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Transformation of Religious Institution in Turkey from the Ottoman *Sheikh ul-Islam* to the Modern *Diyanet* Institution

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Abstract

This paper offers a critical analysis of the body of offices responsible for the regulation of the public religious affairs in Turkey with a historical perspective from the Ottoman Empire to the current Republican period. The paper has a specific goal to explore how the public bodies regulating the religious life have played their role for the purpose of ensuring political and social control in the country by reviewing the religious institution during the Ottoman era and comparing within the Republican period under three different ruling ages: the Republican People's Party, the multi-party and the AK Party. A significant volume of research has been conducted on the various aspects of public religious offices; and have been reviewed for this purpose by using historical research design. The findings show that during the Ottoman Empire, the regulation of the spiritual life was marked by a strong influence of the *Sheikh ul-Islam*. However, this institution experienced a huge decline after the establishment of the Republic of Turkey when the new secular political system started to confiscate the powers of the *Sheikh ul-Islam* one by one to abolish it altogether eventually in 1924. *Diyanet* has been established in its place as a new religious institution to provide services for some spiritual practices with much-restricted powers and roles under the authority of a ministry. *Diyanet* came to this day without much change in its capabilities until the AK Party came into the government which intended to make it a more active and functional department as part of what is called its major political strategy of Islamization through democratization. It can be summed up that after almost two decades of its tenure, findings show that the AK Party has partially achieved its goal to introduce a major change in the character of Turkish secularism from the protection of people from religious authoritarianism to protection of religion from political authoritarianism compared with other previous political parties.

Keywords: *Diyanet* in Turkey, Religion in the Ottomans, Islamization via democratization*, AK party

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Introduction

In Turkey, the Presidency of Religious Affair (*Diyanet İşleri Reisliği*) is a religious state institution established by Atatürk in 1924 after the proclamation of the Turkish Republic in 1922. With almost 99 per cent of its total population Muslim, establishing a religious institution to provide service for the practice of religious duties of its people was deemed necessary in Turkey also because Islam has many mainstream and marginal schools of thought to blur the minds of the people in their approach to the state. The establishment of a religious institution may raise question in the reader's mind, like why the *Diyanet* was established only in 1924 but not earlier? Or were there any religious institutions that existed before it during the Ottoman Empire? If there was such a religious institution before the *Diyanet,* why was it abolished and how does *Diyanet* differ in its role and powers?

Research has shown that before the Turkish Republic was established, Turkey was known for its strategic location, until after the Ottoman Empire had managed to defeat the Byzantine Empire and reigned for five whole centuries (1453-1924) in Constantinople or later known Istanbul, as the capital. Since then, Islam has spread under Ottoman Caliphate from India to Balkan in Europe and also North Africa.[1]

Hence, this article is going to explore the historical development of the *Diyanet* in Turkey by taking its roots from the Ottoman Empire, continuing with its emergence after the establishment of the Turkish Republic, and concluding with the analysis of its change during the almost 20 years of AK Party rule in the government. It is expected that the research conducted for the purpose will help raise awareness of the researchers and broaden their knowledge regarding the ways a religious institution is used as a tool of social control and political discipline as in the case of Turkey.

2. Literature Review
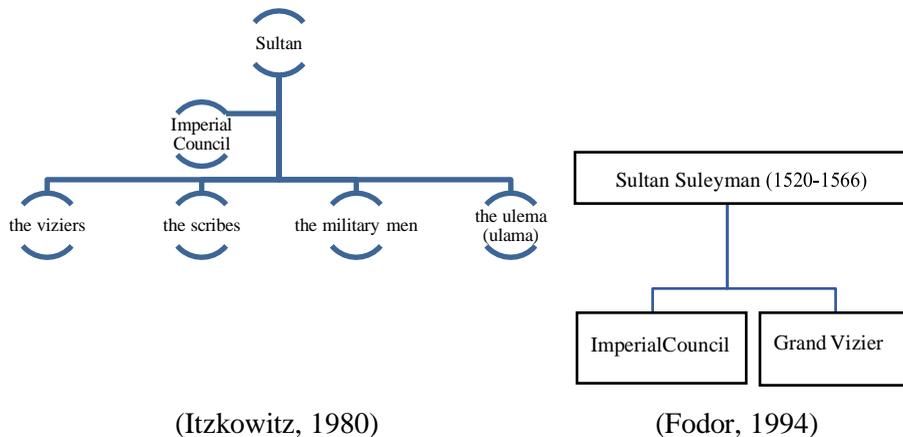
2.1 Administration System in the Ottoman Era

The administrative body of the Ottoman Empire was called *Divan-i Humayun/Kubbealtı* (the Imperial Council).[2] The organization of this Imperial

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[1]Muhammad Syaari, "Kuasa Kepimpinan Al-Fateh," [Al-Fateh Leadership], (Selangor: PTS Millenia Sdn. Bhd., 2011).

