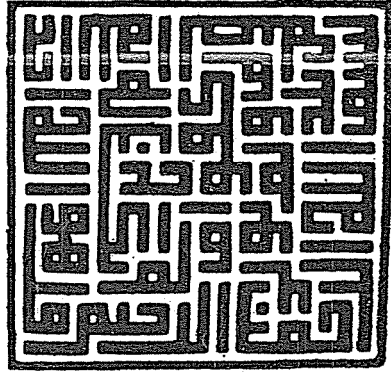




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# **THE TEACHING OF ISLAM (Particularly FIQH) IN THE SECULAR TURKISH REPUBLIC**

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## **INTRODUCTION**

The Turkish nations, who believed in Islam during the Umayyad dynasty and in early period of Abbasids Empire, did strive to spread Islam in everywhere as being a single individual of Islam. While they had runned about from one front to another front for cihad (holy war) as a fronteer in the one hand, they learned how to command to army, to control the state in the other hand. Many well known scholars in positive and religious sciences had been taught among them, an dealt with the teaching of Islam and positive sciences to young muslim generations. So the Turks have been gained their real personality and continuity by Islam. They have done holy war through cihad and education for their both religion and Turkish personality.

In several Islamic empire, they had gained high position and been appointed to the chief commander of army. They obeyed to pure Islamic rules and governed their state according to its rules, when they were governer of a provence or head of the independent state, even when they took over the Islamic Chalifate. They had continuously shoved great respect and regard to pure Islam and its institutions till Benefical Reforms in 1839 a.d. The form of the state, established and governed by muslim Turks, was non secular state. In another words from the begining of Ot-

toman Empire till 1839 the form of the state had been pertained to Islam (1).

From 1839 to 1924 a.d. roughly during one hundred year the state system of Ottoman Empire was neither non secular nor secular, it was mixture system. For there were two kind acts and two kind courts in the legal practice. Outworldly Islamic rules had a possibility of being practiced but Acts of Commerce and Marine and Act of Crimine and some others were all originally secular Euplepean acts (2).

The secular state system has been established since 1924. So three kind state systems, the first one is pure Islamic, the second one is mixture (half secular) state and the third one is secular state, may be seen within the history of muslim Turks up to now.

Two very important bills were enacted by parliament on the 2nd of March 1924. The Ministry of Religious Affairs and Awqaf was abolished and the Cheaf of the Religious Affairs Office has been established by the first act, numbered 429. The second act is called The Bill of Unification of Educations, numbered 430. There were many school, controlled and organised by diffirent authority until that date. All of them have been unified and given to the control of Ministry of Education from 1924 (3). In the third period of muslim Turks' history, the state has no official religion in her constitution, but she has an office which deals with religious affairs of citizens, called Cheaf of Religious Affairs Office. In the second article of the constitution dated 1961, the secularism has been accepted as one of the main bases of the state so Turkish Republic becomed a secular state since 1924. Article 19th of the constitution says that;

«Everyone has the freedom of conscience, of religious belief and of opinion.»

«Every worship and religious ceremonies, which are not against to the public security or to general moral or to law enacted for those purposes, are entirely free.»

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(1) Ali Fuad Başgil, Religion and Secularity, 2nd. ed. Istanbul 1962, p. 177.

(2) op. cit., pp. 179, 180.

(3) Our Law Reporter, vol. I, pp. 93, 96.

«None may be forced to worship, to join to the religious ceremonies or to rituals and to say openly his personal mind on his belief and opinions. None may be blamed because of his belief and opinions.»

«Religious education and its teaching only depend on the personal desire of individuals and on the legal guardians of minors too.»

«None may anyhow exploit and use any wrong manners the religion or religious senses to base even partly the social, the economical, the political and the legal main orders of the state on the religious orders or to obtain political or personal benefit or personal influence.»

«Rules, showed and brought by act, are carried out about those persons or corporations which go out above mentioned rules or provoke others not to obey to those rules, and political parties, which look like to above mentioned persons or corporations, are closed down by the Supreme Court.»

According to above mentioned articles, the official religion of the state had been Islam till 1924. Since that up to now the state has no official religion i.e. secular state (4).

### **THE SHORT HISTORY OF RELIGIOUS EDUCATION AMONG THE MUSLIM TURKS**

After being accepted of Islam as national religion, the Turks have made use of all means in favour of Islamic education and its teaching. They have founded local schools in every quarter and very famous colleges or universities which had played very important roles in the destiny of Ottoman Empire, for teaching Islam. Well known traveller Ibn Batuta, who came to Anatolia during the administration of Sultan Orhan Ghadi (1326-1362 a.d.), wrote that there were colleges which struck him every where even in a small town (5). At the top of the sciences, taught to the muslim children and to adults in local schools and colleges, there

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(4) Ali Fuad Basgil, op. cit. pp. 188, 189.

