

Articulating & Aggregating Sectarian Interests: Struggle for Alevi Religious Education in Turkey and Germany

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Abstract :

This paper focuses on the role of religious identity movements in shaping the debates and policies on religious education in Turkey and Germany over the analysis of the two states' responses to the particular denominational demands (i.e. Alevi demands) for religious education (RE). Alevis are chosen as the principle focus of this research as they constitute the largest non-Sunni religious community in Turkey and an active migrant community in Germany. By focusing on the actors and the strategies of Alevi interest politics in both countries in the last decade, the paper discusses how the changing political opportunity structures and the heterogeneous and fragmented collective identity of the Alevis shape the aggregation of their shared interests in the field of RE policy-making.

The first part of the paper predominantly problematizes the standards (or lack thereof) in the field of right to RE, and discusses to what extent the content and scope of the RE in both countries reflect regional frameworks on religious rights and freedoms. The second part focuses on how different opportunity structures determine the impact of Alevi advocacy networks' activities in the absence of clear international and regional standards on religious education. This section seeks to shed light on the following sub-questions: What are the demand(s) of the Alevi community in the field of RE? To what extent the Alevi organized interests were successful in influencing RE policy-making? What impact did the new education system introduced in 2012 have on the inclusion of the demands/interests of the Alevi community in Turkey? To what extent the German case can be considered as a successful inclusion experience? If it is successful, can it act as a model for Turkey to amend religious education to reflect more religious freedoms? The analysis relies on document analysis and interviews conducted as part of the 2014-2015 Mercator-IPC project '*The Europeanization of Religious Education in Turkey and in Germany: The Case of Alevi Religious Education*,' as well as on the findings of the fieldwork conducted in Istanbul and Ankara between August 2012 and May 2013.

Introduction

Bitter debates on the religious needs of the non-dominant religious communities of Europe dominated the public and political agenda since the late 1990s.¹ In response to increasing religious diversity in the region the Council of Europe (CoE) and more recently, the European Union began putting more emphasis on education as a tool to ensure integration while guarantying rights and liberties. Even though European states uphold the right to religious freedom, the responses chosen to meet the challenges of accommodating the demands of the non-dominant religious communities have varied greatly. While new policies and practices are introduced to facilitate better integration and promote a 'culture of living together,' such initiatives for the most part institutionalize existing cultural and religious differences, and foster new exclusionary mechanisms.

Among those non-dominant communities, the paper focuses on the experiences of the Alevi community. The Alevis are the largest non-Sunni religious community in Turkey, and a significant migrant community in Germany. The community is not a homogenous group either historically or culturally. There are Turkish, Kurdish and Arab Alevi communities that are

¹ See Timothy A. Byrnes and Peter J. Katzenstein, eds. *Religion in an Expanding Europe* (Cambridge: Cambridge University Press, 2006).

geographically dispersed throughout Anatolia, as well as Germany. Even though the rites, practices, and languages of these groups vary, they share common religious traits – i.e. they do not follow the orthodox Sunni practices of Islam (such as fasting during the Ramadan, praying in the mosques, and making the pilgrimage to Mecca). Due to such differences, the community faced public and political discrimination in the Turkish context since the days of the Ottoman Empire. Consequently, the relationship between the Alevis and the state has traditionally been marked with distrust and occasionally with violent conflicts.²

While the Alevis and the state have a strained relationship in Turkey, it is much favorable in Germany. Unlike their experiences in the home country, the community has more venues/mediums to organize their interests in the public sphere and communicate their needs and demands to the decision-makers. The more the Alevis communicate their interests to the system through the system in their host country, the more they are perceived as the “good (integrated) migrants”. Particularly, the organizations established by Alevi immigrants³ in Germany played a vital role in the integration of the Alevi community into German social, political and economic structures and processes. These groups helped the Alevi immigrants to adapt to their host country by both cushioning the impact of a culture shock and by mediating between the German institutions and the Alevi immigrant community. Particularly, they played a crucial role in the process for gaining the *Körperschaften des Öffentlichen Rechts* [KÖR]⁴ status for the Alevi community.

More significantly, these interest groups were and continue to be an ally for the Alevi organizations in Turkey that cannot access political decision making processes in the country. The alliances formed between the domestic and transnational Alevi organizations are also vital for leverage politics.⁵ Rights policies of most states either have emerged or have transformed as a response to the pressure from networks of organizations and interest groups. In the case of Alevi-state relations the Alevi transnational networks generate such pressure. Additionally, through their activities targeting intergovernmental organizations, the domestic and transnational Alevi interest groups seek to set the public agenda, and mobilize support for change.

² A number of events stimulated emergence of a narrative of victimhood since the Ottoman era: (i) extermination of large portions of the Alevi community during the reign of Selim I, (ii) the *fetvas* by the Şeyhülislam Ebussuud between 1537 and 1548 that paved the way for mass killings of Alevis during the Süleyman I period, (iii) the *Hamidian* campaign to unify all Muslim subjects under a single religious identity, (iv) the violent clashes with Kurdish Alevi tribes between 1936 and 1938 in Dersim, (v) the traumatic attacks of right-wing radicals in Malatya, Sivas, and Kahramanmaraş in 1978 and in Çorum in 1980, (vi) the violent attacks by the Islamists in Sivas in 1993, (vii) the clashes between the Kurdish left-wing Alevi activists and police forces in Gazi district in 1994, etc. See Irene Melikoff, İlber Ortaylı and Hakan Yavuz, eds. *Tarihi ve Kültürel Boyutlarıyla Türkiye’de Aleviler, Bektaşiler, Nusayriler*, (Istanbul: Esar Neşriyat, 1999); Selim Deringil, *The Well-Protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire 1876-1909*, (London & New York: I.B. Tauris, 1998).

³ For the purpose of this research, the term “immigrant” is employed to identify all foreign born persons regardless of their citizenship status.

⁴ Can be roughly translated as “corporations under public law”; KÖR status in Germany refers to the recognition of religious organizations/community bodies as public corporations. KÖR status grants autonomy from the state. Once officially recognized, religious corporations are entitled to offer instructions in the schools, receiving funding (i.e. public tithe), have a say in (public) cultural affairs etc. See Walter Krebs, “Verwaltungsorganisation” in *Handbuch des Staatsrecht der Bundesrepublik Deutschland*, Volume 5, eds. Josef Isensee and Public Kirchhof, 457-520 (Berlin, C.F. Müller, 2007); and Bappenheim Stefano Testa, *Die Haftpflicht und die Religiösen Institute in Deutschland*, (Berlin: LIT VERLAG, 2006), 31-2 & 34.

⁵ Avcı, and Çarkoğlu “Taking Stock of the Dynamics that Shape EU Reforms in Turkey,” 126

The paper focuses on the legal changes on the issue of religious education and question the success of the Alevi interest groups in shaping policy-outcomes in both Germany and Turkey. It argues that the scope of the Alevi advocacy networks' impact varied in the two countries, providing two outcomes for analysis. In Germany, starting in the early 2000s, the issue of the right to Alevi religious education has become a matter of integration, leading to the German Alevi interest groups to retain the right to give religious instructions at public schools in various *Länder*. In Turkey, while the activities of domestic and transnational Alevi interest groups on the content of RE were effective in putting pressures on the Turkish government, the subsequent changes did not lead to favorable policy outcomes for the Alevi community.

How to study articulation and aggregation of the Alevi interests?

How does the Alevi community interact with the political system? How do they achieve meaningful and continuous representation in the political sphere? How do Alevis react to the system through the system? Once the question of inclusion is formulated through questions like these, then understanding of the dynamics of participation and representation becomes a necessity. However, conducting individual level large-N studies on the Alevi community for generalizable results is difficult.⁶ Because census data collected in Turkey is blind to religious affiliation there is no data on the exact size of the Alevi population in Turkey; most numbers offered in the literature are projections ranging from 10 per cent to 30 per cent of the country's total population. Even though the highly contested results by KONDA⁷ were to be taken as the starting point for determining an Alevi population universe for research, the problem of identification continues to place setbacks for the research question at hand. Since the extent of the Alevi population cannot be identified, valid and reliable data on party affiliation or the voting preferences of the Alevi electorate cannot be provided. Despite a growing number of researchers conducted surveys on Alevis in the last decade, respondent bias and sampling continues to be a problem. In most works identifying what Alevi is not (i.e. non-Sunni) is much easier than what it is.

Additionally, once the focus is shifted to formal mechanisms of representation and executive-legislative relations, designing a study targeting the relationship between the Alevi representatives and the Alevi electorate is equally challenging. For one, not all MPs of Alevi origin identify themselves as such publicly. As a further issue, there is a tendency both in the media and in the literature to label Alevis as supporters of certain ideologies and parties; Alevis have been identified with either Kemalism and support for CHP, or socialism and partisan support for left-wing parties, but given their heterogeneity, it is unlikely that they vote as a bloc.⁸ What is more, the absence of a successful Alevi-oriented party combined with the legacies of

⁶ Ali Çarkoğlu, "Political Preferences of the Turkish Electorate: Reflections of an Alevi-Sunni Cleavage" *Turkish Studies* 6, no. 2 (2005): 273.

