

Research Article

Presidency of Religious Affairs in the Context of Institutionalization of Religion-State Relations in Türkiye

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Abstract

The institution alludes to traditional and long-standing state-related structures. Institutionalization is a process that ensures the level of acceptance of organizational decisions by the periphery, as well as organizational harmony. The Republic was founded on October 29, 1923, and the Presidency of Religious Affairs was established under Law No. 429 on March 3, 1924. The institutions' most widely applied law is Law No. 633 on the Establishment and Duties of the Presidency of Religious Affairs which was enacted in 1965. Law No. 1982, dated March 26, 1976, made some significant innovations and amendments to Law No. 633; however, this Law was annulled by the Constitutional Court in 1979 for procedural reasons. It took 31 years for Law No. 6002, which was enacted on July 1, 2010, to close the resulting legal gap. With the transition to the presidential government system in 2018, the Presidency of Religious Affairs was linked to the Presidency of The Republic of Türkiye via Decree Law No. 703, which was published in the Official Gazette on July 9, 2018. The research uses document analysis, a qualitative research method.

Keywords: State, religion, institution, institutionalization, The Presidency of Religious Affairs

JEL Classification Codes: Q38, Q48

Türkiye’de Din ile Devlet İlişkilerinin Kurumsallaşması Bağlamında Diyanet İşleri Başkanlığı

Öz

Kurum devletle bağlantılı bir şekilde geleneksel ve köklü yapıları ifade etmek için kullanılmaktadır. Kurumsallaşma örgüt kararlarının çevrede kabul görme derecesi ve örgütlerin uyumunu sağlayan bir süreç olarak ifade edilebilir. 29 Ekim 1923’te Cumhuriyet ilan edilmiş 3 Mart 1924’te de Diyanet İşleri Reisliği 429 sayılı Kanun ile kurulmuştur. 1965 yılında kabul edilen 633 sayılı Diyanet İşleri Başkanlığı Kuruluş ve Görevleri Hakkındaki Kanun kurumun en çok uygulanan kanunudur. 26 Mart 1976 tarihli ve 1982 sayılı Kanunla, 633 sayılı Kanunda bazı önemli yenilikler ve değişiklikler yapılmış ancak bu Kanun, Anayasa Mahkemesi tarafından 1979 yılında usul yönünden iptal edilmiştir. Meydana gelen hukuki boşluk ancak 01 Temmuz 2010 tarihli ve 6002 sayılı Kanun ile 31 yıl sonra doldurulabilmiştir. 2018 yılında Cumhurbaşkanlığı hükümet sistemine geçilmesi ile birlikte 09 Temmuz 2018 tarihli Resmî Gazete’de yayımlanan 703 sayılı Kanun Hükmünde Kararname ile Başkanlık, Cumhurbaşkanlığına bağlanmıştır. Çalışma nitel araştırma yönteminin bir alt dalı olan doküman analizi çerçevesinde şekillendirilmiştir.

Anahtar kelimeler: Devlet, din, kurum, kurumsallaşma, Diyanet İşleri Başkanlığı

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1. Introduction

The state is a legal entity formed by a politically organized nation or group of nations based on territorial integrity.

From a legal perspective, the state is generally defined based on its elements. Accordingly, the state is the organization of human communities living on a certain land, called a country, under a political power within the understanding and law of sovereignty.

Maintaining order in societies organized as a state is the primary duty of the state. It is possible to answer the question, "What is the state?" as "it is the most perfect organization created by the society for its own happiness and security." Two conclusions emerge from this answer: First; the state is a perfect organization, and this organization was created for the peace and security of the society (Bakırcı, 2000, p. 5).

The state expresses itself concretely through public institutions. The public institution responsible and authorized for religious services in Türkiye is the Presidency of Religious Affairs.

There is no definition of religion on which neither religious scientists nor social scientists agree on the concept of religion, which is as old as human history. Religion is approached differently in different scientific fields and given different meanings. In some definitions of religion as a social phenomenon, the psychological aspect of the subject is sometimes neglected in its claims to knowledge. Sometimes the issue of morality and emotion is brought to the fore. Some scientists focus on the cultural side of religion, others emphasize the dimension of love (Bilgiseven, 1985, pp. 1-34). Although sociologists agree that religion is one of the basic social institutions, it is not possible to say that they agree on how religion should be examined, so no theory satisfies everyone in the field of religion.