[2]Pal Fodor (1994) preferred to call it *Divan-I-ali* since the official documents in the Sixteenth century suggest this term was more frequently applied. See Pál Fodor, "Sultan, Imperial Council, Grand Vizier: Changes in the Ottoman Ruling Elite and the Formation of the Grand Vizieral "Telhis." *Acta Orientalia Academiae Scientiarum*

Council consisted of the viziers, the scribes, the military men and the *ulama* (Refer Figure 1).[3] In Fodor (1994), the structure was called *telhiş* (summary, abstract) which rested on three pillars: The Sultan, the Imperial Council, and the Grand Vizier. The different structure showed by Itzkowitz and Fodor could be a result of the change that happened under the reign of Suleyman the Magnificent (1520-1566)[4] in which the body of the viziers was then separated to become an independent body outside the Imperial Council. As a Sultan, his authority was still absolute and indivisible, comprising legislative, judicial, and executive powers. Any of his decrees carried the force of law.[5]

(Itzkowitz, 1980)   (Fodor, 1994)

Figure 1. The administration system of the Ottoman Monarch.

According to Shaw (1976), the *ulema* (the *ulama*) *were* represented by the judicial chiefs or certain scholars called *kadiasker/kazasker* (the chief justice) of

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Hungaricae 47, no. 1/2 (1994): 67-85.

[3]Norman Itzkowitz, *Ottoman Empire and Islam Tradition* (Chicago: University of Chicago Press, 1980).

[4]Suleyman the Magnificent (1520-1566) in Western or Suleyman the law-giver in his realm were title given to Suleyman I who was the tenth and longest-reigning Sultan of the Ottoman Empire from 1520 until his death. Bonney, Richard, *Suleiman the Magnificent*, 2012.

[5]Pál Fodor, "Sultan, Imperial Council, Grand Vizier: Changes in the Ottoman Ruling Elite and the Formation of the Grand Vizieral "Telhis"," 68.

Rumeli and Anatolia[6] as well as the *Sheikh ul-Islam* (chief of Islam).[7] In this institution, the *ulama* carried the role of: organizing and propagating the faith of Islam; maintaining a united community of Muslims; interpreting, applying, and enforcing the religious *shari'ah* (law); expounding the sacred sciences in the mosques and schools, and also maintaining standards and training new staff to become *ulama*. In short, the *ulama* was in charge of the judicial, educational and religious services in the society and it supervised another class of service called the *Ilmiye* (Learned Institution).[8]

2.2 The *Ilmiye* (the Learned Institution)

In this Learned Institution (See Figure 2), Shaw classifies the members of *ulama* into four groups which included the *Ilmiye* class, the educational institutions, the legal system and the lesser *ulama*. In the Ottoman administration, the *Ilmiye* existed as early as the thirteenth century to the late seventeenth century. It continued to develop until the eighteenth century although it did not grow into a full-fledged bureaucracy.[9]

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[6]By the mid-fifteenth century, the process of building up the *ulama* by importing learned men from the old centers of Islam, appointing them to judicial and other positions, and arranging for them to train Ottoman subjects to take their place by building up the madrasah system was too big for one man and caused the division of *kadiasker* (chief justice)*,* with separate positions for Anatolia and Rumeli. Stanford J. Shaw, *History of the Ottoman Empire and Modern Turkey,* Vol.1*, Empire of the Gazis: The Rise and Decline of the Ottoman Empire 1208-1808* (Cambridge: Cambridge University Press, 1976).

[7]The Sheikh ul-Islam position was only created beginning the late fifteenth century as a recognition for a person who was in charge of a corporation of muftis around the expansive empire with his role of issuing fatwa legalizing the sultan's laws and reconciling them with the religious law. (Stanford J. Shaw, *History of the Ottoman Empire and Modern Turkey,* Vol.1*, Empire of the Gazis: The Rise and Decline of the Ottoman Empire 1208-1808,* 115; Suraiya Faroqhi, *Ottoman Costumes: From Textile to Identity* (Istanbul: Eren, 2004).

[8]John L. Esposito, *Oxford History of Islam* (Oxford: Oxford University Press UK, 1995); Stanford J. Shaw, and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey* (Cambridge, GBR: Cambridge University Press, 2010).

[9]Jun Akiba, "Osuman Teikoku Niokeru Urama Seido no Saihen," [The Reform of the Ilmiye Institution in the late Ottoman Period (18266-1914)], *Annals of Japan Association for Middle East Studies,* 13. (1998): 188-190; Senol Korkut, "The Diyanet of Turkey and its Historical Evolution," *Turkish Studies, International Periodical for the Languages, Literature and History of Turkish or Turkic,* Volume 11/17, (Fall 2016): 450-466.
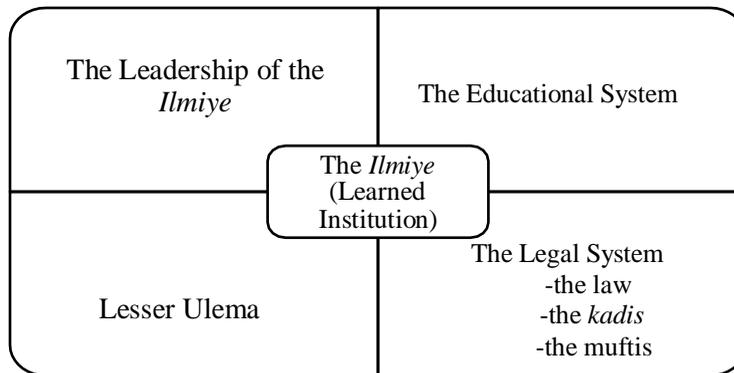
Figure 2. The structure of the Learned Institution (*Ilmiye*).

