

THE CONCEPT OF A SECULAR STATE IN THE POLITICAL THOUGHT OF THE PRESIDENCY OF MUSTAFA KEMAL ATATÜRK

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Abstract. The concept of the secular state has been discussed in the academic literature for decades. However the term “secularism” is typically employed to denote the French or American conceptualisation of the relationship between state and religious associations, it may also have different connotations. In this context, the main aim of the article is to prove that terms such as “secularism” or “laicisation” do not have a universal meaning, but rather their interpretation depends on the historical and cultural conditions. To this end, the author illustrates the process of creation the concept of secular state in the Republic of Turkey during the presidency of Mustafa Kemal Atatürk. The article posits that the Kemalist concept of the secular state was not only the original one, but it was also the basis of the modern concept of secularism in Turkey.

Keywords: secularism; laicism; Turkey; secular state.

INTRODUCTION

Specification of mutual relations of the state and religious associations is one of the most difficult tasks placed before modern legislators. Cultural limitations and binding standards of rights of individuals force them to search for new solutions that balance between historical models and challenges set by an externally diversified society. The common presence of this subject matter makes it an attractive comparative law subject, because current solutions in other countries may often serve as a valuable model of assessment of national regulations.

Following this line of thought, this study intends to outline the concept of a secular state that was developing in the beginnings of the Turkish Republic, that is during the presidency of its creator – Mustafa Kemal Atatürk. Therefore, it seems reasonable to assume that it was the organizational and political measures in place at that time that were the closest to the model organizational system and, in consequence, most cohesive and consistent.

The entire discussion presented here is built around an assumption that secularism is a culturally determined concept, the content of which depends

not only on current normative solutions but also on historical and social factors. I consistently assume that there is no point looking for one, entirely universal approach to “secularism” as a name for a specific model of the relation between the state and religious associations. This does not mean that certain features of secularism cannot be shared in various countries, but at the same time detailed definitions of this name may differ significantly [Aydın 2007, 12].

Treating the above assumptions as a starting point for a further discussion, I assume that they intend to prove a thesis that – at least in Kemalists’ beliefs – the Turkish take on secularism – also called “laikik” – should not be equaled with the French concept of the secular state because it is a separate and original model of the relation of the state and religion. And although it needs to be recognized that the Turkish concept of secularism was not built in a void, with time it developed independently, ultimately to take on its own shape [Rear 2014, 1]. It is worth noting with extreme caution that the terms laicisation and secularisation will be used as synonyms in this study.

1. FROM TANIZMAT TO KEMALISTS – BORN OF THE IDEA OF TURKISH SECULARISM

The concept of separation of the sphere of the state and religion appeared in the Turkish political thought as early as the beginning of the 19th century, when reforms initiated by Mahmud II and furthered under the Tanzimat started the process of a gradual separation of the realm of the state and religion. Establishment of the secular education system, the core of state control over the property allocated to religious purposes (*waqf*) or changes in the sphere of commercial and criminal law opened up the way to the formulation of a secular apparatus of public administration [Adamczyk 2005, 158; Daver 1988, 31]. An assumption about the need – independent of religion – to categorise residents of the Ottoman Empire as Ottomans, developed in parallel and then confirmed by the 1876 Constitution, allowed a construction of a corpus of officials among persons of various faiths [Burak 2021, 59]. And although religion was still one of the criterion of selection of individuals to self-governing state authorities and the selection of non-Muslim members was often done by millet authorities, the guarantee of representation of other religions, both locally (in administrative councils in *eyalets*, *sanjaks* and *kazas*) and centrally (under the Court Ordinances Council, and later also the parliament) was a significant breakthrough in the organization of the state and its administration [Adamczyk 2013, 27-31]. Indeed, Islam was still the state religion and the sultan himself was referred to as the leader of all Muslims [Daver 1988, 32; Toprak 2005, 28; Potera 2020, 97].

