FREEDOM OF RELIGION AND MULTICULTURALISM IN TURKEY-EU RELATIONS[*]

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Abstract

As the social role and visibility of the religion in the public sphere has been increased since the late 1990s, the issues of multiculturalism and religious freedoms become more important. Debates on multiculturalism have further pushed the international actors as well as nation states to search for common standards. At this point, the European Union (EU) emerges as an important actor which tries to protect the freedom of religion within its borders as an intrinsic element of its "unity in diversity" motto. Nevertheless, it appears that EU has not been very successful to prevent problems originating from the implementation of the freedom of religion in its Member States. This area proves to be even more problematic in its relations with candidate countries. The study argues that unless problems stemming from the implementation of freedom of religion in Turkey-EU relations are being examined within the greater picture of multiculturalism debates, they will create further obstacles both for Turkey's EU candidacy and religious freedoms in European integration. Accordingly, the aim of this study is threefold: to problematize freedom of religion in the EU's multicultural fabric, to discuss the EU's attitude on this issue and to analyze how the freedom of religion appears in Turkey - EU relations.

Keywords: Multiculturalism, Freedom of Religion, Religious Diversity, Turkey-EU Relations, Political Conditionality

AB-TÜRKİYE İLİŞKİLERİNDE DİN ÖZGÜRLÜĞÜ VE ÇOKKÜLTÜRLÜLÜK

Öz

1990'ların sonlarına doğru, din mevzusu uluslararası gündeme yeniden girdiğinde, küreselleşme hâlihazırda kimliklerin sınırlarını değiştirmeye başlamıştı. Günümüzde dinin sosyal rolünün ve görünürlüğünün artması çokkültürlülük ve dini özgürlük konusunu daha da önemli ve tartışılmaya müsait kılmıştır. Yoğunluk kazanan bu çokkültürlülük ve din özgürlüğü mevzuları devletleri olduğu kadar uluslararası aktörleri de din özgürlüğü konusunda standartlar aramaya itmiştir. Bu noktada, Avrupa Birliği (AB) sınırlarının içinde "çeşitlilik içinde birlik" mottosunu önemli bir parçası addederek, dini özgürlükleri korumaya çalışan önemli bir aktör olarak ortaya çıkmaktadır. Fakat AB bu kavramı yasal olarak güvence altına alırken, üye devletlerinde din özgürlüğü kavramının uygulanmasından doğan sıkıntıların önüne geçememektedir. Dahası, aday ülkelerle olan ilişkilerinde bu mevzu çok daha problematik görünmektedir. Bu makale, dini özgürlüklerin uygulanmasından kaynaklanan problemlerin Türkiye-AB ilişkilerinde çokkültürlülüğün genel hatları içinde değerlendirilmedikçe, hem Türkiye'nin AB adaylığı hem de Avrupa entergrasyonundaki dini özgürlükler meselesi için daha ciddi problemler yaratacağını savunmaktadır. Bu doğrultuda bu çalışmanın amacı AB'nin çokkültürlü dokusu içerisinde din özgürlüğünü sorunsallaştırıp, AB'nin dini özgürlükler meselesindeki konumu tartışmak ve AB'nin din özgürlüğü kavramını aday bir ülke olan Türkiyeyle ilişkisinde ne şekilde konumlandırdığını incelemektir.

Anahtar Kelimeler: *Çokkültürlülük, Din Özgürlüğü, Dini Çeşitlilik, Türkiye-Avrupa Birliği İlişkileri, Siyasi Şartlılık.*

Introduction

Multiculturalism is a multifaceted concept which is based on the co-existence of different nationalities, ethnicities, religions, and cultures. Multiculturalism simply yearns for the ideal that different nationalities and ethnicities can survive together in harmony. Nevertheless, throughout the history, these cornerstones of multiculturalism have also been constituted reasons for societies to experience unrests and states to wage war towards each others. With its attempts to heal war-ravaged Europe, the European Union emerged primarily with economic concerns and aims, yet gradually, it has evolved into a political union with a wide range of socio-cultural concerns. Uniting its Members in diversity, the EU has partially prevented social conflicts emanating from different cultural practices in daily lives. On all occasions, it has underlined that it respects cultural 'diversity'; according to the EU, diversity is not regarded as a threat but as richness for the Union holding them together. In line with its perception of diversity and its contribution to peace, the EU was entitled to be awarded Nobel Peace Prize in 2012. The EU's most

important achievement, according to the Norwegian Nobel Committee, has been "the successful struggle for peace and reconciliation and for democracy and human rights" (Nobel Peace Prize, Announcement, 2012).

However, today, one of the most questioned issues by politicians and academics is the EU's capability for societal peace both within and outside the borders. Recently, freedom of religion-oriented issues and conflicts in the EU Member States became one of the salient topics for European policy makers. The EU has sustained peace in post-war Europe, yet it cannot prevent its Member States experiencing ethnic and religious turmoils. There have been attempts by the main EU institutions including European Commission and the Parliament to protect and provide necessary conditions for the relatively well implementation of freedom of religion. Moreover, the EU has taken into consideration the freedom of religion in its enlargement process as a part of Copenhagen Political Criteria. In this context, the freedom of religion in Turkey is being monitored and evaluated and the problems stemming from the implementation of freedom of religion in Turkey are reflected upon ever-fluctuating Turkey-EU relations.

