

ALEVIS UNDER LAW: THE POLITICS OF RELIGIOUS FREEDOM IN TURKEY

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ABSTRACT

Proponents of minority rights are calling for urgent measures to protect the Copts in Egypt, the Ahmadiyya in Pakistan, and the Baha’i in Iran to secure religious diversity, shield minority populations from discriminatory practices, and prevent the outbreak of religious violence. State governments, international organizations, nongovernmental organizations, and international tribunals promote religious liberalization as the antidote to the violence and discord that is often attributed to these divisions. Enshrined in international agreements and promoted by a small army of experts and authorities, legal protections for religious minorities are heralded as the solution to the challenges of living with social and religious diversity. This article examines how the complexities and ambivalences of ordinary religious belonging are translated and transformed through the process of becoming legalized and governmentalized. It documents the risks of adopting religion as a category to draw together individuals and communities as corporate bodies that are depicted as in need of legal protection to achieve their freedom. The argument is developed through an extended case study of the legal status of the Alevis in Turkey, a community and a category formally constituted as a single whole as part of the Turkish nation-building project. It evaluates two legal constructions of Alevism by the Turkish state and the European Court of Human Rights. While premised on differing assumptions about Alevism, both erase the indeterminacy and open-endedness surrounding Alevism as a lived tradition embedded in a broader field of social and cultural practices, while bolstering the role of the state in defining and overseeing Turkish religiosities.

KEYWORDS: Religious freedom, religious minorities, Alevis, Turkey, European Court of Human Rights

One cannot escape the fact that freedom of religion is limited in Turkey, for Alevis and other religious minorities.

—Ali Yaman¹

The whole notion of majority/minority in religious terms must be categorically dismantled and overcome.

—Hamid Dabashi²

1 Ali Yaman, social anthropologist at Abant İzzet Baysal University, Bolu, cited in Thomas Grove, “Turkish Alevis Fight Back against Religion Lessons,” *Reuters*, May 5, 2008, <http://www.reuters.com/article/2008/05/06/us-turkey-alevi-idUSL2481334820080506>.

2 Hamid Dabashi, “To Protect the Revolution, Overcome the False Secular-Islamist Divide,” *Al Jazeera English*, December 9, 2012, <http://www.aljazeera.com/indepth/opinion/2012/12/2012128153845368495.html>.

INTRODUCTION

In the wake of ongoing political transformations in the Middle East and North Africa, the fate of religious minorities is in the spotlight. Proponents of minority rights have called for urgent measures to protect the Copts in Egypt, the Ahmadiyya in Pakistan, and the Baha'i in Iran, Egypt, and elsewhere. Legal protections for religious freedom have become a “go-to” solution for supporting religious diversity, shielding minority populations from discriminatory practices, and preventing religious violence. Everyone seems to be in on the act: enshrined in international agreements and promoted by a small army of global experts and authorities, legal protections for religious minorities are presented as the solution to the challenges of living with social and religious diversity.³

This article explores a specific example of the perils and pitfalls of adopting “religion” as a category to draw together individuals and communities as corporate bodies that are depicted as in need of legal protection to achieve freedom. Ongoing uncertainty about the legal and religious status of the Alevis in Turkey opens a space in which to explore claims to the category of religious minority, constructs of religious freedom, and the implications of contemporary legal approaches to managing religious difference. This article begins with a short introduction to the Alevis, a social group that was formally constituted as a single community relatively recently as part of the Turkish nation-building project. It then evaluates two legal definitions of Alevism by the Turkish state and the European Court of Human Rights.⁴ These distinct institutional contexts produce very different constructions of Alevism with significant legal and political implications for arbitrating major social issues in Turkey, such as who is a Muslim, who is a minority, and what is religion. Both the Presidency of Religious Affairs and the European Court overstate the uniformity and obscure the deep multiplicity of Alevism as a lived tradition, while reinforcing the state’s capacity to classify and govern its citizens as *religious* subjects. The point is not simply that Alevi identity is indeterminate but rather that legal constructions of Alevism as a religious tradition and Alevis as a religious minority shape Alevism and the Turkish socio-political landscape in specific ways.

The Presidency of Religious Affairs, or Diyanet Isleri Baskanligi (hereafter Diyanet) is the Turkish state agency charged with regulating acceptable Turkish religion at home and abroad. It is the primary government agency in which conflicting Alevi claims for recognition and religious agency are aired and contested. The Diyanet, as well as the Turkish Ministry of Education, which directly oversees religious education policy, both treat Alevism as a heterodox or “mystic” interpretation of Sunni Islam that departs from the mainstream.⁵ This precludes Alevi claims for legal privileges granted by the state to Sunni institutions and practices, while also denying to Alevis the privileges granted to officially recognized religious minorities, including Christians and Jews. Neither fish nor fowl, the Alevi exist in a kind of legal limbo.

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- 3 An example is the recommendation in the 2012 report of the US Commission on International Religious Freedom that the president demote Turkey to a “Country of Particular Concern” due to “the Turkish government’s systematic and egregious limitations on the freedom of religion or belief that affect all religious communities in Turkey, and particularly threaten the country’s non-Muslim religious minorities.” United States Commission on International Religious Freedom, *2012 Annual Report* (2012), [http://www.uscirf.gov/sites/default/files/resources/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirf.gov/sites/default/files/resources/Annual%20Report%20of%20USCIRF%202012(2).pdf).
 - 4 The United States is also involved in this activity (see previous note), though to a lesser degree than European institutions due to the integrative impact of ongoing (though faltering) Turkish-EU accession negotiations, significant economic and trading ties between Europe and Turkey, and geographic proximity.
 - 5 Buket Türkmen, “A Transformed Kemalist Islam or a New Islamic Civic Morality? A Study of ‘Religious Culture and Morality’ Textbooks in the Turkish High School Curricula,” *Comparative Studies of South Asia, Africa and the Middle East* 29, no. 3 (2009): 388.

This interpretation of Alevism has had adverse implications for Alevis due to a lack of official recognition for communal practices. It has also had an impact on other domains such as property rights, educational policy, and access to courts. A range of Alevi associations and foundations has challenged the state's official interpretation of Alevism and institutionalization of Turkish secularism (*laiklik*). While most Alevis regard Alevism as a non-Sunni variation of Islam, some claim that Alevism is not part of Islamic tradition, and others insist that it is not a religion at all. The Diyanet's move to incorporate and subsume the Alevis under Turkish religious (that is, Sunni) orthodoxy effaces this ambiguity and contestation.

The European Court of Human Rights, on the other hand, defines Alevis as a collective non-Sunni Muslim subject of minority rights guaranteed by the Turkish state and international law. The Court's approach to Alevism in the *Zengin* opinion, discussed below, reflects the assumption that religious majorities and minorities are stable, well-defined groups that exist prior to law and politics. To refuse identity-based recognition for such already-existing groups, in this account, is to obstruct democratization and hinder the emergence of tolerant legal regimes for managing religious difference. The Court's inclination to support legal protection for Alevis and other "religious minorities" abroad is founded in a long and contested history of support for minority rights in the Middle East.⁶ European attempts to defend an Alevi "religious minority" in Turkey are one element in a broader European- and American-sponsored set of international initiatives to institutionalize the right to legal personality for minority religions, create tolerant and democratic religious subjects, and promote a right to freedom of religion or belief globally.⁷ An example is the EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief, adopted in June 2013 by the Council of Foreign Affairs of the European Union.⁸

Held up against the Diyanet's choice to fold Alevism into Sunni Hanefi interpretations of Islam, the European Court appears to offer an appealing compromise. Granting a degree of autonomy to the Alevis as a non-Sunni Muslim minority would seem to avoid trampling on Alevi collective agency and identity under the Diyanet's de facto Sunni majoritarian establishment. Rather than serving as a vector of religious liberalization and religious freedom, however, the Court's attempt to fix a collective Alevi minority subject in law serves to distinguish Alevis officially from non-Alevi Turkish citizens in religious terms. This distinction has consequences not only for Alevis' official legal status in Turkey, but also for the practices associated with Alevism. Like all traditions, Alevism is shaped in particular ways when it is defined legally in religious terms. As Pamela Slotte explains, "when analyzing the case law of the Court, we are not just studying a legal vocabulary. We analyze a way to imagine human life that governs conduct. How does human rights law affect the way we think about religion, and how does it regulate the space in which people are given the opportunity

6 See Saba Mahmood, "Religious Freedom, the Minority Question, and Geopolitics in the Middle East," *Comparative Studies in Society and History* 54, no. 2 (2012): 418–46. On the history of the Court in relation to the protection of religious freedom, see Peter G. Danchin and Lisa Forman, "The Evolving Jurisprudence of the European Court of Human Rights and the Protection of Religious Minorities," in *Protecting the Human Rights of Religious Minorities in Eastern Europe*, eds. Peter Danchin and Elizabeth Cole (New York: Columbia University Press, 2002), 192–221.

7 These initiatives are the subject of my forthcoming book *Beyond Religious Freedom: The New Global Politics of Religion* (Princeton, NJ: Princeton University Press, 2015).

