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Alevism in Turkey and in Transnational Space: Negotiated Identities between Religion, Culture and Law *

SUMMARY: 1. Introduction - 2. Alevi Population in Turkey and in Europe - 3. What is Alevism? Who are the Alevis? - 4. Discrimination against Alevis and Alevi Massacres from the Ottoman Empire to the Turkish Republic - 5. Alevi Migration in Turkey and to Europe - 6. Alevi Organizations in Europe: Cultural, Social, and Historical Perspectives - 7. Discourses of “Other” vs “Equal” on Alevis - 8. Alevi Associations in Europe: Legal Perspectives - 9. Alevism in the Turkish Legal Setting - 10. Alevism at the European Court of Human Rights - 11. Concluding Remarks on Legal Issues - 12. Concluding Remarks on Social and Cultural Issues.

1 – Introduction

Within the general framework of a panel about “Minorities in Context. Alevis, Shi’as and Pagans in Europe and Turkey,” in this article, we will provide an overview of the social and legal status of Alevis in Turkey and Western Europe regarding their “minority” status. Alevis, a native religious community of Anatolia, are a significant “minority” group who started migrating to big cities in Turkey in the 1950s and becoming a part of the guest worker community in the 1960s, especially in Germany. In Turkey, Alevis are not recognized as a minority group but are considered within Islam, which makes causes them to be deprived of certain religious and juridical rights. On 26 April 2016, European Court decisions brought to public attention the political rights of the Alevis, emphasizing the crucial intersection of Art. 9 and Art. 14 ECHR, given safeguarding the basic structure protecting the essential aspects of religious freedom.

Here will first present historical and sociological overview on the Alevis. This section will rely on the preliminary findings of the ethnographic research Gedik and Birkalan-Gedik conducted on Alevis and Alevi women in Germany (2010-2017),¹ developing in several intervals.

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Their research methodology embraces participant-observation in Alevi organisations, which is enriched by in-depth interviews with key personalities in Alevi organisations, including AABF-*Almanya Alevi Birlikleri Federasyonu*,² (The Alevi Community in Germany) AAKB-*Almanya Alevi Kadınlar Birliği*³ (Alevi Women's Union, Germany), AABF-*İnanç Kurulu*⁴ (The Belief Council), in addition to the consultations and interviews with the Alevi religious leaders. Additionally, Gedik and Birkalan-Gedik used visual sources, such as blogs, news feeds, or posts on Alevism by the Alevi associations that are available on the internet.

Gedik and Birkalan-Gedik expect that this overview helps to contextualize the legal cases of the Alevis in Turkey, which will be presented by Madera. We plea for interdisciplinary research, based on historical, cultural, and social perspectives on Alevis, grounded with solid gender lenses. Only after understanding the situation of Alevis in their

Hande Birkalan-Gedik and Erdoğan Gedik availed of the assistance of Turgut Öker, Mürvet Öztürk, Yılmaz Kahraman, Hüseyin Mat, Özlem Gökdemir, Fuat Gökdemir, Öznur Tur, and Derviş Tur for their research (paragraphs 1, 2, 3, 4, 5, 6, 7, 12).

Adelaide Madera relied on Hande Birkalan-Gedik's support for Turkish terminology and orthography, and took advantage of Hande Birkalan-Gedik's constructive suggestions during the development of her writing (paragraphs 1, 8, 9, 10, 11).

Erdoğan Gedik is the author of paragraphs: 1. Introduction, 2. Alevi Population in Turkey and in Europe, 3. What is Alevism? Who are the Alevis? 5. Alevi Migration in Turkey and to Europe, 6. Alevi Organizations in Europe: Cultural, Social, and Historical Perspectives, 7. Discourses of "Other" vs "Equal" on Alevis, 12. Concluding Remarks on Social and Cultural Issues. Hande Birkalan-Gedik is the author of paragraphs: 1. Introduction, 4. Discrimination against Alevis and Alevi Massacres from the Ottoman Empire to the Turkish Republic, 6. Alevi Organizations in Europe: Cultural, Social, and Historical Perspectives, 7. Discourses of "Other" vs "Equal" on Alevis, 12. Concluding Remarks on Social and Cultural Issues. Adelaide Madera is the author of the paragraphs: 1. Introduction, 8. Alevi Associations in Europe: Legal Perspectives, 9. Alevism in the Turkish Legal Setting, 10. Alevism at the European Court of Human Rights, 11. Concluding Remarks on Legal Issues.

¹ Most of Gedik's and Birkalan-Gedik's research focuses on Alevi women within the Alevi associations as subjects of transnational space. As such, it examines whether their political participation refers to the equality discourses, particularly, to ethnicity, multicultural or integration politics in German or Turkish organizations, or only to negotiation of gender orders with patriarchy in transnational space.

² AABF is the acronym for Alevi Community in Germany - *Alevitische Gemeinde Deutschland e.V.* It was named as *Aوروبا Alevi Birlikleri Federasyonu* (European Federation of Alevi Communities) and later was named as *Almanya Alevi Birlikleri Federasyonu*, which is the umbrella association of Alevis in Germany.

³ AAKB is the acronym in Turkish for Germany Alevi Women's Union.

⁴ Alevi Community in Germany-Belief Council (*Alevitische Gemeinde Deutschland E.V. Geistlicher Rat*).



native Turkey and their lives in European states, the current juridical and political cases before the European Court can make sense. Our analysis will be meaningful, especially, if one considers the fact that since 2002, Turkey has been ruled by the AKP (Adalet ve Kalkınma Partisi/Justice and Development Party) government. The AKP has strong tendencies for Islam and use conservative policies that are working against the Alevis, although in the first years in the office, AKP followed more liberal policies regarding the Alevis, widely known as *Alevi açılımı* (the Alevi opening),⁵ whereby Alevis, “for the first time, came to be involved in political processes for official recognition and accommodation, but also because the process was handled by a political party which is regarded to have retained Islamist roots in Sunni interpretation.”⁶ On the other hand, other scholars also underlined the precarious relationship between the Turkish State and the Alevis.⁷

However, many also underline that the party uses religion as a “re-born element” in the Turkish political scene and continuously transforms several domains including the media, the Kurdish issue, implementation of the rule of law, foreign policy, and gender issues.⁸ In the light of these developments, especially the Turkish/Sunni-Hanafi identity becomes an overwhelming majority in governance affecting the lives of the Alevis in various spheres of everyday life.

Madera will analyse five cases between 2007-2016 at the European Court. We conclude that, currently, Turkey does not try to suffice the European requirements, namely, the implementation of policies aimed at guaranteeing adequate protection of the collective dimension of religious freedom in a way consistent with European directives. Specifically,

⁵ It should be noted that the Alevi opening, like the Kurdish opening, became a problematic issue in Turkey. Started in 2007, the AKP government presented a rapprochement policy toward the Alevis, aiming to include Alevis within the decisions that were taken about them in the political sphere. However, the process has been criticized by politicians and academics alike that it failed to use inclusionary measures and instead increased the discrimination against Alevis. For a critical commentary, see **B. A. SONER, Ş. TOKTAŞ**, *Alevis and Alevism in the Changing Context of Turkish Politics: The Justice and Development Party's Alevi Opening*, in *Turkish Studies*, vol. 12, no. 3, 2011, pp. 419-434.

⁶ See for example, **C. LORD**, *Rethinking the Justice and Development Party's 'Alevi Openings'* in *Turkish Studies*, vol. 18, no. 2, 2017, pp. 278-296.

⁷ See **A. ÇARKOĞLU, N. ÇAĞIN BİLGİLİ**. *A Precarious Relationship: The Alevi Minority, the Turkish State and the EU*, in *South European Society and Politics*, vol. 16/2, pp. 351-364.

⁸ See **H. YAVUZ, A. E. ÖZTÜRK**, *Turkish Secularism and Islam Under the Reign of Erdoğan* in *Southeast European and Black Sea Studies*, vol. 19, 2019, pp 1-9.



Turkey's implementation of its Constitutional secular framework is not coherent at all with the ECHR understanding of state neutrality. Future developments will depend on the active intent of Turkish governance to maintain its engagement in becoming part of European Union as well in the potentially fruitful interaction between different legal actors, strategies and rationales because of the promotion of progressive changes in the current framework.

2 - Alevi Population in Turkey and in Europe

Alevis are an Anatolian heterodox religious community who form the second-largest religious group in Turkey, after the overwhelming Sunni and Shafii population.⁹ Yet, the number of Alevis living in Turkey are contested. Unfortunately, the Turkish Statistic Institute (known as TÜİK) does not keep any figures related to the religion. Therefore, the exact numbers about the Alevis remain as "estimations," which are based on self-identification and can be gathered from other reports prepared either by private research agencies or by other political parties. Although there have been different figures about the number of Alevis in Turkey, which range from 5 to 25 million, reliable scholarly sources can identify the number to be around 12-13 million. According to a survey in 2014, done by CHP (Republican People's Party), the secular, pro-Alevi party, the overall Alevi population is 12.521.792. However, most other estimates go around between 13-15 million.¹⁰

To find out about the exact number of Alevis in Europe and in Turkey is problematic from various angles and for many reasons. First, because of centuries-long oppression, massacres, othering, labelling, and social exclusion, Alevi community in Turkey practised a tradition, called *takiye*, requiring that the Alevi identity should be hidden in public, but

⁹ Islam has several branches and schools, which are results of leadership disputes among the Muslims, leading to the development of distinct religious identities within Islam. Sunni Islam is the largest branch of Islam, whose followers make 85-90% of the Muslims, differs from the Shia Islam, which makes the rest of the Muslim population. Within Sunni branch of Islam, there are four notable schools on jurisprudence, founded by the imam, the religious leaders, Ibn-i Hanbal (Hanbali), Abu Hanifa (Hanafi), Malek (Maliki), and El-Shafei (Shafii). Sunni Turks in belonging mostly to the Hanafi school of Islam, while Kurds in Turkey mostly practice the Shafii branch of Sunni Islam. However, some Kurds identify themselves as Alevis and practising this syncretic religion.

¹⁰ <https://www.haberler.com/chp-li-ozbolat-ulke-genelinde-12-milyon-521-bin-5732812-haber-ri/>. [Accessed 5 February 2019]. See S. AKKIRAZ, Report: <http://haber.sol.org.tr/devlet-vesiyaset/sabahat-akkirazdan-alevi-raporu-haberi-64266>. [Accessed 5 February 2019].



practised in private. The *takiye* tradition continued until the 1980s, when Alevis started migrating to Turkish cities and Western Europe, and when they organized themselves openly in political and cultural organizations.¹¹ However, in Turkey, they are not freed from being stereotyped (especially the Alevi women are labelled as “loose” because of their co-gendered worship, which the Sunni Islamic counterpart does not have). Therefore, because of long years of silence and hiding their identities, it was not easy for Alevis to openly declare themselves as Alevis, also in the statistics, because of fearing discrimination and violence.¹²

The second reason as to why Alevi identity remained somehow hidden also has a political dimension. Only non-Muslims have been recognized and protected under the Treaty of Lausanne, which was signed on 24 July 1923, in Switzerland. The Turkish State considers Alevism under Islam, but not as a religious belonging or identity category. The Turkish state statistics are based on self-declaration. As a result, the numbers of Alevis are based on estimations and they have been reputedly reduced, to minimize the Alevi presence in Turkey. This demographic detail is essential since it can point out to an ambiguity of the Alevi identity and their “non-minority” status.¹³

Table: Alevi Population in Europe¹⁴

| | Total population | Alevi Population | Per cent in the population |
|----------------|-----------------------------|-----------------------------|---------------------------------------|
| Austria | 9.000.000 | 80.000 | 0,89% |
| Germany | 82.000.000 | 800.000 | 0,98% |
| France | 67.000.000 | 200.000 | 0,30% |
| England | 53.000.000 | 300.000 | 0,57% |

¹¹ See **M. SÖKEFELD**. *Einleitung: Aleviten in Deutschland: Von takiye zur alevitischen Bewegung*, in **M. SÖKEFELD**, (ed.) *Aleviten in Deutschland: Identitätsprozesse einer Religionsgemeinschaft in der Diaspora*, Transcript, Bielefeld, 2015, pp. 7-36.

¹² See **E. GEDİK, H. BİRKALAN GEDİK**, *N.D. Alevi Women in Transnational Space. Ethnic Differentiation, Multicultural Politics, or Gender Negotiation?* Work-in-Progress Manuscript. Hande Birkalan-Gedik presented a part of this text at the EuARE Zero Conference in 2017 and at the EuARE Conference in 2018.

¹³ See **A. ERDEMİR ET AL.** *Türkiye’de Alevi Olmak: Being Alevi in Turkey*. Avrupa Demokrasi ve İnsan Hakları Komisyonu, Ankara, 2010.

¹⁴ Prepared by E. Gedik and H. Birkalan-Gedik. The figures are based on the consultancy with the Alevitische Gemeinde Deutschland and with the representatives Hüseyin Mat and Turgut Öker. Also, the numbers have been cross tabulated with the data found in *Muslimisches Leben in Deutschland*, as well as with the publications of the Alevi Union Europe and the European Parliament in Brussels, 18 March 2015.



| | | | |
|--------------------|-------------|------------|--------|
| Italy | 61.000.000 | N/A | N/A |
| Sweden | 10.000.000 | 12.000 | 0,12% |
| Switzerland | 8.300.000 | 70.000 | 0,84% |
| Holland | 17.000.000 | 200.000 | 1,18% |
| Belgium | 12.000.000 | 50.000 | 0,42% |
| Turkey | 80.000.000 | 13.000.000 | 16,25% |
| Europe | 399.300.000 | 14.712.000 | 3,68% |

The above table presents the number of the population in Germany. The numbers are based on a cross-tabulation, taking into account the estimated number given to Gedik and Birkalan-Gedik by Turgut Öker, the former president of the *Almanya Alevi Birlikleri Federasyonu* (AABF), the Alevi Association in Germany.¹⁵ It also uses information provided by the current president Hüseyin Mat and the secretary-general Ufuk Çakır. The Alevi organization is the official representative of the Alevis in Germany. Although AABF calculates the “organized” Alevi families under the umbrella of AABF, it is also based on estimations. As Sökefeld noted, “since Alevism, neither in Turkey nor Germany is an official category, the Alevis were not reported separately in migration. Thus, there are no official statistics on the Alevi immigration to Germany.”¹⁶

This information should be read *vis-à-vis* the German-Islam Conference Research Report in German published in 2009, where the number of Alevis are stated to be „480.000 - 552.000, of which 92% belong to a Turkish origin.¹⁷ This report was published in 2009, based on the conference which was convened by the German state officials on 27 September 2006. Their number is estimated to add up to almost 800.000 in Germany.¹⁸

3 – What is Alevism? Who are the Alevis?

¹⁵ See T. ÖKER, *Interview with Hande Birkalan Gedik*, Köln-Germany. 16 December 2014.

¹⁶ See M. SÖKEFELD, *Struggling for Recognition: The Alevi Movement in Germany and in Transnational Space*, Berghahn, Oxford, 2008, p. 7.

¹⁷ See S. HAUG, S. MÜSSIG, A. STICHS, *Muslimisches Leben in Deutschland im Auftrag der Deutschen Islam Konferenz*, Bundesamt für Migration u. Flüchtlinge, Berlin, 2009, p. 314.

¹⁸ See E. GEDİK, H. BİRKALAN-GEDİK, *N.D. Alevi Women in Transnational Space*, cit.



Alevism can be defined from cultural, religious, and historical angles, which are not separate, but interrelated. Culturally speaking, Alevism, can be defined as a rural religion, which presents oral characteristics both in its religious sources and practices. The rurality of the Alevis remained, at least until the internal migration in Turkey, which started developing in the late 1950s.¹⁹ Alevis enjoy the company of *saz*, the long-neck lute, in their religious rituals as well as in everyday life. Alevis use religious poetry in their rituals, but also out of ritualistic contexts. The examples of folk poetry sung and performed by the Alevi poets are very big and with the extension of television broadcasting and cassette and CD industry, transgress the local, regional and national borders, thus presents a transnational aspect.

Alevism can be described as a religion that rarely requires a place of worship, as the *dedes* or *pirs* – the religious leaders, who are—mostly men—can perform Alevi religious rituals in any home that had welcomed them. The place of worship for the Alevis became an issue, first through internal, and second through international migration, as the traditional community ties were broken in the course of migration.²⁰

Another aspect that often distinguishes Alevis from their Sunni counterparts is that, unlike the Sunni tradition, where women and men are separated during religious service, the Alevi worship has an equal place for men and women. The Alevi ritual-dance, known as *semâh*. While emphasizing a more democratic society, valuing education, and reserving a higher place for women.²¹

What is Alevism? This question opens an on-going debate as to identify the belief and the believers. While Alevism is frequently categorized under the Shia denomination of Islam, it is significantly different. On the one hand, as with Shia Muslims, Alevis consider the Prophet Mohammed's descendants (12 Imams) as holy and see them as their philosophic leaders. Alevis refer to Imam Ali, the cousin and son-in-law of the Prophet Mohammed, and the chain of the twelve Imams. Kerbela and the martyrdom of Imam Hüseyin, the grandson of Mohammad and the son of Ali, are also important points of historical reference and was referred by many Alevis as the first massacre. From the

¹⁹ See E. GEDİK, *Sozialer, kultureller, ökonomischer und sprachlicher Wandel im Rahmen der Binnenmigration und der transnationalen Migration: soziale Netzwerke am Beispiel der Provinz Varto in Ostanatolien, Türkei*, Goethe University, Frankfurt am Main, 2008, pp. 223-273.

²⁰ See E. GEDİK, *Sozialer, kultureller, ökonomischer und sprachlicher Wandel im Rahmen der Binnenmigration und der transnationalen Migration*, cit., p. 225.

²¹ See E. GEDİK, H. BİRKALAN-GEDİK, *N.D. Alevi Women in Transnational Space*, cit.



perspective of the history of religion, Alevism could, therefore, be assigned to Shiite Islam. In its beliefs and especially in its ritual *cem*, Alevism differs fundamentally from the “orthodox” versions of both Shiite and Sunni Islam. Therefore, it is much more analytical to address Alevism as a syncretic belief system, i.e. as a religion that has elements from different belief systems, such as Shamanism, Zoroastrianism, and even from Christianity.

As Martin Sökefeld noted that the seemingly simple question of where Alevism belong poses a significant problem for the self-identification of Alevis in Germany, leading several conflicts within Alevi communities. From the perspective of Islam or religious studies, this question may not be necessary; clearly, Alevism has arisen from Muslim traditions, especially those related to Shia, although Alevism also has “heterodox” elements in its rituals and beliefs.²² However, rituals and doctrines can be interpreted in different and sometimes mutually exclusive ways. Therefore, this may not be a distinguishing factor. On the other hand, whether Alevism is defined within Islam, politically and juridically, it makes a difference for the Alevis as where to locate them as a religious group, a minority, a sect within Islam, or entirely outside of Islam.

Alevism can also be described in other terms. Borovalı and Boyraz underlined that it Alevism is “sometimes defined as faith-based collective activism, an ethnic identity, a transnational social movement,”²³ Martin Sökefeld sees Alevis a socio-religious community²⁴ while Melikoff identifies Alevism as “true humanism that can be traced back to the ancient Turks.”²⁵

Historically speaking, the origins and development of Alevism have been traced back differently among the ethnic groups, as Alevism is a shared belief system among Turks and Kurds in Turkey. While the designation “Alevi” has been used since the early 20th century as a

²² See **M. SÖKEFELD**, *Sind Aleviten Muslime? Aspekte einer Debatte unter Aleviten in Deutschland*” *Ethnoscripts*, vol. 7, no. 2, 2005, p. 128.

²³ See **M. BOROVALI, C. BOYRAZ**, *Turkish Secularism and Islam: A Difficult Dialogue with the Alevis in Philosophy Social Criticism*, vol. 40, 2014a, pp. 479-488.

²⁴ See **M. SÖKEFELD**, *Religion or Culture?: Concepts of Identity in the Alevi Diaspora*, in **W. KOKOT, K. TÖLÖYAN, C. ALFONSO** (eds.), *Diaspora, Identity and Religion*, Routledge, London, 2004, pp. 133-155.

²⁵ See earlier studies esp. **I. MELIKOFF**, *Uyur idik Uyardılar: Alevilik-Bektaşilik Araştırmaları*, Cem, Istanbul, 1993. Also, see **M. BOROVALI, C. BOYRAZ**, *The Alevi Workshops: An Opening Without an Outcome?* in *Turkish Studies* 2015, v. 16, no. 2, pp. 145-160. Added references belong to Gedik and Birkalan-Gedik.



collective term for several religious groups such as Bektaşî, Tahtacı, and Abdal, and today is used instead of the pejorative term *Kızılbaş* (“Red-Heads”). Known as *Kızılbaş*, these groups respond to social, political, and religious developments in Asia Minor from the 11th century onwards, after the Mongol invasion of Anatolia. However, Alevis have been present in Anatolia at least from the 13th century onwards.