Taking her roots from multicultural Ottoman Empire, Turkey has also been a country with a cultural and religious diversity. Nonetheless, the freedom of religion has been a contentious issue. This issue has also been one of the contested areas in Turkey – EU relations. The EU has regularly been listing Turkey's freedom of religion problems during its candidature process since 1998. There have been considerable improvements on freedom of religion in Turkey in line with EU harmonization packages, yet the EU still finds the freedom of religion in Turkey below the EU standards. Besides, this issue often fallaciously refers to Turkey's religio-cultural "differences" from the majority of the EU. This may remind the reader the principle of *Petitio Principii*[1] which is the transformation of the conclusion into an assumption using a fallacious logic and shifting to the same meaning from the premise to the conclusion. According to this principle, linking of premise and conclusions turn back to the beginning, like a pair of compasses turning back to the point from where it sets out. To exemplify this principle, it can be stated that the EU does not consider Turkey as European because it is culturally and religiously different from the EU and Turkey still is not an EU member because it is culturally and religiously different from the EU. Unfortunately, Turkey-EU

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[1] For further information see: Sgaravatti, D. (2013) "Petitio Principii: A Bad Form of Reasoning", *Mind*, 122(487): 749 - 779. Setting out from her conception, when applied to the EU-Turkey relations, it can be argued that in the light of this principle the problem of being a wide argument emerges making all valid arguments circular. For example, when a debate regarding Turkey- EU relations starts, the issue of "an essential religious-cultural difference" between the parties stand out; thus forming an analogy between the principle of *petitio principii* and Turkey-EU relations might seem relevant. Another reason for why this principle might seem relevant that there are also technical problems in Turkey-EU relations such as Turkey's deficiencies in Common Agricultural Policy, or problems resulting from the Customs Union; however there is a tendency to consider the relations withing essentialistic religious-cultural differences as if the political interests and technicalities are of second importance.

relations over the cultural debates, especially the ones on religion, revolve around this perspective.

Within this backdrop, first of all, this article starts investigating the debates on multiculturalism particularly on the axis of religion–culture relationship in the EU Member States. Then, the second part briefly deliberates on the freedom of religion within the multicultural fabric of the EU. The following part examines the situation of freedom of religion in the EU with reference to the institutional and legal frameworks. Last but not least, social conflicts which emerge despite the EU's aspiration guarantee the freedom of religion is to be addressed with a view to understanding the impact of on Turkey-EU relations.

Multiculturalism and Religious Freedom at the EU

Multiculturalism is generally defined on the basis of 'differences', and, therefore is used interchangeably with pluralism and heterogeneity. The concepts and terms that point out differences simply may include nation, race, ethnicity, religion, and culture. Thus, multiculturalism has been considered as an ideal form of coexistence of these ethnically, religiously, and culturally diverse societies. A great number of multiculturalism definitions are mutually informative and they often include 'religion' as an integral part of the concept as the below statement clearly puts forward.

> Multiculturalism is a term that refers to the differing ways in which nation-states consolidate their putative homogeneity by simultaneously acknowledging and managing various kinds of differences that include ethnicity, race, religion, languages, cultures, and so on. In other words, the very act of citing the differences implies that there is a homogenous core to the nation against which these differences are measured (Gunew, 2012: 1).

Moreover, there is a dynamic and intertwined relation between culture and religion mainly because the concept of culture is not a natural but a constructed one. It is constructed within time in line with ongoing activities, practices and customs of individuals and societies. Religion constitutes an integral part of these constructed practices by affecting the way people dress, eat, pray, live and behave. That is why culture and religion are regarded as interwoven concepts for most of the time.[2] As religion takes its part as an integral part of the culture; so does the freedom of religion. Besides, as Sambur states "alienating the people who have adopted religions and beliefs except then the majority's religion and belief, eliminating the fundamental rights and discriminating them do not comply with the principle of freedom of religion" (Sambur, 2009: 43). Moreover, as Durante also underlines religions are ways of lives, and important aspect of daily practices of societies. And it should be mainstreamed in line with liberal notions.

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[2] Paul Tillich clearly puts forward 'Culture is the form of religion and religion is the substance of culture' (Cited in Ashbrook, 1988, 74). For the sake of brevity, this statement can be referred when claiming culture and religion are interwoven. For further information on culture and religion relation Max Weber's *Sociology of Religion* can also be referred.

> If religions are not simply cognitive epistemic systems but are also ways of life, and as such bearers of cultural traditions, the establishment of culture comes dangerously close to resembling the establishment of religion. Be it in the name of religion or culture, any form of political control over religio-cultural matters on the basis of their nonconformity to a particular set of cultural patterns practiced by the majority seems to violate the very notion of liberalism as a liberty-based sociopolitical project (Durante, 2012: 344).

At this point, one might argue that in order to avoid social exclusion and to sustain societal peace, implementation of freedom of religion is essential. Brubaker also places religion within the debates of multiculturalism; for this reason, he claims that language and religion are most socially and politically debated cultural difference markers in the contemporary world. He further argues "the study of the political accommodation of cultural difference – or what might be called the political sociology of multiculturalism – would, therefore, seem to require sustained attention to both" (Brubaker, 2013: 2).

Europe has always been a home for various nations, religions and languages. In Europe, Latin, Slavic, Germanic, Celtic, Hellenic, and other cultures are influenced by Hebraic, Christian, Judaic, Muslim and other belief systems (Kishlansky, et al., 1995: 379-399) through time. From this point, there has been a perpetual interaction of cultures in Europe. However, within its historical background there had been attempts to unify Europe by Christianity. Nevertheless political, geographic, cultural and social differences have achieved to remain and last. Thus, various dimensions and debates of multiculturalism occupied the agendas. As for today, multiculturalism can mainly be traced to local governance and migration policies.