In general, the whole consisting of rules and beliefs that are accepted to be ordered in some forms by a great and superior supernatural divine being that humans cannot resist is called religion (Dönmezer, 1990, p. 259). Religion, which also has a historical and social construction dimension, is also a structural system with established roles (Eliade and Couliano, 1997, pp. 29-33). Religion; It is defined as (Turkish Language Association, 1988, p. 378) a social institution that systematizes belief and worship in supernatural powers, various sacred beings and gods, and as an order that collects and provides such beliefs in the form of rules, institutions, customs and symbols. Religion in its dictionary meaning; means such situation, punishment, reward and obedience (Tümer, 1994, p. 312). It is also used in meanings such as procedure, way, habit, property, managing, ruling, punishment, judgment, calculation, accounting, reward, believing, and adopting a religion and

sect (Günay, 1996, pp. 145-146). Islamic scholars believe that the religion is a religion whose orders and prohibitions are set by Allah, which is informed to people through His prophets, which informs people of the purpose and wisdom of creation, which enables those with reason to reach the best, most accurate and most beautiful with their own free will, which leads its members to happiness and salvation in this world and the hereafter. And they describe it as an institution consisting of deeds (Bilmen, 1972, pp. 42-46).

As can be seen from these definitions, there is no single and universally accepted definition of religion on what religion is. Different nations and different religions can define religion from their frameworks. At the same time, social sciences define religion from their perspectives.

Bureaucracy includes structure, structural aspects and organization. Throughout history, it has always found a place for itself in management with its founding principles, but with changes in the process. Bureaucracy has different meanings.

First, bureaucracy is a negative concept used to describe the negativities of organizations and the abuse of official authority. He stated that public institutions are not for the public good, but for ensuring sovereignty (Heper, 1983, p. 290).

Secondly, bureaucracy is a form of organization with certain characteristics. It is defined as the public administration arm of the political system. This definition emerged with Max Weber. The dominant understanding of bureaucracy is centred around Weber's definition. In Weber's opinion, bureaucracy is a form of organization in which hierarchy, authority, division of labor, written rules and correspondence are collected.

Third, bureaucracy is used as a synonym for public administration. Bureaucracy is the general name for organizations managed by modern governments to perform various administrative tasks.

Fourth, bureaucracy is a form of government in which authority is largely in the hands of civil servants who come to power through appointment.

Fifthly, bureaucracy is a management style and management. Finally, bureaucracy is a concept that describes the development of large-structured organizations in society.

2. Conceptual Framework

2.1. Religious Bureaucracy

When religious bureaucracy or religious bureaucracy is mentioned, what comes to mind is the bureaucratic organization of religious institutions and the management

of actions and activities related to religious services according to the requirements of the bureaucracy (Dursun, 1992, pp.17-19).

As a matter of fact, due to the expansion and spread inherent in religion, over time, the religion's followers increase and there is a relationship and interaction with other institutions and organizations. In order to meet the needs, the organization of religion and the management of these organizations come into play in line with the developing conditions. This emerging form of organization is expressed with the concept of religious bureaucracy, and religious bureaucracy means the structure resulting from the organization of religion and religious groups through bureaucratic methods (Yıldız, 1999, p. 28). One of the most important reasons for religious organization and religious institutions to be organized through bureaucratic methods is size.

Other reasons for the bureaucratic organization of religion are that religion has expansionist and expansive features, religion has to resist attacks and protect itself, it has to respond to demands, religion needs to fulfill its duties and roles in social life, and the need for organization in order to carry out religious rituals, worship and activities according to their procedures. It is possible to sort (Dursun, 1992, pp. 32-34).

The way the Presidency of Religious Affairs is structured and works in Türkiye has a bureaucratic feature to a certain extent. In a sense, this can also be called religious bureaucracy.

2.2. Authority

Authority means exercising sovereignty and having the power to command (Başkent Publications, 1984, p. 3681). In general terms, institutionalized and legalized power in society or other social systems is called "authority". Authority; It is also synonymous with the words power and authority. The adjective form of the word authority is authoritarian. Authoritarian means a person or institution that has the power to force people to do what they want by giving orders. Authority is also the will to obey, trust, dominate, give orders, impose sanctions and use a person by convincing everyone of the sufficiency of something.

Depending on the domain, there may be political, spiritual, scientific, personal, professional, moral, influence, power, and information authority types. According to Max Weber, the pioneer of bureaucracy theory, which has a specific weight in terms of definitions of authority, authority refers to the possibility of a group of people obeying certain orders. There are types of authority in all societies, although there are different types historically and in different societies.

These types of authority are grouped as follows: rational-legal authority, traditional authority, and charismatic authority.

The legitimacy of the ruler's authority to command is based on rules rationally arrived at through lawmaking, compromise or coercion. The rule-making authority derives its legitimacy from the constitution and laws. Just as orders are given not in the name of personal authority but in the name of impersonal norms, the authority to give orders is not based on arbitrariness but according to established norms. The officer cannot use his authority arbitrarily.