⁷ According to the research by KONDA the number of people that publicly identify themselves as Alevis approximately is 5 million (4 million 587 thousand) See "'Aleviyim' diyenlerin sayısı 4.5 milyon," *Milliyet*, March 21, 2007.

⁸ Ayşe Güneş-Ayata and Sencer Ayata "Ethnic and Religious Bases of Voting" in *Politics, Parties and Elections*, eds. Sabri Sayarı and Yılmaz Esmer, 146-7, (Boulder and London: Lynne Rienner Publishers, 2002); David Shankland, *The Alevis in Turkey: The emergence of a secular Islamic tradition*, (London: Routledge Curzon, 2003), 10-1.

Alevi-Bektashi contribution to nation-building in Turkey⁹ further encourages this view. However the Alevi community is very fragmented; some groups have ties with Islamic revivalism and Kurdish nationalism. Moreover, despite the correlation between cities with a stronger Alevi presence and the districts in which CHP and other center-left (or leftist) parties win election, there is no sufficient data to establish a causal mechanism, making it safe to assume that the alliance between the CHP and Alevis is not a matter of constant partisanship.¹⁰ Additionally, since the 1960s there have been attempts to establish 'Alevi' parties, namely Union Party of Turkey [TBP - *Türkiye Birlik Partisi*] further indicating that there is no strong tie between the Alevis and any of the existing political parties.

Following those constraints, the focus shifts from individuals to groups and interests, and the question of by whom and how the interests of the Alevis as an underrepresented social group are represented and communicated. The right-claims of the group are related to the politics of group representation. Various Alevi civil society actors facilitated the communication and representation of collective interests outside the formal political spheres and hence shaped the debate on Alevi rights. I argue that Alevi interest groups organized in the form of associations [*dernekler*] foundations [*vakıflar*] and federations [*federasyonlar*] play a vital role in diagnosing the needs and problems of the community, framing the issue areas and proposing solutions.

My analysis is based on several resources:

- the contemporary political science literature on minority rights regimes, political representation, transnational networks and interest group politics,
- semi-structured elite interviews conducted with representatives of Alevi interest groups in Germany and Turkey (August 2012-February 2013 & January-June 2015)
- field research and observation in Istanbul, Ankara and Hacı Bektaş, Nevşehir (August 2012- February 2013),
- the publications and documents put out by the Alevi groups in Turkey and Germany,
- reports concerning the Alevi issue published in Turkish and German newspapers and weekly political magazines (1960-2012),
- the European Commission's progress reports on Turkey (2002-2012)
- proceedings of the Alevi issue on the Turkish Grand National Assembly [TBMM – *Türkiye Büyük Millet Meclisi*],
- reports concerning the Alevi issue published by German governmental organizations.

Advocating for Policy Change: In Search for a Theoretical Framework

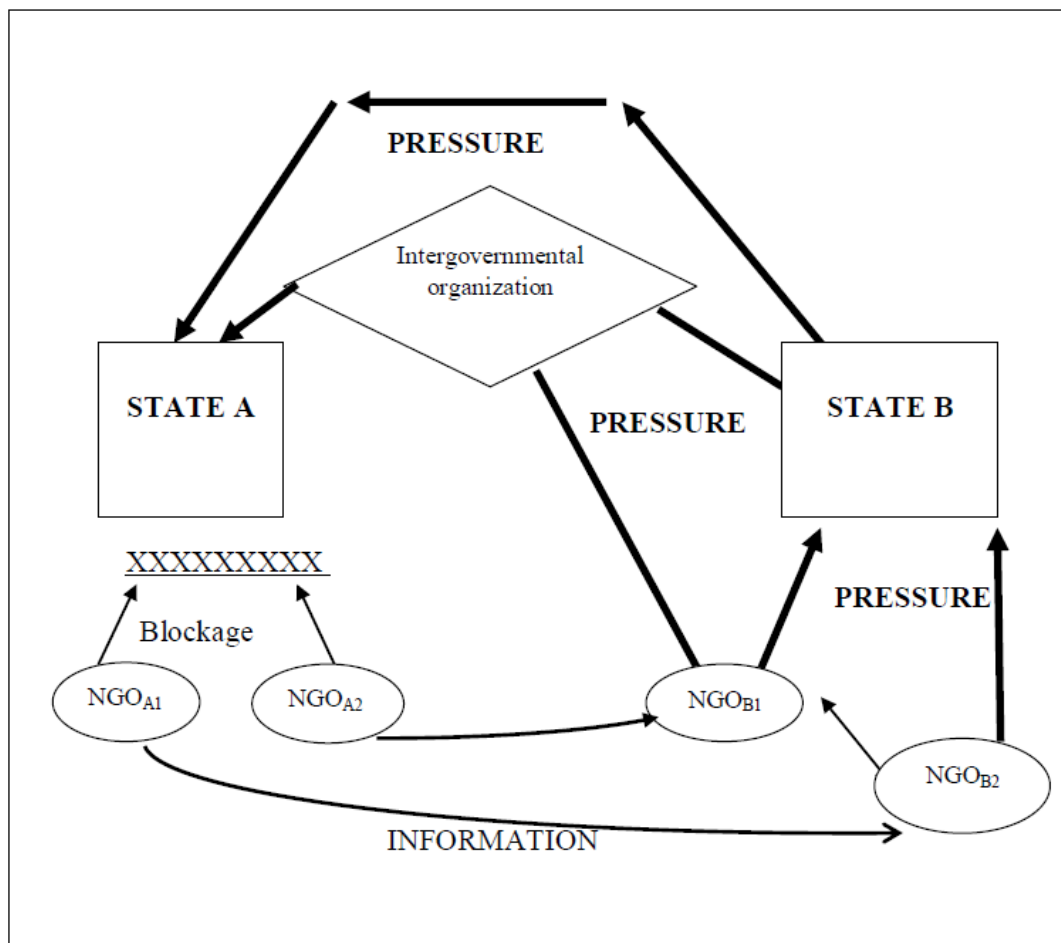
Public policymaking remained a sphere dominated by state actors until the emergence of civil rights movements of the 1960s that reshaped the domain of politics – by giving civil society actors more opportunities to influence decision making processes and the outcomes. It evolved once again by the turn of the last millennium as 'governance' became more fragmented, and the notion of 'public' exceeded the national boundaries. The actors and conditions of policymaking continue to transform due to political, economic and social changes.

⁹ See Hamit Bozarslan, "Alevism and the Myths of Research: The Need for a New Research Agenda," in *Turkey's Alevi Enigma: A Comprehensive Overview*, eds. J. White Paul, and Joost Jongerden, 3-15, (Leiden: Brill Academic Publishers, 2003).

¹⁰ Both True Path Party (DP – *Doğru Yol Partisi*) in the 1950s and Motherland Party (ANAP – *Anavatan Partisi*) in the 1980s received electoral support of the community. See Harald Schüller, *Türkiye'de Sosyal Demokrasi: Particilik, Hemşerilik, Alevilik*, (Istanbul: İletişim Yayınları, 1999), 162-71.

In understanding social movement's impact on policy-making, transnational advocacy networks (TANs) provide a useful tool. TANs make new resources available to the domestic opposition by establishing ties among domestic and transnational actors, and create new channels for such groups to access to the international system so that they can pressure the states to change target domestic policies. These are powerful tools for pressuring states to make policy changes. As Keck and Sikkink argue that "a network's existence and its decision to focus on abuses in a particular country is a necessary but not sufficient condition for changing...practices."¹¹ Even though the pressure of TANs has its costs, it does not guarantee substantial improvement of policies and institutional arrangements. Effectiveness of TANs depends on the domestic (and transnational) opportunity structures and characteristics of the actors. By combining "pressure from below" with "pressure from above," TANs create what Keck and Sikkink label as *boomerang pattern*, where domestic groups that are excluded from the political processes find allies to put pressure on the target state (Figure 1).

Figure 1 Boomerang pattern



Source: Keck and Sikkink, *Activists Beyond Borders*, 13

¹¹ Ibid., 117.

In the case of the minorities, TANS are also significant in ethnic or religious boundary-making and maintenance. Through the exchange of (i) knowledge on the present status of the minority group, (ii) information on events and policies challenging the status of the minority, and (iii) symbols of cultural, ethnic and/or religious identity, TANS can shape the boundaries between minority group in question and its 'other' (Figure 2). Information exchange enables networks to call attention to the issues (or create the issues) that would otherwise not be heard.¹² Through emphasizing norms of individual rights and/or collective rights, TANS can try to aggregate support for domestic movements demanding institutional and policy changes at home. In other words, the interaction between the minority interest groups in the country of origin and in the country of destination influence the framing of in-group and out-group identities, and the way in which issue areas are diagnosed and prognosed.