> In Europe, multiculturalism corresponds to various situations according to the structure of the state and its recognition of regional and linguistic particularities and of its minorities. In effect, some countries of the old continent have institutionalized pluralism through the creation of regions granted limited power, as in Italy and Spain; others have built the state upon linguistic pluralism, as in Belgium and Switzerland, where the linguistic and territorial communities each have their own institutions. But in France, Germany, Great Britain, and the Netherlands, the term multiculturalism refers, as in the United States, to the supposedly communitarian form of organization of immigrant populations around a common nationality or religion (or both) and the accompanying demand for their specific voices in the public sphere, as with ethnic minorities or African Americans (Kastoryano, 2009: 5).

Against this backdrop, the EU emerges as a forum where multiculturalism is vivaciously discussed. Besides, it is certain that enlargements contribute considerably to the cultural diversity of the Union. Under the rubrics of the World War Second, setting out its journey as an economic union, but then developing and evolving into an economic, political and social entity, the EU has reached 28 Member States within the period of 1951 and 2013. Following their acceptance as a member, the Member States brought their own cultures and values to the Union, thus gradually rendering the Union more diverse in terms of cultural traits than it had been.

Considering the religions/beliefs of the 28 Member States, although, they have all Christian populations in majority, the sects of the societies of the Member

States'[3], their practices of religion, and their state-religion affairs[4] may naturally differ and contribute to the general diversity of the European public sphere. Besides, each enlargement wave enriches and shapes multiculturalism in the EU. The new member states along with their social and cultural identities also carry their own migrant population to the Union.

At this point, it is worth reminding that the EU above all gives due importance to the respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights. Hence, multiculturalism plays a crucial role for the EU and accordingly for the Member States. Above and beyond, multiculturalism and the idea of "unity in diversity" have been implemented in various ways through European integration process.

> The question of multiculturalism is posed in different terms from the European political project, for it has always existed in history, through wars, conflicts, trade—a *de facto* multiculturalism. But there is no central role that it can play tomorrow as the condition of the success of political democracy in Europe. Culture is not in itself linked to Europe, but to the ensemble of social and cultural changes that have been produced over a century, specifically the dual contradictory movement of the individualist mass society discussed earlier: valorization of the individual, hence of difference, and the constraint of the greatest number, linked to universal suffrage (Wolton, 2009: 55).

It should be kept in mind that there is no EU policy on religion; "nor is there an express legal competence in the treaties on the Union to encroach on religion and religious affairs" (Carrera and Parkin, 2010: 4). However, as Carrera and Parkin state, since the Amsterdam Treaty religion has been involved more and more in common policies through direct or indirect legal measures (Carrera and Parkin, 2010: 4).

These considerations are all in line with Article 167 of the Treaty of Lisbon, according to which "the Union shall take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures". As it can be understood from this Treaty article, cultures and cultural diversities are important for the EU. One reason for this according to Shore, may be the lack of a "common culture around which Europeans can unite" (Shore, 2000: 18). Thus, the EU should forge multiculturalism and the idea of "United in Diversity" in order to reach and achieve its goals. Uniting and complementing existing national identities cultural characteristics such as a common language, history or religion might "tend to divide rather than unite fellow Europeans" (Shore, 2000: 18). Officially adopted in 2000, "United in Diversity" motto of the EU signifies by enlarging from six to twenty-

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[3] For example, Greece has an Orthodox Christians majority while Ireland has Catholic Christians.

[4] For a detailed analysis of state-religion affairs of some EU Member States see: Şencan H. (2011) *Bazı Avrupa Devletlerinde Din ve Devlet İlişkileri*, (Ankara: Türkiye Büyük Millet Meclisi Araştırma Merkezi). In this rapport Şencan examines religious freedoms, governments' approaches to religious communities and groups, religious education, religious symbols, clothes and rituals in public sphere in Germany, Austria, Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Holland, The United Kingdom, Ireland, Spain, Sweeden, Italy, Poland, Portugal, Romania, Greece as EU Member States.

eight, how Europeans have come together, in the form of a union to work for peace and prosperity, while at the same time being enriched by the continent's many different cultures, traditions, languages, and religions.[5] This may be considered as one of the reasons why the EU forges and should forge multiculturalism by uniting in diversity instead of having tendency to be divided.

According to some, multiculturalism is often understood as in the forms of false oppositions such as "unity and difference, solidarity and diversity, or universalism and particularism" but for a better comprehension of it, these oppositions needed to be broken down (Hartmann and Gerteis, 2005: 221). In this backdrop, it can be argued that the EU's approach to multiculturalism complies with Hartmann and Gerteis' notions; it does not form a false opposition between unity and difference, rather the EU takes differences as constituents of unity as its motto "United in Diversity" signifies. Thus, the Union considers diversity as richness and acts accordingly.

On legal and institutional base, it seems that the EU has been promoting and improving the freedom of religion as a liberty based social, cultural and political entity. Nevertheless, the Member States have been implementing *sui generis* policies regarding the concept of freedom of religion. Sambur lists the prerequisites of the liberal freedom of religion conception as such defending the free and plural characteristics of the religion and belief issues against the state and other authorities as well as leaving the floor to the individual in such matters (Sambur, 2009: 42). However, in the contemporary conditions leaving the floor to the individuals, keeping such sensitive issues limited to private sphere does not suffice. In this case, as Hartman and Gerteis state, "privately observed religious or ethnic practices may be overlooked, so long as they go along with public conformity to the codes and practices of the society" (Hartmann and Gerteis, 2005: 227). Namely, if the religious practices are found acceptable by the majority, they can be tolerated, but when these practices are not found acceptable by the majority, for example the issue of polygamy, tensions may emerge in the society. And this brings the "subjectivity" of such fragile issues to the fore. Beyond that, the codes and practices of the society are not clearly defined and change from society to society from time to time.