8 Council of the European Union, *EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief* (Luxembourg, June 24, 2013), http://www.eu-un.europa.eu/articles/en/article_13685_en.htm. Elise Massicard has remarked on the pressure on Turkey from European institutions to "protect its 'minorities' and treat them equitably." Massicard, *The Alevis in Turkey and Europe: Identity and Managing Territorial Diversity* (London: Routledge, 2013), 2.

to live out their faith?”⁹ Efforts to secure legal recognition for Alevis as a static, collective object of minority (religious) rights, guaranteed by international authorities and recognized in state law, create specific kinds of spaces in which Alevis can “live out their faith.”¹⁰ These efforts prescribe a particular kind of social order that renders “specific notions of freedom and unfreedom possible and imaginable.”¹¹ Legally designating groups of people as “Alevis,” as “minorities,” and as a “religion” has important consequences for the people grouped together under these designations. Like all legal approximations of religion, the international religious rights “solution” formalizes and entrenches forms of social and religious difference that, while distinct from the forms and categories imposed by the Diyanet, also limit the spaces in which Alevis can individually and collectively articulate alternate forms of subjectivity, agency, and community. It stabilizes Alevi collective identity in *religious* terms, fixes its relationship to Sunni tradition, and reinforces a conventional Turkish statist approach to governing religion.

FROM KIZILBAŞ TO ALEVIS: CONSTRUCTING AND CONTESTING ALEVISM

Defining Alevism is tricky. Though frequently described by academics and journalists as a syncretic and heterodox cultural and religious tradition drawing on elements of pre-Islamic shamanism, Sufism, and Shi’a Islam, there are many views on the subject and little agreement. As Elise Massicard explains:

Some define Aleviness as a religious phenomenon—as the true Islam, or a branch of Islam tinged with Shi’a elements and Turkishness, as a religion in its own right, or even as the essence of secularism. Others see it as a primarily political phenomenon—which can range from a philosophy of struggle and resistance against injustice, to a tolerant way of living or even as the epitome of democracy. Yet others emphasize its shamanistic (Turkish) or Zoroastrian (Kurdish) elements in order to define Aleviness in accordance to ethnic aspects . . . Aleviness would seem to be an overarching way of life of groups who were rural for a long time: a religion, culture and affiliation to a group with its own rules, all at the same time.¹²

Media representations of the Alevis also reflect this lack of agreement. Gareth Jenkins notes,

The Alevis are often described as a branch of the Shia Muslim tradition. This is misleading. Although they share with Shiites veneration for the Prophet Muhammad’s nephew Ali, Alevism is not so much a form of Shia Islam as a syncretic, pluralistic tradition, including elements from Islam, shamanism, Christianity, and the pre-Christian religions of rural Anatolia.¹³

9 Pamela Slotte, “The Religious and the Secular in European Human Rights Discourse,” *Finnish Yearbook of International Law* 21 (2010): 54. Laurence Rosen makes a related point: “while analyses of law tend to focus on conflict and resolution, rule-making or rule-applying, one can—without in any way downplaying these aspects—also see law as contributing to the formation of an entire cosmology, a way of envisioning and creating an orderly sense of the universe, one that arranges humanity, society, and ultimate beliefs into a scheme perceived as palpably real.” Rosen, *Law as Culture* (Princeton, NJ: Princeton University Press, 2006), 11.

10 Benjamin L. Berger, “The Aesthetics of Religious Freedom,” in *Varieties of Religious Establishment*, eds. Winnifred Fallers Sullivan and Lori G. Beaman (London: Ashgate, 2013), 33–53; Paul Kahn, *The Cultural Study of Law: Reconstructing Legal Scholarship* (Chicago: University of Chicago Press, 1999).

11 Mahmood, “Religious Freedom,” 419.

12 Massicard, *Alevis in Turkey and Europe*, 4.

13 Gareth Jenkins, “ECHR Ruling Highlights Discrimination Suffered by Turkey’s Alevi Minority,” *Eurasia Daily Monitor*, October 12, 2007, http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=33075&tx_ttnews%5BbackPid%5D=405&no_cache=1#.UczSehbrhEI.

The Turkish daily *Hurriyet* describes a diversity of understandings of Alevism, noting that, “some Alevis perceive themselves as a sect of Islam, other Alevis see themselves as a different religion while others reject the notion that Alevism is a religion at all.”¹⁴

The term *Alevism* (Turkish: *Alevilik*) is a relatively recent innovation. Though used sporadically in the last decades of the Ottoman Empire (in the late nineteenth century) among the Kızılbaş to indicate loyalty to or descent from Ali, the term only became prevalent in the early twentieth century to refer to “a new trans-regional identity linking previously only partially connected groups which shared similar narratives, beliefs, as well as social and ritual practices.”¹⁵ As Markus Dressler points out, the creation of Alevism as a category is inextricably bound up with the construction of Turkishness and the project of Turkish nation building:

Those groups that are today labeled Alevis in Turkey were historically referred to as *Kızılbaş*, “Redhead.” What is important is that the name change came with a new signification. The heterogeneous Kızılbaş communities were, until the late Ottoman period, generally considered as heretics who were only, if at all, superficially Muslim, and not yet in any way associated with Turkishness. The concept Alevism homogenized these groups, connected them to Turkish culture, and integrated them into Islam, while at the same time asserting their “heterodoxy.”¹⁶

Definitions of Alevism as “heterodox” or “syncretistic,” then, rely on an implicit normalization of legalist Sunni Islamic orthodoxy. This not only marginalizes Alevism in relation to Sunnism but also perpetuates a powerful myth purveyed by the Turkish state and others that Sunni Islam is a homogenous, stable, and fixed tradition with clearly defined boundaries. As Dressler explains, “the modern othering of the Alevis is dialectically related to the normalization of a Sunni-Muslim identity, just as in the 16th century the Kızılbaş question played an important role in the consolidation of Sunni Ottoman and Shiite Safavid doctrines, respectively.”¹⁷ The emergent Turkish state established a foundational connection between Sunni Muslim identity (*ittihad-ı anasir İslamiye*, or “union of Muslim elements”) and Turkish national identity in part through distinguishing both from something called “Alevism.”¹⁸

Today those groups distinguished as “Alevis” are estimated to comprise 15 to 20 percent of the Turkish population, of which approximately one-third speak Kurdish dialects (Kurmanji or Zazaki). Most do not attend mosques, but many hold rituals known as *cem*, which are held in *cemevi*, or meeting houses, presided over by *dede*, or Alevi holy men. The *cem* ritual involves

14 “Alevi Group Demands End to Turkish Mandatory Religious Classes,” *Hurriyet Daily News*, November 7, 2010, <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=alevis-protest-mandatory-religion-classes-by-rally-2010-11-07>.

15 Markus Dressler, “The Modern Dede: Changing Parameters for Religious Authority in Contemporary Turkish Alevism,” in *Speaking for Islam: Religious Authorities in Muslim Societies*, eds. Gudrun Krämer and Sabine Schmidtke (Leiden: Brill, 2006), 271n6. On the genealogies of the traditions now assembled under “Alevism” see Markus Dressler, *Writing Religion: The Making of Turkish Alevi Islam* (Oxford: Oxford University Press, 2013), 1–19 and 275–87.

16 Markus Dressler, “New Texts Out Now: Markus Dressler, *Writing Religion: The Making of Turkish Alevi Islam*,” *Jadaliyya.com*, June 19, 2013, <http://www.jadaliyya.com/pages/index/12302/new-texts-out-now-markus-dressler-writing-religion>.

17 Dressler, *Writing Religion*, 17.

18 This recalls Talal Asad’s description of majority/minority relations in France: “the crucial difference between the ‘majority’ and the ‘minorities’ is, of course, that the majority effectively claims the French state as its national state.” Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003), 175.

praying to Ali, recalling the names of the first twelve *imams*, and mourning the martyrdom of Hüseyin. Prayers, funerals, marriages, and other blessings draw not only on the Turkish prayers of the *cem* but may also involve a Sunni mosque *hoca*.¹⁹ Turkish Alevis are sometimes confused with Arab Alawites, who live principally in Syria, with a significant number also in Turkey's Hatay province.²⁰

In the 1980s a diverse set of social movements emerged that became known in Turkey and abroad as the "Alevi revival," a flowering of public activism and advocacy that attracted the attention of the EU and the international human rights community. A wide spectrum of Alevi organizations participated in the revival, ranging from the Pir Sultan Abdal Association, which approaches Alevism as a socialist resistance movement, to the Cem Foundation, which views Alevism as a Turkish interpretation of Islam, to the Ehl-i Beyt Foundation, which approaches it as a Shi'a interpretation of Islam.²¹ Among other activities, some of these advocates began to lobby in favor of recognition of Alevism as a minority sect or religion understood as either a variation of Islam or, less frequently, as distinct from Islam altogether.²² The diversity of interpretations of Alevism in relation to Islam among these groups is striking; as Talha Köse explains, those who believe that there can be 'Alevilik' without Ali (*Alisiz Alevilik*) consider *Ehl-i Beyt* or the family of the Prophet Mohammed and Islamic sources as minor components of the syncretic tradition of Alevism while others argue that the *Alevilik* is the essence and/or Turkish interpretation of Islam.²³

Alevi representatives are also divided over the advantages and drawbacks of being classified as a minority religion or ethnicity.²⁴ Some seek to legally entrench a form of communal identity through the Turkish legal system,²⁵ while others see minority status as a political liability to be rejected.²⁶ For historical reasons minority status in Turkey is connected at the most basic level to non-Muslim status—such that to be classified as a "minority" raises immediate questions about religion, and

19 Contrasting Sunni and Alevi ways of life, David Shankland theorizes that Alevis are more inclined to resist centralized rule because their myths, rituals, and authority structures undermine the legitimacy of the central government while those of the Sunni majority are incorporated and normalized by the state. Shankland, *The Alevis in Turkey: The Emergence of a Secular Islamic Tradition* (New York: Routledge, 2003), 24.