(5) Mehmed Zeki Pakalin, Dictionary of Ottoman's Historical expressions and terms, Istanbul, vol. 2, p. 436.

were Islamic sciences. This, in one respect, was the necessity of the state, pertained to the Islam.

The chain of well known scholars was to be divided in two groups as Muteqaddimoun and mutaakhiroun. The key stone of this division was Sa'd al-Din Masoud Ibn Omar al-Taftazani (1322-1389 a.d.) who lived in the XIVth century (6). However there were very famous scholars on every branches of Islamic sciences, in the Ottoman Empire such as; Molla Housraw (d. 885h/1480), the author of Durar and Gurar, and of al-Talwih, Ibrahim al-Halabi (d. 956h/1549), the author of Multaqa al-Abhur, Ebussuud Efendi (d. 982h/1574) the author of Fatawa and of Tafseer, and Ibn Abidin (d. 1252h/1836), the author of Haşiyah Durr al-Mukhtar ala Rad al-Mukhtar, so and so. All of those scholars were regarded among the second group i.e. mutaakhiroun and taught in the Ottoman educational foundations. Those institutions dealing with religious education, were reorganised in some point in XIXth. century. At the beginning of XXth. century new institutions and colleges, in which Islamic and positive sciences were taught, were established because of developing new sciences and conditions. All those educational foundations were looked after and administered by different ministries and organisation. After being established new Turkish Republic; all of educational foundations and all sort of education including the religious educations have been given under the control or Ministry of Education by a law, enacted on the 2nd. of March 1924. By the reason of that law the religious education has been given up to the appreciating of governors in the Modern Secular Turkish Republic (7).

### **THE COLLEGES (MADRASAH) AND LECTURES**

In the muslim societies the religion is sole rote which brings together different nations in the same land and keeps them as a whole body under the same flag. For this reason and struggling with ignorance and educating the people and teaching the religion, many colleges had been founded and donated by the society. It

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(6) Ali Fuad Basgil, op. cit. p. 280.

(7) op. cit. pp. 191, 192, 280, 281. Ismail Haqqi Uzuncarsili, The Organisation of Ulema of Ottoman Empire, Ankara 1965, pp. 227 and so on.

was the first man in the Muslim World Ameer Naser Ibn Sabuktakeen, judge of Nisabour and the commander of Turks, established a madrasah (college). He founded College of Nasiriyyah in Nisabour in 425h/1033 a.d. According to other records founding of the first Madrasah in the Muslim World was related to Nizam al-Mulk (d. 485h/1092) who was the grant vazeer of Alp Aslan and of his son Malik Shah (8). Each of these madaris (colleges) was a university at that time. Here I do not write their name, I do only mention the list of the lectures :

For example; Madrasah al-Waizeen (college of Preachers) was founded to educate the muslim missionaries. It was three years after priemary education;

At the first year; following sciences were taught to its students :Hadith, Fiqh, Siyar al-Nabi and Islamic History, Preaching and Sermon, Ottoman Literature, Persian Literature, Arabic Literature, General History, History of Turks, Ottoman and Islamic Geography and other positive sciences.

At the second year, following sciences were taught: Tafseer, Hadith, Kalam (Theology), Fiqh, Usul-al-Fiqh (Islamic Jurisprudence), Preaching and sermon, Siyar al-Nabi and Islamic History, and other positive sciences.

At the third year; following sciences were taught : Tafseer, Hadith, Kalam, Fiqh, Usul al-Fiqh, Preaching and Speech, and other positive sciences (9).

As it has been seen that Madrasah al-Waizeen, founded to train and to educate the student who would undertake the duty of telling the religion and of teaching the ignorant people, gave an important place to Islamic sciences particularly to Fiqh and Islamic Jurisprudence in its curriculum.

Madrasah al-Kudzdzat (College of Law) was founded to train muslim judges for the need of the country. Its curriculum included following lectures : Durar (about law of Obligation and

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(8) M. Zeki Pakalin, op. cit. vol. 2, p. 436. Mumtaz Turhan, Where are we in the Westernisation, 5th. ed. Istanbul 1972, pp. 139, 140.

(9) Osman Ergin, The History of Education in Turkey, Istanbul 1939, p. 138.

contract of Islam), Majallah, Faraidz (Inheritance Law of Islam), The practice of Shariah, The Law of Awqaf, Muslim Land Law etc.

The curriculum of special class was such as : Inheritance and Testament Law of Islam, Valuable Document, Marriage, Divorce, Confident, Maintenance, The Rules of Awqaf, The Prosedure of Note Book of Participating, Islamic Legal Prosedure etc. (10).