The Young Ottomans was a peculiar response to these reforms; opposing the sultan’s absolutism, they referred to the concept of constitutionalism and

sovereignty of the state. And although its leaders did not formulate the postulate of secularisation of the country, they still assumed certain separation of the sphere of the state and religion, at the same time pointing out that only a universal constitutional regulation may legitimize any authority in Turkey [Berkes 1999, 209]. Criticising reforms of the Tanzimat, due to its omission of the need of separation and social control of the authority, they emphasized cohesion of the promoted idea, including in particular sovereignty of the nation, with Islam's tradition and attachment to the Ottoman dynasty [ibid., 210-11; Adamczyk 2013, 32]. Not rejecting the role of religion in the political life of the state completely, certain authors, such as Namik Kemal, treated the proposal to introduce the western concept of secularism to the empire actually as a grave error [Berkes 1999, 217-18]. Thus, even though in the spirit of the idea of liberalism the Young Ottomans did point to the need of separation of secular authority from religion, they used this postulate rather instrumentally to weaken the absolutism of the sultan's power.

Mehmed Gölkap's arguments were also significant for the budding idea of secularism of the state in the Turkish political thought. Criticising the historical coupling of the institution of the state and religion and emphasizing the process of evolutionary transformations within nations, he postulated that all manifestations of theocracy and clericalism be eliminated from political life. Invoking the purpose of separating the state, religion, Islam and oriental civilization, he pointed to the need of reconciling fundamental Islamic values, western civilisation and Turkish culture as a special guarantee of maintaining full sovereignty of the Turkish nation [Adamczyk 2005, 162]. Thus, accepting the essential role of Islam in modelling Turk's national identity, the author postulated that religion be removed only from the sphere of organization of the state, but not from the conscience and culture of individuals.

Treating these comments as a starting point for the postulate of secularism of the state formulated by Mustafa Kemal Atatürk, it needs to be noted that it did not have a broad philosophical and legal basis and although it did on occasion appear in political discussions, it was not an independent value there but rather a means to achieve other goals [Daver 1988, 29]. Neither was it a manifestation of society's objection against privileges of the clergy, since a division into secular and clerical individuals is, in essence, alien to non-Shia Islam [Adamczyk 2005, 151]. This is why Atatürk's reform may be read not only as an example of institutionalisation of bottom-up social movements, but as an attempt to reform social ideals in line with the vision of the state shared by the then political elites [Rear 2014, 4; Aydın 2007, 14]. Even though the postulate of secularism of the state formulated at the same time was one of separate pillars of Kamilism, one must but admit that how it was understood was in essence determined by the implementation of other social, political and organizational goals.

First of all, secularisation of community life was an instrument of building national identity. While the identity of the Ottoman Empire was developed through the prism of religion followed by its residents, the new Turkish state needed to find its own values that would bring its nation together [Toprak 2005, 28; Turan 2015, 53]. One cannot disregard the fact that the population of the emerging Republic was multi-ethnic and diversified religion-wise, which undoubtedly also made it difficult to build a community. Thus, corresponding with Kamalism's principle of "one language, one culture, one ideal" [Potera 2020, 99-100], the postulate of secularism made it easier to unify the Turkish society and also to replace religious sentiments with nationalistic ones [Mohd and Ibrahim 2023, 92]. In effect, secularisation was a mechanism to model a new take on the nation, that, importantly, had to be markedly different from the Islamic vision of society characteristic to the Ottoman Empire, still formally in place in the beginnings of the Republic.

Secondly, the postulate of secularism of the state may be read as an element of democratisation of the state and society. It was assumed that democracy may develop only within a system of a secular state whose society will develop not so much in the spirit of a specific religion, but in the spirit of directions of science [Aydin 2007, 16]. It was believed that like in the west, where secularisation proceeded through the development of certain social ideas and values as well as institutions, in the emerging Republic identical reforms may also be made in the opposite direction, that is modernisation and democratisation of society by secularisation [ibid., 15]. One cannot disregard the fact that it was Islam that was in fact the political thought that restricted the development of the idea of liberalism, democracy and autonomy of an individual by forcing a certain shape of the organization of the state and its society. In this light, the postulate of secularisation of the state was, therefore, a form of social engineering serving to modernise not only the state but also the way of thinking of its residents who, rejecting religious fanaticism, will oppose seeing Islam as the main political category [Mohd and Ibrahim 2023, 104; Adamczyk 2005, 168; Daver 1988, 29]. It was believed that rejection of religious conservatism and allowing a universal reflection on Quran translated into the Turkish language will also open up Islam itself to progress and modernity and will also restrict its political force [Şükrü Hanioglu 2012, 43].