20 Both traditions honor Ali Ibn Abi Talib, the cousin and son-in-law of the Prophet Muhammad. Approximately one-third of the Turkish population of Hatay in southeastern Turkey is of Arab Alawite descent and directly related to Syria's Alawites. Hatay, which was until 1938 part of Syria, has received a large influx of refugees from the Syrian war and has served as a staging ground for anti-Assad forces. On the politics of religion in the Syrian conflict see Elizabeth Shakman Hurd, "The Dangerous Illusion of an Alawite Regime," *Boston Review*, June 11, 2013, <http://bit.ly/16a87wc>.

21 Esra Özyürek, "The Light of the Alevi Fire Was Lit in Germany and Then Spread to Turkey': A Transnational Debate on the Boundaries of Islam," *Turkish Studies* 10 (2009): 238.

22 Associations such as Pir Sultan Abdal Derneği are open to understanding Alevism as a religion outside of Islam, while others, such as Cem Vakfi, counter that Alevism is at the very heart of Islam.

23 Talha Köse, "Alevi Opening and the Democratization Initiative in Turkey," Foundation for Political, Economic, and Social Research (March 2010): 12–13, <http://arsiv.setav.org/Ups/dosya/28899.pdf>.

24 See Kabir Tambar, "The Aesthetics of Public Visibility: Alevi *Semah* and the Paradoxes of Pluralism in Turkey," *Comparative Studies in Society and History* 52, no. 3 (2010): 652–59.

25 Markus Dressler, "The Religio-Secular Continuum: Reflections on the Religious Dimensions of Turkish Secularism," in *After Secular Law*, eds. Winnifred Sullivan, Robert Yelle, and Mateo Taussig-Rubbo (Stanford, CA: Stanford University Press, 2011), 221–41.

26 A 2005 interview in the Turkish newspaper *Radikal* asked Kazım Genç, former president of Pir Sultan Abdal Derneği, "What do Alevis expect from the EU?" He replied: "We are asking for our individual rights and freedoms without being labelled as a minority. 2004 European Union's Regular Report on Turkey defined Alevis as a minority. Alevis, however, do not consider themselves as a minority." "Alevilik İslamiyet'in içinde değil," [Kazım Genç, interviewed by Neşe Düzel], *Radikal*, October 10, 2005, <http://www.radikal.com.tr/haber.php?haberno=166463>.

specifically one's relation to Islam and the Turkish nationalist project. As an Alevi from Yenibosna Cemhouse interviewed by Esra Özyürek explains:

I think being a minority is a bad thing in this country. We are not like Armenians or Jews. There is pressure on us but we also have some freedom. I am afraid that the term "minority" in the European Union report can be used in a harmful manner. If they see us just like the way they see Armenians, it will be worse for us. You know, they may even see us in oppositional terms with nationalism.²⁷

This statement reflects the legacy of a suspicion of minority rights that emerged after the dissolution of the Ottoman Empire, when many Turkish statesmen attributed the Empire's failure to the persistence of *millet* divisions²⁸ and the inability of reform efforts (*ittihad-ı anasır*) to create an inclusive formula of Ottoman citizenship and nationality. In this context claims to minority rights came to be seen with suspicion, "not as a matter of respect, freedom, liberty or equality within the borders of a shared polity, but more as the instrument of ethnic dismemberment and as a pretext for external interference."²⁹ The association between official minority status and being non-Muslim, and thus potentially subjected to social discrimination and marginalization, is a legacy of this era³⁰:

In Turkey, minority status, defined by the 1923 Lausanne Treaty, acknowledges only non-Muslim groups such as Jews, Armenians, and Greeks. If people from Muslim ethno-linguistic groups such as Kurds, the Laz, and the Circassians make a claim about being minorities and start organizations to promote their rights, they are imprisoned "for challenging the national unity and harming the country by being divisive."³¹

European powers played a central role in negotiating the Lausanne Treaty, and contemporary European efforts to promote the rights of religious minorities in the Middle East draw their legitimacy in part from a long history of European intervention on behalf of Christians in the region.³² Given the complex history surrounding the term "minority" in Turkey and the broader region it is not surprising that both Pir Sultan Abdal Association and Cem Foundation prefer the term *asli unsur* to describe the Alevi—a term used historically to refer to one of the founding constituents or "fundamental elements" of the Turkish Republic³³—a classification that, in their view, emphasizes Alevi's status as long-standing and loyal citizens of the Republic.

27 Özyürek, "The Light of the Alevi Fire," 247.

28 The term *millet* is derived from the Arabic word for "nation" or *milla*, and generally refers to the Ottoman system of social, legal, and religious organization in which different confessional communities under the Empire exercised varying degrees of legal autonomy with regard to certain matters. On Ottoman history in global context, see Karen Barkey, *Empire of Difference: The Ottomans in Comparative Perspective* (Cambridge: Cambridge University Press, 2008).

29 B. Ali Soner, "Citizenship and the Minority Question in Turkey," in *Citizenship in a Global World: European Questions and Turkish Experiences*, eds. E. Fuat Keyman and Ahmet İçduygu (New York: Routledge, 2005), 290–93.

30 Özyürek cites a librarian from Cem Vakfı (Foundation): "There is a difference between having been exposed to injustice and being a minority. [Unlike Kurds] Alevi do not want a separate land or a flag. All they want to do is to be able to practice their worship." Özyürek, "The Light of the Alevi Fire," 247.

31 *Ibid.*, 245.

32 See for example Benjamin Thomas White, *The Emergence of Minorities in the Middle East: The Politics of Community in French Mandate Syria* (Edinburgh: Edinburgh University Press, 2012).

33 Seçil Aslan, "The Ambivalence of Alevi Politic(s): A Comparative Analysis of Cem Vakfı and Pir Sultan Abdal Derneği" (master's thesis, Bogazici University, 2008).

Lobbying in favor of religious minority status, however, is an active Alevi diaspora, particularly in Germany, where Alevism has attained legal recognition as a religion.³⁴ German Alevi tend to be more supportive of the recognition of *Alevilik* as a separate religion distinct from Islam.³⁵ In contrast with the Cem Foundation's support for an "Alevi Islam," the chairman of the Dede Commission of the Federation of Alevi Communities in Germany, Hasan Kılavuz, has rejected attempts to associate Alevism with Islamic tradition:

Alevilik is a belief (*inanç*) in its own right. Alevi possess a belief that sees God everywhere in the universe. Alevi performed their worship and beliefs for a thousand years in a modest and extremely pure form; today, some dedes try to decorate this form of belief with fake pearls. These dedes, which are insecure about themselves, which are carried away by a minority complex towards the Sunni Muslim faith, distance the essence of Alevism from our traditions and customs . . . We cannot connect the faith of the Anatolian Alevi with the basic principles of the Islamic religion.³⁶

Özyürek attributes the emergence in Germany of a self-definition of Alevism as a publicly expressed independent religion to a 1986 decision by the European Parliament to subsidize associations promoting immigrant cultures and identities. This decision, alongside other factors such as the "minoritization" and "ethnicization" of Alevi through the German Foreigner's Law (*Ausländergesetz*),³⁷ illustrate the extent to which legal and administrative designations have shaped Alevism in particular ways. In this case, these designations incentivized Alevi living in Europe to organize *as* Alevi rather than along other lines of collective interest or affiliation, such as trade unions or neighborhood associations.³⁸ As Ayhan Kaya explains, "Turkish migrants have organized themselves along ethnic lines because the institutional context has made them do so."³⁹ German and European recognition of the Alevi as a religious minority separate from Sunnis, however, has been received with mixed feelings and considerable skepticism in Turkey, where many Alevi do not see minority status as a solution to their problems with the state. Under the Turkish regime of secularism, a minority designation marks them as non-Muslims, thereby excluding them from dominant renderings of Turkish citizenship and potentially subjecting them to increased social marginalization and discrimination.⁴⁰

34 The largest Alevi organization in Germany, the Almanya Alevi Birlikleri Federasyonu (AABF) is legally recognized as a religious organization that represents Alevi in Germany, a designation that does not require the group to define its relation to (Sunni) Islam. Among other activities AABF prepares curricular materials for teaching about Alevism for the ministries of culture and education in several German federal states. Kerstin Rosenow-Williams, *Organizing Muslims and Integrating Islam in Germany: New Developments in the 21st Century* (Leiden: Brill, 2012), 109.

35 On this question see Esra Özyürek, "Beyond Integration and Recognition: Diasporic Constructions of Alevi Identity between Germany and Turkey," in *Transnational Transcendence: Essays on Religion and Globalization*, ed. Thomas J. Csordas (Berkeley: University of California Press, 2009), 121–44; Martin Sökefeld, *Struggling for Recognition: The Alevi Movement in Germany and in Transnational Space* (New York: Berghahn Books, 2008); and Massicard, *The Alevi in Turkey and Europe*.