Madrasah al-Mutahassiseen (College of Specialists) : It was the highest religious education to train the specialists and lecturers for all high school i.e. madrasah. There were three departments in its body :

- a — The Department of Tafseer and Hadith.
- b — The Department of Fiqh and Islamic Jurisprudence.
- c — The Department of Kalam, Mysticism and Philosophy.

The curriculum of the Department of Fiqh and Islamic Jurisprudence was as following :

Usul al-Fiqh, Fiqh al-Hanafee, Fiq al-Shafee, Fiqh al-Malikee, Fiqh al-Hanbalee, The Science of Islamic Contradiction and Argument (Ilm al-Hilaf wal-Cadal), Islamic Legal History, and Islamic Comparative Law (11).

All those above mentioned colleges and their curriculums had been established and prepared very carefully to train the students within the best manner in the Islamic view point. Islamic Law i.e. shariah was taught for long time. But all of them have been abolished since 3rd of March 1924 by Act No 430. Article 4th of it says that :

«The Ministry of Education will found a Faculty of Divinity in the University to train the high qualified specialists in religious science and will open seperate secondary school, too, to train Imam and Khateeb (preacher) for religious duty».

So a new period in the view point of religious education has began in the Secular Turkish Republic.

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(10) Op. cit. pp. 135, 136.

(11) M. Zeki Pakalin, op. cit. vol. 2, p. 441.

## THE TEACHING OF RELIGION IN THE SECULAR TURKISH STATE

A new state has been established by the Turkish Independence War between 1920-1922. She is called Turkish Republic and her official birthday is 29th. of October 1923. The form of administration of the new state is entirely different from the former and the whole of her laws have been taken and translated from the West. Majallah al-Ahkam al-Adliyyah and other laws depending on religion have been abolished since 4th of October 1926, and secular administration has been taken. For this reason Islamic Law was never taught at all at any school.

The General Director of Religious Affairs Office has, however, been established by an Act, numbered 429, since 2nd. of March 1924, to execute the religious service and work of the Muslim population in Turkey of which population are 99% (ninty nine per cent) muslim. But in point of education of Religion, some alteration is faced from 1924 up to now and this is the main topic of this article. I should divide 52 years in different period and closely explain each period such as :

### a — From 1924 - to 1930 the teaching of religion

As it has time to time been mentioned under the previous items, all educational institutions i.e. all sorts of schools have been tied to the control of Ministry of Education by Act No 430. Thus all Imam-Hatip School in which imam and waiz (preacher) were trained, was given to the control of Ministry of Education and all kinds of madrasah were buried into the history or left into the history. 29 Imam-Hatip Schools were founded instead of madrasah. It was decreased in number year by year such as; 26 in 1925, 20 in 1926, and only two of them from 1927 to 1930. The latest two were also closed down by the end of 1930 because of student shortage and not to be appointed of graduated student from there. There was no government grant for them (12).

The purpose of Imam-Hatip Schools was to train Imam and Hatip who guide to the muslim people while they pray and do some other ritual action and worship. The curriculum of Imam

(12) Hasan Ali Yucel, Secondary Education in Turkey, p. 54. Nahid Dincer, The Problem of Imam-Khateep Schools, Istanbul 1974, pp. 33, 34.



Hatip School contained several kind religious classes to which any imam or khateep need while they guide to the muslim people.

**b — Religious education between 1930 - 1951**

During the over two decades there was no official foundation dealing with teaching of Islam. The zealous muslim families trained their own young generation in point of Islam. For this reason the religious conscience in hearts and minds was strong or weak according to the religious information of the families in particularly to the information of head of family.

The General Director of Religious Affairs Office have being faced with the problem of having found well educated person whom it would appoint to the mosques or to the religious office either in town or in city. For it had no power to found a special institution for training its officials. And Ministry of Education had also not employed its charge which was given by Act No 430, article 4th.

The list of religious institutions and societies were as following from 1946 to 1950 :

The societies	years	1946	1947	1948	1949	1950
The Societies Supporting the Honourary Quranic Courses		—	1	2	2	5
Mosque Building Com.		8	28	53	88	142
Soc. of Employees with religious occupations		1	1	1	1	3
Soc. Supporting Imam-Hatip Schools		—	2	2	2	2
Soc. of Honourary Quranic Courses		—	—	—	1	3
Others		1	2	2	2	3
						(13)

(13) A. N. Yucekok, The Socio and economic base of Organised religion in Turkey 1946-1968, Ankara 1971, affixes.

As being understood from the above mentioned list these societies were usually a kind of mosque constructing and supporting organisations. Organisations dealing with the training of people were too little to mention.

Let aside to find an intellectual and true religious man in most of the country, it happened to be impossible to find an imam to lead the prayer (namaz) and a hatib to read the hutbe in the mosques, and much more tragic positions have been observed (14). The late Ahmed Hamdi Akseki who had been appointed to be the Director of Religious Affairs Office wrote a report about the religious education and the Religious Institutions on 18/Dec./1950 (15). The public also was warning the politicians in various ways about the importance of the religious training. As a result of these oppressions and tragic experiment, politicians and The Public Party that was in power then, established a 10 month Imam-Hatip course connected to the Ministry of Education after secondary school. The subjects to be taught were Aqaid, Ahlaq (Ethic), Khutba, Quran, Ibadet (Worshipping), History, Geography, Citizenship and First Aid Knowledge (16).

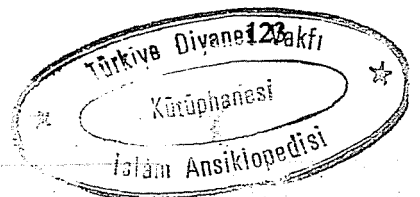
Inclination to such a course was too little, besides the graduates of the course were too far to fulfil the aim hoped for. In Turkey, where democracy with more than one party, was taken place dating from 1946, Journalists and politicians were in a way compulsorily interested in the religious education and listened to the demands of the public.

Towards the end of 1948, optional religion classes of an hour a week in the fourth and the fifth grades of the primary schools were programmed and these lessons are still being taught. In 1949 the Faculty of Divinity of four years a branch of Ankara University, that took the high school graduates was founded in the program especially philosophy, history and the history of religions took place. The curriculum of the Faculty was changed in 1972. and the educational period was raised to five years. The program is as following :

(14) Nahid Dincer, op. cit. p. 45.

(15) op. cit. pp. 44, 45, 46.

(16) op. cit. p. 61.



<u>Grade I</u>	<u>in a week:</u>
Arabic	18 hours
Quran	2
Bases of Islam	2
Introduction to Philosophy	2
Western Language	4
	<hr/> 28

<u>Grade II</u>	<u>in a week:</u>
Arabic	6 hours
Quran	1
Islamic History	2
History of Philosophy	2
Logic	2
Literature of Islam and Turk	2
Sociology of Religion	2
Psychology of Religion	1
Persian	4
Western Language	4
	<hr/> 26

<u>Grade III</u>	<u>in a week</u>
Arabic	4 hours
Tafseer	2
Hadith	2
Islamic Law	2
Islamic History	2
History of Islamic Creeds	2
Literature of Islam and Turk	2
History of Religion	2
Psychology of Religion	1
History of Islamic and Turkish Arts	1
Western Language	4
	<hr/> 26

THE DEPARTMENT OF TAFSEER AND HADITH

Grade IV	in a week	Grade V	in a week
Arabic	4	Arabic	4
Tafseer	4	Tafseer	4
Hadith	4	Hadith	4
Islamic Law	2	Islamic Law	3
Islamic Philosophy and Philosophers	2	Kalam	2
Kalam	2	Religious and Turkish Music	2
History of Islamic Creeds	2	Pedagogy	2
History of Islamic Institutions	2	History of Turkish Reform	2
History of Religion	2	History of Sciences	2
History of Islamic and Turkish Arts	2		25
	26		

THE DEPARTMENT OF KALAM AND ISLAMIC  
PHILOSOPHY

Grade IV	in a week	Grade V	in a week
Arabic	4	Arabic	4
Tafseer	2	Tafseer	2
Hadith	3	Islamic Law	2
Islamic Philosophy and Philosophers	3	Islamic Philosophy and Philosophers	3
Kalam	3	Kalam	4
History of Islamic Creeds	3	Religious Philosophy	2
History of Islamic Institutions	2	Religious and Turkish Music	2
History of Philosophy	2	Pedagogy	2
History of Religion	2	History of Turkish Reform	2
History of Islamic and Turkish Arts	2	History of Sciences	2
	26		25

### c — Religious Education Between 1951-1971

In 1950, the change of the party in power for the first time, caused important developments in education especially in religious education. The practice of secularism in a very hard way and against the religious education was not profitable for Turkey at all. People believed that the educational system which can progress Turkey, is only the educational system that brings up skillful persons and that necessary steps can be taken by hearing the realities of the country. Another reality which was understood in the field of religious education is that the Turkish people are muslim and willing to remain muslim. A practice contrary to this reality is a false reasoning (17).