The officer has powers as well as responsibilities. For this reason, it is not possible for him to act arbitrarily, nor can he use his authority arbitrarily. It is mandatory to act as prescribed by law (Weber, 1993, p. 251). Everyone is equal before the law, and those under authority obey laws and regulations, not authoritarian people.

It would be accurate to say that rational-legal authority, one of Weber's authority types, is the authority held by the Presidency of Religious Affairs in terms of the organization of the religious bureaucracy in Türkiye.

2.3. Religious Authority

Religious authority in Türkiye varies in terms of individuals and the organization of the state. Individuals can accept clergy as authorities for themselves. The traditional authority type, which is one of Max Weber's authority types, is also accepted for clergy by some groups. If people consult an official religious official on matters not related to religious life, or if they consult someone who does not hold an official position and whom they consider to be a religious scholar, a traditional authority is mentioned here.

In institutional terms, religious authority is the institutions and organizations authorized by the legal regulations of the relevant country. There are important differences between the organizations that are institutionally accepted as religious authorities in different religions and different states and the functions that these organizations undertake.

Depending on the period and the difference between state forms and government systems, there are serious differences between the duties, responsibilities and authorities assumed by institutions in various periods, even in institutions belonging to the same religion. From the establishment of the Republic until today, the only organization responsible and authorized in religious matters in our country is the Presidency of Religious Affairs.

In states where Christian citizens are in the majority, churches and church-affiliated organizations have authority and religious authority in religious matters.

Religious authority does not always depend on an extraordinary psycho-physiological structure. Great spiritual, mental and moral abilities can contribute to the clergy being respected and cared for by those around them (Wach, 1990, p. 395).

With religious institutionalization, it is necessary to talk about an institutional authority that acquires certain authority and authority characteristics in the field of religion. The Presidency of Religious Affairs serves as an example of this type of authority.

3. Institutionalization of Religion

3.1. Social Functions of Religion

An institution is defined as a structure or union or institution that includes a deep-rooted structure such as marriage, family, partnership, and property, and generally has a relationship with the state.

From a sociological perspective, the institution includes all the structural components that regulate the basic concerns and activities of society and meet its social needs, with patterns of behavior that include major social interests (Marshall, 2003, p. 438). An institution is an organization or formation that combines rule-based and standardized social practices (Dillard et.al, 2004, p.508).

From a rational perspective, institutions are instruments that fulfil the demands of their task forces. Today's institutionalists define the institution as a social system composed of routines, programs and rules (Holm, 1995, p. 399).

Institutions can be examined in two main groups, primary and secondary: Primary institutions represent socially accepted norms and values such as human rights, ethics, fundamental rights and freedoms. These are generally accepted; because individuals internalize norms and values and generally do not put forward alternative options to them. The reason for the emergence of secondary institutions, which can be described as a product of primary institutions, is the desire to solve some social problems. Secondary institutions include laws, agreements, organizations, and the organization's rules and procedures. These institutions are more flexible and easier to change voluntarily than primary institutions. As with primary institutions, secondary institutions can be adopted and internalized by their interlocutors (Bresser and Millonig, 2003, pp. 221-222).

Institutionalization can be defined as the degree to which organizational decisions are accepted in the environment and a process that ensures the harmony of organizations. It includes processes in which social processes, responsibilities, and unquestionable events that acquire a normative status in social thought and action (Scott, 1987, pp. 493-497).

Institutions, like groups, have certain functions in social life to meet certain needs. Again, one of the most important features of the institution is that it is cultural. The mosque, which fulfils one of its functions in Islam, can be considered an institution.

It is generally accepted that religious institutions meet man's need to establish a relationship with the Creator and that this is expressed through behaviors such as prayer and worship. It includes moral and ethical systems, pointing out the rightness and wrongness of external and conceptual behavioral patterns. Worship systems, religious ceremonies, clergy, community relations, and temple order, for example, are among the auxiliary institutions.

Some thinkers define the institution of religion as the main institution from which other institutions arise. According to this view, all kinds of institutions initially sprouted under the umbrella of religion, and over time, they broke away from it and became independent institutions.

According to some thinkers, even though religion is considered a basic institution, it has a different feature from other institutions. Essentially, it is possible to distinguish phenomena in individual and social life from others with certain qualities.

After all, the existence of every institution within the whole called society is, in a sense, based on the duty that institution is obliged to fulfill. The social system can function harmoniously due to the institutions that make up the social structure of the society and their functions. In this context, institutions, due to the functions they perform, lead to a high level of integration and coordination in society (Özler, 2007, pp.11-14).