36 Dressler, "The Modern Dede," 285.

37 See Ayhan Kaya, "Multicultural Clientelism and Alevi Resurgence in the Turkish Diaspora: Berlin Alevi," *New Perspectives on Turkey* 18 (1998): 23–49.

38 Özyürek, "Beyond Integration and Recognition," 128–31. In 1989 the Hamburg Alevi Association's "Alevi Manifesto," "defined Alevism as a branch of Islam and aimed to make the demands of Alevi publicly known. It asked for recognition of Alevism as a different faith and culture, for equal representation and opportunity in education and in the media, and proportional assistance in religious services." *Ibid.*, 128–29.

39 Kaya, "Multicultural Clientelism and Alevi Resurgence," 25.

40 Özyürek, "Beyond Integration and Recognition," 136.

ALEVISM UNDER TURKISH SECULARISM

The Turkish state's definition of Alevism is an essential building block of Turkish secularism, known in Turkish as *laiklik*.⁴¹ At the founding of the Republic, Nilüfer Göle explains, "secularism underpinned the ideal of a national community 'free of religion,' yet simultaneously it implicitly defined this community in terms of a Muslim and Sunnite majority, in counter distinction with non-Muslim minorities of the cosmopolitan empire as well as the Alevites and Kurds."⁴² The arm of the state responsible for overseeing religious matters and ensuring their separation under law from other affairs of state is the Presidency of Religious Affairs, the Diyanet.⁴³ Established in 1924 by the same law that abolished the Caliphate and the Commissariat or Vekyalet for the Sheri'eh and Evqaf, the Diyanet is charged with "the dispatch of all cases and concerns of the Exalted Islamic Faith which relate to dogma and ritual, and for the administration of state foundations."⁴⁴ The scope of the Diyanet's activities and its budget has changed over the years. In 2012 its budget was approximately \$2 billion, larger than that of the Ministry of Interior.⁴⁵ Reporting to the Prime Minister's Office, Diyanet is charged with doing research on Islamic-related matters, administering and maintaining mosques in Turkey,⁴⁶ and appointing and supervising Turkish imams, of which there are over 85,000. It has five departments: the Higher Committee for Religious Affairs (an advisory council), Education (including Qur'an courses for children and adults), Religious Services (services for families, discipleship, mosque services, and social and cultural services with a religious content), and Publications and Public Relations. While muftis and other religious personnel oversee domestic activities, the Diyanet also employs religious counselors, diplomatic attachés, and other personnel to conduct activities overseas.⁴⁷ As of 2011 there were approximately

41 "In Turkey's laicist relations, relations understood as separation exist within a set of relations understood as integration, supervision, and control, and the latter relations are understood as part of the larger practice of maintaining the separation of religion from state affairs." Andrew Davison, "Hermeneutics and the Politics of Secularism," in *Comparative Secularisms in a Global Age*, eds. Linell E. Cady and Elizabeth Shakman Hurd (New York: Palgrave, 2010), 35–36.

42 Nilüfer Göle, "Manifestations of the Religious-Secular Divide: Self, State, and the Public Sphere," in *Comparative Secularisms in a Global Age*, 45.

43 Act no. 429 reads: "In the Republic of Turkey, the Grand National Assembly of Turkey and the Cabinet which is formed by the Grand National Assembly of Turkey are responsible for the legislation and execution of provisions concerning the affairs of people; and the Presidency of Religious Affairs will be formed as a part of the Republic for the implementation of all provisions concerning faith and prayer of the religion of Islam, and the administration of religious organizations . . ." Quoted in İřtar B. Gözaydın, "A Religious Administration to Secure Secularism: The Presidency of Religious Affairs of the Republic of Turkey," *Marburg Journal of Religion* 11, no. 1 (June 2006): 2, <http://www.uni-marburg.de/fb03/ivk/mjr/pdfs/2006/articles/goezaydin2006.pdf>.

44 Arnold J. Toynbee, *Survey of International Affairs*, vol. 1, *The Islamic World Since the Peace Settlement* (London: Oxford University Press, 1927), 573.

45 Murat Somer, "Turkey's New Constitution and Secular Democracy: A Case for Liberty," *E-International Relations* (June 5, 2012), http://home.ku.edu.tr/~musomer/research_files/Somer,%20e-IR%20June%205.%202012.pdf.

46 Toynbee, *Survey of International Affairs*, 573. Article 5 of The Law Concerning the Abolition of the Commissariats for the Sheriat and Evqaf and for the General Staff reads: "The President of Religious Affairs is charged with the administration of all mosques of both classes and of all dervish houses within the boundaries of the territories of the Republic of Turkey, as well as with the appointment and dismissal of all rectors of mosques, 'orators,' preachers, abbots of dervish houses, callers to prayer, sacristans, and all other employees [of a religious character]." Quoted in *Ibid.*

47 Zana Çitak, "Between 'Turkish Islam' and 'French Islam': The Role of the *Diyanet* in the *Conseil Français du Culte Musulman*," *Journal of Ethnic and Migration Studies* 36, no. 4 (2010): 8. See also Benjamin Bruce,

1,350 Diyanet employees stationed in eighty-one countries, including a permanent representative in Washington, DC.⁴⁸

In contemporary Turkey the Diyanet promotes a version of Sunni Hanefi Islam that incorporates and defines Alevism as an interpretation of Islam. As Andrew Davison explains, “the state contains *established* relations of what are constituted as oversight, interpretation, service, and supervision for the teaching, training, and employment of all religious personnel and, through the offices of the mosques and publishing houses of the Directorate of Religious Affairs, the promotion and publication of a State Islam.”⁴⁹ The Diyanet does not recognize Alevism as a complex of traditions whose identity is—like all religious traditions—fundamentally indeterminate and contested. Rather, it categorizes and stabilizes Alevism as an “interpretation of Islam” that is linked to the “common share of Islam.” Former president of the Diyanet Ali Bardakoglu makes this clear: “Discussing whether Alevi is Muslim or not is an insult against Islam. All Alevi are Muslim. Nobody should be deceived by the West and claim that Alevism is outside the fold of Islam.”⁵⁰

Alevi is ineligible for special treatment by the state as a religious minority, while at the same time their non-Sunni practices are categorized by the state as “cultural” and not religious.⁵¹ For instance most *cemevi*, or houses of worship, are treated as cultural centers. “Houses of worship are not recognized, nor are they provided the free water and property tax breaks that mosques, churches, and synagogues receive. Alevism is not taught in textbooks or in state divinity schools. Alevi prayer and community leaders are not trained or funded by state resources.”⁵² Since 2007 Alevism has appeared in textbooks under the section “Turkish Sunnite Islam,” as discussed below,⁵³ nonetheless, the official co-optation and domestication of Alevism authorizes the state “to deny any support for or recognition of Alevi practices by branding them as particularist and thus in conflict with the supposedly impartial position of the state in its monopoly over religion in the public sphere.”⁵⁴

As is the case in all countries that privilege and regulate religion in law, the Diyanet’s legal and religious definition and management of Alevism is a critical feature of Turkish nationalist discourse and the Turkish nation-building project. As İřtar Gözaydın explains:

The Presidency of Religious Affairs claims that Alevi and Sunnites are not subject to discrimination because, except for certain local customs and beliefs, there are no differences between these two sects as to basic

“Gérer l’Islam à l’Etranger: Entre Service Public et Outil de la Politique Étrangère Turque,” *Anatoli* 3 (2012): 131–47.

48 Mine Yıldırım, “Turkey: The Diyanet—The Elephant in Turkey’s Religious Freedom Room?” *Forum* 18, May 4, 2011, http://www.forum18.org/archive.php?article_id=1567.

49 Davison, “Hermeneutics and the Politics of Secularism,” 35. The state also provides religious instruction under the education ministry and for cadets and officers in the military.

50 Quoted in Emre Demir-Ahmet Ozay, “For Minority Status, Alevi Bypass Turkey, Appeal to European Court,” *Zaman*, November 18, 2006, <http://wwrn.org/articles/23423/>.

51 Tambar’s paradox of pluralism illustrates how public Alevi social and religious difference has been domesticated within a singular image of the Turkish nation: “The forms of public visibility attained by Alevi organizations are hinged, paradoxically, to the category of folklore that Alevi movements are seeking to challenge. If the emergence of Alevi religious practice into public view poses a pluralist challenge to the Turkish state’s efforts at defining and controlling the religious expressions of its citizenry in singular terms, this very visibility has been justified, legitimated, and sanctioned by discourses that re-inscribe a unitary vision of the nation.” Tambar, “Aesthetics of Public Visibility,” 658.

52 Özyürek, “Beyond Integration and Recognition,” 124–25.

53 Although in 2007–2008 one chapter on Alevi was added to the textbooks in the “Turkish Sunnite Islam” section, opponents “strongly criticized” the Ministry of Education for representing Alevism as a “mystic interpretation of Sunnism.” Türkmen, “A Transformed Kemalist Islam,” 388, 391.

54 Dressler, “Religio-Secular Continuum,” 236.

religious issues; and this actually indicates a denial of any separate ‘Alevi’ religious identity . . . The Presidency of Religious Affairs’ pretending to be unaware of the religious belief of the Alevi population, and its building of mosques in Alevi villages, is obviously a pressure exerted by the state to implant the Sunnite belief in this section of society.⁵⁵

Challenges to the state’s official position on the status of Alevism are met with skepticism not only because they call into question official interpretations of Islam, but also because they destabilize a nationalist project which has subsumed the Alevis under the state’s de facto Sunni establishment from the earliest days of the Republic. Today these challenges are proliferating, destabilizing the state’s ambitious and continual efforts to reproduce the Turkish nation through the centralized and hierarchical state regulation of its Muslim and non-Muslim citizen-subjects both at home and abroad. Since the 1980s, and particularly since the brief democratic opening in the second half of the 2000s, Alevis have responded to their predicament with a series of demands ranging from “restructuring the role of the *dedes*’ spiritual leadership to employment of the *dedes* as religious personnel, from planning of *cemevis* as places of worship to the demand for an apology by the state for all the injustices done to them.”⁵⁶ While some have sought official state recognition and a share of the religious affairs budget (Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı/Republican Education and Culture Center Foundation and the Ehli Beyt Foundation), others have demanded the outright closure of the State Directorate of Religious Affairs (Alevi Bektaşî Federation). Alevi-state tensions are palpable in disputes over the uncertain status of the Madımak Hotel—the site of the Sivas massacre, where thirty-seven Alevi intellectuals were burned alive in July 1993;⁵⁷ legal status of and state support for *cemevis* as places of worship; and the content of mandatory religious education courses in public schools.⁵⁸ In 2007 controversy over religious education reached the European Court of Human Rights, which settled on a different legal definition of Alevism.

ALEVISM UNDER EUROPEAN LAW

The European Court of Human Rights treats Alevism as a non-Sunni Muslim minority sect in need of legal protection. This is evident in the Court’s October 2007 *Zengin v. Turkey* decision, which

55 Gözaydın, “A Religious Administration to Secure Secularism,” 6.

56 Necdet Subaşı, “The Alevi Opening: Concept, Strategy and Process,” *Insight Turkey* 12, no. 2 (2010): 170. *Dedes* or “grandfathers” are socio-religious leaders and spiritual guides of the Alevi community that lead the *cem* ceremony (representing Muhammad and Ali), receive confessions at the beginning of the ceremony, and oversee marriages, funerals, and circumcisions. *Dede* is a hereditary position limited to descendants of the Prophet (*ocakzade*).

57 Although the hotel was purchased by the state in 2010 there is disagreement about next steps:

[S]ome Alevi groups have demanded the hotel become a museum to commemorate the massacre, while others such as the Cem Foundation say the building can be put to another use as long as there is a plaque at the door honoring the victims. Some local nongovernmental organizations in Sivas would like to see the building demolished and a library built on the site, NTV reported. Arif Sağ, an Alevi and prominent folk musician, has meanwhile proposed that the building be torn down and the area used for a flower garden.

“Turkish Government Buys Hotel Site of Alevi Massacre,” *Hurriyet Daily News*, June 17, 2010, <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=turkish-govt-seizes-hotel-where-many-alevis-intellectuals-were-killed-2010-06-17>.

58 Köse, “Alevi Opening,” 15. Concerns extend to foreign policy: the head of the Alevi-Bektashi Federation, Selahattin Ozel, has criticized the AKP for creating a “Sunni block” in the region. Ezgi Basaran, “Erdogan’s Negative Comments Unite Turkish Alevis,” *Al-Monitor*, May 6, 2013, <http://www.al-monitor.com/pulse/politics/2013/05/turkey-alevis-erdogan-negative-interview-selahattin-ozel.html>.

concluded that compulsory religious instruction in Turkish public schools violates the rights of religious minorities.⁵⁹ The opinion reflects an increasingly influential European consensus on the need to protect the rights of religious minorities globally. A central claim of this article is that rather than serving as a vector of religious liberalization and religious freedom, international pressure by the European Court and other outside actors and institutions to guarantee the legal rights of a collective Alevi minority subject reinforces the distinction between Alevis and non-Alevi Turkish citizens in religious terms. This not only obscures cross-cutting ties and affiliations between Alevi and non-Alevi communities but also reinforces the exclusionary connection forged by the Turkish state between Sunni Islam and Turkish nationalism.

The *Zengin* case involves the compatibility of religious education in Turkey with the right to education in the European Convention on Human Rights. Some form of religious education in public schools is the norm in Europe, though there is significant variation within and among states.⁶⁰ Of the forty-six Council of Europe member states, forty-three provide religious instruction in state schools. In twenty-five of the forty-six, including Turkey, religious instruction is compulsory.⁶¹ According to the Turkish Ministry of Education, “the aim of the course is to teach students how ‘to put into practice the requirements of the belief individually, without any need of guidance from other authorities,’ and to distinguish religious knowledge from superstitions and traditions.”⁶²

Although some Alevi groups have called for the state to abolish compulsory religious instruction altogether, others have sought curricular reform or the right to apply for an exemption to the requirement on a case-by-case basis. As legally recognized non-Muslim minorities,⁶³ Christians and Jews in Turkey have since 1990 been permitted to apply for an exemption from the “Religious Culture and Moral Knowledge” courses. However, as Türkmen explains, there has been confusion regarding this rule, and in 1992 the Ministry of Education circulated a memorandum denying the 1990 decision. The latter explained that the courses had been modified to reflect concerns for other religions and would henceforth be mandatory for all Turkish students, though non-Muslim students would not be responsible for the chapters on Islamic practices.⁶⁴ In any event, Alevis

59 *Hasan and Eylem Zengin v. Turkey*, App. No. 1448/04 (European Court of Human Rights 2007), <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-82580>.

60 See José Luis Martínez López, Jan De Groof, and Gracienne Lauwers, eds, *Yearbook of the European Association for Education Law and Policy*, vol. 6, *Religious Education in Public Schools: Study of Comparative Law* (Dordrecht: Springer, 2005); Luce Pépin, *Teaching about Religions in European School Systems: Policy Issues and Trends—NEF Initiative on Religion and Democracy in Europe* (London: Alliance Publishing Trust, 2009); Gerhard Robbers, ed., *Religion in Public Education* (Germany: European Consortium for Church and State Research, 2011).

61 Religious culture and morality courses were first instituted as electives after the transition to a multiparty system—1956 in secondary schools and 1967 in high schools—and became a mandatory part of the curriculum after the 1980 coup. Türkmen, “A Transformed Kemalist Islam,” 386.

62 Quoted in Türkmen, “A Transformed Kemalist Islam,” 393.

63 This reflects the authority and precedent of the Treaty of Lausanne in which the term “minorities” referred exclusively to non-Muslim religious communities (Jews, Armenians, and Greek Orthodox Christians), as discussed above.

64 “Jewish and Christian students with Turkish nationality, who are not students of minority schools, will not be taught the word of testimony (*kelime*-, *sahadet*), the meaning of *bismillahirrahmanirrahim*, Koranic verses, suras, prayers, Islamic worship, fasting, hajj.” Decision of the Council for Instruction and Education, No. 47, 28 February 1992, quoted in Türkmen, “A Transformed Kemalist Islam,” 388. The author explains that “the issuing of these two memorandums has resulted in some inconsistencies: some schools oblige non-Muslim students to take the course, and others do not. The existence of the 1992 decision shows that non-Muslim students are not exempt from the course; the only exemption they can benefit from relates to the content of the course. This

remained ineligible for an exemption: “in this decision, only non-Muslims can be exempt from some chapters of the course, whereas Muslims from other sects are not mentioned.”⁶⁵

In 2001 Hasan Zengin filed a complaint with the Istanbul Governor’s Office, Istanbul Administrative Court, and the Council of State claiming that mandatory religious education classes forced his then seventh-grade daughter, Eylem, to be inculcated with exclusively Sunni Islamic belief and practice, thereby infringing on her basic human rights. When the Court ruled against him, Mr. Zengin appealed to the European Court of Human Rights, which heard the case in 2006.⁶⁶ While ostensibly focused on whether Eylem’s right to education had been violated by the compulsory religious education courses, in the background of the case hovered a broader question of how Alevism should be construed by the court, legally and religiously.

The Court’s immediate task in *Zengin* was to assess the compatibility of the content of Turkish religious education courses with the right to education as outlined in the European Convention, not to weigh in on the relationship between Alevism and Sunni Islam as interpreted by the Turkish state. Judges were asked to determine “if the content-matter of this subject is taught in an objective, critical and pluralist manner . . . [and] whether appropriate provisions have been introduced in the Turkish educational system to ensure that parents’ convictions are respected.”⁶⁷ The decision features a lengthy discussion of the content of the religious education courses, noting that, although “the syllabus for teaching in primary schools and the first cycle of secondary school, and all of the textbooks drawn up in accordance with the Ministry of Education’s decision no. 373 of 19 September 2000, give greater priority to knowledge of Islam than they do to that of other religions and philosophies . . . this itself cannot be viewed as a departure from the principles of pluralism and objectivity which would amount to indoctrination” because Islam is the majority religion practiced in Turkey.⁶⁸ However, the Court also observes that the Government’s contention that adequate information about the Alevi was taught in the ninth grade does not adequately compensate for the “absence of instruction in the basic elements of this faith in primary and secondary school” and that “the instruction provided in the school subject ‘religious culture and ethics’ cannot be considered to meet the criteria of objectivity and pluralism . . . and to respect the religious and philosophical convictions of Ms Zengin’s father, a follower of the Alevi faith, on the subject of which the syllabus is clearly lacking.”⁶⁹ It found that the religious education classes, compulsory in Turkey since 1982, violate Article 2 of the First Additional Protocol of the European Convention concerned with the “right to education,”⁷⁰ a violation it attributed to “the inadequacy of the Turkish educational system, which, with regard to religious instruction, does not meet the requirements of objectivity and pluralism and provides no appropriate method for ensuring respect for parents’ convictions.”⁷¹ Turkey was enjoined to make adjustments to the religious education curriculum or make the lessons optional.

decision proves that, contrary to what the Ministry of Education says, this is a course not of general religious culture but of Islamic knowledge, where Muslim students learn Islamic Sunnite rituals and practices.” Ibid.