Yet, as Thomas Risse-Kappen put forward, the ability of transnational actors to promote norms and influence state policy is dependent on domestic structures understood in terms of state-societal relations.¹³ In a very oppressive state in which information flow is restricted, the emergence of TANS is an unlikely event: TANS can emerge only if the target state has some level of inclusiveness. In states where information flows can be established between domestic and transnational actors, TANS engage in several tactics to influence and transform the policies and institutions of the state. Through their activities in the transnational space, such as meetings, seminars, and protests, TANS attract attention to the issue areas they mobilize around, for instance information politics. This first stage of influence, which can be called agenda-setting, involves intense competition with other interest groups for the limited attention spans of the media and the public.¹⁴ By providing facts and testimonies on issues, or identifying symbols to attract greater attention, networks try to secure a place in the public agenda long enough to attract the attention of policy-makers, at which point TANS seek to transform the position of the states and/or international organizations on the issue. As a further tactic, TANS seek leverage with which to change targeted policies and institutions by either "shaming" the target state for its violations, or reminding the potential 'ally' states or organizations in the international arena of their position and experiences on the issue area.¹⁵

Whatever tactic is adopted, empirical evidence indicates that *all else being equal, the likelihood of the TANS to gain greater leverage on the target states increases if the demands of the networks can be incorporated into the existing international discourses.*¹⁶ In other words, the TANS' effectiveness in changing policy-outcomes depends on the framing of the issues by activists and interest groups. Additionally, the characteristics of the actors and the target state's level of vulnerability constitute the second dimension of a successful outcome for the TANS, such that, *all else being equal, the more vulnerable the target state is to external pressures, the higher the likelihood for policy change.*

¹² Keck and Sikkink, *Activists Beyond Borders*, 18

¹³ Thomas Risse-Kappen: "Bringing Transnational Relations Back In: Introduction," in *Bringing Transnational Relations Back In: Non-State Actors, Domestic Structures and International Institutions*, ed., Thomas Risse-Kappen, 3-33, (Cambridge: Cambridge University Press, 1995).

¹⁴ *Ibid.*, 22.

¹⁵ Keck, and Sikkink, *Activists Beyond Borders*, 19-20.

¹⁶ See Patrice C. McMahon, "Between Delight and Despair: The Effects of Transnational Women's Networks in the Balkans," in *Human rights and diversity: Area studies revisited*, eds. David P. Forsythe, and Patrice C. McMahon, 111-36 (n.p.: University of Nebraska Press, 2003); Jens Lerche, "Transnational Advocacy Networks and Affirmative Action for Dalits in India," *Development and Change* 39, no. 2, (2008): 239-61.

The process of policy change involves several ‘boomerang patters’. Risse and Sikkink transform the ‘boomerang pattern’ into a five-phase ‘spiral model’ focusing on the strategies of both target states and TANS. Following the establishment of the transnational advocacy networks in the first stage, TANS working at the domestic and international levels publicize the atrocities committed by the target state. The reports, testimonies, and symbol created in this early stage later serve as evidence to pressure key stakeholders (such as states, international organizations) via ‘shaming’ schemes against the norm-violating state.¹⁷ In the second stage, target states resist the pressures from the key stakeholders and refuse to acknowledge the legitimacy of the claims.

The more the TANS expand and increase their activity spans, the more the target states “adopt cosmetic changes to pacify the international criticisms.”¹⁸ At this stage, a target state will try to improve its international reputation through gestures and initiatives reaching out to the domestic opposition. Even though these cosmetic changes do not create policy changes, they can provide new opportunity structures for the domestic opposition to mobilize and communicate their interests. If the TANS can keep their issues in the international and domestic agendas and put enough pressure on the target state, then they can transform the target state perception on the legitimacy of the norms on the targeted issues. While recognition of the norms on an issue does not guarantee rule-adoption on that particular issue, it can lay the foundation for the institutionalization and internalization of the desired norms.

However, this model does not provide much insight on the dynamics of the relationship between the domestic and international organizations. While the motives of the domestic actors to establish contacts with international actors are shown clearly in the model, the motives of the international actors to promote domestic opposition’s claims remain vague. Moreover, on issues involving the violation of individual and collective rights, the lack of access to the processes of the state does not require lack of access to the intergovernmental organizations. Domestic actors can simultaneously both provide information to intergovernmental organizations and also contribute to the generation of external pressure to the target state. In the study of the relationship between the domestic and international minority interest groups, motives can become less of an issue. Despite this, the model still fails to fully explain framing of issues and claims. As a final point, even though this model historically has been used effectively in the fields of human rights, women’s rights and environmental rights, its capacity to explain the diffusion of ambiguous norms and standards (such as collective/minority rights or religious rights norms) poses a problem.

Religious Education in Europe: Is there a Common Policy Framework?

Europe is a region where religion is taught in public schools with the exception of a handful of countries such as France (aside from Alsace-Moselle), and Albania, where public school education is secular. For the majority of the states, RE programs are seen as a medium either for (a) promoting moral values, (b) fostering identity in multi-cultural, multi-religious societies, or (c) enhancing inter-faith dialogue and tolerance for other religions. Despite the vast number of countries providing RE in the region, there is a significant lack of uniformity as there are

¹⁷ Risse, and Sikkink, “socialization of international human rights norms,” 23.

¹⁸ Ibid, 25.

notable intra-state and inter-state differences.¹⁹ The institution(s) organizing the courses, as well as financing, selecting and monitoring the teachers vary significantly.

Even though the domestic laws and practices on organization of RE in Europe vary, European institutions provide a common perspective for the European states in general. Right to religious education is entrenched in the Article 2 of the Protocol 1 of the Council of Europe's (CoE) *European Convention for the Protection of Human Rights and Fundamental Freedoms* (ECHR) (right to education):

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions. (CoE, 1952)

This provision sets the bases for the two fundamental rights: (a) the right to be exempted from the courses on RE, and (b) the right to establish private schools with a confessional or denominational orientation. As the courts in the European states continue to be flooded with cases about the role of religion in education in the last two decades, this provision – combined with the Article 9 (on freedom of thought, conscience and religion) and Article 14 (on discrimination) of ECHR – provides a guideline to understand and evaluate the scope of the obligations of the states.

However how these guidelines are integrated to the policies of a given country is a domestic issue. We observe that practices and policies in the field of RE are shaped by the relationship between religion and politics of the country, as well as its institutional structure and political culture. While in some countries RE continues to be compulsory, in others it remains optional. Additionally, where education policies are centrally planned, persistence of strong state-church relations paves the way for the RE to favor a particular denomination as in Southern Europe (namely Spain,²⁰ Italy & Greece). In the absence of a strong religious institution/community to act as a societal veto player in policy-making processes, the RE adopts a non-confessional character, as in most of the Nordic countries, England and Wales.²¹ In Germany, where education is not centrally planned, RE policies become products of federal states [*Länder*]. Even though each *Länder's* education policies differ from one another, religious authorities, administrative units and other relevant representative institutions jointly organize and finance RE at public schools. In Turkey, the RE policies in principle reflect the *sui generis*

¹⁹ It is also important to note here that in addition to variation in policies on religious instruction, states policies differ drastically across Europe on a number of other issues, such as the rights of children, parents as well as teachers for the use of religious symbols and dresses at schools, the problems of worship during school hours, and the status of religious schooling. See Myriam Hunter-Henin. *Law, Religious Freedoms and Education in Europe*. Surrey, Ashgate: 2011; Kath Engebretson, et al. *international Handbook of Inter-Religious Education*. London; New York: Springer, 2010; Robert Jackson et al. *Religion and education in Europe: Developments, contexts and debates*. Münster: Waxmann, 2007.

²⁰ Even though there are attempts to improve the quality of education in Spain in recent years – i.e. the introduction of the controversial Organic Law on the Improvement of the Quality of Education [*Ley Orgánica de Mejora de la Calidad Educativa, LOMCE*] in 2013 –, Spain is yet to introduce a policy to undermine the dominance of Catholicism in RE. See J. A. Aunión. "La Iglesia gana la reforma educativa," *El País*, 17.05.2013, available at http://sociedad.elpais.com/sociedad/2013/05/17/actualidad/1368789921_570541.html;

²¹ Robert Jackson and Kevin O'Grady. "Religions and education in England: social plurality, civil religion and religious education pedagogy." In *Religion and education in Europe: developments, contexts and debates: Religious diversity and education in Europe*. Robert Jackson et al. (eds.), 181-202 (Münster: Waxmann, 2007); Geir Skei. "Religion and Education in Norway." In *Religion and Education in Europe*, 221-41.