3.2. Activities of the Presidency of Religious Affairs

The duty of the Presidency of Religious Affairs is to carry out affairs related to the beliefs, worship and moral principles of the Islamic Religion, to enlighten the society about religion and to manage places of worship. With the transition to the Presidential government system in 2018, it was affiliated with the Presidency (Law on the Establishment and Duties of the Presidency of Religious Affairs, Official Gazette 12038 ,22 June 1965). Within this framework and considering the institutional structure, the duties of the Presidency of Religious Affairs can be discussed in five areas: worship, enlightening the society on religious issues, religious education, foundations and activities related to abroad (Özler, 2007, p. 29).

3.2.1. Activities Related to Worship

Since the establishment of the Presidency of Religious Affairs, activities related to worship have been its main field of duty, and Hajj and Umrah organizations have also been included in this field. As services for the management of places of worship, the management of mosques and masjids is completely left to the Presidency of Religious Affairs. As services for the management of places of

worship, the management of mosques and masjids is completely left to the Presidency of Religious Affairs (Özler, 2007, p. 29).

3.2.2. Duties Related to Enlightening the Society on Religious Matters

The main activities carried out by the Presidency of Religious Affairs to enlighten society about religion are sermon and guidance programs. Guidance activities are generally carried out in mosques or masjids, mainly on religious and moral issues, for the society through officials. It is a method of informing society through sermons and sermons in the light of the topics previously determined by the Presidency. The Presidency also has important activities to inform the society outside the mosque through symposiums, seminars, panels and conferences. Guidance activities are one of the most important services of the presidency. These services are organized by the Presidency, which organizes short-term programs at different times and in different places almost every year and creates various programs through mufti offices in various parts of the country, according to the circulars published within its own body. Activities are also carried out abroad from time to time (Özler, 2007, p. 29).

Religious publications also have an important place in the activities of the Presidency of Religious Affairs to enlighten society on religious issues. As a matter of fact, the Presidency of Religious Affairs has carried out publishing activities since the first years of its establishment, in order to inform society on religious issues, to teach the principles of the Islamic Religion accurately to the public from its sources, to protect citizens from superstitions and superstitions and to provide real information instead. Today, the Presidency of Religious Affairs, on religious and moral issues makes print, periodical, audio and video publications, and prepares religious programs to be broadcast on radio, television and various social media platforms (Taş, 2002, p. 98).

3.2.3. Activities Related to Religious Education

Planning and coordination for in-house training activities at the Presidency of Religious Affairs are carried out by the General Directorate of Human Resources. This unit prepares and ensures the implementation of annual pre-service and in-service training plans to improve the professional competence of presidential personnel at all levels and increase service efficiency (Presidency of Religious Affairs General Directorate of Human Resources, 2024).

It is possible to discuss the educational services of the Presidency in two parts. The first part is aimed at the service area of its own personnel. Personnel training was handled within the framework of the regulations established by the Presidency of Religious Affairs within its structure. The reason for this is that the Presidency has deemed it necessary and useful to train the personnel working in the provincial organization of the Presidency, especially the mosque officials, in administrative

and professional matters, to increase the quality of services provided to the society, to improve the effectiveness of the service union, to train the personnel before and during service in order to increase their professional qualifications and efficiency. Because, finally, it is aimed to equip its personnel with the knowledge and skills to overcome the problems of new religious issues posed by social needs, both at the center and through its provincial units. The Presidency carries out its activities through all provincial and district mufti's offices or education centers.

The second part is aimed at the field of religious education of the society. The General Directorate of Educational Services of the Presidency is authorized in this field. It is organized into three departments: the non-formal religious education department, the program and material development department and the memorization education department. Mosques and masjids are not only places of worship for Muslims but also important centers where religious education and teaching take place. Summer courses are opened in mosques for students to teach them how to read the Holy Quran and to provide various religious information during the summer months when schools are on holiday. It was established to make citizens read and memorize the Holy Quran by the procedure and to provide information on issues related to the principles of belief, worship and morality of the Islamic Religion. It has been affiliated with the Presidency of Religious Affairs since the foundation of the Republic of Türkiye. Quran courses, which are one of the religious education institutions operating as a religious education institution, are also important (Presidency of Religious Affairs General Directorate of Educational Services, 2024).