Karin Vorhoff underlines that the academics who work on Alevism since the early days of the Turkish Republic, refused to recognize the syncretic nature of Alevi and Bektaşî belief systems. According to Vorhoff, instead, they only spoke of a homogeneous element of Turkish culture²⁶) and neglected other ethnic and religious borders and boundaries. Supporting the difference in religious practice, for example, Irène Mélikoff argued that the nomadic groups in Anatolia practised an entirely different form of Islam. They were under the influence of various charismatic itinerant dervishes, religious figures, many of whom came from Central Asia and belonged to mystical orders such as the Qalandariyya,²⁷ Yasawiyya,²⁸ and Haydariyya,²⁹ with elements of from Manichaeism and Buddhism.³⁰

While Alevism was considered as a “purely” Turkish and Turkic religion, the official discourse on the Alevis overlooked the Kurdish elements in Alevism. At the same time, the Kurdish-Alevi historiography wanted to trace the origins of this belief system to Zoroastrianism and other ancient Iranian religions. For example, some scholars, see Alevism concerning Zoroastrianism, to Ehl-i Haqq³¹ and Christianity.³² Finally,

²⁶ See **K. VORHOFF** *Alevism, or Can Islam be Secular?* in *Les annales de l'autre Islam*, 1999, no. 6, pp. 135-151.

²⁷ Shahrokh Raei notes that Qalandariyya is a group of celibate mendicant wandering ascetics, who has eastern Iranian and Central Asian origin, appears in fifth to eleventh-century sources.

²⁸ See **T. ZARCONE**, *Yasawiyya*, IN **P. BEARMAN, TH. BIANQUIS, C.E. BOSWORTH, E. VAN DONZEL, W.P. HEINRICHS** (eds.) *Encyclopaedia of Islam*, Second Edition, 2012, Consulted online on 18 July 2020, <http://dx.doi.org/10.1163/1573-3912_islam_SIM_7991>.

²⁹ Haydariyya is one of the two groups under Qalandariyya. See **R. SHAHROKH**, *Haydariyya*, in **K. FLEET, G. KRÄMER, D. MATRINGE, J. NAWAS, E. ROWSON** (eds.), *Encyclopaedia of Islam*, THREE, First published online 2020, consulted online on 25 July 2020, http://dx.doi.org/10.1163/1573-3912_ei3_COM_30410.

³⁰ See **I. MÉLIKOFF**, *Hadji Bektach: Un mythe et ses avatars: Genèse et évolution du soufisme populaire en Turquie*, Brill, Leiden, 1998.

³¹ Literally means “people of truth” and it refers to a syncretistic religion or, according to some adherents, an esoteric Shī‘ī community, that appears to have emerged first among the Gūrān of southern Kurdistan in the fifteenth or sixteenth century C.E. and that



finding sources in the ancient cultures as the basis for an Alevi identity carries a critical political component, as the Turkish Republic, from its early days of the and onwards, refused to recognize the syncretic nature of Alevi belief systems. Furthermore, instead, the official discourse on Alevism only spoke of a homogeneous element of Turkish culture and neglected the Kurdish elements in Anatolian Alevism.³³

Alevism should be also thought in relation to ethnic boundaries. Although Turkish Alevism form the largest ethnic group among the Alevism, the Kurmanji and Zaza speaking Alevism form a second large group. Here, besides ethnic terms, the linguistic terms as to Alevism mother tongue to be Kurmanji and Zazaki, plays an important role and make the boundaries of ethnic, linguistic and religious borders even more porous and flexible. For this reason, all these definitions which come from the axis of language-religion-ethnicity, over the time, are also influenced by political actions and to explain Alevism exclusively within the framework of Turkishness remains insufficient.³⁴

Furthermore, although Alevism is a religious identity belonging to both Turks and Kurds, Turkish Alevism and Kurdish Alevism differ. Each group interprets their faith according to their own culture and traditions. The Turkish-specific understanding of Alevism means that the Kurdish Alevism are marginalised. In fact, groups in different regions interpreted and applied their traditional beliefs differently in Alevism, in different times.³⁵

That is why Kurdish Alevism from the east of Turkey call themselves, in emic terms (self-identification) *Kızılbaş* in order to differ from the western *Bektashism*. From an emic (outside) perspective however, *Kızılbaş* has been used, by the Turkish counterpart, as a derogatory term, as during the Ottoman times, it meant to refer to the groups who were identified

survives in various parts of Iran and Iraq, among Gūrān, Lurs, Kurds, Azerbaijanis, and Persians. See M. VAN BRUINESSEN, *Ahl-i Haqq*, in K. FLEET, G. KRÄMER, D. MATRINGE, J. NAWAS, E. ROWSON (eds.), *Encyclopaedia of Islam*, THREE, 2009. Consulted online on 27 July 2020.

³² See M. BAYRAK, *Alevilik ve Kürtler*, Öz-Ge, Istanbul, 1997.

³³ See E. GEDİK, *Sozialer, kultureller, ökonomischer und sprachlicher Wandel*, cit., pp. 23-25, and its bibliographical references.

³⁴ See E. GEDİK, *Sozialer, kultureller, ökonomischer und sprachlicher Wandel*, cit., pp. 226-248.

³⁵ See E. GEDİK, *Migrant Organisations in Turkey and Germany: Local, Transnational and Global Contexts of Kurdish-Alevism from Varto, Turkey*, in *Urban Anthropology and Studies of Cultural Systems and World Economic Development. Special Issue on Turkey*, vol. 40/1-2, 2011, pp. 160-161.



with the Iranian Safawids, because of the religious affiliation, the enemies of the Ottoman Sultan. *Kızılbaşlık* is a form of Kurdish Alevism and Bektashism is a form of Turkish Alevism. In addition, *Kızılbaş* Alevism is a religion or sect (*mezheb*), while *Bektashism*³⁶ is a dervish brotherhood (*tarikats*).³⁷ Interestingly, the lineage (*soy*) play an important role in the transmission of religious knowledge and religious leadership, as Alevi *dedes* should come from the religious lineage. Although this situation is changing in the context of transnational migration, particularly in the context of Germany, where individuals who attend the religious classes, can become Alevi leaders. Yet, until today, Alevi religious leaders should belong to a religious lineage, identified as (*has*). It plays a crucial role in differentiating Alevism from Sunni or Shafii Islam but also from other Islamic *tarikats*.³⁸

4 - Discrimination Against Alevis and Alevi Massacres from the Ottoman Empire to the Turkish Republic

The Alevi communities in Anatolia have been exposed to different forms of discrimination since the Ottoman Empire to modern Turkey, leading the community into social and economic isolation and at times, into displacement at the social and economic margins, as a survival strategy. Especially, with the embedded ethnic and linguistic “otherness” the Alevi identity has been marginalised and Alevis faced higher degrees of discrimination, at times, resulting in several massacres both in the Ottoman Empire and in the Turkish Republic.

Generally, speaking, however, on the one hand, the Alevis could practice their religion in isolation and keep their traditions alive. Known as *takiye*, we will discuss this secrecy in the following sections more in detail. But, despite their self-retreat, they were not still freed from

³⁶ The Bektaşiyye (Bektāshiyya), a Şūfī order established in ninth/fifteenth-century Anatolia by Balım Sultan (Bālim Sultān, d. 925/1519) and named after Hacı Bektaş Veli (Hācī Bektāş Velī, d. 669/1270), lay at the crossroads of several Muslim antinomian trends. See T. ZARCONI, *Bektaşiyye*, in K. FLEET, G. KRÄMER, D. MATRINGE, J. NAWAS, E. ROWSON (eds.) *Encyclopaedia of Islam*, THREE, 2014. Consulted online on 27 July 2020.

³⁷ See E. GEDİK, *Varto Alevileri: Etnisite, Din ve Kültür* (Alevis in Varto: Ethnicity, Religion and Culture) in E. ÇAĞLAYAN (ed.), *Burası Muş'tur: Tarih, Toplum, Kültür ve Edebiyat*, İletişim, İstanbul, 2019, pp. 226-227.

³⁸ See E. GEDİK, *Sozialer, kultureller, ökonomischer und sprachlicher Wandel*, cit., p. 127.



massacres and other forms of social and political discriminations even in the modern Turkish Republic, who took Alevis as “secular” citizens.

With the establishment of the Turkish Republic in 1923 and the ongoing reforms well into the 1930s, many Alevis maintained high hopes for their existence and treatment as citizens equal to the Sunni majority, especially under the light of the promised secularization of the Turkish state. The new Turkish state has abolished the caliphate, as Ottoman sultans became the leaders of the Islamic community in 1517 after Ottomans gained control of Egypt. The *Şer’iye ve Evkaf Vekaleti* (Ministry of Islamic Law and Foundations) was established in 1924. The *Diyanet İşleri Başkanlığı* (Directorate of Religious Affairs, thereafter, *Diyanet*) was formed as a new government agency in the same year, functioning directly under the Office of the Prime Minister and becoming responsible for carrying out activities related to Islam.³⁹

Its establishment illustrates the state's desire to control religion through its secularist vision. However, this is not a predominant characteristic throughout the years. With changing governments, some of the parties have been more sympathetic to Islam and even aligned them with religion. As Yavuz and Elveren note “the history of the modern Turkish Republic is shaped by the forces of secularism (*laiklik*) and Islamism. The relationship between the two forces has not always been hostile, as there have been periods of engagement as well as co-optation.”⁴⁰ Today the *Diyanet* functions under the Presidency of the Republic of Turkey under the name of Presidency of Religious Affairs. They are financed by the Turkish tax-payers’ money, regardless of their religious domination, including the Alevis, who have their own house of worship, the *cemevi*, or Christians or Jews, who would not go to mosques for worship.

It should be also mentioned that, it is not only to the disadvantage of the Alevis, but to other non-Sunni groups in Turkey, that they do not have representative in *Diyanet*. 12-15 million Sunni Kurds who follow the Shafii and not the Hanafi school of Islam, as well as three million Shi’a, and over a million Nusayris, who are known as Alawites, and not to be confused with the Alevis.⁴¹ In that respect, Birkalan-Gedik noted that the

³⁹ See H. BİRKALAN-GEDİK, *Muslim | Martyr | Masculine: Reading the AKP’s “new” Nationalism and the “Attempted Coup” on 15 July 2016 through Intersectional Feminist Lenses*, in *Limina*, vol. 2/1, 2019, pp. 109-137.

⁴⁰ See H. YAVUZ, A. ERDİ ÖZTÜRK, *Turkish Secularism and Islam Under the Reign of Erdoğan*, in *Southeast European and Black Sea Studies*, 2019, vol. 19, pp. 1-19.

⁴¹ See S. CORNELL, “The Rise of *Diyanet*: The Politicization of Turkey’s Directorate of Religious Affairs.” *The Turkey Analyst*. 9 October 2015. <http://www.turkeyanalyst.org/>



newly built mosque in Köln- Germany is financed by the DİTİB (Türkisch-islamische Union der Anstalt für Religion e.V. (Turkish-Islamic Union for Religious Affairs), and it is under the auspice of the Diyanet. The Diyanet is financed by the Turkish tax-payers' money, regardless of their religious domination (including the Alevi, who have their own house of worship, the Cemevi, or Christians or Jews, who would not go to mosques for worship. This case, in and of itself, is illustrative of the Sunni politics both inside and outside religious discourses.⁴²

Going back to the status of the Alevi under such a great majority of Sunni-Islam, it is important to note that the existence of the Alevi did not receive any special protection.⁴³ To the contrary, Alevi became targets of the extremist Sunni groups. There were open attacks on the Alevi. Attacks towards Alevi in Malatya and Maraş in 1978⁴⁴ Moreover, in Çorum in 1980 killed several Alevi. With the military *coup d'état* on 12 September 1980, not much changed although the military government saw itself as guardian of Kemalist ideas and democratic values, with the national ideology of the "Turkish-Islamic synthesis" Sunni religion regained control.

In Çorum, the massacres towards Alevi started place in May 1980, just a couple of months before the military coup on 12 September 1980 and continued until July of the same year. It is reported that 57 Alevi have been massacred and hundreds of them were injured by the right-wing nationalist and Islamicist militants in a neighbourhood called Milönü, which was predominantly Alevi. The militants first started damaging shops, which are known as to be owned by Alevi or "Leftists" which were located on a very crowded street in Çorum, attacking newspapers and bookstores and blocking all the inter-city roads of Çorum.⁴⁵

Alevi massacres continued in the 1990s. In 1993, an Alevi Cultural Festival was celebrated in Sivas, a city in central-eastern Turkey. Not only the Alevi intellectuals and artists but also several Left-wing scholars, artists, poets, and thinkers were gathered at the Madımak Hotel when

publications/turkey-analyst-articles/item/463-the-rise-of-diyamet-the-politicization-of-turkey%E2%80%99s-directorate-of-religious-affairs.html. [Accessed on 24 July 2020].

⁴² See **H. BİRKALAN-GEDİK**, *Muslim | Martyr | Masculine*, cit., pp. 109-137.

⁴³ See **K. VORHOFF**, *Zwischen Glaube, Nation und neuer Gemeinschaft: Alevitische Identität in der Türkei*, Klaus Schwarz, Berlin, 1995, p. 71.

⁴⁴ See **E. SINCLAIR-WEBB**, *Sectarian Violence, the Alevi Minority and the Left. Kahramanmaraş 1978*, in P.J. WHITE, J. JONGERDEN, (ed.), *Turkey's Alevi Enigma: A Comprehensive Overview*, Brill, Leiden, 2003, pp. 215-236.

⁴⁵ See **S. ERAL**, *Çaldıran'dan Çorum'a Anadolu'da Alevi Katliamları*, Ant, Istanbul, 1995 [2nd. Ed].



their hotel was put on fire by the Islamic groups. The arson killed 37 individuals. Not all the deceased were Alevis, but it was clear that Alevis were the main target against the hegemonic Sunni right wing. The “reluctance” to interfere with the fire department and police caused 37 people to die in this arson attack.

Alevis in Gazi Mahallesi, a migrant neighbourhood in the European side of Istanbul, with highly Kurdish and Alevi population, were targeted on 12 March 1995, particularly at a coffeehouse where most of them habitually gathered.⁴⁶ These attacks took place only two years after the devastating massacre in Sivas. In Gazi Mahallesi, most of the Alevis belonged to working-class families, who could earn their living in blue-collar sectors. Dural outlines that, together with economic stress, political, cultural and historical marginalization as well as religious oppression, Alevis started their protests in the Gazi Mahallesi where police attacks caused several Alevis to lose their lives.

Alevis became targets in 2013, at the Gezi Taksim Gezi Park protests in Istanbul, where even Alevi were children killed. Although it cannot be totally proven, there is great amount evidence that Alevis took part vehemently at the Gezi Park protests. For example, Berkin Elvan who was 14 years old then, after remained 269 days in coma, died. He is only one of the seven Alevis have been killed by the police during the Gezi events, after which the Alevi relation to the government went downhill.⁴⁷

The transnational space became an effective medium to motivate Alevi awareness in the 1990s. In that respect, it is difficult to argue for totally separate Turkish and German contexts regarding Alevism, as Esra Özyürek showed that Alevi organizations in Germany were influential in spearheading the identity politics in Turkey.⁴⁸

Mainly the idea of a “third-space” is essential when one thinks about the attacks against the Alevis. The massacres in 1993 Sivas and 1995 Gazi in Turkey were identified as the last stroke that broke the camel’s back, creating awareness for being an Alevi in Turkey but also in Germany, which, in turn, also effected the Alevi identity and Alevi mobilization in transnational space by large. Indeed, one should not forget that the neo-Nazis put fire on the home of 5 young Turkish girls in

⁴⁶ See **T.F. DURAL**, *Aleviler ve Gazi Olayları*, Ant, Istanbul, 1995.

⁴⁷ **M. BARDAKÇI, A. FREYBERG-İNAN, C. GIESEL, O. LEISSE**, *Religious Minorities in Turkey: Alevi, Armenians, and Syrians and the Struggle to Desecuritize Religious Freedom*, Palgrave Mac Millan, Oxford, 2017, p. 124.

⁴⁸ See **E.ÖYZÜREK**, *The Light of the Alevi Fire Was Lit in Germany and then Spread to Turkey: A Transnational Debate on the Boundaries of Islam*, in *Turkish Studies*, vol. 10, no. 2, 2009, pp. 233-253.



Solingen-Germany in the 1990s and burning of the 37 people in Sivas-Turkey might have contributed to the emergence of Alevi organizations. Az Mürvet Öztürk underlined in one of our interviews, the identity question was the central question among the Kurds, Turks, and the Alevis in the 1900s, asking “whether you belong to the ‘burner’ or the “burnt”?”⁴⁹ Although the politically motivated Alevis in the 1980s actively organized the community, their official recognition started only towards the end of 1980s.

Apart from these horrible incidents, where Alevis became a victim, most of the Alevis in Turkey have distanced themselves from the Sunni Islam, although their situation vis a vis the Turkish State has been mostly ambivalent and contested. Because they have been subjected to several massacres in the history of the Ottoman Empire, they approached the Turkish Republic hoping to be the guarantor of secularism. As David Shankland observed, this marked “a contrast to the Ottoman Empire, for much of the history of modern Turkey, many of the Alevis (and particularly Turkish Alevis) were able to identify strongly with its aims, and have prided themselves upon their loyalty” to the Turkish state.⁵⁰

In several European States, Alevis strive to maintain their cultural and religious identity, through a process of redefining and alternatively stressing their political commitments, their ethnic belongings, or the ideological-philosophical dimensions of their beliefs.

A report published by the European Democracy and Human Right Commission (2010), based on field research with Alevis in different cities in Turkey, showed that Alevis in Turkey face discrimination in everyday life; for example being reminded several times that they are Alevis, not being invited to neighbourly gatherings, to women’s day and so on. Alevis face discrimination particularly during the month of Ramadan, as they do not observe and practice Ramadan fasting, but their fasting periods differ. Furthermore, Alevis are invited to join the prayers, on purpose to make feel discriminated. The Friday prayers take place in mosques and they are especially for men, especially on Fridays, but Alevis do not visit mosques. Most of them underlined that they must still practice *takiye*, to hide their Alevi identity at their workplace. Several of them also underlined that their job applications have been declined also because of their Alevi identity. Most of the Sunnis implied that they are not clean enough, and

⁴⁹ M. ÖZTÜRK, *Interview with Hande Birkalan-Gedik*, Köln-Germany, 4 May 2010. M. ÖZTÜRK, *Interview with Hande Birkalan-Gedik*, 3 December 2014. Wetzlar-Germany.

⁵⁰ See D. SHANKLAND, *The Alevis in Turkey: Emergence of a Secular Tradition*, Routledge, London, 2003.



their way of cooking is not clean and so on. The Kurdish Alevis also underlined that their discrimination is doubled because of their ethnic identity and they have been called *Kızılbaş*, a term which is used in a derogatory, demeaning sense. Some of them reported that they have been exposed to physical violence only because they were Kurds, or Alevi-Kurds.⁵¹

5 – Alevi Migration in Turkey and to Europe

Internal migration in Turkey is a result of a modernisation process, whereby Alevis also found a chance to move to the bigger cities. While there are several reasons for internal migration, the main reason remains economical. This also holds true for the Alevis. In the later years, Alevis also found a chance of educational mobility. As individual migrants, the Alevi migration can be traced back, even to mid-1940s. Erdoğan Gedik noted that after the devastating earthquake in Varto, a province in eastern Turkey in 1946, some families chose larger cities in the neighbouring regions, such as Mersin to migrate and establish their livelihood, because the town and its environs were deeply affected by the earthquake.⁵²

The process of Alevi internal migration from rural regions of Turkey to the urban centres began in the 1950s. With the military coup of 1980, however, the Alevis came to the fore in the big cities' public spaces. They began to gain a physical presence in public through the establishment of associations and associations and by building their own *cemevi*.⁵³

The foundation of cemevis in urban areas can be understood as the result of a rapprochement of Alevism to the structural religious characteristics of Sunni Islam, since rural Alevism did not know institutionalized social and worship centres. Rather, the cem ritual in the village used to be held in the house of some family. In an urban context, however, Alevis enter the public space through the cemevi as a place of

⁵¹ SEE A. ERDEMİR ET. AL., *Türkiye'de Alevi Olmak*, European Democracy and Human Rights Commission, Ankara, 2010. The pages between 30-246 are directly first-hand quotations from the interview partners whereby they report on discrimination cases based on their Alevi identity.