With the agreement dated 13.X.1951 and no 601 by the commission of the principles of the Ministry of Education, Imam-Hatip School of seven years —the first period being 3 and the second period being 4 years— after elementary schools appeared. On number increased. These schools have been encouraged and supported by public. Weekly total hours of the amount of the lessons related to religious sciences in these school are as following :

FIRST PERIOD	I	II	III	
Religion Class	3	3	2	hours
Arabic	3	3	3	
Quran	3	3	3	
Ethic	1	1	1	
	10	10	9	
SECOND PERIOD	I (4)	II (5)	III (6)	IV (7)
Quran	5	4	4	5 hours
Arabic	4	4	3	3
Aqaid (doctrines of Islam)	—	—	2	—
Kalam	—	—	—	2
Religion class (Five pillars)	2	2	2	—
Fiqh	—	—	—	2
Tafseer	—	2	2	2
Hadith	—	2	2	2
Islamic History and Moral	2	—	—	—
Rhetoric	—	—	—	2
	13	14	15	18

Detailed subjects about fiqh are as following :

The science of fiqh and its branches (Worshipping, transactions, criminal law).

Taharah and five pillars (Ibadah) of Islam and other subject related to them.

The birth of Fiqh and its growing. The commands of Prophet Muhammed (peace be upon Him). The very famous companions on Fiqh. The teaching of fiqh in early periods of Islam, and new movements and activities on the science of fiqh. Well known scholars on Fiqh in the second and the third century of Islam. Famous Fuqaha (i.e. lawyers) among the Turks.

Islamic jurisprudence and its definition and subject. Its birth and subject. The necessity of Usul al-Fiqh and its aim.

The sources of Islamic law and of Jurisprudence.

Islamic Creeds, Ijtihad, Who is mujtahid. The schools of Kufa and Madinah in the history of Islamic law. Four Islamic Creeds (i.e. Hanafiyyah, Malikiyyah, Shafiiyyah, Hanbaliyyah) and their founders. The differences among them. etc.

Other subjects relating to fiqh are taught either within the religion class, or Tafseer or Hadith.

Honourary and formal Quran Courses have begun to progress steadily dating from 1951. In these courses the educational period is at least one year and elementary school graduates and candidates over 16 years are admitted to lessons to be taught :

Quran and its practice, Tajweed and correction or letters, Quran recite, Aqaid (Bases of faith), Religion classes (on five pillars), Seerat al-Nabi (i.e. Islamic History).

With the demand of the people who could not have sent their children to either Imam-Hatip School or Quran Course, dating from 1956, Optional religion classes one hour a week, to the IV th. and the VII th. grades of secondary school and training schools have been programmed. The aim hoped has been to give basic Islamic knowledge to the young minds.

In 1959 for the first time High Islamic Institute has been established only in Istanbul by Act No 7344. The education is

four years and the number of this Institute has reached to seven. Weekly total lectures hours according to the grades are as following :

LECTURES	GRADES : I	II	III	IV
Quran	4	4	—	—
Tafseer	—	—	3	4
Hadith	—	—	2	5
Fiqh	—	—	3	2
Kalam and Islamic Thought	—	2	2	2
Islamic Mōrals	2	—	—	—
Siyar al-Nabi and Islamic History	3	2	—	—
History of Islamic Creeds	—	—	3	—
Mysticism and Its History	2	2	—	—
Islamic and Turkish Literature	3	2	2	—
Rhetoric and Initiation	—	—	—	2
Professional Turkish Song (Music)	2	1	—	—
Arabic and Arabic Literature	5	5	4	4
Persian	3	3	—	—
Philosophy and Logic	2	2	—	—
Psychology of Religion	—	—	2	—
Sociology of Religion	—	—	—	2
History of Religions	—	—	2	—
History of Islamic and Turkish Culture	3	—	—	—

There are also some other lectures dealing with non religious subjects.

Detailed program of the Fiqh is as following :

### **At the Grade 3rd.**

Introduction, Fiqh and the meaning of the term of «FIOH». Legal system around the Arap Peninsula at the beginning of Islam.

The birth of Fiq. Position of Fiqh at the period of Prophet and at the period of Khulafai Rashideen till being established of Abbasids, and Its practice during those periods. The schools of Fiqh and its practice in early Abbasids.

Fiqh and its practice during Saljooq State and Ottoman Empire. Majallah and transition to the secular Civil Code.

Public and Private Law and Fiqh al-Islami.

Islamic Creeds : Main Islamic creeds in Islamic law and their founders i.e. Imams and the main opinions of each one. Main sources of each creeds.

Tahara, five pillars of Islam in detail. Some other religious behaviours and manners. Some Islamic legal institutions like waqf, inheritance, testament.

### **At the 4th. Grade :**

Islamic Jurisprudence, its definition and purpose. Main Sources of Fiqh (i.e. Adillah al-Arbaah). Other sources of Fiqh.

Some informations on the usages of Islamic Jurisprudence.

Introduction to main important Fiqh Books and their being introduced to the student.

In 1967 again with the demand of the public, optional religion class one hour a week to the IX and Xth grades of High schools and all Training Schools have been programmed. The aim has been to supply the knowledge at the VI and VIIth grades, and to give more detailed knowledge.