3.2.4. Activities Related to the Foundation

The purpose of the establishment of the Turkish Religious Foundation is to provide material and moral support to people and institutions that strive for goodness to prevail in the world, and its goal is to be a foundation at the service of humanity in Türkiye and on seven continents. The Turkish Religious Affairs Foundation was established on March 13, 1975, to support the activities of the Presidency of Religious Affairs, delivering religious services to wider audiences, and raising the generation that will take part in religious services. Our foundation, which gives priority to educational activities at home and abroad, works to provide a sound religious education to young people in Türkiye and from 111 countries around the world at all levels of education, from Quran courses to memorization training, from kindergarten to primary education, from religious high school to university, from master's degree to doctorate. The foundation, which extends the helping hand of our nation to millions of people in crisis regions where hunger, natural disasters, war and violence occur in different geographies of the world, brings the joy of Eid to oppressed geographies with the iftar tables it sets in Ramadan and the organization of sacrifice by proxy during Eid al-Adha (Turkish Religious Foundation, 2024).

3.2.5. Activities Related to Abroad

In response to the expansion of its service area and the emerging need, the Presidency of Religious Affairs has moved its domestic services abroad since the 1970s and started to provide religious services to our citizens, compatriots and co-religionists living abroad. The General Directorate of Foreign Relations of the Presidency of Religious Affairs continues its activities in various countries to provide religious services to our citizens abroad, to strengthen their commitment to religious and national principles, to prevent the abuse of faith and to carry out all kinds of activities abroad on these issues. This general directorate is organized as the Department of Turks Abroad, the Department of Eurasian Countries, the Department of Foreign Education and Guidance, the Department of Muslim Countries and Communities, the Department of Conversion Studies and the Department of Religious Services with a Social Context Abroad. Directorate General of Foreign Relations abroad; In addition to mosque, guidance, religious education, religious publication, pilgrimage and funeral services, it also carries out activities in areas such as social services (Presidency of Religious Affairs General Directorate of Foreign Relations, 2024).

3.3. Religious Affairs and Fatwa Relationship

While trying to understand and make sense of societies, sociology aims to make its reference point through social life dynamics. One of the important factors affecting social life is religion. What is important here is religion's contribution to the dynamism of society and its role in disciplining society.

The phenomenon of religion, which is a universal phenomenon encountered in all societies from the beginning of history to the present day, surrounds people both internally and externally and tries to guide them as a discipline that manifests itself in their thoughts and behaviors. While religion deals with the spiritual aspect of man, it also aims to shape his social relations. The social dimension of religion is in a mutual influence and reaction relationship with the non-sacred relationship of humans. While religion, which has universal characteristics, tries to enrich the spiritual world of man and bring it together with the metaphysical world, it also aims to give the material world, in other words, its relations with social organizations, a meaningful and positive structure. In other words, religion; it is a social phenomenon, that covers the whole of life, and religious beliefs and religious mental conceptions live with all their liveliness in daily life (Polat, 2005, p. 11). Thus, religion is not only a phenomenon that unites individuals around a common consciousness and conscience, but also an institution that elevates societies and ensures their development. In fact, religion tries to give meaning to the real-life experienced by people.

People sometimes see religion as a highly meaningful or integrative element and advocate its inclusion in practical life. Therefore, isolating religion from social life

or trying to isolate it may harm the healthy functioning of society. The most important function of religion in past and present societies is that it contributes to the integration of society as a tool of social control (Dönmezer, 1990, p. 241).

Fatwa, on the other hand, in a social way of expression, is the situation of taking the advice of religion as an advisory authority regarding any situation and stance encountered in the practical life of daily life. In other words, it gives meaning to the states and situations that people experience as a result of different environments, places and relationships.

Fatwa appears an important service in relieving both the content and functionality of the instant changes in the flow of daily life and the tensions that occur in daily life (Meriç, 2004, p. 110). Here, the individual's level of interest and commitment to the fatwa, its overlap with the individual's perception formats, and its relationship with the level of religiosity are in question. It is also important to see to what extent the fatwa convinces the individual's perception formats and level of religiosity and meets his needs.

While fatwas contain mechanisms that will legitimize new behaviors to be developed in the face of changes in daily life, they also reveal the inclusive and encompassing aspect of religion. Fatwas given by the competent authorities to answer the people's questions about religious beliefs and ways of behaving and to resolve their problems have helped both to inform and enlighten the public on religious issues and to maintain a certain line in the tradition of understanding and implementing Islam in Muslim societies (Atar, 1995, p. 487).

One thing that should be noted is that at this point, it is not enough for the competent authorities regarding fatwa to have a good knowledge of religion. Along with knowing the religion well, they need to know the society and period they live in very well, take into consideration the situation and psychology of the person requesting a fatwa, and be aware that the fatwa they give may constitute a pivot to rehabilitate the ruins. In the age we live in, daily life is an area where religious data and modern discourses are intertwined and reorganized. Here, there is a change and differentiation of both the social structure and religious behavior styles (Meriç, 2004, p. 8). This existing change and development must be followed seriously. Social change, especially accelerated by developments in the field of science and technology, has deeply affected the traditional understanding of religion, necessitated the reconsideration of many issues and revealed new problems that require urgent solutions.