⁵² See E. GEDİK, *Sozialer, kultureller, ökonomischer und sprachlicher Wandel*, cit.

⁵³ See E. GEDİK, *Rekonstruktion des Alevitentums im transnationalen Raum zwischen ethnischen und sprachlichen Grenzen: Das Beispiel Varto*, in J. ZIMMERMANN, J. KAROLEWSKI, R. LANGER (eds.), *Transmission Process of Religious Knowledge and Ritual Practice in Alevism Between Innovation and Reconstruction*, Peter Lang, Berlin, 2018, pp. 251.



implementation. Thus, the cemevis open not only religious but also political spaces for the Alevis. On the other hand, the cemevi also gains political significance by transforming it into a place of remembrance (*lieu de mémoire*).⁵⁴

In the 1980s, as the Alevi identity has begun to crystallise through the Kurdish movement in Turkey and emphasised the religious and ethnic differences and Kurdish migration to Germany (and to other European countries) took place. The complicated relationship of Alevi social participation and the political reality started to change as the relationship of the Alevis in the Turkish Republic, especially after the 1990s, posed a new framework for evaluating their own identity—especially in the light of Alevi executions and exclusions as Öker underlined.⁵⁵

On the other hand, Alevis came to Germany as guest workers in the 1960s. However, they established their associations in the 1990s, which is relatively late. On the other hand, the Sunni organisations that were found in the 1970s. However, Alevis remained invisible, as the Alevis in Europe did not at first organise themselves as “Alevis.” They did not claim any distinctiveness since they basically came either to work or for political reasons, as in Turkey, most Alevis who took up commitments beyond their daily life engaged in leftist political groups or labour unions.

Alternatively, the first Sunni organisation in Germany was called *Verband der Islamischen Kulturzentren* (VIKZ), in the 1970s. The *Süleymanlılar* established the association because no others met the workers’ religious needs. Later, the Nurcus found their groups. The Milli Selamet Partisi also created an organisation called *Islamische Gemeinschaft Millî Görüş* (IGMG).⁵⁶ The largest Muslim organisation in Germany to date is the DİTİB (*Türkisch-Islamische Union der Anstalt für Religion e.V. – Diyanet İşleri Türk İslam Birliği*). Turkish Islamic Union of the Religious Affairs was established in 1984 by the Committee for Religious Matters (*Diyanet İşleri Başkanlığı*) in Turkey. Gedik notes that up to this date the religious affairs were handled by the German religious organisations, such as Caritas—depending on the religious affiliations of the migrants themselves in the workspace.⁵⁷

⁵⁴ E. GEDİK, *Rekonstruktion des Alevitentums im transnationalen Raum zwischen ethnischen und sprachlichen Grenzen: Das Beispiel Varto*, in J. ZIMMERMANN, J. KAROLEWSKI, R. LANGER (eds.), *Transmission Process of Religious Knowledge and Ritual Practice in Alevism Between Innovation and Reconstruction*, cit., pp. 254-255.

⁵⁵ T. ÖKER, *Interview with Hande Birkalan-Gedik*, Köln- Germany, 16 December 2014.

⁵⁶ See E. ØSTERGAARD-NIELSEN, *The Politics of Migrants’ Transnational Political Practices*, in *International Migration Review*, vol. 37, no. 3, 2003, p. 765.

⁵⁷ See E. GEDİK, *Phänomen der “Kassetten-Briefe” der ersten Einwanderergeneration aus*



The services of DİTİB are mainly directed to Turkish Muslims, even though the association is actually open for all kinds of Muslims. The imams working for the DİTİB are civil servants of the Turkish state, who are sent from Turkey for a limited period. The establishment of DİTİB in 1984 is essential, as Gedik underlines that “when issues related to children’s education, ghetto life, increasing political asylum applications, and new visa requirements emerged in the late 1980s [...] the associations emerged to remedy the migrants’ problems.”⁵⁸ As one can expect, DİTİB’s services did not include Alevis, and Alevis had to organise themselves through self-help, a significant economic and social disadvantage for the Alevis. Gedik explains the visibility of migrant associations in Germany in the 1960s as solidarity association as due to the increase in exported labour. This was the pattern between 1973 and the 1980s when migrants from Turkey established political associations.⁵⁹ In the 1990s, however, associations split up after their ideological disagreements, which became more apparent, such as between leftist and rightist groups, religious and secular attributions, and Kurds and Turks.

6 - Alevi Organizations in Europe: Cultural, Social and Historical Perspectives

The characteristics of the Alevi population in various European states, due to different migration patterns, different policies towards “minority groups,” and different constitutional rights, impacted the political status of the Alevis. Important in their history is that since the 1990's Alevis created and transformed a transnational space through their political mobilisation, as they became more visible and differentiated as a community of their own in Germany and in greater Europe.⁶⁰

der Türkei in Deutschland, within the series of lectures *Das Leben als Karawanserei II: Facetten deutsch-türkischer Migration*, Deutsche Orient-Institut, Istanbul, 19 February 2014. Also, E. GEDİK, *von Opel-Rüsselsheim ‘with Love’: Tonbandbriefe von Gastarbeitern als neue Quelle der Oral History*, in workshop *Perspektivwechsel-Protokolle und Oral History-Interviews als Quellen einer Neuen Geschichte (der Arbeit)*, 11- 12 February 2019.

⁵⁸ See E. GEDİK, *Migrant Organisations in Turkey and Germany: Local, Transnational and Global Contexts of Kurdish-Alevis from Varto, Turkey*, in *Urban Anthropology and Studies of Cultural Systems and World Economic Development. Special Issue on Turkey*, vol. 40/1-2, 2011, p. 154.

⁵⁹ See E. GEDİK, *Migrant Organizations in Turkey and Germany*, cit., pp. 151-204.

⁶⁰ See E. GEDİK, H. BİRKALAN-GEDİK, *N.D. Alevi Women in Transnational Space: Ethnic Differentiation, Multicultural Politics, or Gender Negotiation?*, cit.



Although the Alevi migration took place since the 1960s, Alevis have been recognised as a distinct group since the 1990s. Massicard notes that “Aleviness has only recently appeared in the public spheres of settlement countries.” She indicates that this trend is due not so much to the migration process itself, as to the growing public awareness of questions regarding Islam” is a poignant observation and can sum up the current the public opinion on Alevis.⁶¹ In Europe, Alevis organised themselves in the late 1990s to sustain their Alevi identity first, and then to demand recognition in the countries they reside. Today there are Alevi Associations in various European countries under the confederation of Alevi Union Europe, has 30 years of history with autonomous identity in 14 different European states.

Starting in Germany, with the Alevitische Gemeinde Deutschland e.V. (German Alevi Association), the associations soon spread out in Europe. Such tactics of “being” in the public space, are indeed different in various political-geographical contexts. In any case, they tend to go between attempts to camouflage such an identity to increasing claims of public visibility, to cope with both Turkish political developments and western immigration policies, as the opportunities offered by multiculturalist policies.⁶²

Alevis existed in Germany first as a part of the guest worker population since the 1960s. Through fluctuating waves of migration between Turkey and Germany, they appeared as asylum seekers and as political refugees, in the 1970s. The political *coup d’etat* of 1980 in Turkey was an attempt to sustain the “secular” yet Sunni-State of Turkey, causing many Leftist, Kurdish, and Alevi people migrate especially to Germany, France and Britain.⁶³

As of 2018, there are 292 Alevi cultural centres in Germany, with an estimate of 35.000 members. In the 1980s, as the Alevi identity began to crystallise through the Kurdish movement in Turkey and emphasised the religious-ethnic differences and Kurdish migration to Germany (and other European countries) took place. The complicated relationship of Alevi social participation and the political reality started to change as the

⁶¹ See **E. MASSICARD**, *Alevi Communities in Western Europe: Identity and Religious Strategies*, in *Yearbook of Muslims in Europe*, 2010, p. 1.

⁶² See **E. MASSICARD**, *The Alevis in Turkey and Europe. Identity and Managing Territorial Diversity*, Routledge, London-New York, 2013.

⁶³ See **E. GEDİK**, *Rekonstruktion des Alevitentums im transnationalen Raum zwischen ethnischen und sprachlichen Grenzen: Das Beispiel Varto*, in **J. ZIMMERMANN, J. KAROLEWSKI, R. LANGER**, (eds.) *Transmission Process of Religious Knowledge and Ritual Practice in Alevism Between Innovation and Reconstruction*, cit. p. 251.



relationship of the Alevi in the Turkish Republic, especially after the 1990s, posed a new framework for evaluating their own identity—especially in the light of Alevi executions and exclusions as Öker underlined in the interviews.⁶⁴

In Germany, because Alevism and Alevi activism and public awareness have a long history, and because under the German constitution, Alevism is recognised as a distinct religious group, Alevism is also taught as a separate religion in the grade-schools. Furthermore, Alevi Associations in Germany are also offering education for religious leaders. The Alevi association of Germany has organised *ana-dede* education, which refer to the religious education, taking women as equal and active partners of Alevi teaching, organised by the Faith Council. The ground-breaking point in these teachings is that women *can* become religious leaders the *anas*, a role until recently was reserved for men, the *dedes*, only. These new developments are taking place since 2006, as a pilot project, as Yılmaz Kahraman underlined.⁶⁵ Although our findings shown that the presence of Alevi women in transnational Alevi organizations is negotiated between patriarchy and discourses of equality and that although Alevi women enjoy—a relatively limited—political participation, it is rather difficult to argue for a true, fully emancipated participation of women in the associations is fulfilling the gender gap among the male and female members. However, the increasing role of *anas* in Alevi rituals, interestingly, could supply some sort of emancipation, initiated and supported by the Alevi institutions.

Yılmaz Kahraman had noted that the Alevi political and community leaders argued that the spiritual needs of Alevi living in Europe are different from 40-50 years ago. The religious requirements of Alevi that emerged in the last 15-20 years cannot be met because of *dedes* lack of speaking the German language, which is the medium of communication, especially among the third generation Alevi youth in Germany. Traditionally, the *dedelik* was an institution that was based on the lineages that were inherited through certain hearths. Therefore, the current teachings are in tension with the families, as *dedelik* was turned into something to be learnt, not inherited. Furthermore, Alevism has been taught as a research topic at the university in 8 German states. An Alevi curriculum at the Weingarten Pedagogical School was established to

⁶⁴ T. ÖKER, *Interview with Hande Birkalan-Gedik*, Köln- Germany, 16 December 2014.

⁶⁵ Y. KAHRAMAN, *Interview with Hande Birkalan-Gedik*, Köln, 16 December 2014.



provide the workforce for the Alevi Religious teachings. This pilot project was started in 2011, and it has been officially in effect since 2014.⁶⁶

In France, Alevism is not recognised as a distinct religious group, but because of the *laïcité*, Alevism is emphasised as a part of cultural identity to claim recognition. In Austria, Alevism is known as a separate religious group as of 2015. However, the Alevi population in Austria is divided between several streams and newer Alevi associations outside the umbrella associations have been formed. Alevis are working together to have their religion recognised as a subject to be taught at the Austrian State schools. In this country, Alevism can enjoy a basic budget as a religious group, such as the recognition of places of worship and religious holidays. However, there is an increasing amount of pressure from Turkey also to “sunnify” the Alevi groups in Austria.

In Switzerland they use various associative structures, but their distinctive religious identity from Islam is accepted and their places of worship are recognized. In Switzerland, Alevis organized themselves under İsviçre Alevi Birlikleri Federasyonu (The Switzerland Alevi Union’s Federation), which brings together the 13 Alevi associations under its umbrella.⁶⁷ Alevism was recognised as a distinct religion only in 2012, despite the long migration history of Alevis to Switzerland, which begun in the 1960s. The number of Alevis in Switzerland has been estimated to be around 25.000-35.000. Of this population, some 6.000-8.000 people are in the Cantons of Basel-Stadt and Basel-Landschaft. On June 29, 1992, the first association was established. Basel ve Çevresi Alevi Bektaşî Kültür Birliği on January 30, 1993 made its public *cem* in a church in Oekolampad. In 1997, Basel ve Çevresi Çağdaş Aleviler Derneği (The Contemporary Alevi Association of Basel) has been founded. Next to them also stands Kürdistan Aleviler Birliği/KAB (Kurdistan Alevi Association), where differentiation based on ethnic lines about Alevis become apparent. On 22 December 2010 under the name of “Alevitische Religionsgemeinschaft,” a small acknowledgement (*kleine Anerkennung*) was made, and they have been recognised.

In Britain, the organisation around Alevi identity in Britain began in the 1990s. In 2015 the Charity Commission has recognized the British Alevi Foundation (un umbrella organization which includes 12 Alevi

⁶⁶ Y. KAHRAMAN, *Interview with Hande Birkalan-Gedik*, Köln, 16 December 2014.

⁶⁷ FÖDERATION DER ALEVITISCHEN GEMEINDEN IN DER SCHWEIZ, *Alevitentum*. http://www.inforel.ch/uploads/media/Prospekt_Aleviten_01.pdf. [Accessed 06 June 2020].



centres).⁶⁸ In Britain, most of the Alevi are Kurdish, who sought asylum in the country.⁶⁹ The members underline that they had faced discrimination, when they were in Turkey because of the Kurdish-Alevi identity. Another study shows the “negative” identity of the second-generation Alevi Kurdish youth in Britain and the projects to overcome this drawback.⁷⁰ Clearly, the transnational developments have local implications in Turkey, aiming to a betterment of the Alevi lives and their recognition in Turkish context.

The Alevi situation in Britain and Switzerland should be thought in relation to the liberal incorporation regime, according to which migrants are recognized as individuals, not as ethnic groups. Therefore, these countries do not have policies that take migrant collective identities into account.⁷¹

In Holland, Alevism has not been recognized as a distinct religious identity, and as a result, Holland is not allocating any budgets to help Alevi build their *cemevis*. Like the cases in Turkey, the Unity of Alevi Federation argues that the Sunni associations have been favoured. On the other hand, in neighbouring Belgium, Alevi receive financial and non-financial support from local governments. Because of the peculiar status given to cultural-philosophical organizations, (which operate on a par with religious organizations) such aspects of Alevi identity are emphasized at the cultural centres. In Denmark, Alevism has a formal status, as a separate religion, and effected by the Scandinavian welfare regimes. In Sweden, Alevi started to organize in Stockholm under an association called “Cultural Center for Alevi in Sweden, formed by people with Turkish and Kurdish origin. There are currently seven Alevi cultural centres in Sweden located in Stockholm, Uppsala, Halmstad, Gothenburg, Dalarna, Malmö and Örebro.”⁷²

⁶⁸ **BRITAIN ALEVİ FEDERATION.** Alevism, 2013. http://www.alevinet.org/AjaxRequestHandler.aspx?Function=GetSecuredDOC&DOCUrl=App_Data/alevinet_org/Alevism-Resorces_en-GB/_Documents_2015-16/151854076_109173189_ALEVISIM.pdf. [Accessed on 20 February 2019].

⁶⁹ **A. AKDEMİR.** *Alevi in Britain: Emerging Identities in a Transnational Social Space*, Unpublished PhD. Thesis, University of Essex, Department of Sociology, University of Essex, Essex, 2016.

⁷⁰ See **C. JENKINS, Ü. ÇETİN,** *From a ‘Sort of Muslim’ to ‘Proud to be Alevi’: the Alevi Religion and Identity Project Combatting the Negative Identity among Second-Generation Alevi in the UK*, in *National Identities*, vol. 1, n. 20, 2018, pp. 105-123.

⁷¹ See **Y. SOYSAL,** *Limits of Citizenship: Migrants and Postnational Membership in Europe*, Chicago, University of Chicago Press, 1994, p. 38.

⁷² **N.G. BATAKO.** *The Organization of Alevi in Sweden: The Federation of Alevi Unions in Sweden and the Alevi Cultural Centers in Light of the Swedish Incorporation Regime*,



While the presence of Alevis in different European countries point out different models and modes of governance, there is a transnational politics that affect them at a larger scale. A recent public post by the Alevitische Gemeinde Deutschland on 07 January 2019, put forth that Turkey has been trying to make its "Alevi" *dedes* easily travel from Turkey to Europe with special passports given to the official state missions, which is suspicious. Because, at the same time, Alevism is not recognized as a religion on its own in Turkey, how could the Alevi religious leader be given special service passports? Several news agencies also speculated that the use of service passports for the Alevi leaders could be a camouflage for the Sunni leaders to come and influence the forms of Alevism in the diaspora.

The role of Alevi organizations is crucial in defining an Alevi identity. There is a need to maximize the protection offered in different juridical settings. At the same time, their demands in different political-juridical systems contribute to maintain fluid such identity and require a contextualization work⁷³. The paper carries a critical "gender perspective," as Alevi women are assumed to hold an equal position in society, but this was also challenged in some recent scholarly work.⁷⁴

In Turkey, Alevis do not form a minority population under legal terms.⁷⁵ Furthermore, their religious and ethnic distinctive character has been ignored in Turkey, as Alevism cross the boundaries of not only religion but also of ethnicity. In Germany, when Birkalan-Gedik and Gedik conducted interviews, many Alevi representatives underlined that they do not consider themselves to belong to a minority group. Since the notion of a minority can be defined from different angles, first let us look at the legal perspective about Alevis in Turkey.

The Ottoman Empire had many religious groups, including Jews, Christians (Armenian, Greek, Assyrians). Although the term *Kızılbaş* was used for identifying the Alevis, they were included in the Muslim population. When the Turkish Republic was established in 1923, the Lausanne Treaty protected the rights of the religious communities. Turkish scholar Baskın Oran underlines that "the definition of the

Unpublished M.A. Thesis, Lund University Center for Middle Eastern Studies, Lund, 2015.

⁷³ See E. MASSICARD, *Alevi Communities in Western Europe*, cit., pp. 561-592.

⁷⁴ See E. GEDİK, H. BİRKALAN-GEDİK, *N.D. Alevi Women in Transnational Space*, cit.

⁷⁵ M. BARDAKÇI, 4 *The Alevi, the AKP Government and the Alevi Initiative*, in M. BARDAKÇI, A. FREYBERG-İNAN, C. GIESEL, O. LEISSE (eds.), *Religious Minorities in Turkey: Alevi, Armenians, and Syrians and the Struggle to Desecuritize Religious Freedom*, Palgrave Mac Millan, Oxford, 2017, pp. 97-131.



concepts of minority and minority rights in Turkey has been based on a peace treaty that was signed in Lausanne on 24 July 1923, between the British Empire, France, Italy, Japan, Greece, Romania, and the Kingdom of Serbs, Croats and Slovenes on one side, and Turkey on the other.”⁷⁶

When the League of Nations was formed after the First World War, a tripartite criterion was employed to define minorities in racial, linguistic and religious terms. Minorities fitting into any of these three categories were granted not only equal rights with the majority but also internationally guaranteed rights that did not apply to the majority (e.g., building their schools and using their language). This “positive discrimination” was justified by the conviction that minorities, having lived in disadvantageous, or even hostile environments, could not keep their cultural identity without any supportive measures. However, the Turkish delegation in Lausanne did not accept the full criterion as applicable to Turkey; it recognized only “non-Muslims” as constituting a minority and had this position accepted at the Conference. 24 July 1923 Lausanne Peace Treaty and its annexes.”

As a result, Turkey has employed a very narrow definition of minority and used it with limited applicability of the Lausanne Treaty. Even the rights of non-Muslim minorities that were recognized by the State have been continuously violated. The official position on minority definition and their rights are framed by the political conditions in the 1920s and 1930s. However, they are outdated. The official position and state policies have been counterproductive, but with the recent legal reform packages, an irreversible course in favour of human rights has been set in Turkey. These reforms carry weight for being enacted at a time when the country’s political climate was charged by the “Sèvres Syndrome,” which carries an aura of McCarthyism against the advocates of minority and human rights.⁷⁷

The definition of minorities in the Lausanne was not inclusively based on “religion,” even though the criteria of “religion” was used for “non-Muslims”. Rıza Nur, the Deputy Head of Ankara Delegation at the Lausanne negotiations at the time, noted the following: if the parameter of religion been accepted, the Alevis would have also been recognized as a minority and therefore covered by international guarantees.⁷⁸

⁷⁶ See **B. ORAN**, *Minorities in Turkey: Concepts-Theory-Lausanne-Legislation-Jurisprudence-Implementation*, İletişim, İstanbul, 2004.

⁷⁷ See **B. ORAN**, *Minorities in Turkey*, cit.