The awareness of the described goals of secularisation lends itself at the same time to drawing an interesting perspective of the assessment of many of its detailed instruments. It may be puzzling to what extent the reforms covering, inter alia, exchanging the Arabic alphabet with the Latin script or dissolution of religious schools, were the consequence of the idea of secularisation and to what extent they served other pillars of Kemilism or momentary political goals. Streamlining the education system and giving it a secular nature may be not only a consequence of the postulate of secularisation, but also

a tool of unification of society and values it adhered to, formulated around state-promoted nationalistic and republican ideas [Aydin 2007, 14; Mohd and Ibrahim 2023, 90]. The same was true about the alphabet reform. Even though it certainly limited accessibility to many elements of religious tradition, it did undoubtedly also serve to build Turkish national identity and to limit its associations with the culture of the Ottoman Empire. Even the assessment of the abolition of the caliphate does not seem entirely clear. While, undeniably, it was associated with the adopted concept of the secular state, one cannot disregard its motives that included both consolidation of Kemalists' authority and building Turkish national identity [Adamczyk 2013, 94-95].

The same doubts also appear when assessing the Diyanet. Even though apolitical in assumption, it cannot be attributed such a character where it answered directly to the Chancellery of the Prime Minister and members of its board were appointed by a secular president [Cinar 2006, 88]. And while it was supposed to hold technical functions organizing the society's religious life – filling the lacunae left after the Ottoman Ministry of Religion, in practice its role was not confined to just that. It had the power to appoint religious officials and to manage places of worship. Thus, the Diyanet's role focused primarily on controlling interpretation of religion in line with the state's interest in order to integrate and protect society against the influence of fanatical religious movements often recognized as sects [Mohd and Ibrahim 2023, 99; Wasilewski and Zemła 2021, 438; Yildirim 2017, 209]. Representing in parallel solely Sunni Islam, the activity of Diyanet contributed to building Turkish national identity in line with the dominant faith [Burak 2021, 63]. And even though the Diyanet's activity did not mean complete resignation from the postulate of surrogacy of religion with secular values, the activity of Kemalists concentrated then most of all on derogation of its thought, values and symbols from public life [Mohd and Ibrahim 2023, 95; Cinar 2006, 86; Toprak 2005, 31].

Therefore, in this light, Kemalists' reforms were not so much about separation of the sacred from the profane, but about gradual limitation of the impact of religion on the Turkish society. Atatürk's secularism did not only intend to separate the state from the religion, but also to free society from Islam's rigid framework to create a new sphere of freedom of individuals [Daver 198, 36]. These reforms aimed to create such conditions that would allow individuals to freely satisfy their spiritual needs without being enslaved by its religious dogmas and set rituals [Adamczyk 2005, 169]. This may also be used to explain an array of reforms that included, i.a., an order to use the Turkish language for religious purposes, prohibition of wearing a head covering in public places, introduction of the Gregorian calendar, giving women the right to inherit and to divorce, establishing Sunday as a day off in place of Friday, traditional to Islam, legalisation of alcoholic beverages, prohibition of using

non-military titles and decorations or conditioning the teaching of religion in public schools on prior written consent from parents [Szkudlarek 2014, 53-54; Cinar 2006, 89; Toprak 2005, 32; Daver 1988, 32; Adamczyk 2013, 166-67]. Many of those, at the same time, also had important symbolic functions. For example, reception of the Gregorian calendar that relied on the division of time into before and after the birth of Christ, was also a conformation of legal acceptance of religious diversity [Şükrü Hanioglu, 2012, 44].