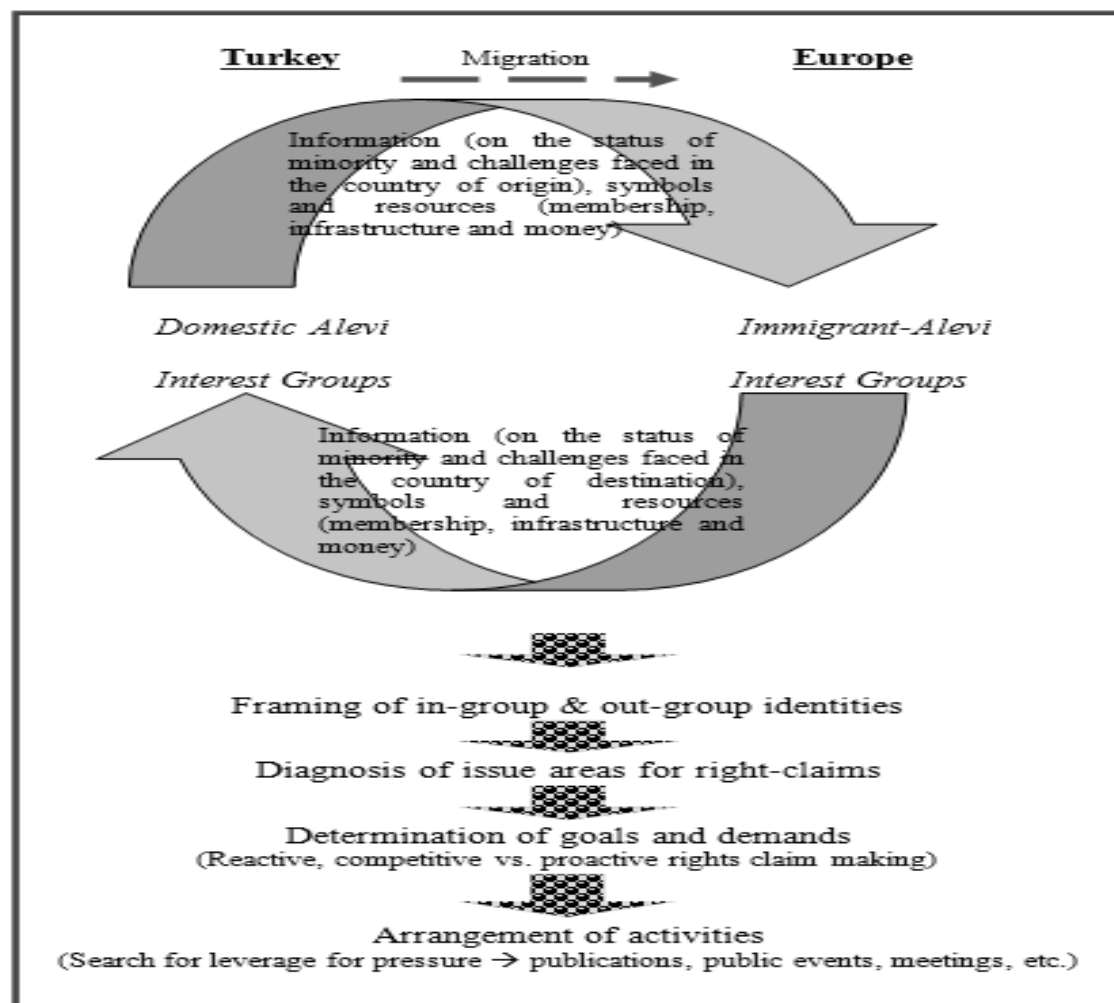
understanding of laicism of the Turkish Republic, which put emphasis on withdrawal of religious influences from the domains of education. Yet, in practice the RE adopts a confessional and denominational characteristic (i.e. Sunni, Hanafi).

Transnational and Domestic Linkages on the Issue of Religious Education

Extant literature on migration and transnational networks has shown that the relationship between migrant sending and receiving countries is not static and linear. International migration paves the way for the establishment of intense and relatively continuous networks between the countries of origin and destination. The complex interplay between the policies and the politics of migration highlights the role of transnational communities and transnational spaces in the materialization of both the immigrant identities and their political demands.

In line with that, migration to Europe (particularly to Germany) began in the 1960s was instrumental in establishment of a lively Alevi associational life in Europe. The exchange of information, revenues and symbols between the domestic and transnational Alevi interest groups was pivotal in standardization of the Alevi demands, i.e. the Alevi declaration, in both realms (See Figure 2).

Figure 2 Relationship between immigrant and domestic Alevi interest groups



The networks were influential because they challenged the rights and citizenship regimes in Turkey at a time when EU accession process was pressuring the Turkish state to comply with the regional and international norms on rights. The ECtHR trial period paved the way for emergence of a number of joint activities between the domestic and transnational Alevi interest groups.

Right to Religious Education: Teaching of Alevism in Germany

The religious instruction in schools is guaranteed by Article 7 of the Basic Law and it is the responsibility of the federal states [*Länder*]. Even though there are slight variations in the organization of religious education between different states in Germany, religious education is treated as “an “ordinary school subject” to be taught in accordance with the principles of the respective religious community.²² While the states provide funding for structural issues (i.e. financing teachers, funding schools), religious communities determine the content and nature of religious education. The rights of the religious communities to decide the training of teachers, and content of the textbooks and the syllabi, are secured in the Basic Law. Article 140 clarifies the rights and duties of the religious communities with corporation of public law [*KÖR – Körperschaft des öffentlichen Rechts*] status.²³

Due to the religious heritage of the country, only the Protestant and Catholic Churches were granted the right and duty to organize the content and scope of religious education in accordance with the values and principles of their denomination. As a result, groups with non-corporate status do not have the right to determine the instruments and content of religious education. The legal framework regulating religious education poses a challenge particularly for Islamic communities.²⁴ Since *KÖR* status requires the religious communities to adopt/have a hierarchical organizational structure, which can negotiate with the state on behalf of the religious community; Islam with no church-like structure lacks the means to fulfill the criteria.²⁵

The provisions about religious education had two significant effects on incorporation of Muslim communities into the education framework of the European states: (i) equality and non-discrimination principles emphasized in the documents strengthen the Muslim individual's right to religious education, and (ii) the role attributed to religious education in integration provide Muslim communities/individuals with new opportunity structures.²⁶ The challenge in the

²² Dan-Paul Jozsa, “Islam and Education in Europe, with special reference to Austria, England, France, Germany and the Netherlands,” in *Religion and Education in Europe: Developments, Contexts and Debates*, eds. Jackson, et al. (Münster: Waxmann, 2007), 75.

²³ Gerdien Jonker “Muslim Emancipation? Germany's Struggle over Religious Pluralism,” in *Religious Freedom and the Neutrality of the State: the Position of Islam in European Union*, eds. Wasif A.R. Shadid, and Pieter Sjoerd van Koningveld, (Leuven: Peeters Publishers, 2011), 39.

²⁴ The 2009 report by the Federal Office for Migrants and Refugees has shown that the Muslims were constituting approximately 5 per cent of the total German population. The expressed percentage of the Muslims ranged from 4,6 per cent to 5,2 per cent. Among these the Alevis account for 13 per cent of the Muslim population; whereas Sunnis constituted the majority (74 per cent). See Sonja Haug, Stephanie Mussig, and Anja Stichs, *Muslimisches Leben in Deutschland: im Auftrag der Deutschen Islam Konferenz*, (n.p.: Bundesamt für Migration und Flüchtlinge Publikation, June 25, 2009).

²⁵ Margrete Søvik, “Islamic Instruction in German Public Schools: The Case of North-Rhine-Westphalia,” in *Islam and Muslims in Germany*, eds. Ala Al-hamarneh, and Jörn Hiellmann, 241-266 (Leiden: Brill, 2008).

²⁶ Matthias Koenig, “Europeanising the Governance of Religious Diversity: An Institutional Account of Muslim Struggles for Public Recognition” *Journal of Ethnic and Migration Studies* 33, no. 6 (2007): 911-32.

German case has been not ‘if’ but ‘how’ the federal states would incorporate religious education of the German Muslim migrant communities.

By the late 1990s, after generations of labor-migrants, asylum seekers and refugees, the population of Germany has become manifold. Starting with the 1998 coalition between SDP and the Greens a lively debate on the organization of German society dominated the political and public debates: “was German society able to consider itself as multicultural society, or was it still to learn how to become of such a society first?”²⁷ In the 2000s, Europeanization of the citizenship and immigration regimes acted as catalysis for transformation of the policies on education. The citizenship reform of 2000 was the first step to transform the old citizenship regime of Germany based on the norms of *ius sanguinis*. The change in the Citizenship Act facilitated an increase in the number of naturalizations. The second important step was the introduction of the 2005 *Law for Managing and Containing Immigration and for the Regulation of the Residence and Integration of EU Citizens and Foreigners*, also known as Immigration Act [*Zuwanderungsgesetz*].²⁸ The most significant outcome of the Immigration Act was the start of integration courses of the new immigrants.²⁹ The new reforms also introduced new opportunity structures for the migrant communities to communicate their interests.

To facilitate the integration of the Muslim immigrants, and enhance the dialogue between the German and non-German residents, education system and policies had to be revised. The increasing demands of the Muslim communities and organizations put further pressures on the federal states. The more the faith-based migrant interest groups spread and organized, the more they sought ways to aggregate their interests to policies. Since the right to control religious education is shaped by the neo-corporatist interest group system of Germany, the policy demands and strategies of each religious group (Sunni, Shiite, or Alevi) involve competitive right-claims. Rosenow-Williams notes that “to facilitate their activities, Islamic umbrella organizations in Germany seek recognition both as official cooperation partners of the German government and as religious communities or corporations of public law (*Körperschaft des öffentlichen Rechts*).”³⁰

Since the late 1990s, the courts played a significant role in institutionalization of both orthodox and heterodox interpretations of Islam in the German states. By the mid-2000s, a number of court cases were communicated on the issue of religious education by the Muslim umbrella organizations. In Berlin, the integration projects were launched under the slogan “Promote diversity; Strengthen Cohesion”, [*Vielfalt fördern; Zusammenhalt stärken*].³¹ The emphasis on diversity made the experience of the Muslim immigrant communities was significantly different than the other German states.