The only religion in the sight of Allah is Islam. The only true religion that is valid until the end of time is religion. The general statements and provisions of religion are, of course, valid until the end of time. However, it is not always possible for people to determine whether the new needs that arise over time are compatible with Islam. The rulings and fatwas which are given by religion regarding social life and

human relations generally aim to protect the benefit of society and the public and to ensure order (Bardakoğlu, 1994, p. 331).

Many fatwas from the past to the present are important for repairing the adaptation problems in the changing social structure and ensuring healthy progress.

We understand that there is a close interaction between daily life and religion-fatwa. Because if there is an interaction between two elements, we encounter a situation where two things are the cause or effect of each other. Wherever there is society, there is religion, or where there is religion, there is society. Religion has a relationship in terms of its effect in warning and deterring individuals who have not been socialized in daily life or in terms of the attitudes and behaviors necessary for social life and have not internalized these values.

Relying on a scientific method when expressing opinions on religious issues related to daily life will not only prevent the arbitrary use of religious sources as a means of legitimization, but will also make it possible to reach solutions that satisfy the general public and reduce the impact of radical tendencies on religion.

4. Presidency of Religious Affairs in the Face of Social Change

4.1. Religion-State Relations

Adam was the first prophet. Since the time of the first prophet, new needs have emerged as people lived together. Since these new needs reached a level that people could not fulfill on their own, people created institutions. The emergence of the state emerged after these people had needs that they could not meet on their own. It is a state institution. It is expected to be the most perfect institution. Throughout history, humankind has changed or completely abandoned many of the organizations it has established over time. These organizations have been perceived differently depending on society and time, but despite the differences, they have been the most important elements of society's continued existence, unity and solidarity, peace and happiness.

The state emerged after people lived together and had needs that they could not meet on their own. The state began to determine the rules for society with the establishment of the state. The state has the power to set rules for people and society. At the same time, every divine religion has commands for those who believe in it. In various periods of history, sometimes religious and state affairs were carried out together under the domination of religion and sometimes the state, and sometimes religious affairs and state affairs were seen to be separated from each other.

It would not be correct to say that throughout the history of civilization, religious and state affairs have always been carried out smoothly in every country and that

religious affairs and world affairs have gone in harmony. In fact, there are often when religion and the state are in a power race with each other.

There have been periods when religions took control of states and fought for the state to be governed according to religious rules. Likewise, there were also periods when the states wanted to dominate religions and direct religion according to the principles of the state. The winner of this race for power throughout history has been various societies and forms of government, sometimes religion and sometimes state.

In societies where theocracy is valid, religion has become superior to the state and society, religious institutions have become stronger, their opportunities have increased, and they have become able to impose sanctions. In the historical scene, clergy in the Christian world opposed many activities that statesmen wanted to carry out in the name of religion, and did not accept practices and innovations they did not want, claiming that they were sins.

Inquisition courts, a court system affiliated with the Catholic church, operated effectively in periods when religion was strong against the state. The medieval inquisition, the Spanish inquisition, the Roman inquisition and the Portuguese inquisition have come to the fore in history. The fact that the Inquisition courts excommunicate some people, say that they can send anyone they want to hell, or even try to parcel out land from heaven and sell it, stems from the power they have. In France, where religious rules were dominant and the Catholic church was dominant in the 19th century, bloody wars took place and the Renaissance movements were initiated with the French Revolution of 1870.

With the transformation initiated by the French Revolution, religion and state affairs were separated for the Christian world, and the state held the power. Over time, this practice spread to other states. During these periods, religion and state affairs were not separated in the Islamic world, and the caliph was the head of religion and state. Separate organizations were established to carry out religious affairs and separate organizations were established to carry out state affairs, and all of them carried out their activities under the caliph.

We can define religion-state relations chronologically in three main sections. In the first period, the state was subject to religion. In the second period, religion is subject to the state. In recent times, religion and state are not superior to each other (Ünver Günay et al.,1997, p. 12).

In the first period, the state was subject to religion. The authority that holds power in social life is religion. The state is governed according to religious rules. Religion dominates the state and society. Law, morality, education, science and art are regulated according to religious beliefs and rules, and everything has a religious meaning. Clergy have the right to speak in state administration. The state is at the

disposal of religion and also obliged to protect religious organizations. This form of government is called theocracy.

In the second period, religion is subject to the state. It can operate under the control of religion, state and politicians. State administrators impose various restrictions on the practice of religion for people. The political power that holds the power to run the state has taken precedence over the religious authority, and the clergy have been subordinated to the state authority. The political authority holds state power, and religious activities continue within the limits that are allowed by the state and not oppose the state. Those who make decisions on behalf of the state want to direct religion as they wish in line with their public policies.

