LAUKIK. Laiklik is a Turkish concept that defines the relationship between the state and religion. It is driven from the French term “laïcité” and can be translated in English as “secularism.” A relevant Turkish term is laik, which means “secular.” Secular states have two main characteristics: 1) their legal and judicial processes are out of institutional religious control and 2) they constitutionally establish neither an official religion nor atheism.

Secularization of the Turkish legal system began by the Ottoman Tanzimat Reforms of 1839. The new Turkish Republic completed this process in the 1920s by adopting several European laws. In 1928, a constitutional amendment removed the article which had established Islam as the official religion. That made Turkey the first secular state in the Muslim world. In 1937, another amendment explicitly declared laiklik as a constitutional principle. Since then, several Muslim countries adopted secularism.

According to the U.S. Commission on International Religious Freedom’s report in 2005, almost half of the forty-four Muslim countries have secular political systems and eleven of them constitutionally declare themselves as secular states.

The meaning of laiklik is a controversial issue in Turkey, especially between Kemalists and pro-Islamic conservatives. Kemalists, who claim to defend the legacy of Mustafa Kemal Atatürk, currently include politicians from the Republican People’s Party as well as many military generals and high court judges. Conservatives, on the other hand, involve politicians from conservative parties, such as the ruling Justice and Development Party (AKP), True Path Party, and Motherland Party. Kemalists defend a particular meaning of laiklik, which aims to establish a secular worldview in the public sphere and confine religion to the private domain. Their source of inspiration is French laïcité. Conservatives, in contrast, want to reinterpret laiklik in a way that allows public visibility of religion. They intend to replace the French model with the American model. In sum, the state-religion debate in Turkey is not between laiklik and Islamism; instead, it centers on the true meaning and implementation of laiklik itself.

Kemalists generally refer to the Turkish Constitutional Court’s definition of laiklik. In 1997, the Court argued that laiklik did not mean separation of religion and the state, but it implied “separation of religion and worldly affairs,” such as “social life, education, family, economy, law, manners, dress codes, etc.” Necdet Sezer, a Kemalist and the tenth president of Turkey, made similar definitions. In 2004, he declared that “laiklik is a way of life . . . and a ‘laik individual’ should confine religion in the sacred place of his/her conscience disallowing his/her belief to affect this world.” Conservative politicians, from Turgut Özal to Tayyip Erdoğan, however, have argued that secularism is a characteristic of the state, not individuals, and religion has implications beyond an individual’s conscience. For them, a key aspect of laiklik, which has been ignored by Kemalists, is “freedom of religion and conscience.”

Although conservative parties have won about 70 percent of the votes in national elections, they have had limited impacts on state policies towards religion due to Kemalists’ dominance in the military and judiciary. Kemalists have determined three controversial policies: the ban on wearing headscarves in all
educational institutions, closure of the secondary Imam-Hatip (Islamic) schools, and prohibition of the Qur'an education to children under twelve years old. According to a survey of the Turkish Economic and Social Studies Foundation, 42.4 percent of interviewees think that the state oppresses Muslims in Turkey. These interviewees mainly refer to these three policies as examples of oppression. The conditions of non-Muslim communities have not been better. The state has restricted the Christian and Jews communities' rights to have property and open schools. Recently, with the pressure from the European Union, the AKP government initiated certain reforms to alleviate conditions of minorities, such as the legal reform that allowed the construction of new churches and synagogues.

Despite state restrictions on Islam and the rhetoric of state-religion separation, the state pays the salaries of the imams, who are all civil servants of the state's Directorate of Religious Affairs (Diyanet). Moreover, public school curricula include instruction on Islam for a few hours a week. The reason of these policies is the state's aspiration to keep Islam under control. Since the state historically confiscated Islamic funds and currently does not allow independent financing of imams, it has had to pay their salaries. Similarly, the state has had to provide Islamic education because it has prohibited private Islamic schools. In short, the Kemalist desire to control Islam has resulted in a paradoxical image of the laik Turkish state.

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LAND TENURE. Throughout the nineteenth and twentieth centuries, land tenure in the Islamic world was heavily affected by political factors, although this was hardly new. The three main influences on land tenure are the rules and choices imposed by political elites, Islamic law, and customary provisions, including pre-Islamic systems and adaptations to specific environments. Land tenure itself can be seen as including formal rules of ownership, rules guiding access to land for nonowners, and the distribution of landholdings according to these rules.

Major trends and changes in the last two hundred years include the liberalization of land tenure in the nineteenth century to allow for individual property in land, and the wave of land reforms that followed the Egyptian land reform of 1952. Land tenure in the Middle East is now moving toward more private land ownership and the dismantling of the systems set up under government land reform.

Islamic Land Law. In many traditional Islamic systems it was considered that the state (or the ruler), as the representative of the Islamic community, was the ultimate owner of the land. This right was predicated on conquest. While the state or the ruler held absolute ownership (raqqabah), the actual farmers held usufruct rights (tasarruf). One of the consequences of this form of land ownership was that it allowed actual practices of access to land to be governed by non-Islamic rules, since property rights were not involved. Only a small part of the agricultural land in the Islamic world was owned as "freehold" (milk), in the sense that the owner had rights against the state. And in legal theory only milk land could be transformed into waqf (endowed) land, although the actual history and distribution of waqf land suggests there was considerable flexibility in practice. Both usufruct rights and freehold rights could be established by bringing land into cultivation; this "living" land was then contrasted to "dead" or unused land. Under this system agricultural land was rarely held in freehold tenure: less than 1 percent in Iraq at the time of the 1958 revolution, although in practice the difference between freehold and usufructuary tenure was small.

Traditional Patterns and Ecological Adaptations. Many traditional practices governing access to land were based on use by a community rather than by an individual. This practice was often covered by the fiction of state ownership of the land; the land involved could also have been established as a waqf, or it could also be an undivided inheritance. One much-cited example is musha 'tenure in the grain-growing interior of the Fertile Crescent (Syria, Palestine, and Jordan). Rights to land