniden üretim süreçleri ekseninde tartışmayı hedeflemiş ve ‘devlet’ içerisindeki bu değişimin toplumsal iktidar ilişkilerinden bağımsız olmadığını, aksine daha kapsamlı toplumsal ve siyasi dönüşümün bir uğrağı olduğunu ortaya koymaya çalışmıştır.*

* Çalışmada belirtildiği gibi, bu tez, yeni laiklik ‘ideolojisinin’ hegemonik eklenme süreçleri içerisindeki yerini sorunsallaştırmış ve tartışmayı hedeflemiştir. Dolayısıyla, Türkiye’de uygulanmakta olan laikliğin ve ‘din ve vicdan özgürlüğünün’ çoğunlukçu bir şekilde yorumlanmasının getirdiği sorunlara kısaca değinilmiştir.

* Türkçe özet bölümünde, tezin sorunsalı ve ana hatları kısaca okuyucuya aktarılmaya çalışılmıştır; fakat, Türkçe özet bölümünün tezin metni dışında bir ‘ek’ olduğunun vurgulanması gerekmektedir. Ayrıca, özet bölümünün niteliği ve kapsamı gereği, analiz ve değerlendirmeler ayrıntılarıyla burada yeniden irdelenememiştir.

APPENDIX 6- TEZ FOTOKOPİSİ İZİN FORMU

ENSTİTÜ

Fen Bilimleri Enstitüsü	<input type="checkbox"/>
Sosyal Bilimler Enstitüsü	<input checked="" type="checkbox"/>
Uygulamalı Matematik Enstitüsü	<input type="checkbox"/>
Enformatik Enstitüsü	<input type="checkbox"/>
Deniz Bilimleri Enstitüsü	<input type="checkbox"/>

YAZARIN

Soyadı : Ercan
Adı : Damla
Bölümü : Sosyoloji

TEZİN ADI (İngilizce) : The New 'Ideology' of Secularism in Turkey: A
Critical Inquiry

TEZİN TÜRÜ : Yüksek Lisans Doktora

1. Tezimin tamamından kaynak gösterilmek şartıyla fotokopi alınabilir.
2. Tezimin içindekiler sayfası, özet, indeks sayfalarından ve/veya bir bölümünden kaynak gösterilmek şartıyla fotokopi alınabilir.
3. Tezimden bir (1) yıl süreyle fotokopi alınmaz.

TEZİN KÜTÜPHANEYE TESLİM TARİHİ: