

BEYOND THE HEADSCARF: SECULARISM AND FREEDOM OF RELIGION IN TURKEY

The continuing stalemate in the headscarf controversy in Turkey stems from a mutual distrust about the way the concepts of secularism, democracy, and religious freedom are understood. Both Kemalist secularism, which defends the headscarf ban for the sake of protecting the secular regime, and liberal secularism, which opposes the ban for the sake of protecting the freedom of religion of Sunni Muslims, are short of offering a truly secular perspective that can come to terms with patriarchy in both its secular and Islamic varieties. This article argues that this impasse caused by fears about either top-down Islamization or secularization can be overcome only when women's rights and freedoms at large become the main concern for all parties in the debate.

Umut Azak*



* Umut Azak is an Assistant Professor of International Relations at Okan University in Istanbul.

In Turkey, public visibility of certain forms of veiling has been a political symbol, serving secular/Kemalist and conservative/Islamic nationalisms which defined their idiosyncrasy in terms of their respective images of the ideal woman. While unveiling (removing the headscarf) meant allegiance to and inclusion in the modernist and secularist project of the Republican regime since the 1920s, traditional or Islamic veiling symbolized indifference or resistance to it. The politicization of the headscarf climaxed when a modern form of veiling (*türban* in Turkish, *hijab*, in Arabic)¹ began to be donned by students as a conscious resistance against the ban on headscarves in universities in the 1980s. Since then, the *türban* has been a major issue, revealing the complex and tense interaction between democracy, secularism, and Islam.²

Banning students and civil servants from wearing a headscarf, in the name of secularism, has resulted in the polarization of Turkish society. While one segment favors the ban and sees it as a precaution for protecting the secular regime and gender equality, a larger segment interprets it as an infringement of their fundamental democratic right to freedom of religion. The continuing stalemate over this issue stems from a mutual distrust about how the concepts of secularism, democracy, and religious freedom are understood by either side. This article asserts that this stalemate, caused by fears and concerns about Islamization and/or secularization, can only be overcome when women's rights and freedoms become primary concerns for both sides.

Public Attitudes Towards the Headscarf Ban

Contrary to the expectations of the founders of the Republic, the ideal of the “republican woman”, as a modern woman, freed from religious and traditional norms of clothing has not yet been realized. According to a nationwide survey conducted in January 2008, around 70 percent of all women in Turkey cover their heads, and among university graduates the ratio is 16 percent.³

1 *Türban*, unlike the more traditional and looser forms of head covering (*yaşmak*, *yemeni*, *başörtüsü*) or *çarşaf* covering the whole body except the eyes, refers to a modern and urban form of Islamic veiling which covers the head, neck and sometimes the shoulders. It is the adoption of this version by university students that triggered the headscarf debate in Turkey. University students adopted the *türban* in order to mark their choice as a conscious act rather than a conformism to traditional norms of veiling. Hence the *türban* had a political connotation—at least until its popularization among wider circles of women—unlike other non-political forms which were, nevertheless, similarly not allowed in university campuses.

2 For a recent and comprehensive evaluation of the headscarf ban in Turkey see, Adriana Piatti-Crocker and Laman Tasch, “Unveiling the Veil Ban Dilemma: Turkey and Beyond,” *Journal of International Women's Studies*, Vol.13, July 2012, pp. 17-32; Ayşe Saktanber and Gül Çorbacıoğlu, “Veiling and Headscarf-skepticism in Turkey,” *Social Politics: International Studies in Gender, State and Society*, No.15, 2008, pp. 514-38.

3 “Türkiye’de Siyasal Durum Araştırması: Başörtüsü Yasağı,” [Research of Political Situation in Turkey], *MetroPOLL Stratejik ve Sosyal Araştırmalar Merkezi*, [MetroPOLL Center of Strategic and Social Researches], January 2008. Another survey by KONDA from September 2007 gives a similar figure for women with headscarves: 69.4 %.

The continuing official prohibition of the headscarf for public servants and elementary and high school students – though not for students in the university campuses since 2010⁴– is not popular among the population. As political scientist Ali Çarkoğlu demonstrates on the basis of data from three nationwide surveys conducted in 1999, 2006, and 2009, 70 percent of the Turkish population (of voting age) support lifting the ban.⁵ Another survey with similar findings indicated that 57 percent of people see lifting the ban as “the requirement of democracy and freedom of religion,” while 26.3 percent think it is “an act against the Republican regime and secularism.”⁶ In recent years, the latter group which supports the ban has increased in number at the same time as religious and conservative groups continue to demand their democratic right to religious freedom.⁷

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However, one also needs to be cautious about the rhetoric of rights and freedoms. As political scientist Binnaz Toprak, and Çarkoğlu state, on the basis of their survey studies in 2006, (religious and conservative) people who advocate basic rights and freedoms related to the problems of Sunni Muslims, such as the headscarf issue, tend to be the least sensitive ones to the rights and freedoms of members of other religious and ethnic groups.⁸

Secularism(s) and the Headscarf

The headscarf controversy continues to situate pious Muslims as victims of unjust treatment under official secularist arrangements, although a conservative and pro-Islamic Justice and Development Party (*Adalet ve Kalkınma Partisi*, or AKP) has

“Gündelik Yaşamda Din, Laiklik ve Türban Araştırması.” [Research of Religion, Secularism, and *Türban* in Daily Life], *Milliyet*, 3-9 December 2007, <http://www.milliyet.com.tr/2007/12/03/guncel/agun.html>

4 Jonathan Head, “Quiet End to Turkey’s College Headscarf Ban,” *BBC News*, 31 December 2010, <http://www.bbc.co.uk/news/world-europe-11880622>

5 Ali Çarkoğlu, “Public attitudes towards the *türban* ban in Turkey,” *Utrecht Law Review* Vol.6, No.2, June 2010, p.152. The source of Çarkoğlu’s findings are his collaborative research with Binnaz Toprak (1999, 2003, 2006) and Ersin Kalaycıoğlu (2009). Similarly, the MetroPOLL survey from 2008 found that 64.9 % of the people support the lifting of the ban. According to KONDA’s survey from 2007, 68.9 % of people think that women should be free to wear the headscarf in public offices.

6 MetroPOLL, 2008. Interestingly, according to another survey on university students shows that the latter are less tolerant on this issue: While 51.7 % are against the ban, 43.3 % support it. See Özer Sencar et al. “Üniversite Gençliği Araştırması: Başörtüsü Sorunu ve Siyasete Bakış,” [Research on University Youth: Headscarf Problem and Overview to Politics], *MetroPOLL Research Group*, March 2008.

7 Çarkoğlu (2010), p. 152.

8 Binnaz Toprak and Ali Çarkoğlu, *Değişen Türkiye’de Din, Toplum ve Siyaset* [Religion, Society and Politics in Changing Turkey] (Istanbul: TESEV, 2006), pp. 95-7.

been in power since 2002. Though the perceived feeling of oppression has diminished among the population under the AKP government,⁹ one might claim that the headscarf ban is still the most important symbol of the assumed oppression of Islam in the eyes of Islamic groups and AKP leaders who have been promoting a “liberal secularism” in place of the “assertive secularism” that was institutionalized by the Kemalist regime in the 1920s and 1930s.¹⁰

“The close positioning of liberal secularism to the majority religion does not promise a secularism that can be a more democratic alternative to the Kemalist one.”

Ahmet T. Kuru, a political scientist studying secularism, states that the AKP’s program “depicts secularism as ‘an assurance of the freedom of religion and conscience,’ and rejects ‘the interpretation and distortion of secularism as enmity against religion.’ It considers the discrimination against pious people due to their religious preferences as anti-democratic.”¹¹ This “liberal secularism” –giving priority to “religious freedoms” and embraced by pro-Islamic politi-

cians, movements, and intellectuals, especially after the February 28 *coup*– is a *critique* of the Kemalist establishment’s “assertive secularism.”¹² The AKP’s alternative secularism is in fact a heritage of the first public debates on democracy and secularism in Republican Turkey in the late 1940s and 1950s.

The best and most important formulation of liberal secularism was in the work of Ali Fuat Başgil (1893–1967), the first legal scholar attempting to reconcile secularism with Islam in the multi-party period.¹³ His writings on secularism, published and widely read in the early 1950s, criticized “Islam’s subordination to the state” in the republican period through the Directorate of Religious Affairs (DİB) –the office under the Prime Ministry tasked with centrally administering Islamic worship and

9 According to Çarkoğlu’s study, about 40 % of the population claim that “religious people had been under pressure until the AKP tenure in office,” while after 2002, “those claiming that religious people were subject to oppression remained below 25 percent.” Çarkoğlu, 2010, p. 153.

10 I am using Kuru’s terminology in his work where he categorizes different discourses of secularism in Turkey as “assertive” and “passive”; liberal secularism is an example of “passive secularism” which has its ideal model in the USA, as opposed to the “assertive secularism” of the Kemalist establishment. Ahmet T. Kuru, “Reinterpretation of Secularism in Turkey: The Case of the Justice and Development Party,” in M. Hakan Yavuz, (ed.), *The Emergence of a New Turkey: Democracy and the AK Parti* (Salt Lake City: University of Utah Press, 2006), pp. 136-59.

11 The program adds that “it is also unacceptable to make use of religion for political, economic and other interests, or to put pressure on people who think and live differently by using religion.” AK Parti, *Parti Programı* [The Party Program], 2002; Kuru, 2006, p. 142.

12 Kuru (2006), p. 140.

13 Ali Fuat Başgil, *Din ve Lâiklik: Din Nedir? Din Hürriyeti ve Lâiklik Ne Demektir?* [Religion and Secularism: What is Religion? What is Freedom of Religion and Secularism?] (Istanbul: Yağmur Yayınları, 1954).

practice in the country– and defended the total separation of religion from state for “true” secularism. His critical evaluation of Kemalist secularism emphasized the need to expand freedom of religion for Muslims with the help of governors respectful of religion, without tackling the issue of freedom of belief for non-Muslims or nonbelievers.¹⁴

Başgil’s formulation of an alternative, or “liberal”, secularism has been adopted by intellectuals and politicians who, from the early years of the multi-party regime in the mid-1940s onwards, could begin to oppose the Kemalist secularist policies but had to declare their adherence to secularism, a constitutional principle of the Republic since 1937.¹⁵ Liberal secularism became a lifesaver for all center-right parties, beginning with the Democratic Party (1946-1960), the Justice Party (1961-1981), the Motherland Party (1983), and the True Path Party (1983), which appealed to a religious electorate alienated by the secularist policies of the Kemalist regime.¹⁶ The AKP is the last heir to this alternative secularism formulated by Başgil, if not to his ideas on the autonomy of the DİB.

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Başgil’s emphasis on freedom of conscience and religion underpinned the Democratic Party’s leaders’ discourse on secularism in the 1950s. It was also a legitimizing tool for their policies to relax official secularism, such as the lifting of the ban on the Arabic call to prayer, the broadcasting of Koran recitations and sermons on the state-owned radio station under the supervision of the DİB, the opening of Koranic schools, etc. Similarly, today’s AKP leaders approach secularism from the perspective of freedom of religion. Their liberal secularism, however, follows the

14 According to Başgil, secularism is a necessity derived from the needs of the time (“... laiklik devrimizin ihtiyaçlarından doğan bir zarürettir”) because, the state’s use and the control of religion is much more dangerous than it was in the past, due the scarcity of pious (*dindar*) statesmen (Ibid. p. 186). In other words, Başgil wants to say: Given the absence of sincere believers, it is safer to have religion autonomous from the state! However, he does not clarify who will judge the level religiosity of politicians and seems to forget about the principle of state neutrality as an important element of secularism.

15 Tanıl Bora, *Türk Sağının Üç Hali: Milliyetçilik, Muhafazakârlık, İslâmcılık*, [Three Aspects of the Turkish Right: Nationalism, Conservatism, Islamism] (Istanbul: Birikim, 1998), pp. 92-4; Nuray Mert, “Cumhuriyet Türkiye’sinde Lâiklik ve Karşı Lâikliğin Düşünsel Boyutu,” [Intellectual Dimension of Secularism and Anti-Secularism in Republican Turkey], in Ahmet İnel (ed.), *Modern Türkiye’de Siyasî Düşünce: Kemalizm*, [Political Thought in Modern Turkey: Kemalism] (Istanbul: İletişim, 2001), pp. 197-209; Umut Azak, *Islam and Secularism in Turkey: Kemalism, Religion and the Nation State* (London: I.B.Tauris, 2010), pp. 76-81.

16 Kuru (2006), p. 139.

center-right tradition, motivated by their religious and conservative urge to protect and strengthen the majority religion, i.e. Sunni Islam. The question then is: How can a state, which is governed by politicians who understand secularism as protecting the freedom of conscience of adherents of the majority religion, be truly secular? Or, can (Sunni) Islam-friendly secularism have equal distance *vis-à-vis* diverse practices and interpretations of Islam as well as non-Muslims and nonbelievers? In other words, is “liberal secularism” really secular?

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We can reformulate the question in the light of the headscarf issue: Can the defense of women’s right to wear the Islamic headscarf –as a requirement of religious freedom on the basis of liberal secularism– coexist with the defense of the freedom of those who do not wear it or veil differently? The answer would be positive in proportion to the sensitivity of the proponents of liberal secularism concerning the freedoms of those who do not conform to the majority religion. Nevertheless, the close position-

ing of liberal secularism to the majority religion does not promise a secularism that can be a more democratic alternative to the Kemalist one. Its limits are drawn by its articulation with a conservative nationalist discourse, which accentuated the historical continuity of the Republic with the Ottoman past and promoted a national identity more inclusive of Sunni Islam in comparison to the Kemalist nationalism.

Liberal secularism shares a common paradox with Kemalist secularism: The projection of an ideal Islam on the nation in the name of secularism. The proponents of both secularisms imagine a Turkish Islam which truly represents the nation. Since the early years of the Republic, Kemalist secularism has been articulated in such a way that the freedom of religion could be restricted in order to protect the pure/Turkish Islam from the effects of what was depicted as “impure/political/reactionary Islam” (*irtica*).¹⁷ For instance, the prohibition of the *türban* could be defended because it was perceived not only as the symbol of political Islam, but also as a foreign habit that had nothing to do with authentic Turkish religiosity. Liberal secularists,

17 Azak (2010), pp. 12-16; Taha Parla and Andrew Davison, *Corporatist Ideology in Kemalist Turkey: Progress or Order?* (Syracuse, New York: Syracuse University Press, 2004), pp. 104-10.

on the other hand, defended the freedom to wear the *türban* as essential to the freedom of religion, for the sake of prioritizing the majority's religious beliefs and values – which they consider fundamental to national identity. Just like Kemalists, their secularism is imbued with an imagined ideal and pure Turkish Islam which has to be saved from encroachments – though not of political Islam, but of the state. For them, the headscarf symbolizes the repressed but true identity of Turks as Sunni Muslims.¹⁸ Hence their secularism is marked by an Islamic/conservative nationalism which indirectly marginalizes women who do not wear the headscarf.

“Discrimination of veiled professionals is not only peculiar to the public sector, but also occurs in the private sector and even within businesses which are run by conservative circles.”

In short, the headscarf debate in Turkey serves both sides to depict the ideal Sunni/Turkish woman in line with their respective understandings of nationalism/secularism. The controversy hinders conflicting nationalist claims to the ideal image of Turkish/Muslim womanhood. Women themselves and their democratic rights, and their agency to exercise those rights actually become secondary to what women symbolize.

Beyond the Headscarf Controversy: The Critique of Patriarchy

According to women who support wearing the headscarf, the latter is not necessarily a symbol of political Islam or of male domination over women, but their personal, free, and democratic choice reflecting their will to live in conformity with the tenets of Islam as they understand it. In fact, to insist on the headscarf ban in public institutions unjustly discriminates against veiled women by denying them a career that men with similar religious leanings can pursue.¹⁹ Women with headscarves should be able to join public service as long as their veil/belief does not have a negative

18 For instance, according to the female party members of the AKP, who are in line with their party's perspective on the headscarf issue as part of religious freedoms in the framework of individual rights and freedoms, some forms veiling covering face and the body as whole under a large garment (*çarşaf, peçe*) are radical “extremes” which are not sanctioned by Islam. Özlem Tür and Zana Çıtak, “AKP ve Kadın: Teşkilatlanma, Muhafazakârlık ve Türban,” [AKP an Woman: Organization, Conservatism, and *Türban*], *Mülkiye*, Vol.30, No.252, p. 272.

19 The freedom to wear Islamic headscarf in schools for women below the voting age needs further debate, because in this case the focus of debate can shift to parents' “free choice” in shaping their children's clothing styles rather than students'.

impact on their services.²⁰ However, the recognition of women's free choice concerning Islamic veiling has to be accompanied by an equal respect for and recognition of women as individuals having equal rights and freedoms with men. It is only then that the rhetoric of democratic rights and freedoms adopted by conservative or pro-Islamic advocates of liberal secularism can be convincing.

“The critique of patriarchal social norms from within Islamic groups by women activists and writers is crucial for problematizing gender relations which restrict women’s capacities in both Islamic and secular environments.”

According to a study on women who wear the headscarf in the private sector conducted by sociologist Dilek Cindioğlu, discrimination of veiled professionals is not only peculiar to the public sector, but also occurs in the private sector and even within businesses which are run by conservative circles. Even in cases where veiled women are not perceived by employers as a disadvantage because of their limited access to public institutions due to the headscarf ban in the public sector, –for instance lawyers or journalists with headscarves cannot enter courthouses, the

National Assembly or the Prime Minister’s office– conservative employers tend to benefit from these women’s limited chances for employment by forcing them to work longer hours and paying them lower wages than their male employees whom they see as the foremost “bread-winners.”²¹

In other words, women, veiled or unveiled, are challenged by the same patriarchal hegemony, denying them treatment as equal individuals in any space, conservative/ Islamic or secular. Hence the *critique* of patriarchal social norms from within Islamic groups by women activists and writers such as Fatma Barbarosoğlu, Cihan Aktaş, and Sibel Erarslan –often referred to as “Islamic feminists”– is crucial for problematizing gender relations which restrict women’s capacities in both Islamic and secular environments. As sociologist Nilüfer Göle predicted in the mid-1990s, such women have a critical position for challenging gender dynamics within Islamic/

20 Here the question I have in mind is whether for instance medical doctors with headscarves would treat male patients or not. Women’s segregation from men, which follows the same Islamic concern for protecting women from male gaze, can potentially lower the quality and endanger the neutrality required in such professional fields.

21 The study contains field research done in Ankara, Istanbul, and Konya between December 2009 and June 2010. Dilek Cindioğlu, *Başörtüsü Yasağı ve Ayrımcılık: İş Hayatında Meslek Sahibi Başörtülü Kadınlar*, [The Headscarf Ban and Discrimination: Businesswomen and Career Women in Headscarves] (Istanbul: TESEV, 2010), pp. 46-7, 67-89.

conservative communities as well as society at large.²² It might also be worth asking if these abovementioned Islamic feminists' agency can break the hegemony of patriarchy, which is legitimized by Islam as it is practiced and not by the Islam which they idealize as a religion liberated from patriarchal cultures and traditions.²³

Islamic feminism's capacity to change and reform can be limited because, as professor of international law Christine Chinkin states, various forms of women's subordination "are especially potent through the claims made by religions to control women's bodies, their sexuality and reproduction through many devices."²⁴ In other words, women's low economic status or discriminatory and restrictive personal laws against women can hardly be problematized unless one comes to terms with religious claims to control women's bodies and to impose on them a "proper" role limited to the home. Only a feminist perspective from within and outside of Islamic circles, which problematizes the religious legitimization of women's subordination, can shift the concern for women's rights and freedoms beyond the narrow focus on the headscarf controversy. Only such a *critique* of patriarchy may have the potential for overcoming the polarization caused by the latter and lead to a political confrontation regarding the issue of women's "human rights".

22 Nilüfer Göle, *The Forbidden Modern: Civilization and Veiling* (University of Michigan Press, 1996), pp. 123-33.

23 For a critical evaluation of Göle's perspective, see Emrah Göker, "Örtünme Pratiği ve Din Alanı: Özelci Toplumbilimin Sınırları," *Toplum ve Bilim*, [Society and Science], No.89, Summer 1999, pp. 138-70, The English version of the article is available at: "The Practice of Veiling and the Sunni Religious Field: Limits of Subjectivist Sociology," <http://istifhanem.com/2010/04/04/thepracticeofveiling>

24 Christine Chinkin, "Women's Human Rights and Religion: How do they Co-exist?," in Javaid Rehman and Susan C. Breau (eds.), *Religion, Human Rights and International Law: A Critical Examination of Islamic State Practices* (Leiden, Boston: Martinus Nijhoff Publishers, 2007), p. 60.