At this point, some problematic and violated issues regarding the implementation of the concept of the freedom of religion may emerge. To illustrate, French authorities banned women from wearing a full-cover veil, called burqa in 2011, thus making France the second European country to apply the interdiction, after Belgium (Jura, 2012: 112). In Holland, during his electoral campaign, Geert Wilders requested that the mosques and the wearing of the burqa shall be forbidden (Jura, 2012: 112). What is more alarming is that the results of EU Parliament elections of 2014 in which far right parties having discriminative and xenophobic

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[5] See: European Union, *The EU motto*, http://europa.eu/about-eu/basic-information/symbols/motto/index_en.htm (10 July 2014).

discourses have won more than 25% votes. This has brought into minds that the outcome of these parties' discriminative discourses will prevail more and create tremendous impressions for both the EU and the Member States. All the attempts of individual Member States and their national parties with racist, xenophobic programs getting impressive results can be considered within the framework of contested nature of multicultural ideologies and policies as well as the EU's relative reluctance to regulate such a sensitive and fragile issue.

Discussing Freedom of Religion in the EU: A Mixed Blessing for Europe?

Freedom of religion is both protected and guaranteed at the EU level[6] and protected by the national laws of the Member States. However, the case of freedom of religion is a highly debated issue in terms of legal, social, and political aspects in the EU. The reasons for that are closely related to the essentially contested nature of the concept and its different interpretation by diverse groups and parts of the societies. Another factor contributing to the debates over the concept may be the gap between the theory and practice. In theory, when compared to the other societies or states the EU's dealing with the human rights, accordingly with the case of freedom of religion forms and postulates a well-functioning system. However, the question to be answered here is whether it is successfully implemented in practice leading to compromise of diversities or a threat to unities of societies. The answer may include the both.

As well as being considered as a fundamental right, freedom of religion has also been accepted as a part of multiculturalist nature of the EU. From this standpoint, culture might give individuals and communities a sense of belonging and a set of shared values and practices. As a matter of fact, cultural values relate to the attitudes, traditions and other habits distinguishing one person from another and one social group from another. Groups can be classified and identified with respect to region, religion, ethnicity, political approaches or generation. It is often stated that "a group may differ in terms of signs, symbols, texts, languages, objects and

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[6] The Legal framework of freedom of religion in the EU and Member States level comprises of
1993 - Treaty on European Union Article 6; Treaty on the Functioning of the European Union Article 11; Article 17;
2000 – Charter of Fundamental Rights of the European Union; Article 10 – Freedom of thought, conscience and religion; Article 14 – Right to education; Article 21 – Non-discrimination; Article 22 – Cultural, religious and linguistic diversity.
2006 - EU Equal Treatment Directive
2008 - EU Framework decision on combating racism and xenophobia
2009 - Council Conclusions on freedom of religion or belief, 16 4ovember 2009
2009 – EU Concept on strengthening EU mediation and dialogue capacities
2009 - Freedom of Religion or Belief – how the FCO can help promote respect for this human right (UK toolkit on freedom of religion or belief)
2011 - Council Conclusions on intolerance, discrimination and violence on the basis of religion or belief, 21 February 2011.
2011 – Council Conclusions on Conflict Prevention, 20 June 2011.
See: Council of the EU, *EU Guidelines on the promotion and protection of freedom of religion or belief*, Luxembourg, 2013.

references to different types of traditions" (Essnet-Culture, 2012: 42). Within the framework of multiculturalism, and to be able to sustain multicultural nature of the EU, some of these signs, symbols, texts, languages, and objects are tolerated by the EU. However, in today's world, toleration does not suffice and citizens demand recognition and equal treatments socially, economically and politically. To illustrate, migrants can experience their faiths and religious practices when they are limited to the private sphere; nonetheless, they are encouraged not to construct a group identity. Thus, it is not possible to observe a complete tolerance on the subject of the expression of the religious identity collectively or individually (Davie, 2008).

Culture is not immune to the power conflict, indeed as Donders argues "culture is not an abstract or neutral concept; it is shaped by when it is instrumentalised, a process in which power structures play an important role when shaping it" (Donders, 2010: 15). Thus, culture turns out to a constructed concept which is also affected by the acts and interests of its practitioners in the process of mainstreaming. Donders further claims that culture might create obstacles for human development; therefore it "is not necessarily intrinsically of positive value" (Donders, 2010: 15). The concept gets politicized and become an indispensable component of Eurocrats' agenda as well as the EU citizens'. Through the lenses of multiculturalism, the concept of freedom of religion itself seems within a vicious circle and consequently is open to debates. As examined above, legally, namely in, theory, the concept can be claimed as protected and guaranteed by international instruments and the EU. However, in practice, in governments or in the public sphere, the concept may have flaws while functioning. Simply, religious necessities such as headscarf of Islam may not be tolerated as in France and Belgium. Religious issues may be over-politicized as in Geert Wilders' party propagandas and cause social and political turmoils as it was in the Theo Van Gogh[7] case or the Danish cartoon affair.[8] Thus, again the question to be answered is whether multiculturalism is successfully implemented in practice leading to compromise or conflict among the EU citizens.