65 Ibid.

66 *Zengin v. Turkey*, see footnote 59.

67 Ibid., 16.

68 Ibid., 18.

69 Ibid., 19.

70 Article 2 of the First Additional Protocol reads: “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.” Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms art. 2, March 20, 1952, 213 U.N.T.S. 222.

71 *Zengin v. Turkey*, 22.

A 2008 case brought by Alevi parents Ali Kenanoğlu and Hatice Köse led to similar results, with the Turkish State Council agreeing with the European Court decision that the religious education course could not be mandatory. In refusing to comply with these rulings, the Ministry of Education explained that these decisions pertained to earlier course materials and that the textbooks had since been revised in 2007–2008 to include a new chapter on Alevism. Opponents of the new version of the textbook countered that they disagreed with its representation of Alevism as a “mystic interpretation of Sunnism.”⁷² Türkmen describes the role of the Alevis in the newer textbooks as “the constitutive other through which the domination of the Sunni interpretation of Islam imposes its legitimacy.”⁷³ On November 6, 2010, one of Turkey’s largest Alevi organizations, the Pir Sultan Abdal Cultural Association, staged a sit-down strike in Kadıköy Square in Istanbul to demand an end to mandatory religious education classes.⁷⁴ Activists cited the European Court’s decision and the Turkish state’s failure to act upon it as a factor in their mobilization.

In reaching a decision in *Zengin*, the Court appears torn between two alternative approaches to Alevism, both of which are indebted to the criteria of assessment used by the Turkish state in matters of religion: *either* Alevis are a kind of “religious minority” that deserves special dispensation with regard to compulsory religious education, or they are “Muslims” in the sense promoted by Bardakoglu and the Turkish state. “Muslims” in the latter sense would be individuals whose practices resemble those of the Sunni Muslim Turkish majority, with a particular version of Sunni Hanefi Islam serving as the *de facto* official religion of the secular Turkish state. Departing from the Turkish government’s position that subsumes Alevism under Turkish state Islam, the Court concluded that the “Alevi faith” is “distinct from the Sunni understanding of Islam which is taught in schools” and allowed that the expression “‘religious convictions’ . . . is undoubtedly applicable to this faith.”⁷⁵ Alevism, then, is a “religious” conviction within the meaning of Article 2, *and* it is distinct from Sunni Islam. Thus the question of whether Alevism should be understood legally as part of Islam as defined by the Turkish state, or as something else, was resolved. The Court went with the latter. Note that the Court joined the Turkish state’s efforts to “pin down” a definition of Alevism in relation to Sunni Islamic tradition; it just reached a different conclusion about *how* to do so.

The Strasbourg Court appears drawn to the emancipatory promise of legally enshrining the Alevis, and other “minorities” in other contexts, as a collective non-Sunni Muslim subject of minority religious rights guaranteed by both state and international law. This reflects the influence of a growing consensus in European and international public policy circles that majority and minority religions are natural groupings that exist out of time and apart from law and politics, and that it is the duty of the international community to guarantee their (religious) freedom.⁷⁶ As Austrian foreign minister and vice chancellor Michael Spindelegger stated in 2012 at the occasion of an “experts’ seminar” on the freedom of religion in Brussels, “freedom of religion and the protection of religious minorities are central elements of Austria’s human rights policy . . . the events in the Arab World, in particular, remind us that freedom of religion of all citizens is also decisive for

72 Türkmen, “A Transformed Kemalist Islam,” 388.

73 *Ibid.*, 396.

74 “Alevi Group Demands End to Turkish Mandatory Religious Classes,” *Hurriyet Daily News*, November 7, 2010. Other protestors demanded the abolishment of the Religious Affairs Directorate, the granting of legal status to *cemevis* (Alevi houses of worship), and a halt to mosque construction and the call to prayer in Alevi villages—all perceived as impositions of state-favored Sunni Islam.

75 *Zengin v. Turkey*, 18.

76 On the history of this assumption, and particularly French attempts to formalize and “officialize” religious identity and community in French Mandate Syria, see White, *Emergence of Minorities in the Middle East*, 43–66.

peace and security within a society. Religious minorities will therefore have to be involved in the redesign of the societies that is currently taking place in many Arab countries right from the beginning.”⁷⁷ This position is voiced with increasing frequency in European public debates. Protections for minority religions are seen as the key to unlocking democratic reform, ensuring the rule of law, and implementing tolerant legal regimes to manage otherwise unwieldy and recalcitrant sectarian differences that are re-emerging after the fall of authoritarian regimes in the region.⁷⁸ Support for a right to legal personality for minority religions is part of a European and North American commitment to international religious freedom, and denial thereof is categorized as a restriction on the right to religious freedom. According to the EU Guidelines on the Promotion and Protection of Religion or Belief issued in June 2013, the right to freedom of religion or belief includes rights for communities that “include, but are not limited to, *legal personality* and non-interference in internal affairs, including the right to establish and maintain freely accessible places of worship or assembly, the freedom to select and train leaders or the right to carry out social, cultural, educational and charitable activities.”⁷⁹

In 2004, in part as a result of lobbying efforts by Alevi leaders in Europe, the EU officially categorized the Alevis as a “non-Sunni Muslim minority.”⁸⁰ The Venice Commission has defined the Alevis as a disadvantaged minority in need of legal recognition and protection.⁸¹ Since 1998 the annual reports of the European Commission have “insisted on the extension of official recognition of the three non-Muslim communities (Armenians, Greeks, and Jews) to the Kurdish, Alevi and Assyrian groups.”⁸² Turkey’s accession process is also implicated: the Commission’s 2011 “Enlargement Strategy and Main Challenges” Turkey report cites freedom of religion and the protection of minorities (especially non-Muslims and the Alevi community) as areas in which further efforts are required and calls for the establishment of a legal framework in line with the European Convention on Human Rights.⁸³ As noted previously, in June 2013 the Council of Foreign Affairs Ministers of the EU adopted the EU Guidelines on the Promotion and Protection of Religion or

77 Austrian Foreign Ministry, “Vice Chancellor Pressing for Early Adoption of EU Guidelines on Freedom of Religion,” news release, December 10, 2012, <http://www.bmeia.gv.at/en/foreign-ministry/news/press-releases/2012/spindelegger-protection-of-religious-minorities-is-a-key-concern-of-austria-human-rights-policy.html>.

78 Noah Salomon identifies a similar commitment among international rule of law advocates and activists in Sudan in “The Ruse of Law: Legal Equality and the Problem of Citizenship in a Multi-religious Sudan,” in *After Secular Law*, eds. Winnifred Sullivan, Robert Yelle, and Mateo Taussig-Rubbo (Stanford, CA: Stanford University Press, 2011), 200–20.

79 Council of the European Union, *EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief*, para. 19, http://www.eu-un.europa.eu/articles/en/article_13685_en.htm (emphasis added).

80 “Even though Alevis in Turkey were reluctant to get help from the EU, efforts of the Alevi lobby resulted in the European Union’s *Regular Report on Turkey*, dated October 6, 2004, which pointed to difficulties Alevis face in Turkey and defined them as a ‘non-Sunni Muslim minority.’” Özyürek, “The Light of the Alevi Fire,” 244. For reasons described above, there was strong opposition to this designation among Turkish Alevis, and the Commission dropped it in subsequent reports.

81 On the recommendations of the Venice Commission (an advisory body of the Council of Europe that drafts advisory opinions on freedom of religion and the protection of minorities, among other issues), see Ergun Özbudun, “‘Democratic Opening,’ the Legal Status of Non-Muslim Religious Communities and the Venice Commission,” *Insight Turkey* 12, no. 2 (2010): 213–22.

82 Soner, “Citizenship and the Minority Question,” 303.

83 “Overall, there has been limited progress on freedom of thought, conscience and religion. . . . A legal framework in line with the ECHR has yet to be established, so that all non-Muslim religious communities and the Alevi community can function without undue constraints.” European Commission, Commission Staff Working Paper, Turkey 2011 Progress Report (Brussels, October 12, 2011), 31, http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf.