In the Leadership of the *Ilmiye*, the *Sheikh ul-Islam* held its position in the *Ilmiye*. The official position of *Sheikh ul-Islam* was created in the late fifteenth century as an appreciation of his position as leader of the corporation of muftis around the empire as well as his prerogative of issuing *fetvas* (fatwa) legalizing the sultan's *kanuns* (laws) and reconciling them with the religious law.[10] As a *Sheikh ul-Islam,* he was the chief mufti and leader of the *Ilmiye*.[11] Below him were *kadiasker* (chief justice) and his assistant from every province like Rumelia, Anatolia, Istanbul, Harameyn, Erbaa, and Mahree.

Gradually, the institution of *Sheikh ul-Islam* lost its powers due to the secularization project.[12] During its final terms, the title of *Sheikh ul-Islam* was removed and he was appointed as a member of the cabinet with the title of the Minister of Religious Affairs and Charitable Foundations on the 4th May 1920. The new role of the Ministry of Religious Affairs and Charitable Foundations was to be responsible for religious matters and charitable foundations as opposed to the previous obligations carried out by the *Sheikh ul-Islam* institution that used to perform judicial, legal, scholarly, administrative, and political duties as well as religious ones.[13] Despite the reform, the institution had lasted for four years before it was replaced with the Directorate of Religious Affairs or known as the *Diyanet*.

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[10]Shaw, *History of the Ottoman Empire and Modern Turkey Empire of the Gazis: The Rise and Decline of the Ottoman Empire 1208-1808*, 137-139.

[11]Halil Inalcik, *The Ottoman Empire, The Classical Age* 1300 (1973).

[12]Korkut, "The Diyanet of Turkey and its Historical Evolution," 451-452.

[13]Istar Gözaydın, *Religion, Politics and the Politics of Religion in Turkey* (Berlin: Liberal Institute Freidrich Nauman-Stiftungfür die Freiheit, 2013).

2.3 The Establishment of the *Diyanet* with the New
Turkish State (1924-1938)

The abolition of the institution of *Sheikh ul-Islam* brought about about a serious institutional gap that constituted the major reason for the establishment of the *Diyanet*. The reason being, after Republic of Turkey was established, the religious administration was put under the Ministry of Religious Affairs and Charitable Foundations (*Şeriye ve Evkaf Vekaleti*) on the 3ʳᵈ May 1920 before it was replaced with the *Diyanet* on the 3ʳᵈ March 1924.[14] The replacement was made to assign the religious affairs to an administrative unit instead of assigning them to the ministry in the cabinet.[15] In this way, the ruling elite took religion under their control and at the same time managed to break the potentially sacred significance of the religious body.[16]

As an early establisher and ruler of the republic, Atatürk had adifferent agenda for the already deteriorating caliphate. His first intention wasto execute the treaty that he had signed with the Westerns. The Lausanne Treaty 1923 forced Turkey to accept the peace conditions or known as the Fourth Conditions of Karzon. Karzon referred to an English delegate in the Lausanneconference. The Four Conditions included: 1) severing all relationships between Turkey and Islam, 2) abolishing the Caliphate, 3) deposing the Caliphate along with all members of the house of Osman from the country; and 4) replacing the antiquated religious courts and codes with modern scientific civil law.[17]

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[14]Korkut, "The Diyanet of Turkey and its Historical Evolution," 448.

[15]Paul Kubicek, *Political Islam and Democracy in the Muslim World* (Boulder, Colorado: Lynne Rienner Publishers, 2015).

[16]Istar Gözaydın, "Religion, Politics and the Politics of Religion in Turkey," in *Religion, Politics, and Turkey's EU Accession,* ed. Dietrich Jung and Catherina Raudvere (New York: Palgrave Macmillan, 2008) https://doi.org/10.1057/9780230615403; Nurullah Ardıç, *Islam and the Politics of Secularism: The Caliphate and Middle Eastern Modernization in the Early 20ᵗʰ Century* (London: Routledge, 2012).

[17]Harold Courtenay Armstrong, *Grey Wolf: Mustafa Kemal: An Intimate Study of a Dictator* (Quetta: Gosha-e-Adab, 1978); Roderic H Davison, and Clement Henry Dodd, *Turkey: A Short History* (Huntingdon: Eothen, 1998); Abdullah Azzam, *Turki Negara Dua Wajah: Pengkhianatan Ataturk terhadap Dunia Islam*, [Two-face Turkey: Ataturk Traitor Act towards the Muslim World] (Kuala Lumpur: Alam Raya Ent., 2010); Ali Muhammad Ash-Shallabi, *Sejarah Daulah Utsmaniyah* [History of the Ottoman Empire](Jakarta: Ummul Qura, 2017).

To fulfill the Four Conditions of Karzon, Atatürk executed the process of secularization based on his Kemalist principles-nationalism,[18] republicanism,[19] secularism,[20] populism,[21] reformism,[22] and statism[23] especially in terms of religious practices.[24]

2.3.1 Structure and Appointment Process

According to Bardakoğlu (2008), "The *Diyanet* continued the Ottoman experience to a certain extent, but was given a structure that was complied with the secular structure of the state."[25] If we look at the *Sheikh ul-Islam* structure of organization during the Ottoman period, we could see that the office of the *Sheikh ul-Islam* was an independent institution that combined the roles of the Ministry of National Education, the General Directorate for Foundations, and the *Diyanet* (named as Presidency of *Meşihat* in this period).[26] The office of *Sheikh ul-Islam* monitored the *Kaza* system (office of *Kadi*) and the *Kadis* who were responsible for judicial and municipal services.[27] In short, the structure covered all aspects of administration including political, economic, legal, and social.

Meanwhile, the *Diyanet* is put under the Office of the Prime Minister as an administrative unit to execute activities related to Islamic beliefs, the principles of worship and morality, religious education of the public, and management of places

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[18]Nationalism -an ideology of one nation-state and in Turkey's case, a nation of Turk.

[19]Republicanism -republic political system is the basic political rule and ideology instead of the caliphate monarch system, which consists of the rule of law, popular sovereignty, and civic virtue.

[20]Secularism is contested concept in Turkey's political landscape among various experts including the politician, scholars, and the *Diyanet.* However, according to Atatürk, it's the separation of religion from political or state affairs.

[21]Populism -civilian power

[22]Reformism -an ideology that calls for a reformation of a traditional institution into a modern Western/European institution.

[23]Statism - Kemal Atatürk made clear in his statements and policies that Turkey's complete modernization was based on economic and technological development especially from the Western counterparts.

[24]Mohammad Redzuan Othman, *Islam dan Demokrasi: Cabaran Politik Muslim Kontemporari di Malaysia* [Islam and Democracy: Challenges of Contemporary Muslim Politics in Malaysia] (Kuala Lumpur: Penerbitan Universiti Malaya, 2017).

[25]Ali Bardakoğlu, "The Structure, Mission and Social Function of the Presidency of Religious Affairs," *The Muslim World* 98:2-3, (2008):173-181.

[26]Emir Kaya, *Secularism and State Religion in Modern Turkey: Law, Policy-making and the Diyanet*, (I. B. Tauris, 2017).

[27]Korkut, "The Diyanet of Turkey and its Historical Evolution," 451.

of worship.[28] It was established to replace the Ministry of Religious Affairs and Pious Foundation under Act No. 429 in 1924. If we look at the content of Act No. 429, the legal role stated for the *Diyanet* was "…and an office (*Diyanet İşleri Reisliği*) has been formed to implement all provisions regarding the ritual practices (*ibadat*) and the religion of Islam and to administer [Islamic] religious organizations."[29] The first president of the *Diyanet* was Rıfat Börekçi and he held the position until his death. He was previously a Mufti of Ankarawho fought at the frontline along with Atatürk and became his loyal follower.[30]

As a public institution, according to the Constitution of 1924 -Article No 136; the *Diyanet* became the part of the General Administration (*genel idare*, i.e., the Ministry led by the Prime Minister himself). During Atatürk's ruling period, the *Diyanet's* organization was divided into only two main divisions: the central organization and the provincial organization, similar as the *Sheikh ul-Islam* institution consisted of the central administration and the provincial entity that was administered by the local *kadis* or muftis. The central organization of the *Diyanet* resided at Ankara while the provincial organization operated through the regional offices in the various provinces and districts. Mufti was placed in every province toexecute any order from the central organization. Throughout its establishment, those divisions went through structural changes according to the administrative need.[31]

In 1931, there were some changes in the institution. The government ordered a transfer of the mosque staff and management from the *Diyanet* to the General Directorate of Foundations. Before this, the General Directorate of Foundations was a body integrated within the *Diyanet* called the Ministry of Religious Affairs

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[28]Istar Gözaydın, *Religion, Politics and the Politics of Religion in Turkey* (Berlin: Liberal Institute Friedrich Nauman-Stiftungfür die Freiheit, 2013); Thijl Sunier, and Nico Landman, "The Turkish Directorate for Religious Affairs in a Changing Environment" (Utrecht University: VU University Amsterdam, 2013); Ufuk Ulutas, "Religion and Secularism in Turkey: The Dilemma of the Directorate of Religious Affairs," *Middle Eastern Studies* 46, 3 (2010): 389; Kaya, "Secularism and State Religion in Modern Turkey: Law, Policy-making and the Diyanet," 2.

[29]For more complete text, see Resmi Gazete (Official Gazette) at http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/63.pdf&main=h ttp://www.resmigazete.gov.tr/arsiv/63.pdf [15 JANUARY 2019].

[30]Umut Azak, *Islam and Secularism in Turkey: Kemalism, Religion, and the Nation State* (London, New York: I. B. Tauris, 2010).

[31]Sunier and Landman, "The Turkish Directorate for Religious Affairs in a Changing Environment," 39.

and Pious Foundations.[32] This act reduced the *Diyanet's* power but Çakır and Bozan (2005) justified the *Diyanet's* responsibility was reduced to ensure the qualifications of staff.[33] As part of its establishment, there was a higher body established to monitor the *Diyanet's* function i.e., the High Board of Religious Affairs.[34]

As for the staff appointment, the *Sheikh ul-Islam* was appointed by the grand vizier and sultan based on the advice of the former *Sheikh ul-Islam.* The candidate was among the *ulama* who finished the eighth grade or rank of education inside the madrasah and came from the Suleymaniye group. The sultan could either accept the nomination or choose another candidate.[35] The *Sheikh ul-Islam* then appointed or dismissed *kadis* and muftis among the locals in every province. Meanwhile, the *Diyanet's* President is appointed by the Prime Minister which according to Kara (2003) would resemble other civil servants, whose main purpose was to apply the policies of the governments and subject them to political authority without having any political power to dismiss or appoint his next successor.[36]

As for the ordinary staff like imams and preachers, their process of appointment was just like other ordinary civil servants. But between 1924 and 1940, under the 1931 Fiscal Year Budget Law of the Directorate General of Foundations, the management and personnel of all mosques and prayer by the *Diyanet* was removed and transferred to the Directorate General of Foundations.

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[32]Some books are called Ministry of Religious Legality and Pious Endowments, Azak, *Islam and Secularism in Turkey: Kemalism, Religion, and the Nation State*, 51; Sunier and Landman, "The Turkish Directorate for Religious Affairs in a Changing Environment," 12.

[33]Azak, *Islam and Secularism in Turkey: Kemalism, Religion, and the Nation State*, 51; Korkut, "The Diyanet of Turkey and its Historical Evolution," 458.

[34]The High Board of Religious Affairs is sometimes mentioned by different names for certain scholars like High Council of Religious Affairs, Religious Affairs High Commission (Korkut, 2016: 460), or Higher Committee of Religious Affairs (Kaya, 2018: 54). To be accurate, this study takes the one mentioned on the official website of the *Diyanet*.

[35]Halil Inalcik, *The Ottoman Empire*, 96-97.

[36]Abdurrahman Dilipak, "Laik Demokratik Cumhuriyet Ilkelerine Bagli kalacagima," [I Will Adhere to the Principles of a Secular Democratic Republic] (Fatih, Istanbul: Risale, 1990); Sunier and Landman, "The Turkish Directorate for Religious Affairs in a Changing Environment," 180; Kaya, "Secularism and State Religion in Modern Turkey: Law, Policy-making and the Diyanet," 53.

2.3.2 Official and Unofficial Duties

Regarding their duties, both the *Sheikh ul-Islam* institution and the *Diyanet* had the same official duties which included issuing fatwa when needed. Compared to the *Diyanet,* the *Sheikh ul-Islam* had the authority to undermine the sultan's decree or *kanun* if it was incompatible with the teaching of Islam even though most of the time it was used to support the sultan's *kanuns.* At some point, the *Sheikh ul-Islam* could even issuea fatwa to dismiss a sultan from his throne. The *Diyanet* on the other hand, during Atatürk's leadership, issued fatwa to support the government's secularization policies and could not issue any politically motivated fatwa. The *Diyanet's* role and scope of authority were gradually reduced in both the public sphere and the state's constitution.

According to the American Institute for the Study of Middle Eastern Civilization (1981), the *Diyanet* inherited most functions of the previous religious institution, which was authorized to manage practically all the religious affairs of the state. But this time, the religious affairs were separated from the political affairs of the state. The *Diyanet* only managed the mosques, the mausoleums, and the *tekkes* (dervish lodges) and activities inside the places.[37] The *Diyanet* was also responsible for the appointment of imams*,* the preachers, the sheikhs*,*the muezzins*,* and other staff of the mosque.[38] What was more important, it also controlled the muftis to whom it offered legal consultation when needed. Therefore, a more centralized religious organization under the Kemalists had furtively substituted a system that eventually allowed them to exercise practically exclusive control over religion.[39]

From the above discussion, we could see the extensive power enjoyed by the *Sheikh ul-Islam* institution. Even though both institutions have the same function which is to give fatwa*,* the *Diyanet* does not enjoy as much power as the *Sheikh ul-Islam* since it cannot interfere with political and legal matters. However, according to Korkut (2016), "…although the duty and authority of this institution were more limited in comparison to the *Sheikh ul-Islam* , it was very successful especially in religious publications, religious services, and directing religious institutions (mosques, madrasah, *tekkes,* and waqfs) for mobilizing them to independence war."[40] We can relate their active function in the respective duty as mentioned by

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[37]Angel Rabasa, *The Rise of Political Islam in Turkey* (Santa Monica, CA: RAND, 2008); Kaya, "Secularism and State Religion in Modern Turkey: Law, Policy-making and the Diyanet,"

[38]M. Hakan,Yavuz, *Secularism and Muslim Democracy in Turkey* (Cambridge, UK: Cambridge University Press, 2009).

[39]Rabasa, *The Rise of Political Islam in Turkey*, 11.

[40]Korkut, "The Diyanet of Turkey and its Historical Evolution," 452.

Korkut with the propagating agenda executed by Atatürk to realize his Kemalist project and therefore promoted religion in a political culture that was outwardly becoming more and more secular.[41]

To achieve total control of the society, the *Diyanet* has gone through legal and political reforms to adjust the institution structure and roles based on secular principles. From 1924 until 1938, the *Diyanet* organization was restructured two times under the Budget Act of 1927 and 1931 before the first act "The Act on Organization and Missions of the Directorate of Religious Affairs" was published in 1935 and numbered Act 2800.[42] In the Budget Act of 1931, a significant change occurred whereby the administration of all the mosques and smaller mosques and the people in charge of them were assignedto the General Directorate of Charitable Foundations together with their staff.[43] This act was applicable until 1950 and proved that the role of the *Diyanet* was limited and insignificant inside the society even though the organization was divided into a central organization and a provincial organization. Besides that, in the education field, religious education was removed from the state schools and the Faculty of Theology decreased their intake gradually before being closed down in 1933.[44]

2.3.3 Reforms of the *Diyanet* Post-Independence Era (1950-2002)

After the death of Atatürk in 1938, Mustafa Ismet Inönü (r.1938-1950) replaced him as the second President of Turkey, and continued executing the previous secular principles in rule. However, as the spirit of democracy spread across the European region, Inonü decided to embrace a much moredemocratic political system by introducing a multiparty system to replace the one-party system in 1946.

Based on the document analysis, as from 1950 until 2002, there were two constitutional reforms because of military intervention in 1960 and 1980, i.e., in 1961 and 1982,[45] involving several significant political parties during the

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[41]Kaya, *Secularism and State Religion in Modern Turkey: Law, Policy-making and the Diyanet*, 50.

[42]Kaya, *Secularism and State Religion in Modern Turkey: Law, Policy-making and the Diyanet*, 51; Gözaydın, "Religion, Politics and the Politics of Religion in Turkey," 5.

[43]Korkut, "The Diyanet of Turkey and its Historical Evolution," 453.

[44]Gözaydın, "Religion, Politics and the Politics of Religion in Turkey," 2.

[45]A new Act of Religious Affairs was created in 1975 to replace Act no. 633, but the Constitutional Court annulled its enforcement due to a refusal by the President to sign it (Gözaydın 2008: 219; Sunier and Landman 2011: 32). It had caused a legal vacuum of the *Diyanet's* function and this legal gap was only fulfilled 31 years after that by the AK Party

multiparty period: the Democratic Party (DP) and the coalition government.[46] In-between, a political shift after a military intervention in 1970 also resulted in the *Diyanet*'s reform even though it was only a small reform. The reform had produced a significant impact on the role that the *Diyanet* plays inside Turkey and the society.

2.3.4 Act No. 633

After the first *coup* (military intervention) occurred in 1960, Act No. 633 was established in 1961 to clarify the appointment process of the *Diyanet's* staff where all imams (clergy) employed by the *Diyanet* were supposed to be graduates of official educational institutions. The reason being, graduates from private Quran schools were suspected of holding radical views.[47] To execute the action, the Justice Party (AP), that became the next government between the 1960s and 1970s, started by building the state mosques and increase the pace of opening the *Imam-hatip* (imam-orator) schools to provide state-educated staff for the mosques and the *Diyanet.* As a result, the *Diyanet's* budget significantly rose from 1.15 percent in 1965 to 1.89 percent in 1966 while at the same time; the *Imam-hatip* schools produced more graduates than the *Diyanet* demand.

As a consequence, the official duties of the *Diyanet* were constrained further inside a legal reform by the military. In this Act No. 633 dated 22 July 1965, the new official duties of the *Diyanet* stated: "The Presidency of Religious Affairs was established to conduct affairs related to doctrinal, devotional, and moral foundations of the Islamic religion; to enlighten society on religion, and to administer places of worship.[48] Before the establishment of the 1961 Constitution, the first military intervention had occurred on the ground of fighting religious extremism. The new constitution designed the *Diyanet* as a Constitutional Institutional. It was published to replace the 1924 Constitution and officially titled the Constitution of the Republic of Turkey. Thus, Act No. 633 became a

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in 2010.

[46]The coalition government involved National Salvation Party (MSP)-Nationalist Movement Party (MHP)-Justice Party (AP)-Republican Reliance Party (CGP).

[47]Raja M. Ali Saleem, *State, Nationalism, and Islamization: Historical Analysis of Turkey and Pakistan* (Palgrave Macmillan, 2017).

[48]*Official Gazette,* 1965; Gözaydın, "Religion, Politics and the Politics of Religion in Turkey," 219; Sunier and Landman, "The Turkish Directorate for Religious Affairs in a Changing Environment," 32; Korkut, "The Diyanet of Turkey and its Historical Evolution," 448; Emine Enise Yakar, and Sumeyra Yakar, "The Transformational Process of the Presidency of Religious Affairs in Turkey," *Dirasat: Human and Social Sciences.* 24 (2008): 14

fundamental law for the next years until 1982.[49]

However, due to its lack of clarity, Law 633 was annulled by the Constitutional Court in 1979. This legal gap was only fulfilled 31 years after that by the AK Party in 2010.[50]

2.3.5 A Legislative Decree 190 No.3046

Another significant amendment on the *Diyanet* occurred after a military *coup* took place in 1980. The 1982 Constitution through Article 136 determined the criteria that the *Diyanet* must comply with. In the constitution, it was mentioned: "The Presidency of Religious Affairs existing in the general administration, in accordance with the principle of secularism, by staying out of all the political views and mentalities and adopting a goal of solidarity and integration as a nation, fulfills the missions that were specified in the special law."[51]

A Legislative Decree 190 numbered 3046, which was published in the Official Journal dated 14th December 1983 was designed so the *Diyanet* was organized again appropriate to the "Act of Organization and Duties of the Ministries."The reform was made as a result of a new constitution in 1982.

Based on this act, the structure of the *Diyanet* was divided into three main branches: the central, provincial, and foreign organizations (See Figure 3). The central organization consisted of the director (head), five deputy directors, five work and supervision units, five main service units, and four assisted services units. The main function of these units was to enlighten the public about Islam. As for the provincial organization, there were 67 provincial mufti's offices, 582 district mufti's offices, and 7 directorates of education center which focus on Qur'ānic Coursesand personnel training inside the education center. The *Diyanet* was also going throughexpansion in its organization by adding foreign organization branches for religious services abroad. Sixteen religious services consultancy and seventeen *attaché's* offices of religious services were created to fulfill the function. They are responsible to provide services for the Turkish and Turkic populations abroad and coordinated the appointment made to the areas demanding services like religious consultancy.[52]

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[49]Sunier and Landman, "The Turkish Directorate for Religious Affairs in a Changing Environment," 32; Mohammad Redzuan, "Islam dan Demokrasi: Cabaran Politik Muslim Kontemporari di Malaysia," [Islam and Democracy: Challenges of Contemporary Muslim Politics in Malaysia], 56.