The state decides on the establishment of religious organizations and their management is carried out within the framework of state policies. The clergy who will serve in these organizations are also appointed as public officials of the state. The promotion, reward and punishment of these public officials are also determined by the state authority. The limits of freedom of religion and conscience are determined by the public policy and rules of the state. For this reason, freedom of religion and conscience cannot be enjoyed objectively. In this type of administration, the administration accepts a certain religion or sect as the religion of the state and tries to shape this religion according to its own policies.

In a system where religion and state are not superior to each other Neither the state is affiliated with religion nor religion is affiliated with the state. Religion and state are separate from each other, each autonomous from the other. Believers are left alone with their beliefs. The state does not interfere with religion, and the clergy do not interfere with the administration of the state. This system is called secularism. Secularism means not having an official state religion, both in terms of religious and political history. Secularism refers the separation of religion and state, the dominance of reason instead of religious beliefs in the political, economic and legal order of the state, and the separation of political power from religious power.

The secular state respects the religious beliefs of all its citizens but does not prefer any of them over the other, treats every religion the same, does not intervene in religious affairs because it sees the field of religion as the private business of individuals, does not exclude any religion or belief, but does not provide any aid or support to any religion. It is a state that remains neutral towards religions (Apaydın, 2003, p. 258).

In this system, people and religious communities are free to fulfil their religious beliefs. However, although it is stated that the state and religion are independent of each other, if the rules of religion and the rules of the state conflict, it is seen that states apply their own rules.

4.2. Religion-State Relations in the Republican Era

In the period after the proclamation of the Republic, the religious bureaucracy at the Ministry level was weakened and was transformed into the Directorate of Religious Affairs, which was at the level of a General Directorate. State administration dominated both political authority and religious authority, and religion came under the control of the state. Religious services were carried out by the state, and the state established institutions to carry out religious services and appointed their personnel. In 1920, the Ministry of Foundations and Sharia, and with its abolition in 1924, the Presidency of Religious Affairs was established, and religious affairs were carried out by these institutions. The Caliphate was abolished on March 3, 1924. This regulation shows that religious and state affairs will not be carried out by a single authority.

In the first Constitution adopted in 1924, the phrase "The religion of the state is Islam" was included, and in 1928 this sentence was removed from the law in question. In 1937, the phrase that the Turkish state is secular was added to the article. There was no significant difference between the state organization in the sense of religious bureaucracy before the principle of secularism was included in the Constitution and the structure of the religious bureaucracy in the period after this principle was included in the Constitution.

Secularism expresses the separation of religious and state affairs, does not interfere with each other, and ensures freedom of religion and conscience. All accepted constitutions included provisions in this direction. According to some views, the practice implemented since the establishment of the Republic has been evaluated as the state constantly interfering with religion and wanting to regulate religion according to its own policies. During this period; With a law adopted on 30 November 1925, lodges, zawiyas and tombs were closed; The titles of tomb holders, sheikh, dervish, disciple, grandfather, and descendants of the Prophet were also abolished.

Since the Swiss civil code was taken as an example and the implementation was in accordance with these laws, religion and its rules were seen as related to personal conscience and belonged to the private sphere. Regarding clothing, it is obligatory to wear western-style hats and clothes. In the early 1930s, it was decided that the adhan would be recited in Turkish, and imprisonment and fines were imposed on those who did not recite it. Until the 1950s, there were gaps in religious education, and in some periods, it was completely abolished. Until 1950, the Religious Organization, which was responsible for religious services, did not have a serious religious service or any activity, and there were serious problems in religious matters throughout the country. The practices in this period were when religion became more of a matter of private life, religious officials lost their influence, authority and reputation, and religious officials were left to the mercy of the citizens they served to earn their living. During this period, these practices caused

discomfort and were criticized in many aspects. Religious officials and people trying to practice religion have been accused of acting against the order by administrators and various circles from time to time.

After the 1950s, a more moderate policy was pursued regarding religion, religious education was liberalized, and importance began to be given to religious services and the Religious Affairs community. The Presidency of Religious Affairs has been strengthened in terms of staff and facilities. With the conversion of religious education institutions such as Quran courses, religious high schools, first into Higher Islamic Institutes, and then into these schools into faculties of theology, faculties of theology gained importance as religious education institutions, and compulsory religious education was introduced in all schools with the 1982 Constitution. It has been stated from time to time that this situation is against secularism, that a secular state cannot provide religious services, that religious schools cannot exist in a secular state, and that the state cannot require religion classes. Despite such criticism, these practices continue.