Belief.⁸⁴ This instrument is said to provide staff in the European External Action Service, EU delegations, and embassies with an “operational set of tools to be used in dealings with third-countries, as well as with Churches and international and civil society organizations, in order to protect all individual believers and religious minorities within its external action.”⁸⁵

As these issues move up the ladder and occupy an increasingly prominent position in the European external relations portfolio, their impact will also be felt in Turkey. The European religious rights approach has its appeal when contrasted with the Diyanet’s move to subsume Alevism under Sunni Hanefi interpretations of Islam—thereby marginalizing Alevi voices, practices, and traditions that locate themselves outside the Sunni Hanefi umbrella. Ensuring a degree of autonomy to the Alevis as a non-Sunni Muslim minority appears as a reasonable alternative to trampling Alevi collective identity and ignoring demands for communal autonomy and rights. Rather than serving as an instrument of religious liberalization, however, the European attempt to fix a collective Alevi non-Sunni Muslim minority subject in law serves to distinguish Alevis from non-Alevi Turkish citizens in *religious* terms. This has important consequences for the politics of religious difference in Turkey.

CREATING APOSTATES AND INSURGENTS: THE LEGAL CONSTITUTION OF RELIGIOUS DIFFERENCE

Turkish citizens of different backgrounds have voiced serious concerns about state persecution and discrimination against Alevis. Many have petitioned for public recognition of Alevi identity, collective practices, and historical grievances. For these critics, the Kemalist project—so-called after the first president of Turkey, and the primary framework in which Turkish national identity has been negotiated and legitimated since the founding of the Republic in 1923—is distinguished by a concerted nationalistic attempt to force Alevis, Kurds, Armenians, and others to “abandon their traditional attachments.”⁸⁶ Activists and spokespersons who challenge the exclusionary dimensions of Turkish nationalism counter the assimilationist narrative by calling for a public revalorization of Alevism, alongside other non-Sunni identities and histories, through the promotion of Alevi rights

⁸⁴ See footnotes 8 and 79.

⁸⁵ Joe Vella Gauci, “Protection of Religious Freedom: A New Operational Set of Tools,” *Europeinfos: Newsletter of the Commission of the Bishops’ Conference of the EU and the Jesuit European Office* 157 (February 2013), <http://www.comece.eu/europeinfos/en/archive/issue157/article/5480.html>. This builds on recommendations issued in 2011 by the European Platform on Religious Intolerance and Discrimination calling for the European External Access Service to (1) establish a “Religion Unit” in the Thematic and Multilateral Directorate General to “mainstream the issue of freedom of religion or belief across the geographical directorates and units as well as linking the issue into general human rights promotion within the same DG and advancing the issue in international and multilateral organisations and fora”; (2) appoint a EU Special Envoy for Religious Freedom; (3) order the aforementioned “Religion Unit” to prepare an Annual Report on Progress on Freedom of Religion or Belief in the World (“FoRB”), including a list of countries of particular concern to be revised annually; and (4) incorporate basic understanding of religious dynamics into diplomatic training and consider appointing a “religious freedom officer” in key EU embassies. The European Parliament is urged to get involved in “FoRB” initiatives, be informed about infringements of FoRB, become more active in monitoring other EU institutions with regard to FoRB concerns, and generally “help feature freedom of religion or belief for all higher up the agenda of the European Union.” European Platform on Religious Intolerance and Discrimination, *Recommendations of the European Platform on Religious Intolerance and Discrimination to the Institutions of the European Union Concerning the Implementation of Freedom of Religion or Belief* (May 26, 2011), http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/201201105/20110526_416recomeprid_en.pdf.

⁸⁶ Köse, “Alevi Opening,” 8.

and freedoms. Fueled by external pressure from the EU since the early 2000s and energized by recent EU attempts to prioritize religious freedom and the rights of religious minorities as a European foreign policy objective, this revalorization of Alevism is presented as the antidote to the Kemalist effacement of cultural and religious difference. In 2007 the ruling Adalet ve Kalkınma Partisi (AKP) initiated an “Alevi opening,” consisting of a series of workshops, in an attempt to address these concerns.⁸⁷ As part of the “opening” the Ministry of Education modified textbooks for the Religious Culture and Ethics courses to include more information on the Alevi, as discussed above; some municipalities recognized *cemevis* as “houses of worship;” and the state nationalized the Madımak Hotel in Sivas.⁸⁸ According to Dressler, however, these limited concessions were received by Alevi as “falling far short of the general recognition to which Alevi aspire” and as “showing no intention to restructure the current system of state organization and control of religion.”⁸⁹

Despite the important differences between the Turkish state’s treatment of Alevism as part of the “common share of Islam” and the European Court’s approach to Alevism as a “religious conviction distinct from Sunni Islam,” both approaches share a tendency to erase the profound heterogeneity (and even inconsistency) of practices associated with Alevism while reinforcing the Turkish state’s capacity to classify and govern its citizens as *religious* subjects. To classify the Alevi—despite their substantial internal diversity and the unsettled nature of their identity claims—as a collective subject of religious rights and religious freedom guaranteed by the state and backed up by international legal instruments reinforces a long-standing statist tradition of Turkish secularism in which an implicit Sunni-majority state serves as the official arbiter of religious identity, community, and practice. This is a secular social order characterized by centralized, and at times authoritarian, governance, as Gözaydın explains:

[F]rom the very first days of the Republic, secularism in Turkey has meant safeguarding the state against social forces, as the 1982 Constitution has once again strongly proven. The official conception of secularism in Turkey complements this statist tradition. This tradition is characterized by a denial of the existence of autonomous political and cultural realms within society, regarding these as threats against the existence of the state and advocating that legitimate social practices are limited to practices supervised by the state. The official ideology inevitably approaches religion in line with this statist tradition.⁹⁰

The social forces behind the Gezi protests in Turkey united in opposition to this statist tradition.⁹¹

When external authorities classify Alevism as a religious conviction that is distinct from Sunni Islam—as a religious “minority” in the Turkish context—this stabilizes an otherwise more indeterminate Alevi collective identity in religious terms, fixes its relationship to Sunni tradition, and reinforces a conventional Turkish statist approach to governing religion. In the name of protecting social and religious diversity, this move occludes the undecidability and indeterminacy of Alevism as a heterogeneous and contested set of practices and traditions that may fade away at the margins, shift depending on time and locale, and even be indifferent to the relationship between Alevism and Turkish or other official “state Islams.”

87 On the reception of the workshops conducted in 2009–2010, see Necdet Subaşı, “The Alevi Opening: Concept, Strategy and Process,” *Insight Turkey* 12, no. 2 (2010): 165–78.

88 Dressler, *Writing Religion*, xiii.

89 *Ibid.*, xiv. Dressler concludes that, as of December 2012, the Alevi opening has barely gone beyond the publication of a report. *Ibid.*, xv.

90 Gözaydın, “A Religious Administration to Secure Secularism,” 7.

91 See Cihan Tugal, “Occupy Gezi: The Limits of Turkey’s Neoliberal Success,” *Jadaliyya.com*, June 4, 2013, http://www.jadaliyya.com/pages/index/12009/occupy-gezi_the-limits-of-turkey-s-neoliberal-suc.

To depict the Alevi as a religious minority in law and international public policy is to endow an otherwise more open and unstable (religious-ethnic-social-cultural) identity with more pointed religious and legal salience in the eyes of individual citizens (including the many Alevi who are shaped by these legal constructions), the state, and the international community. This “fixing” of Alevi identity presupposes and produces a perception of stable and non-negotiable differences between Alevi, other “minorities,” and (even if unmarked) Sunni Turkish citizens. This is a process that William Connolly describes as the *overcoding* of the boundaries between groups.⁹² Overcoding religious boundaries formalizes identity in religious terms and contributes to a confessionalization of social and political life. Michael Wahid Hanna makes a related point in reference to US-based Coptic diaspora lobbying on behalf of Egyptian Copts. Hanna suggests that pro-Coptic interventions by external actors risk inflaming Coptic-Muslim relations. Pointing to the internal diversity of the Coptic community and to Copts’ diverse life experiences as a result of disparate socio-economic and geographic locations, he concludes that while there may be a place for outside lobbying “it would be perverse if the efforts of Coptic diaspora activists were a further cause of strife and a rallying cry for Islamists who seek to implement a vision of religious supremacy.”⁹³ Nukhet Sandal draws an interesting contrast between the respective situations of Egyptian Copts and Turkish Christians. As Sandal observes, “there is no ‘Christian’ discourse or a unified Christian public theology in the Turkish public sphere that is equivalent to the Coptic public theology in Egypt. The Christian communities have defined themselves either by the word ‘non-Muslim’ or by their ethnicity, and focused on their own communities’ problems rather than on the problems of the Christian community in general.”⁹⁴ This may change as a stronger European, pro-Christian lobby contributes to creating a more intensely politicized “Christian community” in Turkey and elsewhere in the region.

To enshrine Alevism legally as a protected minority religion contributes to a perception of social space as structured around an Alevi-Sunni opposition.⁹⁵ Political identity and community *defined in religious terms* comes to “occupy the full terrain of the thinkable.”⁹⁶ This conceals the ways in which collective needs cut across these contrived divides. It obscures the ways forward that emerge when the focus is not on communities of believers but on shared goals, cross cutting affiliations, and collective visions. These observations apply equally to other groups perched on the threshold of official recognition and naturalization as “religious” minorities, both past and present.⁹⁷ To

92 William E. Connolly, *The Ethos of Pluralization* (Minneapolis: University of Minnesota Press, 1995), 149.

93 Michael Wahid Hanna, “With Friends Like These: Coptic Activism in the Diaspora,” *Middle East Report* 267 (Summer 2013), <http://www.merip.org/mer/mer267/friends-these>.