[50]"The Diyanet of Turkey and its Historical Evolution," 455.

[51]Yavuz, "Secularism and Muslim Democracy in Turkey," 24.

[52]Kaya, *Secularism and State Religion in Modern Turkey: Law, Policy-making and the*
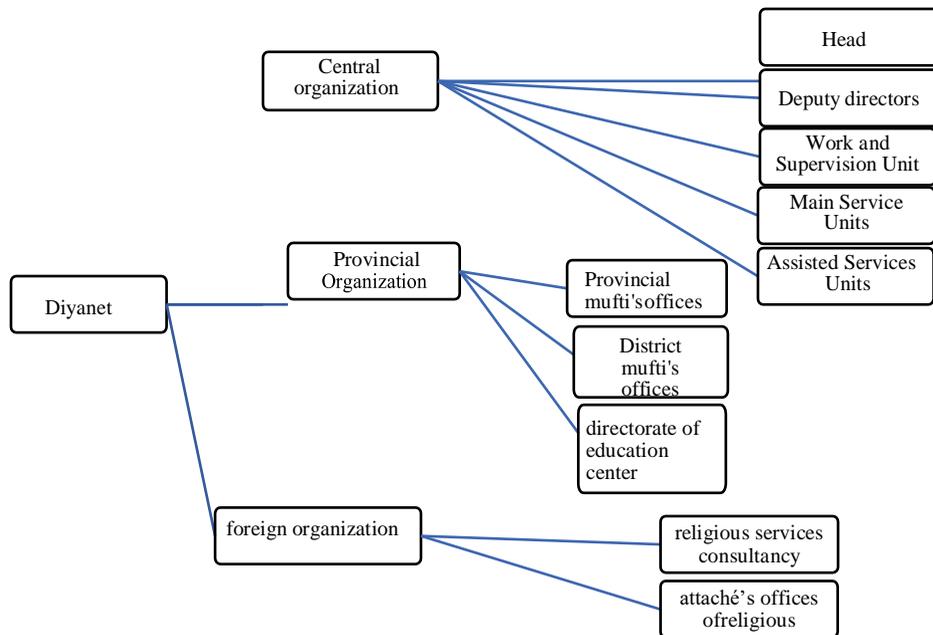
Figure 3. The *Diyanet* organization post-1980.

The changes post-1980 impacted every aspect of religious practice drastically despite the expansion of *Diyanet's* organization and function as religious administration. The military aimed to make the society focused on national solidarity and unification instead of religion. For instance, headscarf-wearing among women is considered a religious symbol and therefore seen as a threat to secularism and thus being banned inside the public institution including the higher education institution. At the same time, photographs of women with a headscarf were not accepted in passport applications. Enrollment of the *Imam-Hatip* schools was not permitted despite overwhelming demand for religious education. The previous permission to go for pilgrimage by land was withdrawn and only air travel was permitted with an expensive cost during the Hajj season. Once again, religious freedom was deterred.[53]

Diyanet.

[53]Ziya Öniş, "The Political Economy of Islam and Democracy in Turkey: The Rise of the Welfare Party in Perspective," *Third World Quarterly* 184 (1997): 743-766; Hakan Köni, *Transformation of Political Islam in Turkey: Causes and Effects* (Cambridge Scholars Publishing, 2018).

3. The *Diyanet* Transformation under the AK Party

3.1 Act 6002 of 2010 and its Impact towards
Socio-political Landscape

During a state of political chaos and economic downturn 2002, the result of the 2002 General Election showed another turning point in Turkey's political landscape that changed the *Diyanet's* role in a significant way. A new party, the AK Party's unexpected biggest victory in the 2002 General Election generated high hopes among the Turkish society to see positive reforms inside the country. Its conservative democrat ideology promised an ideal change that the people hope for and (in this case), democratization and religious freedom.

A revision was made on Act 633 that was unclear and created a legal gap on the *Diyanet* status. A revision on Act 633 produces a new act -Act 6002 of 2010 that strengthened the *Diyanet's* bureaucratic status.[54] Under Act 6002, the *Diyanet* status has been elevated from the degree of the general directorate to undersecretary. The Grand National Assembly agrees to change some aspects in the *Diyanet* institutional structure that expands the *Diyanet* activities by introducing new missions to the *Diyanet's* departments. According to the act, the President of the *Diyanet* is not elected by muftis or religious scholars but is appointedby the President of Turkey on the recommendation from the Turkish Prime Minister.[55]

Before changing its legal status, the AK Party already made an effort to increase *Diyanet's* staff, reaching 83 033 in 2008 and its budget has been increased year by year until it reached more than 1.5 billion USD in 2009.[56] The increment in the budget proves that there has been an expansion of the *Diyanet* structure and religious activities.[57]

A large sum of the *Diyanet* budget was used for personnel expenditures.[58] As we

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[54]Kaya, *Secularism and State Religion in Modern Turkey: Law, Policy-making and the Diyanet,* 53.

[55]"The Diyanet of Turkey and its Historical Evolution," 455.