⁷⁸ See **R. NUR**, *Hayatım ve Hatıratım [My Life and Memoirs]*, Altındağ, İstanbul, 1967, p. 1044, quoted in **A.S. MÜFTÜGİL**, *Compulsory Religion Education and Religious Minorities in Turkey*, Amsterdam School for Cultural Analysis (ASCA), University of Amsterdam,



7 – Discourses of “Other” vs “Equal” on Alevis

As we have identified in the earlier parts of the paper, Alevis are not recognised as a distinct Muslim group in Turkey. The Turkish government considers Alevism to be an unorthodox Muslim sect as opposed to religion on its own right. On the one hand, the Alevis are not treated as a minority with the following significant political and legal consequences in everyday life. Still, they have been exposed to larger exclusionary policies.

An important point is that the Alevis do not have representatives at the Diyanet, precisely because they are considered within the Sunni branch. However, they do not go to mosques for their worship. On the other hand, no state money is allocated for the Alevi *cemevis*, and the funding of the *cemevis* come from the Alevi associations and Alevi individuals. Therefore, both the discourses and practices towards Alevis in Turkey reject the idea of equality. They also do not recognise their differences, making their status of the even more marginal.

The *cemevis* do not have the status of “religious place”: Alevi places of worship and Alevi religious leaders *dedes*, or *babas*, (faith leaders) are not officially recognised. Although Alevis are free to practice their religion and have been able to build new *cemevis*, it is no longer possible to use any homes in the big cities, as it was the tradition in rural Alevism, prior to internal and international migration. Therefore, the need for the *cemevis* is high. However, unlike mosques, *cemevis* do not receive financial support from the state.

Another issue is about the status of the Alevi religious leaders, the *dedes*. While some argued that the *dedes*, just like their Sunni counterparts, should be paid by the Turkish state, the majority of the Alevis respond negatively to this proposal, as they are afraid of *dedes* being politicized by the state view of what Alevism is and how Alevism should be practised.⁷⁹

Furthermore, Alevis face unequal treatment in education in Turkey. Members of the recognised non-Muslim religious groups, which are protected by Lausanne can be exempted from compulsory religious classes in schools. No exemptions are permitted for Alevis, as they are considered Muslim. Thus, the Alevis are subject to mandatory religious

2011, p. 64.

⁷⁹ See <https://www.sivilsayfalar.org/2018/04/30/alevi-acilimi-acilamiyor/>, 30 April 2018, Accessed 24 July 2020].



education because they are regarded as Muslim. Last, it is a vital issue to think about the fact that several mosques have been and are being built in Alevi villages and *imams* have been appointed in the Alevi villages, as strategies of assimilation and offence.

Several international media agencies have recently reported aggressiveness towards the Alevis as can be seen in the following headlines: For instance, on 26 April 2016, in a newspaper in Vienna noted the discrimination of the Alevis.⁸⁰ In 2017, in Malatya, a city in eastern Turkey, Alevi homes were marked by red crosses to identify for the Alevis.⁸¹ Similarly, the University of Oslo Department of Culture Studies and Oriental Language Policy Brief noted that there has been a growing Alevi-Sunni divide in Turkey.⁸²

While the Alevis have been openly discriminated and were exposed to several racist acts in Turkey, one might rightfully ask the situation of Alevis in Europe. Alevis negotiate their identity in different European countries, which have different regulations regarding religious freedom and minority rights. As to what kinds of legal perspectives are available to Alevis, Madera will respond in the following section.

8 – Alevi Associations in Europe: Legal Perspectives

The European treatments of Alevis vary from assimilation to diversity, integration, multiculturalism.⁸³ In many countries, the juridical context influence Alevi shapes of affiliation⁸⁴ and in some national contexts Alevi groups attempted to maximize the advantages coming from civil law, which offers an appropriate level of protection in coherence with Strasbourg case law. The European perspectives aim at making religious beliefs equal in their juridical protection (given that some minimal parameters are respected) and expands the organizational possibilities.

⁸⁰ See https://www.wienerzeitung.at/nachrichten/welt/weltpolitik/815119_EGMR-sieht-Aleviten-in-Tuerkei-diskriminiert.html, 26 April 2016 [Accessed 26 February 2019].

⁸¹ See <https://www.eurotopics.net/de/189997/sind-aleviten-in-der-tuerkei-gefaehrdet>, 27 November 2017 [Accessed 26 February 2019].

⁸² See **T. PINAR**, *The Growing Sunni-Alevi Divide in Turkey*, in *Policy Brief: The New Middle East: Emerging Political and Ideological Trends*, Oslo, p. 201.

⁸³ See **A. ROSS**, *Minorities and Migrant Identities in Contemporary Europe*, in **T. ISSA** (ed.), *Alevis in Europe. Voices of Migration, Culture and Identity*, Routledge, London -New York, 2017, pp. 207-211.

⁸⁴ In 1986 the European Parliament decided to give financial support to organizations endorsing culture and identity of immigrants.



In some European countries, such as in Germany, the religious dimension is underlined in order to enjoy the advantages guaranteed by forms of church-state cooperation and their distinctiveness from Islam (such as gender equality, refusal of the headscarf) is emphasized to facilitate integration and organizational recognition in host societies.⁸⁵ This is the German case, where the Berlin Senate in 2014 recognized the Alevi organization-AAKM (following the previous experience of the recognition of the Berlin's Islamic Federation)⁸⁶ the status of religious community, which implies the possibility to provide religious education in public schools.⁸⁷

Thus, in Germany Alevi communities had no necessity to resort to judicial protection: they have been the “indirect beneficiaries of third-party judicialization.”⁸⁸ In this way, Alevism can enjoy the opportunity of improving its juridical status coming from a specific legal framework which showed specific solicitude towards religious entities: while in a first stage the endorsement of the “cultural register” facilitated access to public funding and a position in the public space, more recently, claims of a religious character opened the door to a form of public recognition and self-determination in internal matters. This “religious turn” had been emphasized through opening *cemevis*, changing the denomination of the organization to underline its religious dimension, modifying its statutes and its organizational structure, and giving more power to religious leaders (council of *dedes*).⁸⁹

In Britain, as a religious charity, Alevi association enjoys the advantages connected to this juridical status.⁹⁰ Thus, in the last case Charity law (which accepts a wide notion of religion) in conjunction with a human rights approach has been undertaken. In Britain, from the 1980s on, mainly Kurdish and Alevi people from Central and Eastern parts of

⁸⁵ See: **É. MASSICARD**, *Alevi Communities in Western Europe: Identity and Religious Strategies*, cit., pp. 561-592.

⁸⁶ See Ruling OVG7B 4.98/VG 3A 2196.93, 1998.

⁸⁷ See **É. MASSICARD**, *The Alevis in Turkey and Europe*, cit., p. 192 ss.

⁸⁸ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, in *Revue Française de Science Politique*, vol. 64, 2014/4, p. 92.

⁸⁹ See **É. MASSICARD**, *The Alevis in Turkey and Europe*, cit., pp. 192-196 ff.

⁹⁰ According to the decision on 5 October 2015, the commission held that Alevi rituals, codes and practices satisfy this requirement. The performance of religious services or worship and the endorsement of religion played also a crucial role in the process of recognition of Alevism as a religion. See **T. ISSA**, **E. ATBAŞ**, *Alevi Communities in Europe: Constructions of Identity and Integration*, in **T. ISSA** (ed.), *Alevis in Europe*, cit., p. 203, nt. 10.



Turkey have migrated to Britain and the British Alevi Federation was established in November 2013 as a registered charity in England and Wales.

In Italy, the İtalya Alevi Bektaşî Kültür Birliđi (Italian Alevi-Bektashi Cultural Union) gained recognition as a cultural organization and it has links with other European confederations.⁹¹ However, currently in Italy there is not an updated law providing a fair level of protection of religious freedom to all religious groups. Presently, there is only an old law (law n. 1129/1929), so claiming a religious identity would not provide effective benefits.

9 – Alevism in the Turkish Legal Setting

The Turkish case has at length displayed a distinctive experience of moderate Islam in comparison with other Muslim-majority countries, with its attempt to reconcile secularism and democracy with an Islamic landscape/framework, giving rise to an alternative model of modernity and increasing the Kemalist idea of an “assertive secularism”⁹² which resulted in, as a “reaction,” a “politization of religion.”⁹³ But as we have underlined at the earlier parts of the paper, the relationship of Islam to the Turkish State has displayed different stances, sometimes control of religion by the state and sometimes state’s developing an alliance with religion, reaching a level of a “monopolist” position on religious matters.⁹⁴

This attitude has an important impact on majority/minorities dynamics, as well as on the organization of religious education (which is under a strict state supervision).⁹⁵ There seems to be a sort of hierarchical/pyramidal structure in the treatment of religious groups: at the top there is the majority religion (Sunni Islam), followed by the religious groups which are protected under the Lausanne Treaty. In the

⁹¹ See **D. COŞAN-EKE**, *The Resurgence of Alevism in a Transnational Context*, in **T. ISSA** (ed.), *Alevism in Europe*, cit., p. 153.

⁹² See **A.T. KURU**, *Secularism and State Policies Toward Religion. The United States, France, and Turkey*, Cambridge University Press, Cambridge, 2009, p. 161; **R. BOTTONI**, *Il principio di laicità in Turchia. Profili storico-giuridici*, Vita e Pensiero, Milano, 2012.

⁹³ See **C. LORD**, *Religious Politics in Turkey: from the Birth of Republic to the AKP*, Cambridge University Press, Cambridge, 2018, pp. 21-22.

⁹⁴ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 83.

⁹⁵ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom. A Case Study on Turkey*, Routledge, Abington - New York, 2017, pp. 131-132.



Turkish case, Alevis needing autonomy is underestimated. The Alevi identity suffers from a negative characterization, as minority rights are perceived as “privileges” and subject to a “conditional approach.”⁹⁶ Within the constitutional framework, a restrictive perspective of religious freedom has been established, subject to several restrictions: specifically, this perception has traditionally justified limits to religious manifestations in the public space.⁹⁷

The recognition of the collective dimension of religious freedom is deeply influenced by the specific historical, political and juridical contexts in Turkey. The presence of a predominant Islamic majority seems to justify a sort of “reluctance to acknowledge” the deep diversity between religious communities.⁹⁸ At the same time, the ideal of an “assertive secularism”⁹⁹ and the key role of national security seemed coherent with the disempowerment of religious communities and an underestimation of their associative dimension.¹⁰⁰

The contradiction between the attempts to establish a completely secular state and a regime aimed at privileging a specific religion is symbolized by the establishment of the Diyanet, whose purpose is “conducting the affairs of belief, worship and enlightening society on religious matters and the moral aspects of the Islamic religion.”¹⁰¹ The Diyanet has been incorporated into the public administration, it enjoys strong constitutional and legal protection, and its operations and staff are financed by public resources. The Diyanet should carry out its tasks by not endorsing certain religious groups (but relying on the sources of the

⁹⁶ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., pp. 128-129. About the challenging interrelationship between Turkish commitment to “international human rights obligations” and Turkish “interpretative declarations” with respect to “domestic sensitive issues” (religious education, religious minorities), see **M. YILDIRIM**, *Are Turkey’s Restrictions on Freedom of Religion or Belief Permissible?* in *Religion and Human Rights*, 15/2020, p. 174.

⁹⁷ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., p. 138. About the constitutional provisions that “function as limitation clauses” for the right of freedom of religion founded on Article 24 of the Constitution, see **M. YILDIRIM**, *Are Turkey’s Restrictions on Freedom of Religion or Belief Permissible?*, cit., pp. 177-179.

⁹⁸ See **C. ÖZGÜL**, **M. YILDIRIM**, *Introduction*, in **Ö. HEVAL ÇINAR**, **M. YILDIRIM** (eds.), *Freedom of Religion and Belief in Turkey*, Cambridge Scholars Publishing, Newcastle upon Tyne, 2014, p. 3.

⁹⁹ See **A.T. KURU**, *Secularism and State Policies Toward Religion. The United States, France, and Turkey*, cit., p. 161.

¹⁰⁰ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., p. 161.

¹⁰¹ See **İ. GÖZAYDIN**, *Management of Religion in Turkey: The Diyanet and Beyond*, in **Ö. HEVAL ÇINAR**, **M. YILDIRIM** (eds.), *Freedom of Religion and Belief in Turkey*, cit., p. 17.



Islamic religion shared by all members of Islam).¹⁰² However, as Gözaydın puts forth, its way of working witnesses a “significant relationship between religion and nationalism.”¹⁰³ As we argued earlier, religious services provided should be available to all citizens on an equal basis, without favouring any groups. The current situation is far from the ideal expectation, as Diyanet has no Alevi members in the council. In fact, academic research showed the ways in which Diyanet plays a key role in the “Islamization of the public space”¹⁰⁴ “delimiting the boundaries of the nation along religious lines.”¹⁰⁵

Another paradox is the qualification of religious services as “public services,” which justifies a pervasive public intervention in this field. Such “public services” do not concern religious minorities under Lausanne Treaty, whose religious activities are completely entrusted to the autonomous organization of religious groups and funded with their own resources.¹⁰⁶ Besides, the Lausanne Treaty restricts the borders of recognized minorities, and minorities which do not enjoy the protection offered by such Treaty suffer serious problems concerning their juridical, financial and organizational aspects.¹⁰⁷ Further restrictions come from the legislative framework which constricts their opportunities of organizing.¹⁰⁸ Thus, in Turkish legal framework, the treatment of religious minorities in Turkey is still a “grey area”¹⁰⁹ as the following case illustrate.

¹⁰² See **A. MADERA**, *La libertà di aprire luoghi di culto e i suoi limiti nella più recente giurisprudenza nazionale e sovranazionale*, in **A. FUCCILLO** (ed.), *Le proiezioni civili delle religioni tra libertà e bilateralità. Modelli di disciplina giuridica*, Editoriale Scientifica, Napoli, 2017, p. 551.

¹⁰³ See **İ. GÖZAYDIN**, *Management of Religion in Turkey: The Diyanet and Beyond*, in **Ö. HEVAL ÇINAR**, **M. YILDIRIM** (eds.), *Freedom of Religion and Belief in Turkey*, cit., p. 17.

¹⁰⁴ See **C. LORD**, *Religious Politics in Turkey*, cit., p. 5.

¹⁰⁵ See **C. LORD**, *Religious Politics in Turkey*, cit., p. 25, p. 263.

¹⁰⁶ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., p. 135.

¹⁰⁷ See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 551; **R. BOTTONI**, *The Legal Treatment of Religious Minorities: Non-Muslims in Turkey and Muslims in Germany*, in **H. GÜLALP**, **G. SEUFERT** (eds.), *Religion Identity and Politics: Germany and Turkey in Interaction*, Routledge, London, 118-133.

¹⁰⁸ See **É. MASSICARD**, *Democratization in Turkey?*, cit., pp. 376-390.

¹⁰⁹ According to Özgül, Strasbourg Court decisions had an indirect impact on the results in courtroom. Alevis were able to “articulate rights-based demands, provide a public narrative and forge a group-based identity.” Furthermore “case law may influence social actors’ perceptions of their rights, their discourse about their rights and their pursuit of those rights, whether through political or legal means” and that “legal decisions do not necessarily just affect grassroots actors by directing their rights claims towards formal court settings, but also by influencing the nature and scope of their



Following a judgment by the European Court of Human Rights that this amounted to discrimination, the Turkish government stated in 2015 that *cemevis* will be granted legal status. However, this is yet to happen, and only some local administrations in Turkish provinces have declared *cemevis* as official places of worship.¹¹⁰

The case of Alevism is even more complex because of their uncertain juridical status, due to the negative attitude of the Diyanet towards Alevis under Law No. 677.¹¹¹ Some scholars speak about “trapped rights” between legislative reluctance to implement rights guaranteed under the Constitution and international agreements and excessive administrative discretion.¹¹² Planning regulations hinder the effective possibility to open places of worship for religious minorities. In the end, places of worship are entrusted to administrative discretion, most of the Alevis activities are “not clearly authorized without being really forbidden”¹¹³ and they are continuously exposed to the risk of overstepping the boundaries of the legal framework that rules their associative life.¹¹⁴

The possibility to act through religious foundations, associations, or groups is only a partial solution, as these structures are subject to strict administrative scrutiny, financial burden, risk of religious discrimination, finally losing their assets.¹¹⁵ Furthermore, which religious activities can be run under the juridical formula seems unclear. In short, the question remains open whether places of worship are entitled to operate under this civil structure.¹¹⁶ As these legal structures operate under supervision of

demands.” See **C. ÖZGÜL**, *Beyond Legal Victory or Reform: the Legal Mobilisation of Religious Groups in the European Court of Human Rights*, in *Religion, State & Society*, vol. 45, 2017/3-4, p. 319.

¹¹⁰ See Country Policy and Information Note Turkey: Alevis.

¹¹¹ See **M. YILDIRIM**, *A Trapped Right. The Right to Have Places of Worship in Turkey*, in **Ö. HEVAL ÇINAR**, **M. YILDIRIM** (eds.), *Freedom of Religion and Belief in Turkey*, cit., p. 172.

¹¹² See **M. YILDIRIM**, *A Trapped Right*, cit., p. 164; **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 550.

¹¹³ See **É. MASSICARD**, *Democratization in Turkey*, cit., pp. 376-390.

¹¹⁴ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., p. 203.

¹¹⁵ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., p. 199 ss.

¹¹⁶ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., pp. 194-195; **M. YILDIRIM**, *Are Turkey's Restrictions on Freedom of Religion or Belief Permissible?*, cit., pp. 183-184; **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 551. The court of first instance (Ankara 16th Peace Court, 5 October 2011) rejected a request of closure, coming from the Diyanet, of the Construction of Çankaya Cemevi. The request was linked to the circumstance that the association qualified as a place of worship, as its *cemevi* is in its



public agencies (General Directorate of Associations, General Directorate of Foundations) which are strictly connected with government board, they are exposed to the influence of political climate too.¹¹⁷ The lack of legal personality implies that Alevi communities can neither directly act before the judicial authority, nor receive donations by their members and own property.¹¹⁸ In addition, religious leaders are not recognized a specific legal status, and Alevism has no access to forms of public support.¹¹⁹ Recent draft law proposals seem not to satisfy the needs of all religious groups, their different organizational demands and their mission to run auxiliary secular undertakings.¹²⁰

Turkish legal system has an extremely intrusive attitude towards the religious phenomenon, to determine which groups deserve protection as autonomous religious organizations.¹²¹ Defining Alevi identity exclusively as a religious minority could have a negative impact in Turkey, considering Turkish historical-political-legal perspectives on the Alevi. Indeed, in Turkey claiming a “religious” identity will not result in being a “vector of religious liberalization” but on the contrary would

internal statute. However, this judgement was reversed by the Court of Appeals, that held that statute of the association infringed Law no. 677. Thus, a court can impose the dissolution of such juridical entity. The Court of Appeals gave a restrictive reading of Law no. 677: according to the latter, only mosques and *masjid* are lawful places of worship, but it does not clarify if *cemevis* are to be considered equivalent to *tekkes* and *zaviyes* (small dervish lodges). Cfr. Court of Appeal 7th Chamber of the Civil Division, E/2012/262, K/2012/3351, 10 May 2012. According to Yıldırım, the provision that establishes that Diyanet oversees managing mosques and *masjid* should be read only as not giving such board the responsibility to administer further places of worship. Finally, the Joint Division of the Court of Appeals upheld the decision of the court of first instance, relying on article 11 of the ECHR. According to the Joint Division, although limitations to the right to association can be prescribed by law, the pursuit of a legitimate aim and the necessity in a democratic society are required to limit the right to association. The Joint Division also underlined the close interrelationship between the right to freedom of religion and the possibility to establish places of worship and associations to run them. See Joint Civil Divisions of the Court of Appeals, 3 December 2014, E. 2014/7-1038 K. 2014/990.

¹¹⁷ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., p. 203.

¹¹⁸ See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 551; **M. DRESSLER**, *Turkish Politics of Doxa: Otherizing the Alevi as Heterodox*, in *Philosophy and Social Criticism*, Vol. 41/4-5, 2015, pp. 445-451.

¹¹⁹ See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 551.

¹²⁰ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., p. 202.

¹²¹ See **M. VAN BRUINESSEN**, *The Governance of Islam in Two Secular Polities: Turkey's Diyanet and Indonesia's Ministry of Religious Affairs*, in *European Journal of Turkish Studies*, 27/2018, pp. 1-26.



underline the “otherness” of Alevism, emphasizing a sort of dichotomy between Muslim and non-Muslim Turkish citizens.¹²² In the Turkish context the state plays the role of “official” adjudicator of “who has a religious identity.”¹²³ For this reason, claiming a religious identity would negatively affect the legal opportunities for Alevism of acquiring legal subjectivity, as it would be perceived “in oppositional terms”¹²⁴ towards Islam.