A few cases or situations can be examined in the aforementioned context under two main themes; problems arising from the intersection of freedoms such as freedom of expression and freedom of religion; and problems arising from the right to manifest religion and religious symbols. The common element in both cases - Theo Van Gogh Case and the Danish cartoon affair- was the clashing freedoms.

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[7] Theo Van Gogh Case; Van Gogh worked with the Somalian writer Ayaan Hirsi Ali to produce the film *Submission* (2004), which criticized the treatment of women in Islam and aroused controversy among Muslims all over the world. On 2 November 2004 Gogh was assassinated by Mohammed Bouyeri, a Dutch-Moroccan Muslim. On July 26, 2005, a three-judge panel in an Amsterdam court found Mohammed Bouyeri guilty and sentenced him to life in prison for the murder.

[8] Danish cartoon affair or controversy began after 12 editorial cartoons were published in the Danish newspaper *Jyllands-Posten* on 30 September 2005. Depicting the Prophet Muhammad (Muslim), the cartoons lead to turmoil in the public and political circles. The issue eventually led to protests around the world, including violent demonstrations and riots in some Muslim countries.

When considered as elements of conflict in the EU Member States, clashing freedoms may be the most debated and the politicized one. As for the right and freedom to manifest one's religion, a few situations can be examined including the situation of Islamic symbols such as headscarves and religious rituals. The cases of Leyla Şahin v. Turkey, El Morsli v. France, Doğru v. France and Kervancı v. France, Ahmet Arslan and Others v. Turkey, and Lautsi and Others v. Italy[9] can be referred here.

Nonetheless, freedom of religion does not always necessarily cause conflicts in Member States' social practices. It may well result in peaceful social and cultural co-existences promoted by the motto "United in Diversity", religious differences, different religious practices, and freedoms can be considered as a richness for the EU. The EU, in all its documents, states that it respects the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions, and regional heritage. Article 13 of the TFEU reads as

> In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.

It has been widely acknowledged that the EU guarantees and promotes respect for religious, cultural and linguistic diversity and heritages of Member States. The EU Treaties and legislation systems prohibit discrimination on grounds of religion or belief as well as all other discriminations. As it can be observed in the above-cited article, by doing this, the EU also provides a space, a room for maneuver for the Member States, thus, it compromises with them. And in the concept paper, issued by the Commission it is emphasized as such

> A society marked by strain and tension between people of different faiths cannot function efficiently. Inter-religious conversation among Europeans of different faiths is, therefore, vital in order to contribute to social peace and cohesion, prevent conflict and ensure that the talents of all citizens are used to the full to achieve the common goal of building a better community (European Commission).

Thus, it seems the way leading to a peaceful society which can coexist without visible tensions can be reached with active citizenship promoted by the EU. Moreover, considering the Pew's Global Restrictions on Religion Report of 2009, the EU Member States might claim that they have constructed and have developed a culture based on a common hierarchy of values. The Member States have achieved this by protecting these values with laws and also encouraging the interaction between communities. When compared to the other parts of the world, the EU boundaries may serve as a highly tolerant global village.

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[9] For the summary of the cases see: European Court of Human Rights, Freedom of religion, http://www.echr.coe.int/Documents/FS_Freedom_religion_ENG.pdf (12 July 2014).

The religious affairs in the EU have multiple dimensions and the case of religious liberties promoted by multiculturalism has been one of these multifaceted dimensions. However, the case of freedom of religion also has ramifications in itself. One might argue that the concept of freedom is improbable to be measured fully and comprehensively, yet it might be observed and analyzed. In that direction, the concept of freedom of religion has been reconstructed in the EU. Besides, by rendering the Member States national laws more hybrid and dependent on the EU norms and creating common standards the EU has contributed this (re)construction process. Moreover, respecting to cultural diversity has become a core value for the EU in this process. Jürgen Habermas underlines the role of social learning process during which states' own means are not often capable.

> There is one side, the change in the form of religious consciousness that can be understood as a response to the challenges of modernity. On the other side, it is a kind of post-metaphysical thought in which the secular awareness of living in a post-secular society gains a sophisticated articulation. Yet, the liberal state faces in both regards the problem that religious and secular citizens can only acquire these self-reflective attitudes through a complementary learning process which the state cannot influence by its own means of law and politics (Habermas, 2006: 4-5).

If not the individual states', the EU has resources to eliminate problems. Under the EU framework, Member States have constructed a culture based on values and tolerance. The concept of freedom of religion is one of the concepts, which has been flourished and evolved in that context. From the vantage point of multiculturalist approaches to the EU, this concept may be considered as an integral part of the policies governing the idea and the philosophy of multiculturalism. Nevertheless, recent EU parliament elections have showed that the Member States having tendency to discriminate on the religious basis are on the rise which in turn might risk the 'unity' of the Union. The EU manages the concept of freedom of religion in a pluralist vision and practice, thus paving the way toward a compromised community rather than a conflictual one not only for its member states but also candidate states such as Turkey. However, this does not suffice. The political conditionality of the EU for the concept of freedom of religion is low and the EU seems to not to pay enough attention to the uncertainties surrounding the issue, which might risk its "United in Diversity" claims.

Religio-Cultural Affairs and Vicious Circles in Turkey-EU Relations

Enlargement has generally been considered one of the most successful policies of the EU. Different enlargement waves, however, posed different challenges both for the EU and the candidate states forcing the EU to adopt certain conditions for the membership. The EU conditionality is generally regarded as "a tool to encourage and persuade candidate states to reform in line with the model laid down by the EU" (Barnes and Barnes, 2010: 427). Accordingly, candidates are expected to meet the Copenhagen Criteria and fulfill the obligations of membership known as the EU's *acquis communautaire*. As Schimmelfenning and Scholtz plainly put forward if candidate countries do not meet these conditions, they "are simply denied assistance, association or membership and left behind in the competition for

EU funds and for accession" (Schimmelfenning and Scholtz, 2010: 445). To put it differently "accession conditionality aims to induce formal and practical compliance with the EU accession criteria as an instrumentally and strategically calculated reaction by the target countries' governments" (Böhmelt and Freyburg, 2013: 251).

In this regard, the EU conditionality follows "a strategy of reinforcement by reward" (Schimmelfenning and Sedelmeier, 2004: 671-672). Yet, Schimmelfenning and Scholtz also argue that enlargement necessitates costly, long-term negotiations and preparations and a restructuring of EU institutions and policies. Hence, they underline the significance of cost-benefit analysis of adopting the EU rules on the basis of credibility of rewards, threats and promises (Schimmelfenning and Sedelmeier, 2004).[10] And they point out that the possibility of adopting the EU's rule by the candidates, increases if the conditional threats and promises are credible (Schimmelfenning and Sedelmeier, 2004: 673-674). In the case of Turkey's accession, however, the cost-benefit analysis seems rather complicated. In most of the Progress reports, Turkey's commitment to the accession process, as well as her strategic importance, and significance as a trade partner has been underlined. Yet there is no promise of membership. What is more, despite the launch of positive agenda in 2012, Turkey's path to membership still seems very vague which in turn diminish Turkey's enthusiasm in the promoting and implementing related reforms. There are certainly some areas in which Turkey has adopted several EU-related reforms and continues to implement them. Nevertheless, Turkey is disappointed about the delays in and direction of the negotiation process whereas the EU raises criticisms in many areas including Turkey's flawed performance in freedom of conscience and religion.

As reaffirmed in the Treaty of Amsterdam that the EU describes and presents itself as a union of values and objectives. Thus, it is essential that "(future) members subscribe to the fundamental principles, standards, rules and procedures of the Union (the union of values) and are also willing and able to pursue the concrete objectives of the Union (the union of objectives)" (WRR, 2004: 26). In the treatment of candidate members, this translates into "a system of rights and obligations, in which the political- civic principles and values of the Union form the pre-essential conditions for membership" (WRR, 2004: 26).

At this point, two interdependent considerations emerge. First, the notions which depict the cultural and religious dimensions of the European debate upon Turkish accession reveal a disagreement between those who see Europe as a Christian 'club' and those open to a more religiously pluralistic European identity.

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[10] Their original statement follows as "a state adopts EU rules if the benefits of EU rewards exceed the domestic adoption costs; thus this cost–benefit balance depends on; the determinacy of conditions, the size and speed of rewards, the credibility of threats and promises, the size of adoption costs" (Schimmelfenning and Sedelmeier, 2004: 672).

> Cultural and religious opposition to Turkey is not simply about defending the idea of a Christian Europe from an outside threat. This opposition is the cultural and political manifestation of the unsettled nature of the relation between religion, politics and European identity. It attests to the presence of unresolved issues concerning the politics of religion *within* Europe itself (Hurd, 2006: 407).

Secondly, the idiosyncratic situation of freedom of religion in Turkey should also be kept in mind. Turkey has internal conditions and merits peculiar to herself regarding multiculturalism. Accordingly, she has a different capability and inclination to adopt European way of multiculturalism as well. Hurd, in the company of many politicians and scholars, argues that Turkey is inherently different from Europe due to "the existence of an exclusive European identity based on geography, culture and religion" (Hurd, 2006: 410).

With its roots and legacy derived from the Ottoman Empire, modern Turkey has become a rich country in both cultural and religious diversity. Most of the time, the country has been regarded as a mosaic of diverse communities and peoples. Nevertheless, when rights and freedoms are taken into account, the mosaic-like nature of Turkey has posed problems for certain layers of the society such as religious minorities. In this regard, freedom of religion and rights arising from this concept has been and become problematic for different religious groups. Turkey's historical background, as well as her *sui generis* interpretation of secularism[11], might be counted as the reasons of her problematic relations with religious minorities[12] and religious freedoms. According to the EU Turkey's main problems on freedom of religion are mainly related to the educational and property rights of the non-Muslim religious and recognition rights of the Muslim minorities such as the Alevis.[13]

The EU does not have a clear-cut discourse on the requirements which should be done to improve freedom of religion in Turkey. It observes implementation of freedom of religion in Turkey and it catalogs tensions and breaches. Yet, the EU

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[11] Secularism requires that sacred religious feelings shall absolutely not be involved in state affairs and politics. Articles 2, 68, and 174 make direct references to the "secularism" principle. See Constitution of Republic of Turkey, Preamble, http://global.tbmm.gov.tr/docs/constitution_en.pdf Retrieved on: March 31, 2014. However, it can be claimed that in Turkish contexts, secularism does not mean that the State assumes a neutral position toward religious doctrine and the issue of separation of religion and state. Instead, it implies State control of religious life and a governmental policy of modernizing society by means of secular legislation and practice. For further information on the history of Turkey's secularism see: Berkeş, N. (1964) *The Development of Secularism in Turkey*, (Montreal: McGill University Press).
Duman, M. Z. (2010) "Türkiye'de laiklik sorununun siyasal temelleri", *Uluslararası İnsan Bilimleri Dergisi* 7(2): 284-303.
Küçükcan, T. (2003) "State, Islam, and Religious Liberty in Modern Turkey: Reconfiguration of Religion in the Public Sphere", *BYU L. REV*, 475- 506.
[12] According to Lausanne Treaty Turkey officially recognizes 3 minorities including Armenians, Greeks and Jews. For further and detailed information on Turkey's attitude towards non-Muslim religious minorities and their freedom of religion see: Oran, B. (2011) *Türkiyeli Gayrimüslimler Üzerine Yazılar.* (İstanbul: İletişim Yayıncılık).
[13] Problems in the sphere of freedom of religion in Turkey have been listed in Regular Progress Reports since 1998. For detailed information please see *Regular Progress Reports for Turkey*, Republic of Turkey Ministry for EU Affairs, http://www.ab.gov.tr/index.php?p=46224&l=2 (13 February 2014).