[56]Mustafa Şen, "Transformation of Turkish Islamism and the Rise of the Justice and Development Party," in *Islamization of Turkey under the AKP Rule,* ed. Rubin, Barry and Birol Yesilada (London & New York: Routledge, Taylor and Francis Group, 2011).

[57]Currently, as of 2018, the budget has reached 7.7 billion liras. https://news.sol.org.tr/huge-budget-allocated-ministry-religious-affairs-2018-173437 January 3, 2019.

[58]Sunier and Landman, "The Turkish Directorate for Religious Affairs in a Changing Environment," 47.

can see in Table 1, the number of personnel allocated by the *Diyanet* increased along with the increment of mosques built eventhough there is a sharp decrease of personnel appointments between 1999 and 2004 and eventhough there were many mosques built in the countryside. This was due to the political instability after the 1997 *coup*. In fact, in 2005, 30.8 percent of the mosques do not have the *Diyanet's* personnel.[59] Hence, the AK Party decided to hire 15,000 personnel in 2010, a sharp increasecompared with several years before[60] as a result of the new Act. 6002 was established that year.

Year	Mosques	Personnel
1998	73 722	79 685
1999	74 356	77 795
2000	75 002	75 433
2001	75 369	76 044
2003	76 445	74 114
2004	77 151	71 693
2005	77 777	80 299
2006	78 608	79 810
2007	79 096	84 195
2008	80 053	83 033

Table 1. Number of mosques and personnel, 1998-2008 (Adapted from http://www.Diyanet.gov.tr)

Besides that, the legal reform took place actively during the AK Party's second term in the office, shortly after they decided to focus on Islamization-democratization instead of the Europeanization process. Meanwhile, in 2011, the President of the *Diyanet* rank was promoted to the tenth row in the state protocol with the law that wasenacted in the same year. At the same time, the Managers of Departments in the *Diyanet* were elevated to the status of being General Management Departments. Once again, in 2014, the *Diyanet* was connected directly to the Prime Minister's Office.[61] Moreover, the tenure of the director was limited to five years and a person can only be appointed two times. At the same time, the number of deputies' directors was reduced to three, and the scope of the board which would select the members for the High Board of Religious Affairs was broadened and participation of representatives from each rank of the

[59]Ibid., 44.
[60]*Yeni Şafak,* 2007.
[61]"The Diyanet of Turkey and its Historical Evolution," 462.

organization was ensured.

As mentioned previously, the ruler worked to extend their control over society's religious affairs considering them an effective method to control the society. Since the AK Party government controls the *Diyanet,* the classification of impact considered the involvement of the *Diyanet* to achieve the government's Islamization-democratization agenda.

Concerning the efforts exerted, the *Diyanet* in Turkey today, according to many researchers and experts, goes through several legal and political reforms that give intended and direct impact and direct as well as the unintended impact on society. Among which are shown in Table 2;

	Intended	Unintended
Direct	Religious commitment	• 15th July 2016 failed *coup* attempt • Government restriction on religious minorities right
Indirect	Basic rights (Headscarf ban uplifted, anti-alcohol consumption law, official *iftār* (breaking fast) celebration)	
	Positive	Negative

Table 2. Classification of Impact onto Society

- the aim of religious education by the *Diyanet* through Qur'ānic Courses, *Imam-Hatip* school, and the Faculty of Divinity is to improve religious commitment among society. When people understand Islam, they are more likely to commit to their practice. As under the AK Party, the demand for religious education is on the rise.

- religious freedom as a basic right has gained a stable ground inside the society through people's consensus that resulted in the headscarf ban law lifted, the introduction of anti-alcohol consumption law, and official *iftar* celebration among public servants.

- the *Diyanet* has defied its role as a body separated from a political issue when the *Diyanet* issued an order to all imams to recite the azan as a way to defend the current government from coup attempts by the military on

15th July 2016.

▪ the *Diyanet* only caters Sunni-Hanafi school of teaching and based its fatwa on this school of thought. Therefore, the institution is seen as restricting certain religious practices and beliefs on a certain religious group like the Alevi.

4. Conclusion

This study critically reviews the historical aspects of the religious institution in Turkey in three different eras namely, the Ottoman rule era, after the independence period before the AK Party ruling era, and under the AK Party government era. It is expected that the research conducted for the purpose will help raise awareness on the part of the researchers and broaden their knowledge regarding the ways a religious institution is used as a tool of social control and political discipline in the case of Turkey. Also, it highlights the practice of religious institutions that existed therein and addresses their transformation especially under the AK Party and impacts on the socio-political landscape. During the Ottoman period, the *Sheikh ul-Islam* institution was playing an important role in the society, where the *Sheikh ul-Islam* provided important fatwa to the sultan even on matters outside the religious sphere. However, the *Sheikh ul-Islam* institution began to experience a huge decline during the independence era, particularly when Atatürk started to establish the Turkish Republic in 1924 and attempted to secularize the society once he realized how this religious institution has the power to control the society. The *Sheikh ul-Islam* institution was abolished and replaced with the *Diyanet* along with its new role to confine religious affairs into a private matter. After the AK Party came to office in 2002, there were several initiatives to upgrade the *Diyanet* through its Islamization-democratization agenda by revising the legal status of the *Diyanet.* Gradually, there are improvements in religious commitment and basic rights as a result of religious education by the *Diyanet.* At the same time, there is unintended-direct impact like the *Diyanet's* involvement in the 15th July failed coup attempt and government high restriction on religious minority groups like the Alevi.

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