Secularism, which was included in the Constitution in 1937, was put into practice without a precise definition and without determining its boundaries, and this uncertainty occasionally led to difficulties in implementation in various periods. The same problems continue today, and everyone perceives secularism differently. There is a conceptual confusion regarding secularism throughout the country.

It is possible to evaluate the relationship between religion and state in Türkiye from the perspective of the state and freedom of religion and belief, and to summarize the criticisms as follows;

If we make an evaluation from the state's perspective; There are two different views on this issue, with very different approaches. The first of these is about the structure of the secular state, and the other is about the practices of the secular state.

According to these approaches, the state should be both secular and include an organization such as the Presidency of Religious Affairs, thus paying salaries from the general budget and making religion lessons compulsory in schools, opening religious schools and covering their expenses, and in terms of practices, appointing the President of Religious Affairs and all religious personnel providing religious services. It is stated that seizing religious foundations, and interfering in religious matters, from how to worship to how people should dress, would be incompatible with the principles of a secular state.

If we make an evaluation in terms of freedom of religion and belief; We can categorize the opinions on this subject into two groups. According to the first view; Since the state currently monopolizes religion, it restricts freedom of religion and belief, does not give the necessary permission to religious organizations, and imposes restrictive rules. Since the Organization of Religious Affairs is a state-

affiliated institution, the employees of this institution, as civil servants, cannot freely express the rules of religion and cannot speak out against the mistakes made by administrators in the name of religion.

A second opinion on this issue claims that the state guarantees freedom of religion and belief with the current practice and defends the current situation. It is stated that the aim is to prevent religious bigotry and ensure that religion is a spiritual discipline for society by educating people who will competently work in religious affairs. There is also a Constitutional Court decision that supports this view (Constitutional Court, 1972).

The existence of an organization responsible for religious affairs in a secular state, namely the Presidency of Religious Affairs, has been the subject of criticism from time to time. An application was made to the Constitutional Court on the grounds that the Presidency of Religious Affairs was contrary to secularism, and in its decision, the Constitutional Court stated that the Presidency of Religious Affairs is not a religious organization, but an administrative organization within the general administration, and that the Presidency's inclusion in the Constitution and its members being considered civil servants and their salaries being met from the budget does not constitute the religious affairs of the state. It does not mean that the state is carrying out state control of religion, that it aims to find a solution appropriate to the needs necessitated by the conditions of the country, such as preventing religious bigotry by training competent people to work in religious affairs and ensuring that religion is a spiritual discipline for the society (Constitutional Court, 1972). As can be understood from this decision, we can say that the state wanted to control and shape the religious organization in the past.

5. Conclusion

Different religious organizations were established at different times and in different states, and religion and religious services were carried out by these organizations. In the history of Islam, religion was together with the state, and generally religious and state affairs were carried out together without being separated from each other. This situation was accepted as a "Religion-state" or "religion and state" in the Ottoman Empire, and the existence of one was linked to the existence of the other. With the proclamation of the Republic, the newly established government established the Presidency/Presidency of Religious Affairs to carry out religious services.

Founded by Mustafa Kemal Atatürk, the Presidency of Religious Affairs, one of the deep-rooted institutions of the Republic of Türkiye, has filled a large institutional gap throughout its nearly ninety-year history and has performed important duties in ensuring and establishing national unity and solidarity.

Article 154 of the 1961 constitution stipulated that the Presidency of Religious Affairs within the general administration, fulfils the duties specified in its special law. Law No. 633 on the Establishment and Duties of the Presidency of Religious Affairs, prepared on the basis of Article 154 of the 1961 Constitution was accepted on 22.06.1965. By law, extensive regulations have been made regarding the Presidency of Religious Affairs, whose structure, duties and powers have not been well determined until now. For this reason, Law No. 633 has been the most comprehensive law of the Presidency since its establishment.

“Law No. 633 on the Establishment and Duties of the Presidency of Religious Affairs” was amended by Law No. 1982 dated 26.02.1976. The Constitutional Court annulled the Law No. 1982 with its decision dated 18.02.1979 and numbered E:1979/25, K:1979/47.

The legal gap that occurred could only be filled 31 years later with the Law No. 6002 dated July 1, 2010. In the period between the annulment of Law No. 1982 and the enactment of Law No. 6002, the Presidency of Religious Affairs faced a serious legal gap. With the transition to the Presidential government system in 2018, the Presidency was affiliated with the Presidency with the Decree Law No. 703 published in the Official Gazette dated 09 July 2018.

The Presidency of Religious Affairs still continues to exist as an institution subject to the state and in line with the policies of the state.

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