94 Nukhet A. Sandal, “Public Theologies of Human Rights and Citizenship: The Case of Turkey’s Christians,” *Human Rights Quarterly* 35, no. 33 (2013): 641.

95 Martin Sökefeld observes that the polarization of northern Pakistani society along sectarian lines occurred as a “Shia-Sunni dichotomy became effectively a premise that structured the perception of the social space.” Sökefeld, “Selves and Others: Representing Multiplicities of Difference in Gilgit and the Northern Areas of Pakistan,” in *Islam and Society in Pakistan: Anthropological Perspectives*, eds. Magnus Marsden and Ali Khan (Karachi: Oxford University Press, 2010), cited in Aziz Ali Dad, “The Sectarial Ghoul in Gilgit,” *The News*, December 20, 2012, <http://www.thenews.com.pk/Todays-News-9-149434-The-sectarian-ghoul-in-Gilgit>.

96 Elizabeth Castelli, “Theologizing Human Rights: Christian Activism and the Limits of Religious Freedom,” in *Non-Governmental Politics*, eds. Michel Feher, Gaëlle Krikorian, and Yates McKee (New York: Zone Books, 2007), 684.

97 Mahmood describes the refusal of the Coptic community at the time of the Revolution of 1919 to accept the designation of “national minority” on the “ground that they were no different than their fellow Egyptians.” In drafting a new constitution in 1922, Coptic members of the Wafd party opposed proportional minority representation while supporting political and civil equality for all Egyptian citizens on the grounds that the former “would create

“religionize”⁹⁸ Alevis risks contributing to the perception that there are “natural” sectarian tensions and divisions between Turkish Alevis, Arab Alevis residing in Turkey, the Sunni majority in Turkey, and (mainly Sunni) Syrian refugees fleeing the violence to seek refuge in southeastern Turkey. This heightens the risk that social tensions emerging from the Syrian war will “jump the border” and be cast as intractable religious or sectarian problems rather than as political, economic, or security-related challenges.

Enshrining Alevis as an official minority religion also catalyzes a series of internal dynamics within Alevi communities. The process of being religionized elevates and empowers particular authorities to represent and speak on behalf of *the* Alevi “religious” community. The socio-legal transformation of Alevis into official collective religious subjects under state law, and Alevis into an official religion (understood as a variation of Islam or not) sanctifies particular understandings of Alevis as orthodox while marginalizing others. Necdet Subaşı, ministerial advisor and general coordinator of the Alevi Initiative, lists the steps to be taken on the road to Alevi state recognition as including “improvement of the conditions of the *cemevis*, elimination of the obstacles before the status of *cemevis* as houses of worship, *public acknowledgement and appreciation of the leading Alevi men of faith by the state, and strengthening the role and status of these leaders.*”⁹⁹ Dissenters, doubters, and those making claims on behalf of Alevis deemed unorthodox or threatening by “leading Alevi men of faith” are left out of the picture. Those who claim that Alevis is not a religion at all, that it is not a heterodox sect of Islam, or are entirely indifferent to such claims, fall below the threshold of public discourse and political and juridical recognition, nationally and internationally.¹⁰⁰ To raise Alevis above the official threshold of legal recognition as a minority enshrines *particular* authorities as the arbiters of religious orthodoxy: Who is a religion? Who decides? Who speaks for a religious community?

In an article appearing in this issue, Paul Sedra discusses Article 3 of the Egyptian constitution, adopted under former president Morsi but retained in the 2014 constitution. Article 3 formally vests power over personal status in the Coptic Church, stating that, “the canon principles of Egyptian Christians and Jews are the main source of legislation for their personal status laws, religious affairs, and the selection of their spiritual leaders.”¹⁰¹ Article 3 disempowers and marginalizes Coptic laypeople whose views do not necessarily align with those of the Coptic hierarchy. As Sedra concludes, Article 3 effectively codifies “the triumph of clerical forces over their rivals in the Coptic laity for control of the Church and community. . . . In the face of determined Church efforts to marginalize them, as well as the state’s support for these efforts, are Coptic laypeople who want a meaningful say in their community’s and nation’s future, destined to become apostates and insurgents?”¹⁰²

divisions based on religion in the body politic similar to those that divided the Muslims from Hindus in India.” Today the Coptic community in Egypt is split, with some (Magdi Khalil) supporting explicit protections for minority rights and others (Samir Murqus) opposing them. Mahmood, “Religious Freedom,” 435, 438.

98 Dressler refers to a “trend to religionize Alevis” in the context of a discussion of the changing role of the *dede*, or Alevi spiritual leader, under modern secular regimes of state and transnational authority in which most temporal power has been transferred to secular leaders of Alevi associations and foundations. Dressler, “The Modern Dede,” 290.

99 Subaşı, “The Alevi Opening: Concept, Strategy and Process,” 173 (emphasis added).

100 “Turkish nationalists tend to be rather intolerant toward interpretations that locate the Kızılbaş-Alevis outside of Islam or rooted in non-Turkish (for example Kurdish or Persian) ethnicity and culture.” Dressler, *Writing Religion*, 273.

101 Paul Sedra, “Copts and the Millet Partnership: The Intra-Communal Dynamics Behind Egyptian Sectarianism,” also appearing in this issue.

102 Sedra, “Copts and the Millet Partnership.”

Adopting religion as a category to distinguish groups that are seen as in need of legal protection changes the lives of those who live under these designations. It creates a world in which citizens are governed as religious subjects. It contributes to the consolidation of a social order in which groups are distinguished by perceived religious differences. It creates apostates and insurgents on the margins of legal religion. And it effaces forms of political agency and subjectivity that fall outside the limits of political constituencies that are defined by religious community.¹⁰³ Legal classifications of Alevism by the Turkish state and the European Court of Human Rights work to define the Alevi and determine how Alevism relates to (purportedly stable and unchanging) dominant renderings of Sunni Islamic tradition.¹⁰⁴ Both of these classifications impact Alevi directly by transforming the lived experiences, ambiguities, and inconsistencies that attend religious affiliation and practice into something more fast and fixed—nudging and funneling individuals into discrete “faith communities” through which they are legally and collectively defined, overseen, and spoken for.¹⁰⁵ These designations marginalize multiform, dissenting, ambivalent, and everyday forms of religiosity. They embolden those empowered to speak in the name of orthodoxy.¹⁰⁶ They obscure the fuzziness, distinctiveness, and diversity within and between communities, submerging their histories and traditions “in the mill of modernist discourses and the homogenizing machinery of the nation state.”¹⁰⁷ Never fully constituted or captured by orthodoxy, Alevi, Copt, and other modern religious subjects are “eclectic, adaptive, and acculturating,” mixing and borrowing not only from other religious traditions, but also with practices from the broader cultures that surround them.¹⁰⁸ To fix Alevism in law—whether domestic or international—erases the indeterminacy and heterogeneity of Alevism as a set of lived traditions, while shoring up efforts to regulate acceptable Turkish religiosities in the service of the state.

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¹⁰³ C. S. Adcock illustrates this persuasively in regard to the capacity of the Tolerance critique of religious proselytizing to subvert and sideline Untouchables’ ability to negotiate their own identities and pursue various forms of anti-caste struggle. Adcock, *The Limits of Tolerance: Indian Secularism and the Politics of Religious Freedom* (Oxford: Oxford University Press, 2013), 173.

¹⁰⁴ Kaya describes a similar dynamic in Germany (and Europe more broadly) in which Alevism has been represented as a secularist “shield” against radical Islam. As he concludes, this “inevitably contributes to the resurgence of Alevism in a political sense and to the reification of Alevism in a cultural sense vis-à-vis Sunnis.” Kaya, “Multicultural Clientelism and Alevi Resurgence,” 43.

¹⁰⁵ For a discussion of a similar dynamic in Sri Lanka, see Benjamin Schonthal, “Constitutionalizing Religion: The Pyrrhic Success of Religious Rights in Post-Colonial Sri Lanka,” also appearing in this issue.

¹⁰⁶ For an example see Winnifred Fallers Sullivan’s socio-legal analysis of the *Warner* trial, a 2005 case involving the enforcement of regulations at a municipal nondenominational cemetery in Boca Raton, Florida. The *Warner* decision is a powerful illustration of the marginalization of lived or “folk” religion and the establishment of a legal hierarchy of religious orthodoxy in a specific context. Sullivan, *The Impossibility of Religious Freedom* (Princeton, NJ: Princeton University Press, 2007).

¹⁰⁷ Dressler, *Writing Religion*, 287. As he concludes, “it is undeniable that this pressure of Sunni Islamic majority discourse . . . encouraged Alevi individuals as well as Alevi groups and organizations to move in rhetoric and practice closer to mainstream understandings of Islam.” *Ibid.*, 278.

¹⁰⁸ Winnifred Fallers Sullivan, “Varieties of Legal Secularism,” in *Comparative Secularisms in a Global Age*, eds. Linell E. Cady and Elizabeth Shakman Hurd (New York: Palgrave Macmillan, 2010), 117.