does this without considering Turkey's own historical and internal dynamics and often in a vague and non-specific discourse. Thus, although there have been improvements, the situation of freedom of religion in Turkey remains below the EU standards. Moreover, because of the first factor, namely the EU's own nature on problems regarding the religion, freedom of religion and multiculturalism, the Turkish case become more complicated and tangled. Because of this, it can be further argued that Turkish compliance with the Copenhagen criteria does not mean guaranteeing a smooth incorporation of Turkey into Europe (Hurd, 2006: 414).

Nonetheless, one may claim that the concept of freedom of religion has improved to a certain degree in Turkey in line with the EU harmonization processes and packages. First of all, Constitutional Amendments have been conducted. In 2002, in an effort to meet EU norms, the Turkish government passed constitutional amendments, to illustrate;

> - The sixth harmonization package introduced significant legal changes expanding the freedom of expression, safeguard provisions on the rights of prisoners, religious freedom. The package also included amendments in the area of religious freedom and community foundations. An amendment Supplementary Article 2 of the Law on Construction took into consideration the needs for places of worship of different religions and faiths.

> - The new Law on Population Services stipulates that a written application addressed to the Administration will be sufficient in order to change a religion or to avoid indicating any religion in the registry and ID cards. This law entered into force in 2006. Articles 82 and 96 regulate the registration, modification, and deletion of the information regarding religion or leaving the religion section blank (The Republic of Turkey, 2007).

Furthermore, Yıldız argues that constitutional amendments, increase in minority rights, the law on associations, improvement in property rights of the religious groups, respect for religious doctrines, amendment of the act on construction (Yıldız, 2007: 791-812) are among the steps Turkey has taken to comply with EU membership requirements. After all, these reforms have a positive impact on religious freedoms in Turkey. On the other hand, there are still deficiencies regarding the full implementation of the concept of freedom of religion mainly because of the fact that Turkey has an idiosyncratic perception and interpretation of secularism. For example, "continuing state monopoly" seems as an obstacle to the implementation of the concept of freedom of religion since it prevents religious or belief groups from establishing "religious educational institutions – which are an important way of manifesting belief in teaching" (Yıldız, 2014: 9). What's more, the political conditionality of the freedom of religion concept by the EU is low; for the improvements the EU does not present a 'reward' to Turkey or it does not assist her to solve the problems mentioned in the Reports and neglects her internal dynamics when listing the problems desperately.

Returning to cultural and religious dimensions of Turkey's membership discussions, it becomes clear that low conditionality in this area creates more cultural controversies within the EU about Turkey. As Saatçioğlu claims "although Christianity is not a formal condition for EU accession, it is commonly shared by

the existing EU member states, and the argument has often been made by Europeans themselves that Turkey does not belong to the EU because it is Muslim" (Saatçioğlu, 2009: 566). In this context, some may argue that "just as religion is not a reason to say 'No' to Turkey, it is not a reason to say 'Yes'" (Avery, 2012: 175). But it has a significant weight in the process:

> Ultimately, the failure of objective conditionality in Turkey indicates that the EU may be prone to prioritizing political convenience over the Copenhagen norms. The fact that the EU diverged from officially defined conditionality in the costliest case suggests that it is more concerned about enlargement costs than anything else (Saatçioğlu, 2009: 571).

The EU, as a rights and value based union, commits itself to guarantee and protect freedom of religion. However cultural controversies surrounding the issue threaten "diversity as richness claims of the EU" and shadow main principles of European integration. In addition, enlargement process poses more challenges in this area. As its conditionality is not high in this area, various problems after the membership to the Union occur as in the cases of Bulgaria and Romania. These countries became members even though they had been experiencing the freedom of religion related problems such as problems in finding cemeteries for Muslims minorities in their countries or problems of recognition of other minority religions.

Turkish case, on the other hand, illustrates how public perception of the idea of European integration can be delicate due to the low level of political conditionality and incentives for freedom of religion. It is clear that focusing on differences including religious differences have so far only caused tensions and intensified the vicious circles in Turkey-EU relations. Therefore, detailed analysis of public perception is a must in order to understand biases at both sides.[14] A constructive process with a strong emphasis on universal values might be the best solution to ease tensions arising from socio-cultural and religio-cultural issues in Turkey-EU relations.