In 1971, faculty of Islamic Sciences of five years as a branch of Erzurum University was opened. High Schools and Training Schools graduates can be registered to it to be its candidate. Its curriculum is as following :



a) Main lectures

Grade I	Weekly	Grade II	Weekly
Arabic	18 hours	Arabic	7
Quran	4	Quran	2
Turkish composition and Stylistic	2	Islamic History	2
	<u>24</u>	History of Philosophy	3
		Ottoman Dialect	3
		Turkish Islamic Literature	3
		Turkish - Islamic Arts	3
		Bases of Islamic Religion	2
			<u>25</u>

Grade III	Weekly
Arabic	4
Tafseer	2
Hadith	2
Islamic Law	2
Islamic History	3
History of Islamic Creeds	2
History of Religion	2
Problems of Philosophy	2
Logic	2
Psychology of Religion	2
Paleography and Epigraphy	2
	<u>25</u>

THE DEPARTMENT OF TAFSEER AND HADITH

Grade IV	Weekly	Grade V	Weekly
Arabic	4	Arabic	5
Tafseer	4	Tafseer	4
Hadith	4	Hadith	4
Islamic Law	4	Islamic Law	4
Islamic Philosophy	1	Kalam	2
History of Mysticism	2		19
Kalam	2		
Psychology of Religion	2		
	23		

THE DEPARTMENT OF KALAM AND ISLAMIC PHILOSOPHY

Grade IV	Weekly	Grade V	Weekly
Arabic	4	Arabic	5
Tafseer	2	Tafseer	2
Hadith	2	Islamic Law	2
Kalam	4	Kalam	4
Islamic Law	2	History of	
Problems of Philosophy	2	Mysticism	3
Islamic Philosophy	5	Islamic Philosophy	3
Sociology of Religion	2		19
	23		

Optional Lectures

Grades	The name of Lecture	Weekly
II	Physics or Astronomy	2
III	Biology or Hygien	2
IV	Persian or Esthetics	2
V	History of Social or Economical Doctrines, or Civil Code	2
		8

The way of teaching of these lectures, taught either at The Faculty of Divinity or at The Faculty of Islamic Sciences, such as Fiqh, Islamic Law, Islamic Jurisprudence or Comparative Islamic Law, depends on the ability of lecturer and general educational situation. All subjects of Sharia are, however, taught to fellows during the course of education.

Consequently, during the period of 1951-1971 religious education and the education of Islamic Law took place as shown in the programmes. Quranic Courses and Imam-Hatip Schools that deal with the basic religious training of the youth and the public, prepare fellows to the high educational institutions and employees to the Office of Religious Affairs; at the same time they educate their students to be Imam-Hatips (leading prayer) and teachers of Quranic Courses. As for High Islamic Institutes, Faculty of Divinity and of Islamic Sciences, they educate their attendants as skillful and specialist religious personal, Mofti, Waiz and religion teachers to junior and senior secondary schools. Besides in both faculties post-graduate and master about Islamic subjects are done. As a matter of fact, since the foundation of the Faculty of Islamic Sciences 1971 studies at the level of Ph D only in the field of Islamic Law on the following subjects have been done and finished :

- 1 — Islamic Land Law and Its Practice during the first two centuries.
- 2 — Humanitarian Principles in Islamic Criminal Law.
- 3 — The Rising of Islamic Justice Organisation and Its Activities.
- 4 — The Problem of Nash (Abolition) in the Hadith.
- 5 — Maintenance Between Wife and Husband and Disputes Rising from the Maintenance.
- 6 — The Contracts of Salam and Istisna in Islamic Law.

A short statistic of institutions dealing with religious education in this period is as following :

Institutions	Years					
	1951	1955	1960	1965	1970	1971
Quranic Courses	237	649	1117	1869	2920	3197
Imam-Hatip Schools	7	16	19	30	70	72
Faculty of Divinity	1	1	1	1	1	1
High Islamic Institute	—	—	1	3	5	5
Faculty of Islamic Sciences	—	—	—	—	—	1

(18)

#### d — Religious Education in 1971 and Afterwards

There has not been an important change usually in name and program in the institutions dealing with religious education during this period. But Imam-Hatip Schools that opened with an agreement from the beginning 1951, were wanted to be changed in various ways according to the conduct of the political parties in power, and finally one of these desired changes turned out to be true with the agreement dated 4th of August 1971 No. 225 by the Instruction and Training Office. According to this agreement the first part of these schools were completely abolished, the second part was changed to be a high school of four years after ordinary secondary schools of three years and the amount of religion classes increased in the program.