²⁷ Thorsten Knauth, “Religious Education in Germany: a Contribution to Dialogue or Source of Conflict? Historical and Contextual Analysis of the Development since the 1960s,” in *Religion and Education in Europe*, Jackson, et al. 243-66

²⁸ Kerstin Rosenow-Williams, *Organizing Muslims and Integrating Islam in Germany: New Developments in the 21st Century*, (Leiden: Brill, 2012).

²⁹ It is important to note here that the scope of the Act was limited, since it did not involve clauses for the ‘old’ minority groups. The focus of the integration classes were mostly remained on language and “culture” of Germany.

³⁰ Rosenow-Williams, *Organizing Muslims and Integrating Islam*, 55.

³¹ See Abgeordnetenhaus Berlin, “*Vielfalt fördern; Zusammenhalt stärken: Das Berliner Integrationskonzept - Handlungsfelder, Ziele, Leitprojekte*,” printed paper 16/0715, July 3, 2007.

The ruling of the case submitted by the Islamic Federation of Berlin [IFB – *Islamische Föderation in Berlin*] on religious education set the case law on integration of Muslim/Islamic communities into the Berlin's religious education framework.³² Following the example of IFB in March 2002 Culture Center of the Anatolian Alevi [AAKM – *Anadolu Alevileri Kültür Merkezi*]³³ submitted an application, and in April 2002 was granted permission to organize Alevi classes in public primary schools.³⁴ Since the right to teach is intertwined with acquisition of KÖR status, the decision of the Berlin court was significant for recognizing Alevism as a genuine religion. Starting with the 2002-2003 academic year, AAKM became responsible for Alevi religious education in Berlin.³⁵

In North Rhine-Westphalia, the Alevi interest groups followed a different path to acquire right to organize Alevi religious courses. In the neo-corporatist interest group system of Germany, having AABF as a potential dialogue partner and identification of Alevism as a theology separate then Islam in the expert reports contributed the Alevi community's case at the court. Whereas, the heterogeneity of the Sunni and Shiite Muslims, and the absence of a umbrella organization to represent and communicate the interests of the Muslim migrants in Germany generated a significant challenge in acquiring the right to organizing Islamic RE. Consequently, the Federal Court, rejected the demands of the Council of Islam and Central Center of Muslims, granted AABF the right to organize classes. In other words, not only Alevism was legally recognized as a separate entity, but also unlike their Muslim counterparts, the AABF was granted a *de facto* religious corporation status.³⁶

In Hamburg, the Alevi initiatives for religious education followed a different path. The control of the organization of the religious education in public schools was entirely left to the Protestant Church. Since, Catholics had private denominational schools and there were no other 'legally recognized religious communities'³⁷ the Alevi organizations established alliances with the Protestant Church. In the late 1990s, a project by the Protestant Church, aiming to enhance cooperation and dialogue between different religions, enabled introduction of Alevism into the school curriculum. Through the "Round Table for Interfaith Religious Classes" project, Alevism became part of the curriculum first in primary schools in 1998 and then in secondary schools in 2003.³⁸

The most important development that secured the rights of the Alevi community in Hamburg was the signing and ratification of a contract between the Alevi religious community and the Hamburg Senate in August 15, 2012. With this unique contract, the Hamburg senate (i) recognized AABF as the official representative of the Alevi community in Hamburg, (ii)

³² "Allah an der Tafel," *Die Zeit*, June 9, 2004.

³³ The organization is later renamed as Berlin Alevi Society Cem House [*Berlin Alevi Toplumu Cemevi*]

³⁴ Jozsa, *Islam and Education in Europe*, 77.

³⁵ AAKM guidelines for the organization and content of the religion courses state that the students receive separate certificates/reports for the Alevi religious courses. The grades students are given grades, these do not affect whether or not the student passes a grade level. For more information on the subject see Berlin Alevi Toplumu Cemevi, *Berlin İlkokullarında Alevilik Dersleri*, 2001, available at: http://www.alevi.org/images/aru/ARU_Flyer_17112011.pdf?phpMyAdmin=wjZ3oP7TwJyroJWxwR2BcMefub6.

³⁶ Sökefeld, *Struggling for recognition*; Søvik, "Islamic Instruction in German Public Schools"

³⁷ Folkert Doedens, and Wolfram Weisse "Religion underrichten in Hamburg," *Theo-Web. Zeitschrift für Religionspädagogik* 6, no. 1 (2007): 50-67; Folkert Doedens, and Wolfram Weisse, eds. *Religionsunterricht für alle. Hamburger Perspektiven zur Religionsdidaktik* (New York/München/Berlin: Waxmann, 1997), and Knauth, "Religious Education in Germany"

³⁸ Sökefeld, *Struggling for recognition*, 191

recognized Alevism as a separate denomination, and (iii) guaranteed faith-based rights of Alevi. The 11 page document declared the mutual rights and responsibilities of the AABF and the City of Hamburg, and officially integrated Alevism into the RE curriculum. Hüseyin Mat, the current Chair of ABBF highlighted the significance of the document in his speech during the signature ceremony as:

While Alevism and 800 000 Alevi are recognized by our new homeland, the 20 million Alevi residing in Turkey not only lack religious or minority rights, but also assimilated

In Germany our *cem* houses are acknowledged as places of worship and officially recognized; whereas, the Turkish Prime Minister R. Tayyip Erdoğan considers our *cem* houses as monstrosities.

While our religious holidays are recognized in Germany, the state of Republic of Turkey does not recognize any of our holidays or sacred days.³⁹

Contemporary Challenges of Alevi RE in Germany

While legal framework and domestic courts enabled introduction of Alevi RE in Germany, integration policies and initiatives generate challenges for the Alevi community. Despite increasing number of states providing Alevi RE, the future of a denominational RE for Alevism has yet to be secured. Although the community acquired the right to organize RE classes, finding qualified teachers is the major problem. The community need German-speaking, and ministry approved teachers to give the lectures, however their numbers are in short supply. There are only two universities with programs for teachers, i.e. the University of Education Weingarten and Hamburg University, and the latter will have graduates in 6-7 years time.⁴⁰ The current teachers either get their certificates from the education programs organized by the AABF or from the Weingarten University.

What is more, neither the program in Hamburg or in Weingarten is supported/funded by the federal state. Both programs are products of academics and civil society actors' initiatives in their respective states, and funded by the *Länder*. Although in principle in Germany higher education is the responsibility of the *Länder* and universities, the opening of centers in Münster/Osnabrück, Tübingen, Frankfurt/Giessen and Nuremberg-Erlangen through allocation of federal funds⁴¹ generates further problems for the community in collaborating with universities to open Alevism centers, which in turn makes educating potential teachers for Alevi RE at public schools.

A further problem is a product of the general RE policies of Germany. Education in general and RE in particular is not only a basic right, but also a tool to promote intercultural, interreligious dialogue and tolerance. Yet, with the exception of Hamburg, in states with Alevi RE non-Alevi pupils do not have a venue to learn about the community or its theology; hence RE is a very

³⁹ AABF "AABF ile Hamburg Eyaleti arasında imzalanan 'Devlet Anlaşması' Aleviler açısından tarihi bir dönüm noktasıdır," press release November 14, 2012, available at <http://alevi.com/TR/aabf-ile-hamburg-eyaleti-arasinda-imzalanan-%E2%80%9Edevlet-anlasmasi-aleviler-acisindan-tarihi-bir-donum-noktasidir/>

⁴⁰ Interviews with Hüseyin Ağuçınoğlu, program director at the University of Education Weingarten, 06.03.2015, Heidelberg & Handan Aksünger, Alevism chair at the University of Hamburg, 08.04.2015, Hamburg .

⁴¹ Federal Ministry of Education and Research, "Contemporary Integration Policy: Islamic Theology at German Universities" available at <http://www.bmbf.de/en/15619.php>

weak medium to strengthen the ‘culture of living together.’ In Hamburg exception is to a certain extent is tied to the role of Protestant Church in organization of RE. As Hamburg became more and more multicultural, the church responded to the increasing needs of non-Christian communities by organizing interreligious RE, and transforming the Christian RE into RE for all.⁴² As mentioned above, even before the contracts were signed the Islamic and Alevi communities along with the Buddhists and Hindus were included in the meetings for the development of curriculum and the teaching materials.

Despite the challenges, the success of AABF in transformation of the policies on religious education,⁴³ and the increasing recognition of the German Alevis as a unique religious community in different states also had impact on the strategies and content of the right-claims of the domestic Alevi interest groups in Turkey. Since Germany continues to be the pioneer of Alevi RE in Europe, it provides a model in standardization of the Alevi theological knowledge. Additionally, the unique experience of the German Alevi organizations make them valuable allies for the Turkish Alevi organizations in their attempts to lobby at the EU parliament or finding experts/*amicus curiae* in ECtHR court cases.