The main Turkish defence before the European Court is the incorporation of Alevism within Islam, arguing that there is no need for a specific treatment for Alevism, because Turkey is a secular state. Thus, recognizing a right to difference would undermine State secularism.¹²⁵ In the Turkish state, Alevis were subsumed under the State’s the factio Sunni establishment from the earliest days of the Republic,¹²⁶ aiming at “assimilating” religious-ethnic minorities in Turkey.¹²⁷ The real purpose of such policies towards minorities seems to be to “institutionalize religious majoritarianism as a technique of domination to reproduce power relations among shaping ethno-religious borders.”¹²⁸ According to some scholars, the so-called “Alevi openings” under the Justice and Development Party have established a “continuity” with the past, as they seem to have displayed an intent “of re-framing Alevism within a Turkish-Islamic framework, consigning it to ‘invisibility,’ rather than as democratization.”¹²⁹ Despite this formal approach, the real intent seemed

¹²² See **E. SHAKMAN HURD**, *Alevis Under Law: The Politics of Religious Freedom in Turkey*, in *Journal of Law and Religion*, 2014, pp. 1-3.

¹²³ See **E. SHAKMAN HURD**, *Alevis Under Law*, cit., p. 18.

¹²⁴ Cfr. **E. ÖZYÜREK**, *The Light of the Alevi Fire Was Lit in Germany and Then Spread to Turkey: A Transnational Debate on the Boundaries of Islam*, in *Turkish Studies*, vol. 10, 2009, p. 247; **E. SHAKMAN HURD**, *Alevis Under Law*, cit., p. 18.

¹²⁵ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 97.

¹²⁶ See **E. SHAKMAN HURD**, *Alevis Under Law*, cit., 12.

¹²⁷ See **E. SHAKMAN HURD**, *Alevis Under Law*, cit., 17.

¹²⁸ See **C. BOYRAZ**, *The Alevi Question and the Limits of Citizenship in Turkey*, in *British Journal of Middle Eastern Studies*, 2019, p. 2.

¹²⁹ See **C. LORD**, *Rethinking the Justice and Development Party’s ‘Alevi openings’*, cit., pp. 278-296; **I. YILMAZ**, **J. BARRY**, *The AKP’s De-Securitization and Re-Securitization of a Minority Community: the Alevi Opening and Closing*, in *Turkish Studies*, vol. 21/2, 2020, pp. 231-253; **Ş. AKTÜRK**, *One Nation under Allah? Islamic Multiculturalism, Muslim Nationalism and Turkey’s Reforms for Kurds, Alevis, and non-Muslims*, in *Turkish Studies*, vol. 19/4, 2018, pp. 523-551; **B.A. SONER**, **Ş. TOKTAŞ**, *Alevis and Alevism in the Changing Context of Turkish Politics: The Justice and Development Party’s Alevi Opening*, in *Turkish Studies*, vol. 12/3, 2011, pp. 419-434; **M. BARDAKÇI**, *The Alevi Opening of the AKP*



to be the starting of a sort of “Islamic multiculturalism,” aimed at assimilating Alevism within a “universal Muslim community,”¹³⁰ obscuring Alevi more genuine demands of recognition and distinctive identity.

The cultural dimension has been often emphasized as it involves a “degree of neutralization” providing a “safer sphere” for Alevi organizations and preventing their “ethnic, religious, and political categorizations,” which are perceived as implying a subversive dimension.¹³¹ However, it cannot be underestimated that this sort of categorization in cultural terms would reduce the Alevi issue at the lowest common denominator, in view of a debatable attempt of reconciliation with the State. This would mask “the deep multiplicity of Alevism as a lived tradition,” with the risk of obscuring internal dynamics, empowering some leaders to represent the whole community, and focusing on a specific interpretation of Alevism, resulting in a weakening of “minorities within minorities.”¹³²

The persistent lack of any form of state recognition of the autonomous existence of this religious affiliation has emphasized an increasing marginalization of Alevi communities¹³³ and triggered the “judicialization” of the Alevi issue,¹³⁴ as “part of a broader repertory of

Government in Turkey: Walking a Tightrope between Democracy and Identity, in *Turkish Studies*, vol. 16/3, 2015, pp. 349-370; **C. BOYRAZ**, *The Alevi Question and the Limits of Citizenship in Turkey*, in *British Journal of Middle Eastern Studies*, vol. 46, 2019, pp. 767-780.

¹³⁰ See **I. YILMAZ**, **J. BARRY**, *The AKP's De-Securitization and Re-Securitization of a Minority Community*, cit., pp. 231-253.

¹³¹ Cfr. **G. ORHAN**, *Religious Freedom Governance or Institutionalization of a Heterodox Religion? Turkey's Urban Policies with Respect to Alevi Population*, in *Peace Human Rights Governance*, vol. 3/2, 2019, p. 198; **É. MASSICARD**, *The Alevis in Turkey and Europe*, cit., pp. 134-135. On the case of Anatolian Science Culture and Cem Vakfı, the Court of Appeals, in order to circumvent the VGM objections, concerning the prohibition of the establishment of a foundation aimed at supporting a religious community (which has been enforced in the legislative provisions concerning foundations), emphasized the cultural dimension of the organization, weakening its religious character. See Court of Appeals, 18th Chamber, E/1995/717, K 1995/1097, January 31, 1995. See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., pp. 188-189.

¹³² See **A. EISENBERG**, **J. SPINNER-HALEV** (eds.), *Minorities within Minorities. Equality, Rights and Diversity*, Cambridge University Press, Cambridge, 2005; **E. SHAKMAN HURD**, *Alevis Under Law*, cit., p. 2 and pp. 19-20. About the last point, see **É. MASSICARD**, *The Alevis in Turkey and Europe*, cit.

¹³³ See **C. ÖZGÜL**, *Beyond Legal Victory or Reform*, cit., pp. 317-333.

¹³⁴ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 83.



strategic action.”¹³⁵ As Massicard pointed out, the “legal arena” has recently become “the main battlefield” where Alevi minority claims can find a space of discussion in order to search for an improvement of its juridical status.¹³⁶ The “legal channel” had been used with a “defensive” or “reactive” attitude in the Turkish legal context in order to claim “redress of perceived discriminations and the restoration of the neutrality of state institutions,” which is inclined to restrict religious associative freedom: their demands gradually changed in “competitive” or even “offensive” claims.¹³⁷ Alevi community soon discovered the potentiality of the judicial discourse in order to claim their rights and a more equal treatment, and to “challenge the established order and contest discriminatory practices.”¹³⁸

As the Turkish legal setting provides no legal mechanisms concerning the legal recognition of religious denominations, “legal mobilisation with a view to reaching the EctHR, emerged as a viable strategy for the actors,¹³⁹ when domestic legal remedies, including legal reform by the government, failed to solve their problems of religious minority communities.”¹⁴⁰

The European Court judgements concerning Alevism illustrates the striking difference between European and Turkish understanding of Alevi’s demands concerning recognition of *cemevis* and a higher level of pluralism in the educational contexts. The European Court, has accepted

¹³⁵ See **D. ANAGNOSTOU, L. ANDREESCU**, *The European Court of Human Rights in National Struggles Around Religion and Education*, in *Politics and Religion*, 2018, pp. 4-6.

¹³⁶ For a study of the Turkish case law since 1990, that seems oriented at controlling all the initiatives which could potentially threaten the “national political project,” and at obscuring the “religious dimension” of Alevism, see **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 83 ff.

¹³⁷ See **É. MASSICARD**, *Democratization in Turkey? Insights from the Alevi Issue*, in **C. RODRIGUEZ, A. AVALOS, H. YILMAZ, A. I. PLANET** (eds.), *Turkey’s Democratization Process*, Routledge, London - New York, 2013, pp. 376-390.

¹³⁸ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 94.

¹³⁹ Their main issues were the legal recognition of Alevi *cemevis*, the question of the compulsory building of mosques in Alevi villages, the problematic role of Diyanet and its absence of impartiality, a re-thinking of religious courses and the replacement of school texts which seem oriented to an Alevi-phobic attitude, the need to abolish the obligation to disclose religious affiliation in national identity card, protection of Alevism against hate crimes, state apology for Alevi massacres, the transformation of Madımak Hotel to a museum, putting an end to giving public places names that are offensive for Alevism, and the return of Alevi assets which had been confiscated by the State.

¹⁴⁰ See **C. ÖZGÜL**, *Beyond Legal Victory or Reform*, cit., pp. 317-333.



the claimed status of Alevism as an autonomous religious minority, giving the protection offered under article 9 and article 14 CEDU. In this perspective, the European judgements that will be examined in this paper seem to emphasize Alevi demands for a distinctive religious identity: a refusal of identity recognition would be in contradiction with the democratization processes and the implementation of religious pluralism. In this perspective, the “language of human rights” seems to become a crucial factor to emphasize Alevi claim of overcoming their status of marginalization and to solicit the implementation of a higher level of religious pluralism in the Turkish context¹⁴¹ and the enjoyment of effective rights of equal citizenship in a democratic society.¹⁴²

10 - Alevism at the European Court of Human Rights

Various Alevi individuals and institutions submitted to the European Court's scrutiny because of several forms of discrimination suffered in Turkey.¹⁴³ After the recognition of the ECtHR jurisdiction in 1990 and the ECtHR introduction of an exception to the principle of the exhaustion of domestic remedies with regard to the specific Turkish context, the number of complaints (both individual and collective) against Turkey in front of European judicial boards significantly increased. Although some Alevi groups were at the beginning hesitant about resorting to the European Court, being afraid of paying a “cost” in political terms in their national context, eventually appealing the Strasbourg Court became the best strategic opportunity when they exhausted domestic remedies.¹⁴⁴

The European Court has been in fact expected, as a last resort, to represent a strategical arena where minorities could raise their dissenting voices. Indeed, the Strasbourg Court has traditionally shown a deep

¹⁴¹ See **D. ANAGNOSTOU, L. ANDREESCU**, *The European Court of Human Rights in National Struggles Around Religion and Education*, in *Politics and Religion*, 2018, pp. 4-6.

¹⁴² See **D. ANAGNOSTOU, L. ANDREESCU**, *The European Court of Human Rights in National Struggles Around Religion and Education*, cit., pp. 4-6.

¹⁴³ The ECtHR's judgements broadly refer to “Alevism,” “Alevi faith,” etc. In the ECtHR's perspective, the crucial fact is that Alevism is a minority suffering various forms of discrimination in Turkey.

¹⁴⁴ See **É. MASSICARD**, *Variations in the Judicialization of the Alevi Issue from Turkey to Europe*, cit., p. 83 ff.; **C. ÖZGÜL**, *Beyond Legal Victory or Reform*, cit., pp. 317-333. Özgül states that their “legal mobilization” began when *Alevi açılımı* remained ineffective.



commitment towards the protection of minorities, where their visibility seems frustrated in domestic political processes.¹⁴⁵

However, the first judgements, which concern mainly identity cards,¹⁴⁶ worship places and religious education in public schools, analysed specific complaints but sidestepped the crucial problem concerning the global status of Alevi communities and other minorities, namely the lack of recognition, the problematic role of Diyanet of “mediating” between “religiosity and secularism”¹⁴⁷ and its discriminatory policies.¹⁴⁸

The role of religion in the Turkish educational system traditionally symbolizes a battleground between majority and minority religious groups, as it deeply clashes with European understanding of state religious neutrality, religious pluralism, religious freedom, and non-interference in church internal matters.

Freedom of education has a crucial role in the conventional

¹⁴⁵ See *EU Guidelines on the Promotion and Protection of Religion or Belief*, June 2013, where the right to freedom of religion is protected both in individual and collective dimensions. It incorporates a protection of legal subjectivity and “non-interference in internal affairs, including the right to establish and maintain freely accessible places of worship or assemble, the freedom to select and train leaders or the right to carry out social, cultural, educational and charitable activities”. Alevi community enjoys the opportunity to be incorporated in this legal framework, as in 2004 the EU defined Alevism as a “non-Sunni Muslim minority” and the Venice Commission considered Alevism as a minority suffering a disadvantageous position and requiring protection. See **E. FOKAS, J.T. RICHARDSON**, *The European Court of Human Rights and Minority Religions: Messages Generated and Messages Received*, in *Religion, State & Society*, vol. 45/3-4, 2017, pp. 166-173.

¹⁴⁶ See European Court of Human Rights, Section II, 2 February 2010 (Appl. no. 21924/05), *Sinan Işık v. Turkey*. This case is about the compulsory disclosure of religious affiliation in national identity cards. The petitioner claimed that he was inhibited to include his own religious affiliation (Alevi) instead of the one stated on his identity card (Islam). Domestic courts dismissed such claims, holding a controversial distinction between “religious convictions” “religion,” or between “religion and “religious conviction and opinion” to maintain the legitimacy the constitutional coherence of the state provision (See *Işık v. Turkey*, no 21924/05, 2 February 2010). The European Court stated, that according to article 9 ECHR, the freedom of religion includes also the right not having to disclose one's religion or beliefs. However, no legislative changes occurred after this judgement.

¹⁴⁷ Cfr. **E. KAYA**, *Secularism and State Religion in Modern Turkey: Law, Policymaking and the Diyanet*, I.B. Tauris, London-New York, 2018, p. 160. The author analysed the reasons of the Constitutional Court's dismissal of the claim of the Unity Party, which asked for the “disestablishment” of this board due its incoherence with the principle of State secularism (pp. 81-89).

¹⁴⁸ See **C. ÖZGÜL**, *Beyond Legal Victory or Reform*, cit., pp. 317-333.



framework: even though States enjoy a certain margin of discretion in setting up educational curriculum, they are forbidden to fall into forms of religious indoctrination and restriction of pluralism. On the contrary, in the Kemalist reading of secularism, education has been recognized a key role as a factor of national unification, resulting in a strong public supervision, an assimilationist approach and a refusal of cultural-religious diversity.¹⁴⁹ The religious nature of courses has been even justified resorting to the “cultural” factor.¹⁵⁰ In the past, only religious communities recognized under the Lausanne treaty enjoyed the possibility to run religious schools and “opt-out mechanisms”: in 1990 this possibility has been extended to Jehovah’s Witnesses and Turkish Protestants. The main Alevi claims concerned compulsory courses of religious and ethical education, founded on a specific (Sunni) perception of Islam, no opportunity for parents of minority faiths to choose a model of education coherent with their religious belonging, inadequate respect of religious differences as the possibility to be exempted from such compulsory courses is strictly restricted.¹⁵¹ However, within Alevi community there were divergent views about the above-mentioned issue. Some of them claimed for a full suppression of religious compulsory education; others required to share the same regime enjoyed by recognized religious minorities, namely, a more flexible case-by-case exemptions rule¹⁵².

In the *Hasan e Eylem Zengin* case, even though the Strasbourg Court stated that the “Alevi faith” is “distinct from the Sunni understanding of Islam which is taught in schools” and that the expression “religious convictions” can therefore be used with regard to Alevism, it did not fully solve the crucial question concerning the content of religion and ethics

¹⁴⁹ See **C. ÖZGÜL**, *Freedom of Religion, the ECtHR and Grassroots Mobilization on Religious Education in Turkey*, in *Politics and Religion*, vol. 12, 2019, p. 107.

¹⁵⁰ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., p. 143, who references some case law of the Court of Cassation.

¹⁵¹ See European Court of Human Rights, Former Section II, 9 October 2007 (Application no. 1448/04), *Hasan e Eylem Zengin v. Turkey*. The Alevi applicants claimed an exemption from courses of religion and ethics in a public school for their daughter. The European Court had to verify whether the content of the subject was consistent with religious pluralism and whether parents’ convictions were granted respect in the Turkish educational system. Provided that Islam is the predominant religion in Turkey, the Court found that curricula and textbooks give greater priority to knowledge of Islam than they do to that of other religions and philosophies, resulting in lack of objectivity and religious indoctrination. See **C. ÖZGÜL**, *Freedom of Religion*, cit., pp. 107-111.

¹⁵² See **E. SHAKMAN HURD**, *Alevis Under Law*, cit., p. 13.



courses, which has been faced in further judgements.¹⁵³ Such content was deeply influenced by a Sunni understanding of Islam and Alevism was qualified as a “mystic interpretation of Sunnism.... the constitutive other through which the domination of the Sunni interpretation of Islam imposes its legitimacy.”¹⁵⁴ Besides, the solution adopted in the *Hasan e Eylem Zengin* case, which extended the same possibility provided for Christian and Jewish minorities, leaves open the question of its compatibility with European framework, as it indirectly forces parents to disclose their religious affiliation.¹⁵⁵

The issue of public policies concerning the organization of spaces devoted to worship takes a symbolic value: in a country where a Sunni Islamic hegemony has been established, the meaning of *cemevis* “exceeds the boundaries of religion” and it becomes “a space of counter-culture” or even a “political space” and it is perceived a “threat by the state.”¹⁵⁶

The first judgement concerning the recognition of *cemevis* as places of worship followed the same path of previous rulings, sidestepping the crucial issue of Alevi juridical status. However, it made a step beyond, as for the very first time the question of discriminatory practices of a state institution against a religious minority has been raised. As the usual strategy to go to the ECtHR for individual cases has been abandoned, a decision concerning a whole religious group could potentially affect other minorities.¹⁵⁷

¹⁵³ See European Court of Human Rights, Section II, 16 September 2014 (Appl. no. 21163/11), *Mansur Yalçın & Ors v. Turkey*, where the applicants claimed a contradiction of the curriculum with Article 2 of Protocol No. 1 and Art. 9 taken in conjunction with article 14, as it contains an infringement of their religious convictions. The Court found a violation of Article 2 of Protocol No. 1 as the educational system is not able to uphold and support appropriately the choice of parents who have religious beliefs different from Sunni Islam and the limited possibility of obtaining an exemption required the disclosure of religious beliefs. Cfr. **A. PARRILLI**, *L'istruzione religiosa in Turchia: gli Aleviti la Corte europea dei Diritti Umani*, in *Stato, Chiesa e pluralismo confessionale, Rivista telematica* (<https://www.statoechiese.it>), 2016, no. 33, pp. 1-24.

¹⁵⁴ See **B. 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*, in *Comparative Studies of South Asia, Africa and the Middle East*, vol. 29, 2009/3, pp. 388-396.

¹⁵⁵ See **A. PARRILLI**, *L'istruzione religiosa in Turchia*, pp. 1-24.

¹⁵⁶ See **G. ORHAN**, *Religious Freedom Governance*, cit., pp. 195-196.

¹⁵⁷ See European Court of Human Rights, Section II, 2 December 2014 (Appl. no. 32093/10), *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey*. An Alevi foundation claimed an exemption from electricity bills for *cemevis*, arguing that the legislation provided that such bills should be paid by the Directorate of Religious Affairs when places of worship are concerned. On the ground of Article 14 (prohibition of discrimination) taken together with Art. 9 (right to freedom of thought, conscience and



The *İzzettin Doğan and others v. Turkey* case emphasized the relevance of the Alevi question bringing it to the European attention: specifically, the alarming “asymmetry” between Alevism and majority religious groups which have access to “public religious services” has been fully displayed and it has become object of a serious concern.¹⁵⁸

In the present ruling, the Grand Chamber of the European Court of Human Rights afforded crucial issues concerning Alevism in a global perspective: the opportunity for the Alevi community to enjoy religious services in the form of a public service; the possibility for their religious leaders to be qualified as such and recruited as civil servants; that their *cemevis*, can be recognized the status of places of worship; and to have access to state funding.¹⁵⁹ The European Court held that there had been a violation of article 14 taken in conjunction with article 9 ECHR in the Turkish state law.

For the very first time, the Court held that in the Turkish legal framework, Alevism is not provided a sufficient level of protection to its religious freedom of expression, and suffers a negative understanding of their identity, and a bias on the part of public national authorities, being considered as “an interpretation and practice of Islam” or a “ Sufi Order”¹⁶⁰ from public agencies. According to the Court, this

religion), the applicant foundation complained that the applicant had been deprived of this possibility on account of the failure to recognise the *cemevis* as places of worship in Turkey. In a judgment of May 2008, the District Court rejected the foundation’s claims, stating that Alevism is not a religion and that the *cem* houses are not places of worship. In its judgement dated 2 December 2014, The ECtHR found a discrimination against Alevism, on the ground of Art. 14 ECHR taken together with Art. 9, as Turkish government was not able to offer any proper justification for the difference in treatment between *cemevis* and mosques. In a following judgement, the applicant foundation was awarded pecuniary and non-pecuniary damage.