Conclusion

Religion and religion relevant issues such as freedom of religion have been a crucial part of both international and national agendas often as a part of multiculturalism debates. It will not be wrong to claim that hundreds of years have passed from the domination of the principle of *Cujus regio ejus religio*,[15] to the principle of *Everyone has the right to freedom of thought, conscience, and religion.* It has been widely acknowledged that freedom of religion simply refers to the tolerance of different theological systems towards each others, and to be able live in that way. Eventually, both the concept and term religion itself, and the meaning inferred from the concept of freedom of religion have changed and evolved in

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[14] Çiğdem Nas and Başak Yavçan evaluate the EU perceptions in Turkey and alternately Turkish perceptions in the EU in a detailed way. See: Nas, Ç. (2013) "Türkiye'de Avrupa Birliği Algıları", *Yarım Asrın Ardından Türkiye –Avrupa Birliği İlişkileri*, (Ankara: Turhan Kitabevi), 499-521. and Yavçan, B. (2013) "Avrupa Birliği'nde Türkiye Algıları", *Yarım Asrın Ardından Türkiye –Avrupa Birliği İlişkileri,* (Ankara: Turhan Kitabevi), 523- 536.

[15] Lat. Whose region, whose religion.

Europe and consequently in the EU. To illustrate, Europe was once synonymous with Christendom mainly because papacy has been located there, the Muslim other played a unifying role against them. Yet, as the decades passed, diversity across the continent has prevailed more.

Gradually, visibility of different religions in the public sphere in Europe has increased considerably in recent decades. Thus, religion-oriented issues have been increasingly involved in debates on a wide range of political issues including xenophobia, discrimination, freedom of religion, funding of religion and cohesion. In addition to these specific discussions, multiculturalism has been one of the frameworks including and at the same time shaping freedom of religion discussions.

As the conflicts among culturally diverse layers increase, criticisms against multiculturalism have been exacerbated in European societies. Some even claim that homogeneity of a society in terms of culture and values is more desirable than the multicultural fabric. They regard multiculturalism as a threat to their way of life. However, the EU has always stated that this multicultural nature of the EU is intrinsic to the EU, and it respects cultural diversities of its constituent Member States.

One might argue that the EU fulfills its object of protecting and guaranteeing freedom of religion both in the Member States and candidate states only superficially, not comprehensively. That's why while exercising the right of the freedom of religion; well known and often referred problems such as the headscarf issue appear repeatedly. Thus, it would not be wrong to claim that there is also a gap between law and practice in the EU. Equal worth, dignity, reason, conscience and community- these traits of common humanity provide the clues to the right, and scope, of religious liberty. The EU, as a supranational entity, might attempt to reach idealist and humanist interpretations of the freedom of religion, yet the Member States and their citizens may not and do not accept the diversity of different religious practices as valuable components of their lives paving the way for a peaceful coexistence. Instead, with the experiences of increasing societal tensions they consider diversity as threatening factors resulting in turmoils and unrest. Currently, the EU is responsible for its 503 million citizens who are already too diverse to be managed successfully, yet the EU still continues to have an enlargement policy.

To a considerable degree, the EU has transformed the political and social situation in Europe towards a better and more compromised one. It functions as a guardian which holds so many differences together. Briefly, the EU respects cultural diversities and is a *de facto* multicultural entity. But it often fails to carry out the concept of freedom of religion comprehensively in its policy areas *vis à vis* its Member and the Candidate States. This occurs mainly because the EU tends to overlook the importance of the concept as an integral part of societal diversity in practice. However, this weakness poses serious challenges to the integration process.

With her cultural richness partially inherited from the Ottoman Empire, Turkey has also been a country where a great deal of religious diversity has been accommodated. It will not be wrong to claim that the freedom of religion in Turkey has been contentious since the emergence of modern Turkey. This issue has also been one of the hot topics of Turkey-EU relations. Turkey has certainly her own problems with regard to religious freedoms. Main factors behind these problems and difficulties to overcome them can be associated with the historical background of the country as well as contemporary socio-political challenges Turkey has to face. There have been remarkable improvements in freedom of religion in Turkey in line with EU harmonization packages, yet the EU still finds the freedom of religion in Turkey under its standards. This situation creates further biases about Turkey's membership. Leave aside this official view; a wide range of circles in the EU does not consider Turkey as European due to her cultural and religious differences.

> European resistance to Turkish accession is rooted both differently and more deeply than is suggested by an exclusive focus on economic and political considerations within the EU or domestic politics within Turkey. In 2002, former French President Valéry Giscard d'Estaing observed that Turkey was 'not a European country' and that admitting Turkey to the EU would mean 'the end of Europe' Former West German chancellor and Social Democratic party (SPD) leader Helmut Schmidt suggested that Turkey should be excluded from the EU due to its unsuitable civilisation, and that by opening the door to EU admission for other Muslim nations Turkey's accession could result 'in the political union degenerating into nothing more than a free trade community' (Hurd, 2006: 406).

The list of views and claims regarding Turkey's 'unsuitable civilization' to the Europe can be extended. Along with concerns regarding Turkey's unsuitability to the EU and the EU's cracking multiculturalism, it may be concluded that Turkey-EU relations have turned out to be mutually unenthusiastic. Everlasting candidature process and the procrastinated relations might be considered as the main indicators of this claim. There are certainly a wide variety of factors procrastinating Turkey's EU vocation. The freedom of religion takes its place among these factors both within the debates of human rights and multiculturalism.

In human rights context, both the EU Member States' and Turkey's constitutions and legal systems regard freedom of religion as an essential and inviolable human right. However, as the freedom of religion becomes more important in highly diverse societies, implementing this freedom increasingly necessitates delicate skills. At this point, it is worth remembering that multiculturalist debates regarding freedom of religion are very important as Kymlicka asserts "the fact that there are grave obstacles to multiculturalism does not mean that there are viable alternatives to it" (Kymlicka, 2010: 47). Within this backdrop, it might be well argued that focusing on and reinforcing the shared principles and ideas of European integration as well as the universal values would create opportunities to break some of the vicious circles in Turkey-EU relations.

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