Religious Education in Turkey: Between Law and Politics

While German education system is highly decentralized, the education in general is centralized in Turkey. The Constitution, laws regulating education and instructions, government programs, development plans and the National Education Councils shape the structure and the content of education in Turkey. However, a brief overview of the history of the RE policies in Turkey shows us that the policies change as the role of religion in Turkish politics transformed. While the RE policies mimic those of France up until the multi-party period, following the 1946 elections RE were (re) introduced as an optional/elective course. By 1949, one hour ‘elective’ course on RE was included into the curricula of the 4th and 5th grades. Though these RE courses became a compulsory subject matter in 1950, students were given opportunity to opt-out. The RE courses were later added to the secondary school program in 1956 and to high schools program in 1967.

In the aftermath of the 1980 coup, the state began to re-emphasize the role of religion and the significance of RE to secure the course of secularism, and to strengthen the bonds among the citizens through ‘correct’ instruction of religion (Islam).⁴⁴ To that end, the new government introduced compulsory courses on religion and morals. The Article 24 of the 1982 Constitution declared that: “education and instruction in religion and ethics shall be conducted under the State supervision and control. Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools.”

⁴² It is important to note here that the Church has been a vocal supporter of introduction of Islamic and Alevi RE not only in Hamburg but also in other states of Germany. The more the funding allocated to RE classes and the necessity of whole RE in public schools put under scrutiny by the secular opposition, the more the introduction of non-Christian RE classes become important as increasing religious diversity in the field of RE guarantees the maintenance of the status quo for the Protestant Church.

⁴³ AABF through various initiatives secured the right to organize Alevi religion courses in 7 states. The total number of students attending to Alevi religion courses is around 1.200 as of 2013. See AABF “Internet Üzerinden Alevilik Dersleri (ARU) için Başvuru Bilgileri,” press release February 25, 2013, available at <http://alevi.com/TR/internet-uzerinden-alevilik-dersleri-aru-icin-basvuru-bilgileri/>

⁴⁴ “Öğrenciler dini uygulamaya zorlanmayacak,” *Milliyet*, 23.03.1982, p. 8; “Ahlak Bilgisi dersinin programı belirlendi,” *Milliyet*, 12.04.1982, p. 3

Since the aim of the law was to control and 'correct' the information flow on Islam for security reasons, the content of the curricula and the textbooks include information only about the Sunni interpretations of Islam with little references to other world religions. Even after the re-transition to democracy, the organization and the content of these courses continued to be biased. As the Article 24 continues to be in effect, the compulsory nature of the course on religion and morals continue to be one of the major concerns for the non-dominant religious communities and secular opposition in Turkey.

The challenges to the RE rights not only come from domestic actors, but also from regional intergovernmental institutions. The more the co-operation and dialogue increase between the Turkish state and the European states and intergovernmental organizations, the more compliance with international human and minority rights norms becomes an issue. Since it is a member of both the OSCE and the CoE, Turkey is expected to comply with the standards framed by these organizations. Additionally, because Turkey is a country that wishes to be a member of the EU, the transfer of the liberal European norms and values on rights reinforced through the EU membership negotiations.⁴⁵

When Turkey ratified the Article 25 of the ECHR, which resulted in the recognition of the right of individual petition to the ECtHR, two months before its formal application to the Union in 1987, the ECtHR applications and decisions became a part of the negotiations between Turkey and the Union. Once the ECHR ratified, the ECtHR began to provide a supranational system of review of the human rights practices in Turkey. In the area of religious freedom, the ECtHR jurisprudence has a pivotal role particularly in protecting the rights of the individuals belonging to ethnic and religious minorities. Both the number and the content of the applications of the Turkish citizens, along with the compliance of the Turkish state to the decisions of the Court are monitored by the European Commission, and included in the annual progress reports. Starting with the *Regular Report on Turkey* in 1998, the EU reports on Turkey assess the situation of minorities, cultural rights, and religious freedoms.

Alevi Struggle for the Right to Religious Education in Turkey

Turkey's membership to CoE provided new opportunity structures for the individuals to communicate violations of their rights in Turkey to European institutions, and seek leverage in transforming domestic practices through cases brought to the ECtHR. The more the domestic administrative courts declined the lawsuits of the Alevi citizens on the issue, the more ECtHR emerged as a new legal opportunity structure to justify the demands of the Alevi community, and put pressure on the Turkish state.

Most frequent cases brought to the attention of the court by the Alevi citizens are on the violations on religious rights and freedoms. The pioneering case on the issue of religious education was the *Hasan and Eylem Zengin vs. Turkey* case, which set the case law. In the

⁴⁵ EU does not include religious rights and freedoms as a part of the accession conditions [*acquis communautaire*]. Nonetheless, the Union is not blind to the issue of religious diversity and the problems of the religious communities in the candidate states. Even though there is no internal standard on collective rights and religious freedoms within the EU, the Union urges the candidates to ratify legally binding international documents on human rights.

lawsuit, Hasan Zengin accused Turkey for violating his parental rights on his daughter's education. The state representatives in their defense highlighted the "unbiased" nature of Turkish education, and claimed that the syllabus "did not take into consideration the vision of members of *mezhep* [a branch of Islam] or *tarikât* [a religious order] represented in the country." After the assessment of the case, ECtHR acknowledged that although 9th grade textbook included some information on Alevi religious figures, the overall content of the textbooks and the curriculum was insufficient to address the demands of Zengin. Additionally, the compulsory nature of the religious education was a further violation point. The ECHR ruled, "The exemption procedure is not an appropriate method and does not provide sufficient protection" since it required citizens to declare their religious affiliation.

The decision was celebrated both by the domestic and transnational Alevi interest groups. Even though the Turkish state did not comply with the ruling, non-compliance shape the course of the public and international debate on Alevi's rights demands. The case also found its way to the EU's challenge on rights regime in Turkey. Starting from 2004 the development and outcomes of the case were used by the commission both to determine the problems, and monitor the particular issues regarding the protection of the rights of the Alevi community. The Commission reports monitored the progress of the case between 2004 and 2007, and continued to bring the non-compliance of the Turkish state to the court judgment.

The Alevi interest groups campaigned during the trial period both to attract the attention of the media to the ECtHR trial and raise consciousness on the issue. The major opposition party, i.e. Republican Peoples Party [*Cumhuriyet Halk Partisi*, CHP] MPs in the Turkish Grand National Assembly [*Türkiye Büyük Millet Meclisi*, TBMM] also monitored the progress of the case. By framing questions on the issue the MPs tried to keep the issue of RE on the agenda. Yet, we have seen that in this early period, the AKP officials did not consider the lawsuit as an issue. In response to Ali Rıza Gülçiçek's questions on RE policies, Hüssein Çelik, the Minister of Education at the time, legitimized the position of the government on the issue as: "in accordance to our state's program for alignment with the *aquis*, our Ministry is organizing education initiatives, and with respect to alignment with the *aquis* there is no problem with the content and structure of the Religious Culture and Ethics Knowledge courses."⁴⁶

In 2005 to put more pressure on Turkish government Alevi Bektashi Federation [*Alevi Bektaşî Federasyonu*, ABF] submitted a petition to EU Parliament including 1 million signatures asking for dissolution of compulsory religion courses in Turkey. The three major federations ABF, Alevi Foundations Federation [*Alevi Vakıflar Federasyonu*, AVF] and Alevi Associations Federation [*Alevi Dernekler Federasyonu*, ADF] also lobbied to include the Alevi demands and issues in the 2005 progress report.

Foundations of another ECtHR lawsuit were laid (*Mansur Yalçın and Others v. Turkey* [application no. 21163/11]) On June 22, 2005, 14 applicants submitted a petition to the Ministry of National Education, demanding a revision in the content of religion education. The applicants demanded revisions in the curriculum in accordance to a consultation with officials of the Alevi faith, and asked Alevi culture and philosophy to be incorporated into the program. The applicants also called for revisions in the training of teachers of religious education. In its response, the Ministry emphasized the "supra-confessional approach" of the curriculum

⁴⁶ TBMM Tutanak Dergisi 50 (94): 500

preparation process and declined the request. Following the response letter of the Ministry, a class-action suit was filed in the same year. After exhausting all domestic options, the case was introduced to ECtHR on February 2, 2011 and communicated on October 26, 2012. Like the *Hasan and Eylem Zengin v. Turkey*⁴⁷ case the Turkish state is accused of violation of the Articles 9 and 14 and Protocol 1 Article 2 of the ECHR.

Even though the Turkish state did not comply with the ruling, non-compliance shaped the course of the public and international debate on rights-demands of the Alevis. The case also found its way to the EU's challenge on rights regime in Turkey. Starting from 2004 the development and outcomes of the case were used by the commission both to determine the problems, and monitor the particular issues regarding the protection of the rights of the Alevi community. The Commission reports monitor the progress of the case between 2004 and 2007, and continue to bring the non-compliance of the Turkish state to the court judgment

Impact of the ECtHR: Demand & Response

In Turkey, the struggle on religious education and the cycles of reforms, resistance and response led to emergence of several boomerang patterns (Figure 3). Increasing pressures from below, external pressures from the EU and the ECtHR, accompanied with increasingly lenient attitude of post-Islamist intellectuals emerged as a catalyst for the incumbent government to officially recognize 'Alevi situation' as a problem in 2007. The constant information flow between the European and the Turkish Alevi interest groups, the trials in ECtHR of the Alevi citizens, the increasing references to Alevi right-claims in the EU accession reports and discussions, along with the increasing awareness of the public and the media about Alevi issues pave the way for significant changes in AKP-Alevi relations. The nomination and election of three Alevi MPs, i.e. Reha Çamuroğlu, İbrahim Yiğit, and Hüseyin Tuğcu, in the 2007 national elections marked the beginning of a series of initiatives and symbolic gestures between the AKP elites and (some) Alevi notables.