¹⁵⁸ See European Court of Human Rights, Grand Chamber, 26 April 2016 (Appl. no. 62649/10), *İzzettin Doğan and Others v. Turkey*. The case displays that Alevis have provided on their own to purchase land and build *cemevis*; some municipalities do not permit building of *cemevis* in their urbanistic planning (Letter to the Administrative Court of Ankara of 2005). See **M. YILDIRIM**, *Grand Chamber Judgement in İzzettin Doğan and Others v. Turkey: more than a Typical Religious Discrimination Case*, in *Strasbourg Observers*, July 18, 2016, <https://strasbourgobservers.com/category/cases/izzettin-dogan-and-others-v-turkey/>; **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., pp. 547-552.

¹⁵⁹ See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., pp. 551-552; **W. KÄLIN - J. KÜNZLI**, *The Law of International Human Rights Protection*, 2nd Ed., Oxford, Oxford University Press, 2019, pp. 339-340.

¹⁶⁰ The refusal of state recognition of this community as a religious denomination results in the denial of its autonomous existence and its qualification within the prohibited Sufi orders, whose regulation comes from the law n. 677. According to this



understanding of Alevism is too restrictive, as Alevism owns “cogency, seriousness, cohesion and importance” as an autonomous belief system.¹⁶¹ Besides, the State’s duty of neutrality and impartiality is not coherent with any attempt on the part of the State to give an assessment of the legitimacy of religious beliefs.¹⁶²

On the contrary, the Court shows a serious effort of understanding the status of Alevi in Turkey, and its incoherence with the duty of state neutrality. In the Strasbourg Court’s perspective, its “ancient origins in the Turkish historical and religious context” and its “distinctive features” must be given appropriate weight.¹⁶³ In this judgement, the Court significantly goes beyond previous case law, where it simply recognized Alevism as a branch of Islam with different religious practices (resembling German understanding of Alevism).¹⁶⁴

The Strasbourg Court emphasizes that Turkish legal setting is not consistent with the principle of state neutrality and impartiality, which has increasingly become a pivotal factor for the preservation of pluralism in a democratic State in the European Court’s perspective.¹⁶⁵

statute, Sufi orders are in principle subject to many criminal prohibitions and their effective situation is unclear, depending on administrative discretion in applying them. Such statute negatively affects therefore the juridical treatment of Alevism (e.g. the prohibition of *tarikats* and the use of some religious titles, including the title for the leaders of the same community, the ban on the provision of spaces for religious practices). Failure to comply with these prohibitions, according to the Government, is tolerated. However, the Legal Department of the Prime Minister before the judiciary boards has affirmed that “the recognition of *cemevis* as places of worship would be contrary to the law n. 677.” See **E. ÖKTEM**, *Turkish Secularism’s Ordeal with Lucifer at Strasbourg: Reflexions Inspired by the İşik v. Turkey Case*, in *Stato, Chiese e Pluralismo Confessionale*, Rivista telematica (www.statoechiese.it), 2020, no. 11, p. 116; **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 554.

¹⁶¹ See **A. PARRILLI**, *L’istruzione religiosa in Turchia*, pp. 1-24.

¹⁶² See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 552; **S. FERRARI**, *La Corte di Strasburgo e l’articolo 9 della Convenzione Europea. Un’analisi quantitativa della giurisprudenza*, in **R. MAZZOLA** (ed.), *Diritto e religione in Europa. Rapporto sulla giurisprudenza della Corte europea dei diritti dell’uomo in materia di libertà religiosa*, il Mulino, Bologna, 2012, p. 45.

¹⁶³ See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 554.

¹⁶⁴ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 97.

¹⁶⁵ See **R. UITZ**, *Religion and Equality: From Managing Pluralism towards a European Requirement of State Neutrality*, in **J. TEMPERMAN**, **T.J. GUNN**, **M. EVANS** (eds.), *The European Court of Human Rights and the Freedom of Religion and Belief. The 25 Years from Kokkinakis*, Brill Nijhoff, Leiden-Boston, 2019, 223.



The relevance of the present judgement results from the overcoming of the previous fragmentary approach towards Alevism which the Court adopted in previous rulings. However, there is a split within the Court concerning the crucial relationship between Art. 9 and Art. 14 ECHR: the key question is whether and to what extent the Court can interfere with State models of management of religious diversity. On one hand, some judges would have preferred the court to maintain an attitude of “judicial moderation,”¹⁶⁶ dealing only with the discrimination issues,¹⁶⁷ on the other hand, the majority of judges made a “step forward” and faced the question of the rationale behind the disadvantageous treatment suffered by the Alevi community, which is not supported by reasonable standards and objective justifications.¹⁶⁸ They did not limit themselves to focus on the specific claims of the applicants, but they targeted the most worrying aspect of the case under consideration: the state non-recognition of the autonomous existence of such a religious minority, which has a serious impact on its juridical treatment.¹⁶⁹ Such treatment relates to the domestic perspective of “tolerance” rather than “recognition,” so the exercise of this religion, therefore, depends on the powers of discretion of the administrative agencies; in this regard, the Court emphasizes that “tolerance” cannot substitute an effective “recognition.”¹⁷⁰

Such non-recognition means a difference in treatment that requires an objective and reasonable justification.¹⁷¹ Non-recognition also implies that the rights enshrined under Art. 9 ECHR are weakened: this occurs if the extent of discretion States enjoy can result in so a narrow idea of religious denomination to “deprive” religious minorities of the possibility to exercise their basic rights.¹⁷² The denial to recognize *cemevis* the status

¹⁶⁶ Cfr. **F. TULKENS**, *Questioni teoriche e metodologiche sulla natura e l'oggetto delle sentenze della Corte europea dei diritti dell'uomo*, in R. MAZZOLA (ed.), *Diritto e religione in Europa*, cit., p. 89.

¹⁶⁷ See the partly concurring and partly dissenting opinion of the judges Villeger, Keller and Kjølbros.

¹⁶⁸ See **M. YILDIRIM**, *Grand Chamber Judgement in İzzettin Doğan and Others v. Turkey*, cit.

¹⁶⁹ See *İzzettin Doğan and Others v. Turkey*, cit., § 127. See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 552; **M. YILDIRIM**, *Grand Chamber Judgement in İzzettin Doğan and Others v. Turkey*, cit.

¹⁷⁰ See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 554; **C. ÖZGÜL**, *Beyond Legal Victory or Reform*, cit., p. 327.

¹⁷¹ See **E. ÖKTEM**, *Turkish Secularism's Ordeal with Lucifer at Strasbourg*, cit., p. 115.

¹⁷² See *İzzettin Doğan and Others v. Turkey*, cit., § 114. See **A. MADERA**, *La libertà di*



of place of worship implies that such places of worship are subject to a degradation to cultural centres, in order to be consistent with the Turkish legal framework, several obstacles prevent their building and no public subsidies are granted for their management.¹⁷³ Such a conduct is relevant under Article 9, as the freedom to establish places of worship plays a crucial role within the protection of the collective dimension of religious freedom. Otherwise, the rights that the Court guarantees would not be “effective” and would remain only “theoretical.”¹⁷⁴ In this perspective, the refusal to recognize *cemevis* as places of worship cannot be reduced to a simple denial of a public benefit but mirrors the complete lack of juridical protection of Alevism as well as an infringement of the principle of non-discrimination.¹⁷⁵

The judges Villiger, Keller, and Kjøbro, expressed a joint partly dissenting and partly concurring opinion.¹⁷⁶ According to this, the Court went beyond the specific requests of the applicants, underlining instead the question of the absence in Turkey of a procedure for recognition of religious denominations. They disagree about the comparison between Alevi juridical treatment and the status that Sunni Islam enjoys. The Alevi community is not completely denied the possibility to practice its faith and the community can operate through alternative juridical tools offered by the State (associations or foundations). In this perspective, Alevi juridical treatment should have been compared with that of other religious groups expected to be in a “comparable” position under Turkish Law.¹⁷⁷ The Court overstepped the more limited nature of the complaint concerning the violation of article 14. This opinion seems to

aprire luoghi di culto, cit., p. 554.

¹⁷³ See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 553. About court cases concerning places of worship of religious minorities (i.e. Protestants, Jehovah’s Witnesses), the approval of public authorities, and the impact of “established practices” on their status, see **M. YILDIRIM**, *Are Turkey’s Restrictions on Freedom of Religion or Belief Permissible?*, cit., pp. 179-182.

¹⁷⁴ See *İzzettin Doğan and Others v. Turkey*, cit., § 114. See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 554.

¹⁷⁵ See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 553; **M. YILDIRIM**, *Grand Chamber Judgement in İzzettin Doğan and Others v. Turkey*, cit.

¹⁷⁶ See *İzzettin Doğan and Others v. Turkey*, cit., joint partly dissenting and partly concurring opinion of judges Villiger, Keller and Kjøbro, §§ 1-28.

¹⁷⁷ See *İzzettin Doğan and Others v. Turkey*, cit., joint partly dissenting and partly concurring opinion of judges Villiger, Keller and Kjøbro, § 28; *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey*, cit. See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 557.



misunderstand all the matter: it does not find an interference in the exercise of religious freedom of Alevi community and the claim is reduced to a request of privileges.¹⁷⁸ Following this opinion, Article. 9 cannot be interpreted

“as imposing a positive obligation on a State to provide a religious group with religious services, to recognise their places of worship, to employ and pay the salaries of the group’s religious leaders and to allocate funds from the general budget to finance, wholly or in part, the group’s activities. Such an interpretation of Article 9 of the Convention would go too far.”¹⁷⁹

According to the words of judge Silvis in his *dissenting opinion*, “this is therefore a typical religious discrimination case, nothing more.”¹⁸⁰

It follows that, in the present judgement, the majority of the Court and the judges of the partly concurring and partly dissenting opinions adopt different readings not only of the test of proportionality, but also of the margin of appreciation and of the balancing between the subsidiary role of the Court and its tasks of European supervision.

In the Turkish legal framework, the presence of a fluid legal framework concerning unrecognized minorities is connected with a peculiar model of secularism, where the strong incorporation of the majority religion into the state apparatus has been analysed under the concept of “civil religion.”¹⁸¹

As we argued earlier, although religious services are formally supra-denominational and open to all citizens, they seem provided for those who embrace a Sunni understanding of Islam (as the majoritarian membership) and not for the religious needs of those who adhere to a different interpretation. In the ambit of the margin of appreciation which states enjoy, they can adopt justified distinctions between different religious denominations and provide forms of cooperation only for some religious groups.¹⁸² The doctrine of the margin of appreciation identifies in

¹⁷⁸ See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 557; See **M. YILDIRIM**, *Grand Chamber Judgement in İzzettin Doğan and Others v. Turkey*, cit.

¹⁷⁹ See *İzzettin Doğan and Others v. Turkey*, cit., joint partly dissenting and partly concurring opinion of judges Villiger, Keller and Kjøbro, § 14.

¹⁸⁰ See *İzzettin Doğan and Others v. Turkey*, cit., dissenting opinion of judge Silvis.

¹⁸¹ See **M. DRESSLER**, *Die Civil Religion der Türkei: Kemalistische und Alivitische Atatürk-Rezeption im Vergleich*, Ergon, Würzburg, 1999.

¹⁸² See **A. LICASTRO**, *Il diritto statale delle religioni nei paesi dell’Unione Europea*, Giuffrè, Milano, 2017, p. 254; **J. MARTÍNEZ- TORRÓN**, *La (non) protezione dell’identità religiosa dell’individuo nella giurisprudenza della Corte di Strasburgo*, in **R. MAZZOLA** (ed.), *Diritto e religione in Europa*, cit., p. 81; *Recenti orientamenti della Corte europea dei diritti*



domestic powers the most appropriate level of authority in order to neutrally govern religious freedom.¹⁸³ However, such a margin does not imply a judicial approach of the Court of complete deference to national choices and it must cope with the proportionality analysis.¹⁸⁴

To what extent the European system of guarantees is consistent with national systems providing “various levels of equality?”¹⁸⁵ The European Court has traditionally governed a difficult balance between “unity” and “diversity”¹⁸⁶: in this perspective it considered some models of relationships where there is a privileged position of a denomination coherent with the Convention in the past. The European Court has to consider the “variable geometry” of religious European landscape.¹⁸⁷ It has traditionally adopted a respectful approach towards different national models of regulation of church-state relationships which swing between established church models to *laïcité de combat*, to the establishment of forms of “selective cooperation” only with some religious groups.¹⁸⁸

However, since 2000, the Court has shown an increasing solicitude towards the collective dimension of religious freedom, which it recognizes

dell'uomo in materia di libertà religiosa collettiva: le pronunzie Magyar Keresztény Mennonita Egyház and Others v. Hungary e Church of Jesus Christ Latter-Day v. United Kingdom, in Anuario de Derecho Eclesiástico del Estado, vol. XXXI, 2015, p. 561.

¹⁸³ See **S. DOMIANELLO**, *Conclusioni. Salutari esercizi di liberalismo ne! "farsi" del diritto antidiscriminatorio in materia di religione*, in *Quad. Dir. Poi. Eccl.*, 1/2013, p. 246.

¹⁸⁴ See **M. TOSCANO**, *La libertà religiosa organizzata nella giurisprudenza della Corte europea dei diritti dell'uomo: prime linee di lettura*, in *Stato, Chiese e pluralismo confessionale, Rivista telematica* (www.statoechiese.it), March 2008, pp. 1-29; **M. TOSCANO**, *Il fattore europeo nella Convenzione Europea dei Diritti dell'Uomo. Itinerari giurisprudenziali*, ETS, Pisa, 2018; **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., pp. 555-556.

¹⁸⁵ See **G. CASUSCELLI**, *Convenzione europea, giurisprudenza della Corte europea dei diritti dell'uomo e sua incidenza sul diritto ecclesiastico italiano. Un'opportunità per la ripresa del pluralismo confessionale?*, in *Stato, Chiese e pluralismo confessionale*, cit., September 2011, pp. 1-58. **G. CASUSCELLI**, *Uguaglianza e fattore religioso*, in *Dig. disc. pubbl.*, vol. XV, 1999, pp. 428 ff.

¹⁸⁶ See **A. LICASTRO**, *Unione europea e "status" delle confessioni religiose. Fra tutela dei diritti umani fondamentali e salvaguardia delle identità costituzionali*, Giuffrè, Milano, 2014, p. 1.

¹⁸⁷ See **L. ZUCCA**, *A Secular Europe: Law and Religion in the European Constitutional Landscape*, Oxford University Press, Oxford, 2012, pp. 156-159.

¹⁸⁸ See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., pp. 555-556; **N. MARCHEI**, *La libertà religiosa nella giurisprudenza delle Corti europee*, in *Stato, Chiese e pluralismo confessionale*, cit., 2019, no. 33, pp. 1-35; **AA.VV.**, *Pluralismo religioso e integrazione europea: le nuove sfide*, in *Stato, Chiese e pluralismo confessionale*, cit., 2019, no. 3, pp. 1-377; **J. PASQUALI CERIOLI**, *La tutela della libertà religiosa nella Convenzione Europea dei Diritti dell'Uomo*, *Stato, Chiese e pluralismo confessionale*, cit., January 2011, pp. 1-20.



as a fundamental tool to guarantee and implement an effective enjoyment of the right of religious freedom on the part of adherents of different faiths.¹⁸⁹ As Yıldırım underlines, the European Court affirmed that the guarantee of the collective dimension of religious freedom is at the core of the protection offered by article 9 ECHR.¹⁹⁰ Infringements of the collective organizational dimension of religious denominations will have an unavoidable impact on individual religious freedom, resulting in an interference with its exercise of religious freedom: for these reasons, such interference is allowed only resorting to the circumstances foreseen in Par. 2 of Art. 9.¹⁹¹ According to the Strasbourg Court, the organizational aspects of religious communities imply a reading of Art. 9 ECHR in conjunction with article 11, which safeguards freedom of association, free from undue state interference, but also in light of article 6, that is aimed to guarantee the judicial protection of the community, its members and its assets.¹⁹²

Such collective dimension covers the autonomy of churches of choosing and training their own clergy, the maintenance of places of worship, freedom of religious expression and right to proselytise. Enjoying a legal personality surely facilitates the possibility to engage in such activities.¹⁹³

Here, a “positive obligation” upon states should be highlighted, so as to provide a system of recognition which makes the access to legal personality available, avoiding procedures which imply “arbitrary or undue state interference.”¹⁹⁴ According to the Venice of Commission, the

¹⁸⁹ See **M. VENTURA**, *Conclusioni: La virtù della giurisdizione europea sui conflitti religiosi*, in R. MAZZOLA (ed.), *Diritto e religione in Europa*, cit., pp. 293-362; **J.P. SCHOUPPE**, *La dimension institutionnelle de la liberté de religion dans la jurisprudence de la Cour Européenne des droits de l'homme*, A. Pedone, Paris, 2014; J. TEMPERMAN, T. JEREMY GUNN, M.D. EVANS (eds.), *The European Court of Human Rights and the Freedom of Religion or Belief*, Brill, Nijhoff, 2019; **C. EVANS**, *Freedom of Religion Under the European Convention of Human Rights*, Oxford University Press, Oxford, 2001.

¹⁹⁰ See **M. YILDIRIM**, *A Trapped Right*, cit., p. 197.

¹⁹¹ See **C. EVANS**, *Religious freedom in European Human Rights Law: the Search for a Guiding Conception*, in M.W. JANIS, C. EVANS (eds.), *Religion and International Law*, Martinus Nijhoff Publishers, The Hague, 1999, p. 80 ff.; **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 553.

¹⁹² See **M. TOSCANO**, *La libertà religiosa organizzata*, cit., pp. 1-28.

¹⁹³ See **L. GARLICKY**, *Collective Aspects of the Religious Freedoms: Recent Developments in the Case Law of The European Court of Human Rights*, in **A. SAJO**, (ed.), *Censoria/Sensitivities: Free Speech and Religion in a Fundamentalist World*, Eleven International Publishing, Utrecht, 2007, p. 218 ff.

¹⁹⁴ See **M. YILDIRIM**, *A Trapped Right*, cit., p. 197.



possibility that religious groups enjoy of using alternative ways of organizing religious life is not an appropriate solution to compensate state interference and it would not most likely overcome a proportionality test.¹⁹⁵

States can restrict associative religious freedom where a legitimate aim occurs, as public safety or protection of the rights of others, but such limitations cannot result in a generalized denial of the possibility to enjoy juridical personality to religious groups.¹⁹⁶ Again, going back to Yildirim's analysis, although in Turkey, the current situation is justified in light of specific domestic circumstances, this general prohibition would be hardly coherent with the parameter of proportionality between the aims pursued and the means required, as it would have a crucial impact on many rights connected with freedom of religion (Articles 6, 9, 11), even according to the achievement of the standards solicited by the Venice Commission.¹⁹⁷

The recognition of alternative measures of recognition relieves but does not remove the problem of state interference, as it proved to be the source of uncertain legal protection, forms of discrimination, risk of loss of control over property, arbitrary state control. In addition, such system denies the peculiar religious nature and identity of religious groups and their specific purposes of "worship, teaching, practice and observance,"¹⁹⁸ which deserve a regime coherent with the international standards. In this most recent case, the Court is pursuing the search for a "synergistic relationship" between Article 9 and Article 14, which allows the European Court a more rigorous assessment of the national systems.¹⁹⁹

The European Court has traditionally adopted a deferential approach towards Turkish *laiklik*, justifying restrictions of individual freedom,²⁰⁰ as an "assertive" view of secularism had been claimed as a "bastion of democracy."²⁰¹ As Jusic underlines, "despite the otherwise low status of Turkey in the eyes of the Court, the Court might have previously

¹⁹⁵ See Council of Europe, Venice Commission, § 55.

¹⁹⁶ See **M. YILDIRIM**, *A Trapped Right*, cit., pp. 199-200.

¹⁹⁷ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., pp. 200-201.

¹⁹⁸ See **M. YILDIRIM**, *A Trapped Right*, cit., p. 203.

¹⁹⁹ See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 558; **E. HOWARD**, *Freedom of Expression and Religious Hate Speech in Europe*, Routledge, London-New York, 2017, p. 53.

²⁰⁰ See European Court of Human Rights, *Grand Chamber*, 10 November 2005 (application no. 44774/98), *Leyla Şahin c. Turquie*; European Court of Human Rights, *Grand Chamber*, 13 February 2003 (applications nos. 41340/98, 41342/98, 41343/98 et al.), *Refah Partisi (the Welfare Party) and Others v. Turkey*.