The graduates of these Imam-Hatip High Schools that continued the education for 2 years in this way, were thought to be incapable of the divine services, that no graduate of secondary schools would want to select these schools and for these reasons Imam-Hatip Schools that showed an important progress up to that time would stop for a time. For such reasons the coalition government in 1974 again decided to open the first part of the school like the ones during 1951-1971 period of which program has

(18) Schools of Religious Education within the Graphics, 1951-1970. Statistical Yearbook of Turkey 1975. Ahmed Yucakok, op.cit. Affix

been written on the page 126 of this article. All the schools, built and supported financially by public, were opened every where.

According to the statistics the institutions that give religious education in 1971 and afterwards are as following :

Institutions	Years				
	1972	1973	1974	1975	1976
Quranic Courses (19)	3220	3300	3500	3900	over than 4000
Imam-Hatip High Schools (20)	72	72	72	171	280
High Islamic Institutes	5	5	5	6	7
Faculty of Divinity	1	1	1	1	1
Faculty of Islamic Sciences	1	1	1	1	1

#### **THE PLACES GRADUATES OF RELIGIOUS INSTITUTIONS MAY BE APPOINTED**

There was only Imam-Hatip School where Islam was taught between 1924-1930, and the reason why of its being closed was that graduates from it was not appointed to any job. The main reason of increasing of religious institutions in number and in sorts from 1951 have been those; general demands of heads of the muslim families to well educate their decandents who were deprived of religious education during several years in Islamic view point and also same demand to religious informations and to be found some places where graduated persons from those institutions are appointed, as such :

An adult person who graduated from Quranic Course and memorised the whole Quran is appointed either as a teacher of Quranic Course or Imam or muezzin (anouncer of the hours of prayer). In another words he is regarded a government officer in the Organisation of Religious Affairs.

(19) Approximately.

(20) Statistical Yearbook of Turkey. 1975.

An adult person, who graduated from the first period of Imam-Hatip School of seven years is appointed as an Imam to the mosque either in village or in town and city, or he is employed in the Organisation of Religious Affairs. A person who graduated from the second period of Imam-Hatip School of seven years is directly appointed to the same jobs and in addition to those he is also appointed as a mofti of town or vice mofti of city or waiz after taking a special exam organised by the Religious Affairs Office, for this purpose. Many graduates of Imam-Hatip School of seven years may normally be candidated for Universities after taking special exam.

A graduate of either High Islamic Institute or of Faculties of Divinity or of Islamic Sciences may get any job either from the Organisation of Religious Affairs or from the Organisation of Ministry of Education or from the Organisation of General Director of Awqaf.

There is government grant to each student who studies either at Imam-Hatip (High) School or at High Islamic Institute and at the Faculty.

Boy and girl may be candidated to the Quranic Course, Imam-Hatip School, High Islamic Institute and to Faculties.

During the last decade the amount of student in the above mentioned institutions is as following :

Years		Institution				
		Quranic Courses (1)	Imam-Hatip Schools	High Islamic Institute	Faculty of Divinity	Faculty of Islamic Sciences
1966 - 1967	Male	unknown	20233	1064	unknown	—
	Female	—	—	—	—	—
1967 - 1968	Male	55030	28045	1167	unknown	—
	Female	unknown	141	—	»	—
1968 - 1969	Male	56169	36306	1299	»	—
	Female	unknown	275	—	»	—
1969 - 1970	Male	54210	41886	1672	»	—
	Female	unknown	557	—	»	—
1970 - 1971	Male	48468	48455	2172	»	—
	Female	unknown	853	—	»	—
1971 - 1972	Male	43502	45983	2255	472	31
	Female	unknown	852	1	44	—
1972 - 1973	Male	unknown	37837	unknown	unknown	78
	Female	unknown	482	unknown	unknown	2
1973 - 1974	Male	»	34221	»	»	155
	Female	»	261	»	»	5
1974 - 1975	Male	»	unknown	1557	505	330
	Female	»	»	2	62	7
1975 - 1976	Male	»	»	unknown	unknown	635
	Female	»	»	»	»	15 (2)

(1) It includes only the enrollments of Official Quranic Courses. The enrollments of the honorary Quranic Courses are unknown.

(2) Schools Of Religious within the graphics 1951-1970. Statistical Yearbook of Turkey. Statistics of Education and Culture, 1971-1972 and 1974-1975.

## **LIVING INSTITUTIONS OF ISLAMIC LAW IN MODERN TURKEY**

In spite of being repelled the sharia by the Civil Code of Modern Secular Turkey since 4th of October 1926 and in spite of having no official religion of the state, some parts of Islamic law still live either directly or indirectly in the muslim society and are practiced. Some of those institutions are as following :

### **a — AWQAF**

The rules of Turkish Civil Code, brought from the Code Civil of Switzerland have not been encouraging the people to bestow their property as a charity or waqf and have not been enough replying to the demand of muslim people. For this reason within the Act of Waqf numbered 2762 and enacted in 1935 and within the Act of General Director of Awqaf and Its Organisation and Duty, numbered 6760 some important amendments have been done and brought. Similar rules to the some one, which had been practiced in the Ottoman Empire, were reenacted and are still practiced. During the last decade there are very many foundations and Awqaf have been established aiming to help to the poor and needy people and students and to the defence of the Turkish Republic.