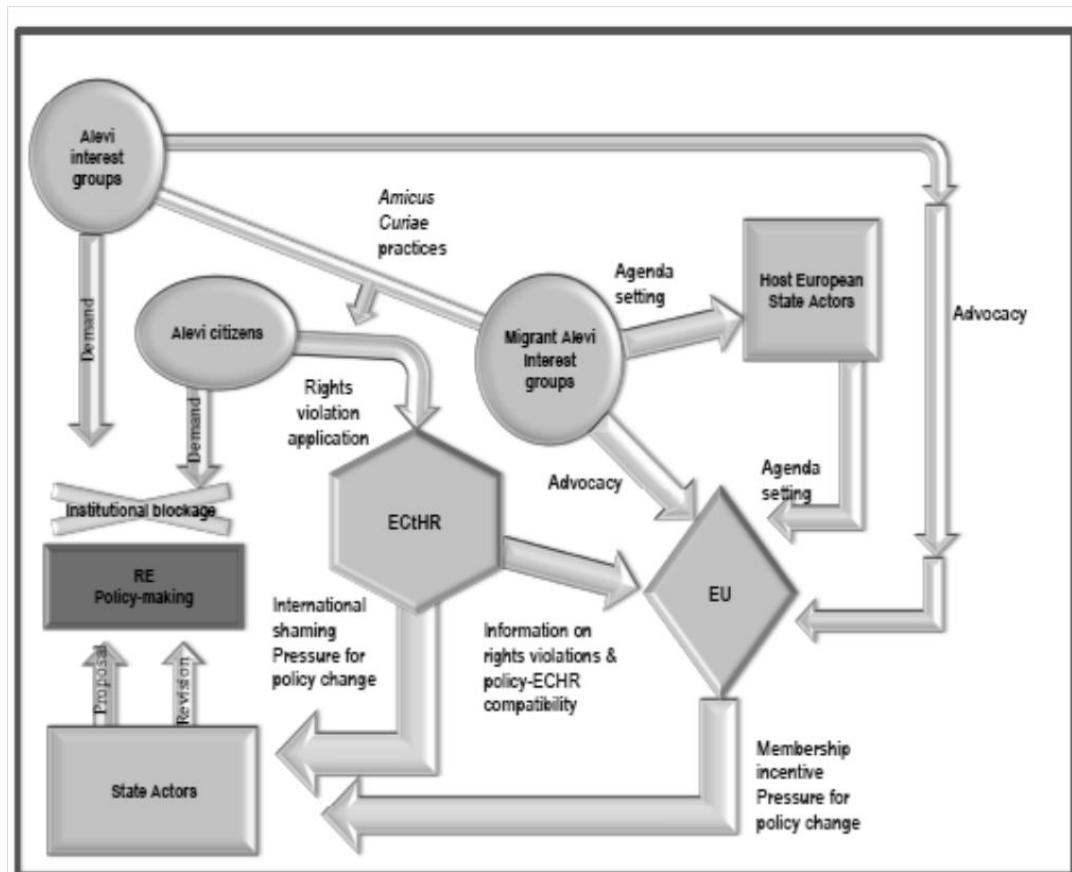
Government promoted organization and maintenance of a dialogue between different state institutions, political parties, bureaucrats and (Alevi and non-Alevi) artists, civil society organizations, interest groups and academics, and organized a number of workshops to discuss the problems of the Alevi community in Turkey between 2009 and 2010. This initiative was significant for showing the diversity of Alevi demands on RE. Even though each Alevi organization emphasized the need for equal citizenship rights in their speeches, the interpretation of the notion of "equality" differed significantly among the Alevi actors. While the groups with competitive rights claims asked transformation in the content of the religious education, the groups with reactive and proactive claims focused on the structure of the religious education in Turkey. In other words, while the former groups has stressed on the principles of non-discrimination, the latter has drawn the attention of the government to the principles of non-assimilation.⁴⁸ The experience of Alevis in Germany particularly shaped the

⁴⁷ The announcement of the judgment of the *Hasan and Eylem Zengin vs. Turkey* case in 2007, led to a change in the way the law was interpreted in the local courts. While some courts continued to refuse to exempt students, others ruled in favor of the applicants.

⁴⁸ The standard categorization of Alevi organization based on the two dimensions of culture vs. religion and left vs. right ideologies is not enough to capture the complexity of relations and policy demands and strategies. The claims laid by Alevis vary in conjunction with (1) the manner of the interaction of the group with the other formal and informal groups especially in the struggle for resources, status or social position, and (2) the way in which the identity of the group is framed. Like Massicard's (2013) adoption of Charles Tilly's (1978) tripartite classification of

debate on reorganization of courses on religion. The participants of the third workshop (August 19, 2009) also tried to propose solutions to the problem. By drawing lessons from the German experience the representatives called for a solution within the existing legal framework. The main discussion revolved around the content of the courses rather than their structure. However, the workshops did not generate a consensus on the issue of Alevi RE.

Figure 3. Alevi and Leverage Politics in Turkish RE Policy-making



In response to the criticisms on the content of religious education textbooks, the Ministry of education prepared new textbooks to be used in the 2011-2012 school year. Starting from the 4th grade books, the new material introduced concept and issues related to Alevi faith. Detailed accounts of Alevism were a subject of the books from 7th to 12th grade. Nonetheless, the chapters on Alevism were placed under the “Sufi interpretations within Islam” section of the books.⁴⁹ While the inclusion of other interpretations of Islam, i.e. Alevism, Caferism, Bektashim,

forms of collective action as proactive, competitive or reactive, I classify and map the Alevi interest groups based on the type of claims they make and their policy strategies. While Massicard used Tilly’s framework to classify the demands generated by Alevi identity movement, the framework presented here takes both the issue area and framed identity into account. See Elise Massicard, *The Alevi in Turkey and Europe: Identity and managing territorial diversity*. (Oxford: Routledge, 2013).

⁴⁹ In the text-books an Alevi is defined as “a person, who loves, respects and follows St. Ali” The definition also emphasized the intertwined nature of Islam and Alevism and claimed “Alevi are Muslims who believe the unity of God; accept Muhammed as the last prophet; accept Quran as the holly book and love Prophed Muhammed and his Ahl al-Bayt.” The extension of the concept of Alevi and Alevism is so broad that it echoes the words of the President Erdoğan “If Alevism is the love of Ali, we all see ourselves as devoted Alevi.”

into the textbooks could be taken as an indicator of increasing religious pluralism in religious education, the on-going emphasis on the Sunni interpretations of Islam made the initiatives for revision nothing more than cosmetic changes. The content of the textbooks and curriculum in this period continued to be dominated by “education of a religion” rather “education about religions”.

On September 2011, the new reform initiative on education was introduced with the *legislative decree no. 625*. The new education reform, popularly known as the “4+4+4 system”, introduced new elective courses in the field of religious education. The absence of changes in the organization and content of the compulsory courses, the ambiguity in the criteria for selection of the new religious elective courses drew heavy criticisms in both TBMM and media. The Alevi interest groups feared the new electives would become *de facto* compulsory courses; hence, increasing the scope of the violation of the rights of the Alevi parents and students.

The 2012-2013 and 2013-2014 academic years were marked with increasing number of interest group activism. In addition to the organization of rallies to protest government policies, the Alevi interest groups prepared reports, organized seminars and held press conferences to increase awareness on the new forms of discrimination introduced with the 4+4+4 reform policies. Domestic interest groups collect testimonies of “forced selection” of elective courses on religion. The reports prepared by the Alevi interest groups, by combining testimonial information with statistical information, tried to legitimize the concerns of the Alevi activists and set/shape public agenda. Additionally, the Alevi groups try to raise consciousness on the issue and provide information on alternative forms of RE by publicizing the practices in Germany and rest of Europe.

Despite the demands for more interreligious RE, the inclusion of the 8th grade RE subject matter in nationwide Transition from Primary to Secondary Education exam [TEOG],⁵⁰ introduced a new form of inequality and exclusion not only of the Alevi community, but also of the non-Muslim religious minority students, who were exempt from the courses, but required to succeed the test to get into high-ranking high schools. As test scores on ‘Religious Culture and Moral Knowledge’ classes became a part of the high school placement criteria, pupils belonging to non-Sunni communities face with a clear disadvantage.

The government initiatives for reform in education continue to create a growing distress among the Alevi community. While around 65,000 pupils were enrolled in these schools when incumbent AKP came to power, the figures increased drastically as the government legislated to transform general high schools into vocational schools, frequently to IHL. The more general schools transform into IHL, the more Alevi pupils face to enroll a school with Sunni Islam dominant curricula. Combined with the problems in TEOG, the increasing number of IHL perceived as a threat. Particularly following the reports that thousands of students, including non-Muslims such as the grandson of Turkey's chief rabbi, Ishak Haleva, were placed in Islamic vocational schools against their will, in August 2014 a number of protests have taken place throughout the country.