²⁰¹ See **A.T. KURU**, *Secularism and State Policies Toward Religion*, cit., p. 161.



treated Turkish secularism as worthy of the margin of appreciation due to its deference to high-status states in order to improve its own status of an instrument of democratization.”²⁰² However, in cases concerning Alevism a turn towards more interventionism occurs.²⁰³ Indeed, going back to Jusic’s analysis, “there are more likely signals that nowadays,” in many areas, “the Court considers Turkey to be a low-status state whose legal system and underlying social norms are both prone to violation of the Convention and generally substantively differing from the Court’s view of human rights and secularism.”²⁰⁴ Furthermore, in other previous cases,²⁰⁵ “the ECtHR sided with Muslim groups believed, for complex reasons, socially controversial, against largely Muslim CoE states with weak human rights records.”²⁰⁶ Because of the failure of Turkey to conform with European standards, in the *İzzettin Doğan* case, Strasbourg takes very seriously its role of protection of minority groups: since 1993 (*Kokkinakis* case),²⁰⁷ matters of management and inclusion of religious minorities - which often feel as “outsiders” - are at the centre of its intervention.²⁰⁸ Therefore, the European Court fully embraces a “substantial approach,” which involves a more pervasive assessment of a specific model of regulation of church state relationships.²⁰⁹ In particular, the *İzzettin Doğan* case gives the European judicial authorities the opportunity, starting from the analysis specific issues, to analyse the crucial issue of Turkish political choices concerning the management of religious minorities.²¹⁰

²⁰² See **A. JUSIC**, *Damned If It Doesn’t and Damned If It Does: The European Court’s Margin of Appreciation and the Mobilizations Around Religious Symbols*, in *U. Pa. J. Int’l*, vol. 39, 2018, p. 581.

²⁰³ See **D. ANAGNOSTOU, L. ANDREESCU**, *The European Court of Human Rights in National Struggles Around Religion and Education*, cit., p. 9.

²⁰⁴ See **A. JUSIC**, *Damned If It Doesn’t and Damned If It Does*, cit., p. 581.

²⁰⁵ See European Court of Human Rights, Section II, 23 febbraio 2010 (application no. 41135/98), *Ahmet Arslan and Others v. Turkey*.

²⁰⁶ See **A. JUSIC**, *An (Un)Exceptional Case: Strasbourg’s Court Reserved Nod to Religious Symbols in the Courtroom*, in *Oxford Journal of Law and Religion*, vol. 8/1, 2019, pp. 213-222.

²⁰⁷ See European Court of Human Rights, 25 maggio 1993 (application no. 14307/88), *Kokkinakis v. Greece*.

²⁰⁸ See **E. FOKAS, J.T. RICHARDSON**, *The European Court of Human Rights and Minority Religions*, cit., pp. 166-173; **Ö. GÖNER**, *Turkish National Identity and Its Outsiders. Memories of State Violence in Dersim*, Routledge, New York, 2017.

²⁰⁹ See **M. VENTURA**, *Conclusioni*, cit., p. 345; **J. PASQUALI CERIOLI**, *La tutela della libertà religiosa nella Convenzione Europea dei Diritti dell’Uomo*, cit., pp. 1-20.

²¹⁰ See **J. GERARDS**, *General Principles of the European Convention of Human Rights*, Cambridge University Press, Cambridge, 2019, pp. 66-67.



The Turkish case justifies an attitude of judicial interventionism of the same Court and the reduction of the margin of appreciation, which must be properly counterweighted by the proportionality test.²¹¹

Proportionality facilitates the reach of a balance between conflicting rights and of a “more equitable redistribution of religious freedom among all the religious actors;” guaranteeing a “dialogue” between national and European judicial boards addressed to the principle of reasonableness, which should prevent forms of intolerable restrictions of religious freedom.²¹² Proportionality becomes a standard which allows the European Court to scrutinize more seriously national legal regimes²¹³: the more so the States are legally equipped to grant an “appropriate balance” between all the competing rights, the less they are expected to be subject to pervasive forms of judicial interventionism by the supranational boards of justice.²¹⁴

Within this framework, the legitimate aim and the proportionality between the means and the pursued purposes have often become the pivotal rationale, which allows to justify even restrictions to the collective exercise of religious freedom.²¹⁵ In the present case, the national judicial authorities claim that the restriction of religious freedom is prescribed by law and identify such a legitimate aim in the legitimate purpose of the protection of public order. As Alves Pinto pointed out, “public order has often been invoked by States to limit one’s right to manifest religion or

²¹¹ See **A. MADERA, N. MARCHEI**, *Simboli religiosi “sul corpo” e ordine pubblico nel sistema giuridico turco: la sentenza “Ahmed Arslan e altri c. Turchia” e i confini del principio di laicità*, in R. MAZZOLA (ed.), *Diritto e religione in Europa*, cit., p. 125; **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 556; **Y. ARAI-TAKAHASHI**, *The Margin of Appreciation and the Principle of Proportionality in the Jurisprudence of the ECHR*, Intersentia, Antwerp, 2002; **F. JIZENG**, *Deference or Proportionality: Two Concepts of the Margin of Appreciation in The Strasbourg Court and their Influences*, in *The Journal of Human Rights*, vol. 14, 2015, pp. 254-285.

²¹² See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., pp. 561-562; **A. RUGGERI**, *Dialogo tra le Corti, tutela dei diritti fondamentali ed evoluzione del linguaggio costituzionale*, in *Federalismi* (www.federalismi.it), 27 September 2017, n. 18, pp. 1-28; **R. MAZZOLA**, *Introduzione. La dottrina e i giudici di Strasburgo. Dialogo, comparazione e comprensione*, in R. MAZZOLA (ed.), *Diritto e religione in Europa*, cit., p. 11.

²¹³ See **N. COLAIANNI**, *Voci in dialogo: organizzazioni, istituzioni di tendenza e diritti delle parti. Seconda voce*, in *Quad. Dir. Poi. Eccl.*, 1/2013, p. 235.

²¹⁴ See **A. MADERA**, *Recenti orientamenti della Corte europea dei diritti dell’uomo in materia di libertà religiosa collettiva*, cit., p. 569.

²¹⁵ See **M. ADRIAN**, *The Principled Slope: Religious Freedom and the European Court of Human Rights*, in *Religion, State and Society*, vol. 45/3-4, 2017, pp. 174-185.



belief” and “the ECtHR has often accepted this argument.”²¹⁶ However the risk of “l’instrumentalisation, l’utilisation de mauvaise foi de la part des États” of public order to the detriment of religious minorities, cannot be underestimated.²¹⁷ Indeed, the ECtHR often accepted “proportionate state interferences” restricting the exercise of religious freedom because of safeguarding public order.²¹⁸ However, in its sophisticated use of a proportionality test, the Court gives appropriate weight to the factor of the necessity of the state interference in a democratic society.²¹⁹ In this perspective, Turkish absolute refusal to guarantee legal recognition to some religious groups seems not coherent with the European legal framework, and it results in the marginalization of some religious minorities.²²⁰

The Turkish case is not comparable with that of other European States, where some religious groups are provided with forms of bilateral

²¹⁶ See **T. ALVES PINTO**, *An Empirical Investigation of the Use of Limitations to Freedom of Religion or Belief at The European Court of Human Rights*, in *Religion and Human Rights*, 15/2020, p. 112.

²¹⁷ See **G. GONZALES**, *Ordre public et liberté de religion dans le système de la Convention européenne des droits de l’homme*, in *Revue de Droit des Religions*, 9/2020, p. 104.

²¹⁸ See **A. STEINBACH**, *Burqas and Bans: The Wearing of Religious Symbols under the European Convention of Human Rights*, in *Cambridge Journal of International and Comparative Law*, vol. 4/1, 2015, p. 29 ff.

²¹⁹ See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 554; **T. ALVES PINTO**, *An Empirical Investigation of the Use of Limitations to freedom of Religion or Belief*, cit., pp. 111-112.

²²⁰ See **M. YILDIRIM**, *A Trapped Right*, cit., p. 200. Referring to European Court of Human Rights, Section II, May 2016 (applications nos. 36915/10 and 8606/1326), *Affaire Association De Solidarité Avec Les Témoins De Jéhovah et Autres c. Turquie*, **G. GONZALES**, *Ordre public et liberté de religion dans le système de la Convention européenne des droits de l’homme*, cit., p. 104, argues that “le même constat de disproportion des moyens employés avec le but visé est dressé à l’égard des sanctions imposées pour avoir utilisé un lieu de culte sans les autorisations censées concourir à la «politique urbanistique»”. The case concerns the impossibility for the applicants to engage in their religious practice in appropriate premises. In fact, following the amendment of Law no. 3194, the authorities ordered the closure of the premises used by the applicants on the grounds that this place could not serve as a place of worship. The applicants were also refused, for the same reasons, permission to use these premises to practice their faith. According to the ECtHR, religious communities traditionally exist in the form of organized structures. The contested measures had the effect of depriving the applicants of the possibility of having a place reserved for their religious practice. The Court held that the inability for the congregations involved to enjoy an appropriate place so as to celebrate their worship regularly is an interference affecting their freedom of religion that it is neither proportionate to the legitimate aim pursued, namely the protection of public order, nor necessary in a democratic society.



agreements, as a basic extent of religious freedom is not guaranteed to all religious faiths.

Although States enjoy a certain margin of appreciation, the present judgement declares in an unambiguous way that there is a basic level of protection of religious freedom that cannot be denied, even to minority groups, and cannot be subject to state recognition of additional guarantees (i.e. bilateral agreements with specific religious communities).²²¹ The recognition of an effective right of manifesting one's faith, in an individual or collective form, cannot leave aside the enjoyment of a juridical treatment that facilitates the realization of the purposes of the same denominations: on the contrary, "the impossibility for a religious community religious to be provided of a place to practice his worship implies emptying the right to religious freedom of its essence."²²²

It cannot be underestimated that the *Izzettin Doğan* case contains a "cautious" approach towards positive measures.²²³ Indeed, Turkish inability to implement positive obligations towards this religious group comes from the absence of a recognition of Alevism as an autonomous religious group. The Court stresses that even though there is no State obligation in providing a "legal framework" which offers a special status and specific advantages to religious groups, if it offers the possibility to have access to a more favourable regime, it has to guarantee objective, plausible, and non-discriminatory parameters,²²⁴ which allow all the religious groups an equal opportunity to have access to it, if they wish.²²⁵

The Court analyses whether that the applicants have received a less favourable treatment in comparison with religious groups enjoying "public religious services." However, the Court should have emphasized in a more compelling way the strict connection between the state refusal to

²²¹ See **M. TOSCANO**, *La libertà religiosa organizzata*, cit., pp. 1-28; **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 561.

²²² See *Affaire Association De Solidarité Avec Les Témoins De Jéhovah et Autres c. Turquie*, cit., § 90. See **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., pp. 560-562; **G. GONZALES**, *Ordre public et liberté de religion dans le système de la Convention européenne des droits de l'homme*, cit., p. 100.

²²³ See **M. FERRI**, *The Dogan et Al. v. Turkey Case: A Missed Opportunity to Recognise Positive Obligations as Regards the Freedom of Religion*, in *European Papers*, vol. 2/1, 2017, p. 318.

²²⁴ Cfr. **M. TOSCANO**, *La libertà religiosa "organizzata"*, cit., pp. 1-29.

²²⁵ See **T. PAGOTTO**, *La minoranza alevita e la discriminazione religiosa: la Grande Camera condanna la Turchia per violazione degli Artt. 9 e 14 CEDU*, in *DPCE online*, 2016-3, p. 5; **M. TOSCANO**, *La libertà religiosa organizzata*, cit., pp. 1-28; **A. MADERA**, *La libertà di aprire luoghi di culto*, cit., p. 552.



grant the status of autonomous religious community to Alevism and the failure of the Turkish state to establish positive measures, aimed at allowing all religious groups “to fully exercise their religious rights.”²²⁶ A kind of judicial “reluctance” to define “the specific content of positive measures” appears on the contrary; a more substantial approach should be required towards a country, like Turkey, where paradoxically the “positive measures” towards religion turn into discriminatory interventions towards minority groups.²²⁷

11 – Concluding Remarks on Legal Issues

In our conclusion, we would like to continue with the juridical perspectives and then move to the social and cultural perspectives. The examination of EctHR judgements shows that law stresses the need of a basic “convergence” about the essential aspects of the exercise of religious freedom.²²⁸ However, the potential impact of the European judgements on the Alevi community status in Turkey, in the long run, remains a still unresolved matter. Nowadays, a crucial factor is whether and to what extent a genuine interest in dialoguing with European boards will be maintained – taking also in consideration the current Turkish political situation, namely, Erdoğan restrictive policies.²²⁹ In this case, the status of

²²⁶ See **M. FERRI**, *The Dogan et Al. v. Turkey Case*, cit., p. 319.

²²⁷ See **M. FERRI**, *The Dogan et Al. v. Turkey Case*, cit., pp. 318-319.

²²⁸ See **S. FERRARI**, *La Corte di Strasburgo e l'art. 9 della Convenzione europea. Un'analisi quantitativa della giurisprudenza*, cit., pp. 51-52; **A. MADERA**, *La libertà di aprire luoghi di culto* cit., p. 558.

²²⁹ See **R. BOTTONI** *The Headscarf Issue at State Institutions in Turkey: from the Kemalist Age to Recent Developments*, in **Ö. HEVAL ÇINAR - M. YILDIRIM** (eds.), *Freedom of Religion and Belief in Turkey*, cit., pp. 127-134; **J.F. WALTON**, *Muslim Civil Society and the Politics of Religious Freedom in Turkey*, Oxford University Press, NY, 2017; **A. ÇARKOĞU, B. ROBIN** (eds.), *Religion and Politics in Turkey*, Routledge, London - New York, 2013; **A. BALI, H. LERNER**, *Constitutional Design without Constitutional Moments: Lessons from Religiously Divided Societies*, in *Cornell Int'l L. J.*, vol. 49, 2016, p. 227 ff. For a deep analysis of the AKP “instrumentalization” of EU negotiations in order to “empower AKP’s position,” see **B. ÖKTEN SIPAHIOĞLU**, *Shifting From Europeanization to De-Europeanization in Turkey: How AKP Instrumentalized EU Negotiations*, in *The Turkish Yearbook of International Relations*, vol. 48, 2017, pp. 51-67. About the recent Erdoğan decision concerning the use of Hagia Sophia, that has been seen as a “symbol of Turkey’s Re-Islamization,” see **A. KURU**, *Hagia Sophia, Islamism and Secularism in Turkey*, in *Berkley Forum*, July 17, 2020, <https://berkeleycenter.georgetown.edu/responses/hagia-sophia-islamism-and-secularism-in-turkey>. About the increasing political tendency aimed not only at “using religion more frequently in the political space” but also at “abolishing wealth of co-



religious minorities could potentially become an issue of negotiation for access to Europe and could represent the keyword of Turkish democratization process.

As protection of religious minorities is, indeed, a pre-requirement for access to the European Union, Turkey's admission to the EU has justified European bodies involvement in such issue. Since 2011, the Commission "Enlargement Strategy and Main Challenges," in its report about Turkey, emphasized that freedom of religion and the protection of minorities are matters where there is a need of an additional work in order the Turkey to comply with European standards.²³⁰

It is well known that European Court judgement represents a crucial factor for the European Commission in order to "monitor" the implementation of a human rights perspective in applicant countries.²³¹ This made resorting to the European Court a strategic tool for religious minorities to improve their status and solicit changes in the applicant countries. Although Turkey engaged in changes to make its legal system more coherent with the European standards, it seems to be failing in its efforts of "re-interpreting secularism as "separation of religion and state." On the contrary Turkey seems to embrace a reading of *laiklik* as "state domination of religion,"²³² resulting in a "Islam-secular" model, far from his "false cognate" French laicism.²³³ In this framework, Alevi status has

existence, secularism and multiculturalism," see **A.E. ÖZTÜRK**, *Turkey's Hagia Sophia Decision: A Stone that Hits No Birds*, in *Berkeley Forum*, July 20, 2020, <https://berkeleycenter.georgetown.edu/responses/turkey-s-hagia-sophia-decision-a-stone-that-hits-no-birds?fbclid=IwAR0AWc2gzGezTDpCe3kWETkitBv2> YWWa0lei-NrO32p9LtSnJWA2hnrXjZw. According to **A.E. ÖZTÜRK**, *Turkey's Hagia Sophia Decision: The Collapse of Multiculturalism and Secularism or Something More?*, in *Contending Modernities*, August 3, 2020, <https://contendingmodernities.nd.edu/global-currents/hagia-sophia-multiculturalism/?fbclid=IwAR2qu6BaDAUowx3q10iHOPG1K86O2GJxkYuKz0kFiYeYAW7W4QbdWbO8g3>: "In this context, the way that the state decided on the status of the Alevis' Cem houses of worship mirrored the way that the state - and the mentality that dominates it - decided on what the Hagia Sophia would be. This reveals to us that Turkish laicism has begun to be used instrumentally beyond this collapse to further indurate the roles of religion and the state because it protects Sunni Islamic values as well as Turkish nationalism, and is consistent with the ideological conceptions of the current regime."

²³⁰ See **E. SHAKMAN HURD**, *Alevis Under Law*, cit., p. 16.

²³¹ See **D. ANAGNOSTOU, L. ANDREESCU**, *The European Court of Human Rights in National Struggles Around Religion and Education*, cit., p. 9.

²³² See **C. ÖZGÜL**, *Freedom of Religion*, cit., p. 110.

²³³ See **E. KAYA**, *Secularism and State Religion in Modern Turkey*, cit., pp. 181-183.



swung between “securitization” and “re-securization policies despite the government, during the time, has polarized around two completely different ideologies (Kemalist secularism and AKP Islamic sectarianism).²³⁴ Both ideologies perceive religious pluralism as a “threat to the current socio-political and economic distribution of power in Turkish society.”²³⁵ Both under Kemalist and the AKP government the “public discourse” claimed a kind of control over religion, ignoring transnational trends towards globalization, international dimension of human rights, alternative models of modernity, the increasing role of religion in the public sphere, a new evolutive vision of the public-private border, social demands of a more democratic access to public institutions and of a more equal “distribution” of public resources.²³⁶

Under the AKP government’s opening attitude towards Alevism seemed to develop (workshops about Alevism, promotion of Alevi political participation, apologies for past injuries), in order both to gain the Alevi support and to meet European standards. In this framework, controversial projects of joint places of worship (the joint mosque-cemevi project) developed in order to “re-institutionalize” Alevism, as well as the AKP government made other attempts to “reshape conflicts between Sunni and Alevi populations in spatial scale,” giving rise to complex “dynamics of negotiations and resistance between Alevis and the Turkish state.”²³⁷ However, this formally inclusive pattern produced poor outcomes in terms of acceptance of claims of legal recognition in terms of “human rights issues” and masked the very real intent of a rearticulating of Alevism instead than a “pluralist/democratic turn.”²³⁸

Recently, Erdoğan’s discourses are oriented to sectarianism, which seems to be exploited even to justify his choices concerning foreign policies (since Gazi protests in 2013 and the Syrian war since 2014, towards Syria, Saudi Arabia, Yemen).²³⁹ In its internal policies, AKP has

²³⁴ See **I YILMAZ, J. BARRY**, *The AKP’s De-Securitization and Re-Securitization of a Minority Community*, cit., pp. 231-253.

²³⁵ See **M. DRESSLER**, *Public-Private Distinctions, the Alevi Question and the Headscarf: Turkish Secularism Revisited*, in **L.E. CADY, E. SHAKMAN HURD**, *Comparative Secularism in a Global Age*, Palgrave Macmillan, New York, 2010, p. 135.

²³⁶ See **M. DRESSLER**, *Public-Private Distinctions, the Alevi Question and the Headscarf*, cit., p. 132.

²³⁷ See **G. ORHAN**, *Religious Freedom Governance*, cit., pp. 193-214.

²³⁸ See **C. LORD**, *Religious Politics in Turkey*, cit., pp. 245-246.