### **b — The Article 110 of Turkish Code Civil says that :**

«The official of Marriage must immediately give marriage lines showing marriage contract to the husband and wife by the end of wedding ceremony. The religious wedding ceremony may not be done without showing the marriage lines. Nevertheless the completeness of marriage is not depend on being done of religious wedding contract»: By this way religious marriage contract lives indirectly among the muslim people and is practiced.

c — The rules of Turkish Code Civil dealing with inheritance is not obligatory for inheritors. That is why they can divide an inheritance according to their demand. Muslim people usually inherit the inheritance obeying to the Islamic inheritance rules. If a dispute arises among them on division and the problem is taken before judge, the judge must solve the problem by applying



the inheritance rules of Turkish Code Civile. The problems of inheritance arisen before 4th of October 1926 have to be solved according to Islamic inheritance law. This is order of article 1st of Act no 864.

d — The Land Law dated 1274h/1856 a.d. and based on the principles of Islam was enacted and practiced by Ottoman judges during that period. Some of its rules dealing with land, pasture, forest, summer pasture and winter quarter for animal are still living in practice and applied by the secular Turkish Courts through diligences (21).

e — The act of Religious Affairs Office and Its Organisation and Duty, numbered 633, contains some conditions on a person whom is appoints to a job. For instance article 22 says that :

Anyone who is appointed either as the Head of Religious Affairs or is employed as an ordinary officials in its body, must be known like a man who has righteous belief and worship, and appropriation of his deeds and behaviour to the Islamic customs, must be known by his environment».

## CONCLUSION

The religious education and in particularly the teaching of Sharia have gone through very different phases in the secular Turkish administration. The idea of appointing a well educated Imam, leading the prayer, chosen among the villagers to every village mosque and releasing the people from every wrong ideology and keeping them in safe has become strong step by step in the mind of intelligentsia and of politician (22). To be given of religious education to young generation has never been regarded betraying of secularism and repealing of modernisations. The poli party system has normally affected on the religious education in modern Turkey.

«Enlightened Turk whose ideology is courage, abandonment, humility, redemption, patience, resolution, belief, tolerance, intelligence and well understanding and who has following virtues;

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(21) Ali Şafak, *Islamic Land Law and Its Practice in Early Islam*, Istanbul 1976, pp. 27, 28.

(22) Mumtaz Turhan, *op. cit.* p. 138.

right information, very many directness, spacious thought, mode of seeing very far, capability of being leader and making himself being pursued, and is full up with human love, and makes the problem of others as his problem, and works within enthusiasm and pleasure, and is never lost at his environment of which he desires is the highest guarantee of this beautiful country which is desired to be changed to a kind heaven. He is the only conquerer of it» (23).

In today's Turkey, to educate above mentioned youth of which qualities are mentioned by the Prime Minister, many important developments have been done in national education during the last two decades. Optional religion class one hour in a week in the IVth and Vth years of primary school and in the VIth, VIIth, IXth and Xth years of secondary schools and of training colleges is taught by the staffs of this class, and main informations on the principles of Islam and Iman (i.e. faith and worship) and other important subjects are taught in the secular Turkey of today's at present. There is obligatory moral (ethic) class in every year of all sorts of secondary school (including the Training Colleges and Imam-Hatip School), and the principles of Islamic ethic and national custom are comparatively taught with the principle of modern ethical ideology by specialist who usually specialised in Islamic sciences.

The foundations in which religious education is taught at present are these: a — Official and Honourary Quranic Courses over than four thousands. b — Imam-Hatip Schools over than 280. c — Seven High Islamic Institutes. d — One Faculty of Divinity. e — One Faculty of Islamic Sciences (all information on the curriculums was written before).

Positive effects of a person who graduated from one of those institutions of which curriculms and department are still need to be improvements, may obviously be seen on the muslim people, in particularly on the intelligentsia day by day.

«While listening speeches and preachings of our young graduates from either Imam-Hatip School or High Islamic Institutes

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(23) Sulayman Damiral (Prime Minister of Turkey), The Academies of Islamic Sciences, Istanbul 1968, p. 2.

or Faculties of Divinity (or of Islamic Sciences) and while reading their articles in newspaper and in magazines I much more well understand that today is better than yesterday and fully believe that our future will be the best one and will arrive to perfection» (24).

The religious education in the secular Turkish Republic is as such now adays.

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(24) M. Raif Ogan, The Leaflet of the Academies of Islamic Sciences, p. 26.