⁵⁰ According to the TEOG exam, 8th graders must take 12 exams on 6 subjects (i.e. Turkish, Mathematics, Science and Technology, Revolution History and Kemalism, Religious Culture and Moral Knowledge, Foreign Language) during the academic year.

The criticism on Turkish RE grew after announcement of the ECtHR judgment with regards to the case of *Mansur Yalçın and Others v. Turkey* (application no. 21163/11) on September 16, 2014. The ruling highlighted the ongoing structural problems in Turkish education system. The Court concluded that Turkey continues to violate the standards of the European Convention on Human Rights (ECHR) on religious rights and freedoms, and failing to remedy the problems that were first identified in the case of *Hasan and Eylem Zengin v. Turkey*. In the aftermath of the announcement of the decision, the state officials, identifying the issue as a domestic matter, refused to acknowledge a problem in the system. Instead, officials emphasize the role of RE in strengthening the morality, identity of the pupils and the social cohesion in the country.⁵¹ As a response on October 12, 2014 hundreds of Alevis marched to Ankara to protest the country's compulsory religion courses, and the problems in the educational system. The participants highlighted the ongoing reforms on RE both as a breach of non-discrimination principles, and a violation of non-assimilation principles of basic rights.

One Size Does Not Fit All: The Problem of Strasbourg as a Transformative Actor

The treaties of the CoE on human rights provide legally enforceable judicial remedies to individuals whose rights had been violated. Both the adoption of ECHR in 1950 and the establishment of the ECtHR in 1959 enabled the CoE to scrutinize the laws and practices of the member states that historically have asserted different conceptions of rights. Consequently, in time both the Convention and the Court became supervisory mechanisms in Europe.⁵² The ECHR provides recourse to bring alleged rights violations before an international body; whereas, the ECtHR through the doctrine of the 'margin of appreciation' considers whether the rules and practices of a member state are compatible with the Convention or not. At first sight the CoE and the jurisprudence of the ECtHR seem to provide a robust protection for fundamental rights in general. Yet, few would dispute the proposition that the judgments of the Strasbourg Court are for the most part declaratory –i.e. "creating ... obligations of result and not of conduct;" hence, leaving the respondent states without effective guidance in addressing the concerned violations.⁵³

What's more, there aren't many legally binding provisions in the field of RE. Even though the right to faith-based education is acknowledged, no institution force its member or candidate states to adopt a specific model for RE. As a result, rather than harmonization of policies regulating religious education, the CoE, along with the other European institutions (i.e. EU & OSCE) organizes a number of initiatives focusing on the recognition of religious diversity and encouragement of religious tolerance. The reforms and transformations in the RE policies are

⁵¹ 'Drugs to spread if religious courses abolished, President Erdoğan says,' *Hurriyet Daily News*, 29.09.2014 available at <http://www.hurriyetdailynews.com/drugs-to-spread-if-religious-courses-abolished-president-erdogan-says.aspx?pageID=238&nID=72340&NewsCatID=338>

⁵² Governing religious diversity and protecting the rights of the individuals and the religious communities has been a concern for the CoE since the late 1990s. In addition to the introduction of legally binding provisions, the CoE was involved in initiatives to promote tolerance for different religious groups and encourage principles of non-discrimination. In 2002 the CoE began its first project, entitled "the challenge of intercultural education today: religious diversity and dialogue in Europe," to address the issues emerging in the education system due to increasing religious diversity in Europe.

⁵³ See Nicholas Sitaropoulos. "Implementation of the European Court of Human Rights' judgments concerning national minorities or why declaratory adjudication does not help." ESIL Conference Paper Series 2011. Vol. 1 No.1: 1-28.

mostly a product of domestic concerns and needs. Unless serious rights violations or security concerns emerge, the regional organizations do not deal with the issues of RE in legal terms.

If it does not enforce a single model for 'proper conduct', does that mean the Strasbourg Court has no role in transforming the legal status quo? Although the Court has yet to have a radical judgment, the slow and incremental change initiated by this mechanism continues to be a powerful medium for setting public agenda and pushing for policy changes. Since 1959 ECtHR has rendered a number of judgments that called for changes in state practices. However, the answer to the question of implementation of judgments is closely linked with the domestic institutional settings.⁵⁴

Yet, the calls for change also do not always lead to policy decisions that are compatible with regional provisions. Although the ECtHR rulings put pressure on a state for behavioral change, invoking the 'margin of appreciation' doctrine also considered as a threat for the sovereignty by member state authorities. The more the number of member states and judgments increase, the more the legitimacy of the judicial review ECtHR provides calls into question.⁵⁵ Even though international and regional organizations are significant actors in the founding and the diffusion of the norms on individual and collective rights, they are mostly ineffective in their capability to force states to act. While the ECtHR provides a new venue for the citizens to engage in political action, the outcomes of said action may either be ignored by the governments or pave the way for the introduction of new exclusionary policies as the case of Turkey indicates .

Conclusion

In addition to the limitations of Strasbourg, the difference between the experiences of the German and Turkish Alevi shows the significance of domestic institutional frameworks. Since neither the EU nor the CoE can force Turkey to adopt and implement policies to protect the rights of individuals and groups, the diffusion of the norms on rights remains shallow. The networks established between transnational and domestic Alevi citizens and interest groups (i) carry and re-frame the demands, and needs of the Alevi community on religious education, (ii) seek to insert the framed right-claims into the policy debates, and (iii) pressure for the transformation of the existing education policies from below.

The ECtHR cases and increasing cooperation between Alevi organizations in transnational space were influential in attracting the attention of key European actors to the conditions of

⁵⁴ In the field of RE we have also seen that ECtHR had a number of decisions, such as *Folgerø and others v. Norway* (application no. 15472/02), *Hasan and Eylem Zengin v. Turkey* (application no. 1448/04), *Grzelak v. Poland* (application no. 7710/02), and most recently *Mansur Yalçın and Others v. Turkey* (application no. 21163/11), which were instrumental in shaping the public debates and policy initiatives in concerned states.

⁵⁵ It is important to note here that the legitimacy of the Strasbourg Court is not just questioned by member states with poor human rights records. The role of the ECtHR was called into question following the high profile *Lautsi v. Italy* (application no. 30814/06). The tension between the ECtHR and the UK is another recent examples of increasing conflict between national and transnational law. Although UK has a low rate of defeat at Strasbourg (2.96% of the total number of judgments between 1959 and 2013) (ECtHR, February 2014), the few judgments and the role of ECtHR has drawn heavy criticism by the media, civil society organizations and the member state authorities. See "The European court of human rights' judgments that transformed British law," *The Guardian*, 03.10.2014 available at <http://www.theguardian.com/law/2014/oct/03/landmarks-human-rights-echr-judgments-transformed-british-law>; "Why is the European court of human rights is hated by the UK right?" *The Guardian*, 22.12.2013 available at <http://www.theguardian.com/law/2013/dec/22/britain-european-court-human-rights>

Alevi in Turkey. While the EU monitored the relationship between the Turkish state and the Alevi community through progress reports, the CoE put pressures on the Turkish government through the legally binding rulings of the ECtHR. However, the absence of strict European standards to regulate states' behavior on religious education, provided room for the Turkish political actors to introduce enough reforms to counter the increasing international criticisms without making significant alterations to the existing structures. Additionally, the fragmentation within the Alevi demands for rights further provided room for the government to legitimize its decisions, initiatives, etc. on the subject matter.

The equality principle that dominates the regional and international provisions, can impede, rather than promote, adoption of institutions and policies compatible with rights regimes. While both the ruling of the ECtHR, and the EU progress reports monitoring the adoption and implementation of the European standards put pressures on the Turkish government for change, they do not guarantee (positive) rule adoption and implementation. Even though the ECtHR acknowledged the religious education in Turkey did not meet the criteria of objectivity and pluralism, the rulings of the two ECtHR cases recognized only the violations in parental rights. As result, while reform in religious education was expected and desired, the content and manner of change was left to Turkey's political actors. Similarly, while EU progress reports drew attention to the non-compliance of the Turkish state with the Court's ruling, they did not call for specific policies. In other words, although they identify problematic areas, both organizations recognize the organization and instruction of religious courses as a domestic issue.

In contrast the German case depicts a relatively successful inclusion/integration story. The absence of structures and policies blocking the access of the Alevi interest groups to the decision-making processes enabled the Alevi community in Germany to better communicate and aggregate its interests. In Germany, the transnational networks only had an indirect affect in Alevi organizations struggle for rights. The increasing emphasis on the significance of integration, along with the increasing improvements in the conditions of the migrants, enabled the German Alevi interest groups to better communicate and aggregate the Alevi demands. Since the conditions of the right to control/organize religious education differed in each state's legal framework, the speed and manner of inclusion of Alevism varied in each German state. However, the most significant outcome of this process has been the gradual transformation of the AABF into a central and national level organization.

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