²³⁹ See **M. NOUREDDINE**, *Turkey’s Sectarian Foreign Policy May Backfire*, in *Al-Monitor*, August 3, 2012, <https://www.al-monitor.com/pulse/politics/2012/08/turkey-wallowing-in-sectarian-an.html>; **M. NOUREDDINE**, *Is Turkey’s Islamic Model Spreading Sunni*



maintained the traditional Turkish reluctance to afford the Alevi question, using as a justification the absence of a unitary vision of Alevism and the fragmentation of its organizations.²⁴⁰ The inclusive policies have been slowly given up and a more incisive turn towards the traditional “securitization” perspective towards the Alevi issue began to develop.²⁴¹ Such events emphasized a sort of “sectarian polarization between Alevi and Sunni citizens,” which resulted in religious minorities becoming an easy target for new offensive policies.²⁴² Therefore, the “segregation” of the Alevis is still a crucial issue. The new question is whether and to what extent the increasing “conservative”²⁴³ attitude of the AKP government and its “deepening authoritarianism”²⁴⁴ will have an impact on Alevi identity claims. Besides, the possibility to enjoy the state of emergency and to derogate ECHR has given a certain extent of discretion, which has been strategically used in order to weaken European supervision.²⁴⁵

A full recognition of Alevism as such is still missing. The Turkish state granted some accommodation to Alevi’s claims but the minimal changes at the educational curriculum did not satisfy minorities’ demands.²⁴⁶ Due to these changes, the Council of State made exemptions from religious courses not easily available, as it held that their content fulfils the requirements of objectivity and pluralism.²⁴⁷ These courses

Sectarianism? in *Al-Monitor*, October 24, 2012, <https://www.al-monitor.com/pulse/politics/2012/10/turkeys-islamic-model-is-sowing-sectarianism.html>.

²⁴⁰ See **D. ÖZKUL**, *Alevi 'Openings' and the Politicisation of the 'Alevi Issue' During the AKP Rule*, in *Turkish Studies*, 2015, pp. 1-17.

²⁴¹ See **I YILMAZ**, **J. BARRY**, *The AKP's De-Securitization and Re-Securitization of a Minority Community*, cit., pp. 231-253.

²⁴² See **T. KÖSE**, *The AKP and the “Alevi Opening”*: Understanding the Dynamics of *Rapprochement*, in *Insight Turkey*, April 2010, p. 156.

²⁴³ See **A. ÇARKOĞLU**, **N. Ç. BİLGİLİ**, *Alevis in Turkish Politics*, in **A. NGA LONGVA**, **A.S. ROALD** (eds.), *Religious Minorities in the Middle East. Domination, Self-Empowerment, Accommodation*, Brill, Leiden-Boston, 2015, p. 306.

²⁴⁴ See **Z. YILMAZ**, **B.S. TURNER**, *Turkey's Deepening Authoritarianism and the Fall of Electoral Democracy*, in *British Journal of Middle Eastern Studies*, vol. 46, 2019/5, p. 691.

²⁴⁵ After the attempted coup of 2016 Turkey declared the state of emergency until 2018, which allowed suspensions or derogations regarding the exercise of basic rights “to the extent required by the exigencies of the situation” (Art. 15 Turkish Constitution). See **O. BAKIRCIOĞLU**, **B. DICKSON**, *The European Convention in Conflicted Societies: The Experience of Northern Ireland and Turkey*, in *International and Comparative Law Quarterly*, vol. 66/2, 2017, pp. 263-294.

²⁴⁶ These changes included information about Alevism in the educational curriculum and some revisions of textbooks, in order to incorporate Alevism.

²⁴⁷ Even though the Educational Reform supplied some modification of textbooks of



received greater importance so as that the possibility to receive a secular education seems now increasingly restricted. Besides, the opening of the possibility to run secondary schools aimed at training religious leaders at the Imam-Hatip schools, the religious schools that are in charge of educating students to become Sunni religious leaders to conduct several religious services, implied undermining the public educational system, as their attendance is promoted. The prohibition of wearing Islamic headscarves in the educational setting has been removed too. This reform shows a shift in the Turkish attitude, less incline to comply with European addresses.

The AKP seems even recalcitrant to welcome Alevi demands and to implement European decisions concerning compulsory disclosure of religion in national identity cards and recognition of *cemevis*, too. About the latter, the possibility to qualify *cemevis* as places of worship instead that as cultural centres are still subject of debate at political and administrative level and *cemevis* are excluded from public funding.²⁴⁸ The key role of the Diyanet in this debate must be underlined: this institution strongly resists the recognition of such status to *cemevis*, their access to financial advantages, and the request to stop building mosques in Alevi villages. The Diyanet basically consolidates the erection a sort of symbolic barrier between different identities, trying to reduce some of them to an “ethnic dimension”²⁴⁹. These policies point out a decreasing public commitment in implementing the values of secularism, pluralism and religious freedom²⁵⁰.

Although Alevi strategic legal mobilization seems aimed at obtaining legitimation for their claims, a “striking decline in legal mobilization” has been recently noticed, because of the European decisions have been implemented only in a limited way, so religious actors are becoming aware that the Strasbourg Court’s ability to influence Turkish policy-makers is limited.²⁵¹ Although the European Court has

religious and ethical courses, it did not provide alternative courses, and religion has become a subject in the final exam at primary school. See **A. PARRILLI**, *L’istruzione religiosa in Turchia*, cit., pp. 1-24; **E. SHAKMAN HURD**, *Alevi Under Law*, cit., p. 18.

²⁴⁸ Nonetheless, recently *cemevis* in some municipalities as worship places were recognised.

²⁴⁹ See **C. LORD**, *Religious Politics in Turkey*, cit., p. 252 and p. 266.

²⁵⁰ See **C. ÖZGÜL**, *Freedom of Religion, the ECtHR and Grassroots Mobilization on Religious Education in Turkey*, cit., p. 104.

²⁵¹ **C. ÖZGÜL**, *Beyond Legal Victory or Reform*, cit., pp. 318-333; **E. FOKAS, J.T. RICHARDSON**, *The European Court of Human Rights and Minority Religions*, cit., pp. 166-173.



adopted a more “substantial” approach,²⁵² state policies remain strictly connected with their historical background²⁵³ and finding a correct balance between unity and diversity is not an easy path at a domestic level too.

Academics notice an indirect positive impact of legal mobilization.²⁵⁴ European judgements increased collective awareness of the discrimination suffered and of the legitimacy of Alevi claims.²⁵⁵ Alevi mobilization offers, indeed, a counterpoint to internal policies and underlines an increasingly awareness in Europe of the unsatisfying results of the AKP policies in managing religious diversity, resulting in the pressing need for a more pluralist implementation of the principle of secularism. At the same time, scarce implementation of the EctHR’s judgements increased criticism towards government policies and favoured the emerging of organizations aimed at monitoring “the progress in implementation of ECHR Judgements” and boosted several forms of socio-political activism²⁵⁶, as “mobilising the law thus constitutes a form of participation through which the limits of the legitimate political sphere are renegotiated.”²⁵⁷

The “challenge” the Turkish state has to afford is to find a new “balance” between the implementation of the collective dimension of religious freedom and the public interest to guarantee that the society does not suffer any danger from the activities of these minorities.²⁵⁸ Presently, Turkey seems to have given a reductive reading of the European directives concerning the collective dimension of religious freedom, offering selective protection to the religious majority, and providing religious services with a worrying state involvement, not only as “provider,” but also as “facilitator” and “funder”: this occurs at the expense of a more general protection which should cover all the manifestations of religious freedom with a collective dimension and all the

²⁵² See **M. VENTURA**, *Conclusioni*, cit., p. 345.

²⁵³ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 102

²⁵⁴ See **C. ÖZGÜL**, *Beyond Legal Victory or Reform*, cit., pp. 317-333.

²⁵⁵ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 96.

²⁵⁶ See **C. ÖZGÜL**, *Freedom of Religion, the ECtHR and Grassroots Mobilization on Religious Education in Turkey*, cit., p. 119-125.

²⁵⁷ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., pp. 88-89.

²⁵⁸ See **M. YILDIRIM**, *A Trapped Right*, cit., p. 203.



religiously affiliated entities and Turkish State does not comply with the “positive obligation” to provide legal mechanisms that guarantee to all religious communities the enjoyment of a form of legal personality allowing a full exercise of collective religious freedom in all its manifestations.²⁵⁹

Such understanding of the collective dimension of religious freedom is strictly connected with a specific context-sensitive church-state model of relationship and its strong cultural-political background. Another factor of weakness is due to the absence of a global legal framework concerning religious freedom and the current fragmentation of issues of religious freedom in several legislative texts.²⁶⁰ However, a state whose constitution guiding principles are equality, democracy, secularism and freedom of religion has to reconcile its strong commitment to the ideals of unity and indivisibility²⁶¹ with the need of an inclusive participation of all inhabitants, which goes through the recognition of a right to “differentiated citizenship,” namely the accommodation of the specific demands of more disadvantaged groups.²⁶²

A first step in this more progressive direction should be the development of an increasing transnational judicial discourse aimed at promoting the human rights perspective,²⁶³ within “a global trend of crossing and erasing boundaries” which testifies a “cross-fertilization between legal cultures.”²⁶⁴ In this perspective, communities should be not perceived as fixed identities, strictly divided by “non-negotiable

²⁵⁹ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., pp. 248-251.

²⁶⁰ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., pp. 248-252.

²⁶¹ See **T. OROZCO**, *An Indivisible Turkey and the Invisible Alevi: Mandatory Religious Education and its Effects on Minority Rights and National Unity*, in *Loy. L.A. Int'l & Comp. L. Rev.*, vol. 38, 2016, p. 83.

²⁶² See **C. BOYRAZ**, *The Alevi Question and the Limits of Citizenship in Turkey*, cit., p. 3. However, the new constitutional text which came in force few years ago risks to increase the authoritarian, nationalist and Islamist power.

²⁶³ According to Council of State, 8th Chamber, 28 December 2007, E/2006/4107, K2007/481, 29 February 2008, E2007/679, K2008/1461, attendance of this kind of religious education cannot be mandatory; when it is provided as a compulsory course there will be an infringement of the Turkish Constitution as well as of the ECHR. However, in 2010 the Council of State reversed its previous decision and stated that modifications are appropriate to meet European standards. Thus, education is provided “in an objective and rational way” and it is consistent with Turkish Constitution, article 24, which provides compulsory religious education. See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., p. 143.

²⁶⁴ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 82.



differences,” as this trend, as Turkish legal landscape displays, risks to emphasize political, financial, security-related social tensions, translating them in unsolvable “natural sectarian divisions.”²⁶⁵ The focus should be instead on “shared goals, cross cutting affiliations, and collective visions.”²⁶⁶

The European Court encourages the search for a common standard of protection and encourages “transnational dialogue” with the courts and national lawmakers.²⁶⁷ The “judicial arena” is increasingly playing the role of “testing ground” for national models when the management of religious diversity is at stake.²⁶⁸ However, the question of the impact of the European judicial impact on Turkish judicial boards, and its extent, is complex. An initial general resistance to supremacy of supranational directives and a trend to emphasize state interests, even though this results in undermining individual rights, must be taken into consideration.²⁶⁹ In Turkey judicial boards have been deeply influenced by political (or even military) internal dynamics²⁷⁰: the judicial system is considered as “highly politicized” or even lacking “impartiality and independence”, and its rationales have often given priority to the logics of “state interest.”²⁷¹ The specific solicitude towards internal balances results in judicial inconsistency.²⁷² The judicial system has been in fact for a long time a “Kemalist bastion”: this factor resulted in a restrictive attitude towards all those organizations that were a threat for the public order during a first stage.

After the AKP acquired a predominant position, the judicial system seems to exploit the Alevi issue to stem Islamist government trend. At the beginning, when domestic courts had sometimes decided in favour of

²⁶⁵ See **E. SHAKMAN HURD**, *Alevis Under Law*, cit., p. 19.

²⁶⁶ See **E. SHAKMAN HURD**, *Alevis Under Law*, cit., p. 19.

²⁶⁷ See **S. FERRARI**, *La Corte di Strasburgo e l’art. 9 della Convenzione europea. Un’analisi quantitativa della giurisprudenza*, cit., pp. 51-52; **A. MADERA**, *Recenti orientamenti della Corte europea dei diritti dell’uomo*, cit., p. 569.

²⁶⁸ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 102.

²⁶⁹ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 98.

²⁷⁰ See **V.R. SINGH**, *The Turkish Judicial Purges: More of the Same or Hope for a Judiciary That Actually Represents the Will of the People?*, in *Transnat’l L & Contemp. Probs.*, vol. 27, 2017, p. 161 ss.

²⁷¹ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., p. 252.

²⁷² See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 90.



Alevism, they often rejected or sidestepped Alevi religious identity: its legitimacy was “conditional” to its reduction to the “non-religious sphere.”²⁷³ Besides, the circumstance that since 2016 the AKP has undertaken measures to exercise a stricter (direct and indirect) supervision over the judiciary cannot be neglected.²⁷⁴

The Constitutional Court has traditionally implemented an “interventionist, restrictive, supervising, controlling” attitude towards religious matters, in light of the “unique circumstances of Turkey,” which seemed to justify intrusive state policies and the specific status of the Diyanet and of its staff and that different religious organizational structures require different “understanding of secularism” in different European countries.²⁷⁵ Anyway, the lower courts have traditionally shown more sensitivity towards the need of social changes, even though some of their rulings belong to a period when there was a more severe effort to meet European parameters.²⁷⁶

However, a recent Court of Appeal²⁷⁷ seems more inclined to adopt a more progressive trend, and the introduction of “new domestic remedies”²⁷⁸ should guarantee a higher level of implementation of the

²⁷³ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 98.

²⁷⁴ See **V.R. SINGH**, *The Turkish Judicial Purges*, cit., p. 170.

²⁷⁵ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., p. 133, highlights a more liberal “judicial” trend since 2012: see Constitutional Court E2012/65, K2012/128, 20 September 2012.

²⁷⁶ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 99, who underlines that in 2012 the Court of Cassation reversed the judgement of a court of first instance that licensed the registration of the Association for a *cemevi* Construction in Ankara, stating that only mosques could be recognised as places of worship. The court of first instance re-affirmed its previous ruling.

²⁷⁷ The Turkish Court of Appeals decided to reverse a previous court judgement from 2012 that was in favour of the Istanbul’s Electric Distribution Company (BEDAŞ), which sued *cem* houses in Istanbul for not paying their electricity bills. BEDAŞ appealed, but the court one again ruled in favour of the *cemevi*. The Turkish Supreme Court accepted an ECtHR ruling in 2015, stating that the verdict was also legally valid in Turkey. In 2018, the Higher Court of Appeals of Turkey ruled in favour of a court decision, holding the recognition of *cemevis* as places of worship and the state being charged with their utility bills. For elder domestic case law in favour of Alevism, coming from lower courts, see **É. MASSICARD**, *Democratization in Turkey*, cit., pp. 376-390. See also the abovementioned decision of the Joint Civil Divisions of the Court of Appeals, 3 December 2014, E. 2014/7-1038 K. 2014/990. For a deeper analysis of this ruling, see **M. YILDIRIM**, *Are Turkey’s Restrictions on Freedom of Religion or Belief Permissible?*, cit., pp. 183-184.

²⁷⁸ Since 2010 the judiciary has been deeply reformed. The introduction of the individual application procedure in 2010 should potentially promote the implementation



human rights perspective.²⁷⁹ A more “active role” of the judiciary is required to implement a stricter scrutiny of the existing restrictions of religious freedom in its collective dimension, and their scarce coherence with ECHR standards.²⁸⁰ The judiciary should avoid forms of ideological fragmentation, taking advantage of the support offered by civic associations in order to implement its strategic position as a main character in the building of “a public dialogue on the development of the rule of law *in Turkey*”.²⁸¹ Such interaction should favour a dialogue with European judicial boards in order to solicit a more effective implementation of “positive measures” aimed at gradually removing forms of discrimination founded on religious differences.

According to this perspective, a difference in legal treatment (i.e. the qualification of *cemevis* as cultural centres) must be provided with an objective justification, which cannot include disputable theological reasons. A useful middle-term strategy could be in fact the use of the current legal resources offered by the lawmaker in a more coherent way with the constitutional guarantees to give an effective judicial remedy in the resolution of legal disputes concerning religious differences.²⁸² In this direction, the judicial trajectory would not be aimed at overturning the system” but at soliciting the Turkish legal system to “hold on to its promises.”²⁸³ Anyway, the auspice is that the establishment of a complex network where different actors, legal strategies and rationales interact, will be able to provide new challenging opportunities for religious minorities and will promote significant changes in the current legal

of human rights standards. See Law No. 5982, 13 May 2010.

²⁷⁹ Cfr. **O. AKBULUT**, *Turkey's Reaction to the Judgements of the European Court of Human Rights*, in *International Journal of Multidisciplinary Thought*, vol. 5/2, 2015, p. 82, about the introduction of the new constitutional complaint procedure in 2010.

²⁸⁰ See **M. YILDIRIM**, *The Collective Dimension of Religious Freedom*, cit., p. 251.

²⁸¹ See **V.R. SINGH**, *The Turkish Judicial Purges*, cit., p. 197.

²⁸² According to M. Yıldırım, the *cemevis* should be included into the list of places of worship foreseen under section 2(f) of Act No. 2002/4100 of the Council of Ministers (12 April 2002), which guarantees a reduced rate for utilities, and compensation for electricity bills (Art. 3). According with Supplementary Article 2 of the Zoning Law (No. 3194), public agencies should take into consideration Article 24 of the Turkish Constitution and Article 9 of the European Convention on Human Rights. In making zoning decisions for places of worship, municipalities should guarantee the same opportunities to mosques and all other places of worship. See **NORWEGIAN HELSINKI COMMITTEE**, *Alevi Cem Houses: Freedom of Religion or Belief in Turkey, An Input for Public Discussion*, n. 3/2014.

²⁸³ See **D. ANAGNOSTOU, L. ANDREESCU**, *The European Court of Human Rights in National Struggles Around Religion and Education*, cit., p. 13.



framework.²⁸⁴ Not only religious activities practices would be undermined otherwise but also the relevant contribution that all religious communities can offer to civil society would be irretrievably affected.²⁸⁵

12 - Concluding Remarks on Social and Cultural Issues

In the light of recent political turmoil in Turkey, Alevi population in Turkey continued to suffer in one way. They have been excluded from social and political participation not in the face of law but by the way of othering the Alevis. Recent reports note that, for example, several Alevi houses have been marked by red paint, reminiscent of the Holocaust in Germany. On the other hand, Alevi's problems in Europe point out to a different direction. Recognized as a distinct community in most of the European states, Alevis continue to demand from Turkey they are recognized not as minority, but a distinct religious group. Lausanne Treaty only protected the "non-Muslims" under international law, without specifying the protected aspect of the minorities. While this included all non-Muslim subjects of the Turkish Republic, such as the Jews, Armenian-Christians, Orthodox Christians, and Assyrians, it did not include the Alevis, because they are considered as an Islamic community. Yet they were treated as the "other" Muslims and have faced more massacres throughout the history of the Turkish Republic. Most often, when an Alevi identity was hyphenated with Zaza or Kurdish, increase their vulnerability.

Since the 1990s a Euro-Alevi identity have already emerged in diaspora - coming out from "silence" to the path of "recognition," and effecting the Alevis in Turkey in various distinct ways. Besides, the Alevi Federation of Germany (as well as other umbrella associations in Europe) since 2014 have deliberately distanced itself from the Erdoğanist regime. Under the light of the political developments, the distance grows, although AKP government attempted to interfere with different tactics, such Islamization of Alevism with Sunni elements, sending imams with "service passports" to teach Alevism in Europe etc, Alevis condemned these activities through open letters to the public. Now the only way looks

²⁸⁴ See **É. MASSICARD**, *Variations in the Judicialisation of the Alevi Issue from Turkey to Europe*, cit., p. 102.

²⁸⁵ See **A. MADERA**, *La definizione della nozione di religione ed il ruolo della giurisprudenza: una comparazione fra l'ordinamento statunitense e quello italiano*, in *Anuario de Derecho Eclesiástico del Estado*, vol. 34, 2018, p. 572.



like to define Alevism-not in terms of religious orientation but in terms of political alliance as “outside of Islam,” a proposal which is not free of further social, political, and religious implications.

ABSTRACT: Using interdisciplinary lenses, this article examines the cultural, social, and juridical status of the Alevis in Turkey and Western Europe. The ongoing social exclusion and discrimination against Alevis in Turkey make their everyday lives challenging. In Europe, Alevis organized themselves in associations, forming vibrant transnational communities. They struggled for recognition of their cultural-religious rights, and in some European countries, they are given special status. As we will illustrate, their recognition in Europe significantly effected in their case in Turkey but failed to emancipate them fully and posed further issues to tackle with and for the Alevis in Turkey. Gedik and Birkalan-Gedik present sociological, historical, and political contexts to understand the current realities of Alevis in Turkey and Europe, mostly based on their ethnographic studies. Madera examines five cases between 2007-2016 which were presented by the Alevis to the European Court. We conclude that currently, Turkey does not try to suffice the European requirements, namely, the implementation of policies aimed at guaranteeing adequate protection of the collective dimension of religious freedom in a way consistent with European directives.

Keywords

Alevis in Turkey and Europe - Alevis as a religious community, Alevis as “minority”- Alevism and ethnic boundaries, cultural, social, and juridical perspectives on Alevis - Art. 9 ECHR - Management of religious diversity.