The idea of secularism promoted by Kamalists was also reflected at the level of constitutional norms. And although initially the 1924 Constitution identified Islam as the state's religion, this provision was repealed by amendments of 10 April 1928. This manoeuvre corresponded with the Act on treason adopted in 1920, which forbade the use of religion for political purposes [Adamczyk 2005, 168]. However, resignation from invocation to God in the oath taken by the president and deputies and also upholding the constitutional provision on the freedom of religion and defining nation as all citizens irrespective of their faith, the 1924 constitution did not prejudge a binding model of the state-religion relationship. Despite that, the very fact of resigning from Islam as an official state religion could have been understood not only as rejection of the model of a confessional state, but also as confirmation of the rightness of the secular direction of statutory reforms. This exegesis was confirmed in the 5 February 1937 amendment that expressly named secularity among the pillars of Turkey's political system. However, it needs to be noted that though secularism in the light of the amendment was a principle of the system of the state as early as in the amendment, the constitution, not laying down directly the principle of separation of the state and religion, still did not rule out the former's control over religious associations.

2. CONCLUSIONS – MAIN FEATURES OF TURKISH SECULARISM AT THE ORIGIN

This discussion, albeit now mostly of a historical value, helps imagine the starting point of the Turkish concept of a secular state. Still, it is not irrelevant. Despite not being formally in force, it may still provide an important model for interpretation of the general concept of laikik. This conclusion is confirmed in the case law of the ECtHR, which directly invoked the historical justification of secularity as a foundation to delegatize the Welfare Party in its judgment of 31 July 2001. A parallel discussion also encourages formulation of a few more detailed comments and opinions.

First of all, the Turkish model of a secular state assumes not so much a complete separation of the state and religion, but isolation of religion from the realm of the state. Giving the state legitimization to interpret religious questions, this model excludes state's complete passivity in religious matters

and its organizational separation from the realm of religion. Therefore, allowing instrumental treatment of secularism by the state, this approach allows, at least to a certain degree, the use of religion in the interest of the state. Thus, it is in opposition to the fundamental principle of French secularism that assumes, i.a., absence of state's competence in religious matters [Borecki 2016, 9]. Admissibility of instrumental treatment of secularism encourages a question of whether the current changes in how it is understood result from an attempt to re-define its goals rather than from rejecting it entirely. The fact that Kemalists did not leave a clear definition of secularisation means that it may be understood differently depending on the circumstances, beliefs of political elites or particular interests and advantages [Bulaç 2015, 11].

Second of all, it needs to be noted that although one of the goals of secularisation involved an increase of the sphere of freedom of individuals, a number of its reforms were anti-democratic and anti-equality. By disallowing head covering in the public sphere, the Kemalists in fact made it impossible for religious women to undertake employment in public institutions or to hold functions in exposed posts [Szkudlarek 2014, 56]. Similarly, seeing the army in the categories of a guarantor of secularism, it excluded a number of individuals who were faithful to religious instructions (even if in their private life) from high-level military positions. Thus, an unequivocally positive assessment of these reforms does not seem possible. Related doubts may be seen even today. It is shown in, for example, the decisions of the Turkish Constitutional Court, which sometimes allows restriction of freedom of religious manifestations due to the secular nature of the state and the related protection of rights and freedoms of other persons. However, in other judgements, it held that restrictions on wearing religious head covering by public officials to manifest their religious beliefs violates the principles of democracy and pluralistic secularism.

Thirdly, it needs to be emphasized that even though one may indeed find the seeds of the idea of secularism in the philosophical and legal thought of the Ottoman times, the concept of a secular state was in fact imposed top-down in the majority of society. And while it was to affect mostly the public sphere, due to the difficulty in precise separation of the private and public sphere, it also stepped into questions of individuals' personal beliefs [Mohd and Ibrahim 2023, 103]. Therefore, adopting the form of active secularism, it became not only a model of organization of the state, but also of the private life of individuals [Sevinc, Hood, and Coolman 2017, 16]. Secularism – in the Kemalists' approach – intended to privatise faith that it saw as a personal relation of an individual with God and which did not need mediation of clerics. As pointed out by one of the representatives of those requesting constitutional amendments in 1937, “[...] we want to ensure that religion is not effective in charge in state affairs. This is our framework and limit for

laicism. We want religion to stay in the conscience and houses of worship” [Bulaç 2015, 22]. Now, on the other hand, secularisation is seen primarily in categories of religious freedom understood not only as applying to private life of individuals, but also as the possibility to express one’s religious beliefs in the public sphere [Szymański 2015, 28]. Thus, one may wonder whether Turkish secularisation today is an evolution of the Kemalists’ original thought or whether it is a new, separate legal category.

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