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Awareness of and Support for Human Rights Among Turkish University Students*

Arif Payaslyođlu**
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I. INTRODUCTION

Human rights have a high place on the agenda of the world today. In the eyes of their defenders they are a *sine qua non* for the peace and the welfare of mankind and for democratic ideals. On the other hand the human rights records of many countries are still very poor and in some cases even scandalous. Thus the promotion and the reinforcement of human rights, their propagation, cultivation, and protection everywhere, depend upon the ceaseless efforts of all those concerned, including both official authorities and civil societies alike. As part of these efforts, studies on the attitudes of strategic social groups such as youth, women, and minorities with regard to human rights may provide some useful information and clues for both theoretical understanding and practical, preventive, and corrective purposes.¹ In view of this, the present study attempts to uncover certain facts concerning the awareness of and the support for human rights in one such strategic group in Turkey: university students.²

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1. See, e.g., JACK DONNELLY, *UNIVERSAL HUMAN RIGHTS IN THEORY AND PRACTICE* 218–23 (1989).

2. The significant role of university student movements in politics is very well-known since the late 1960s. The Tiananmen Square incident in China in 1989 is a recent example. See, e.g., RUTH CHERRINGTON, *CHINA'S STUDENTS: THE STRUGGLE FOR DEMOCRACY* (1991).

Turkey, after a bold jump from a single-party authoritarian system to a multiparty democratic regime in 1945, has faced serious political, economic, and social problems.³ Up until now these problems included three coups d'État, two new constitutions, leftist terrorism, a fourteen-year-old Kurdish separatist movement, the rise of political and radical Islam, troubled relations and conflicts with almost all her neighbors, and serious violations of human rights.⁴ Since the current Constitution went into effect in 1982, the armed Kurdish separatist movement in the southeastern and eastern regions of the country and the rise of the political-radical Islam have become first-rank public issues, with repercussions both in and outside Turkey.⁵ The consequences of radical Islam versus secularism is one of the main concerns of this study and will be discussed in some detail.⁶ In fact, throughout this study there will be relatively less emphasis on the Kurdish issue, and more on the Islamist-secularist debate. This is mainly because of the authors' perception of the increasing importance of the latter issue and need for a study of this kind. As to the Kurdish movement we may say that it has been one of the most prominent sources of complaints of human rights violations in Turkey.⁷ The Turkish governments have seen this movement as a clear rejection of the non-amenable constitutional principle that states that "[t]he Turkish State, with its territory and nation, is an indivisible entity."⁸ They view the movement as one engaging in terrorist-criminal acts, punishable in terms of the Criminal Code by the death penalty and necessitating a forceful response by the government.

In some of these socio-political events, sizeable groups of university students played a significant role as actors and instigators as well as the

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3. For some details of the socio-political background of Turkey since the mid-1940s, see METIN HEPER, *THE STATE TRADITION IN TURKEY* 83–148 (1985); Metin Heper, *State and Society in Turkish Political Experience*, in *STATE, DEMOCRACY AND THE MILITARY: TURKEY IN THE 1980s*, at 1 (Metin Heper & Ahmet Evîn eds., 1988); Andrew Mango, *Understanding Turkey*, 18 *MIDDLE E. STUD.* 194 (1984); LUCILLE W. PEVSNER, *TURKEY'S POLITICAL CRISIS: BACKGROUND, PERSPECTIVES, PROSPECTS* (1984).
 4. See sources cited *supra* note 3; FERAZ AHMAD, *THE MAKING OF MODERN TURKEY* (1993); Metin Heper & E. Fuat Keyman, *Double-Faced State: Political Patronage and the Consolidation of Democracy in Turkey*, 34 *MIDDLE E. STUD.* 259 (1998); WILLIAM HALE, *TURKISH POLITICS AND THE MILITARY* (1994).
 5. See M. Hakan Yavuz, *Turkey's "Imagined Enemies": Kurds and Islamists*, *WORLD TODAY*, Apr. 1996, at 99; AHMAD, *supra* note 4, at 218–19; Burhanettin Duran, *Approaching the Kurdish Question via Adil Duran: An Islamist Formula of the Welfare Party for Ethnic Coexistence*, 18 *J. MUSLIM MINORITY AFF.* 111 (1998).
 6. On the recent question of Islamists versus secularists in Turkey, see Maryann Bird, *Turkey on the Brink*, *TIME* (Int'l ed.), 12 Jan. 1998, at 14.
 7. See HUMAN RIGHTS FOUNDATION OF TURKEY, *HUMAN RIGHTS REPORT 1995*, at 47–148 (1997) (detailing the human rights violation dimension of the Kurdish question).
 8. TÜRKİYE CUMHURİYETİ ANAYASASI [Constitution] art. 3, ¶ 1 (Turk.), *reprinted in XIX CONSTITUTIONS OF THE COUNTRIES OF THE WORLD* (Albert P. Blaustein & Gisbert H. Flanz eds., 1994) [hereinafter *TURK. CONST.*].

victims and the persecuted. For instance, in the turmoil leading to the three coups d'Etat, students participated in leftist (gauchist?) and racist (chauvinist?) terrorism, in Kurdish movements, as subjects and propagators of fundamentalist religious propaganda, and have been objects of police brutality.⁹ In recent years the majority of university students seem to be pacified politically, which had been one of the aims of the makers of the 1980 coup and of the then-current Constitution—a constitution that barred university students and teaching staff from being members of political parties until its 1995 abrogation.¹⁰

Besides general events and the political, social, and economic atmosphere in the country, certain developments in the student sphere have particularly affected students in higher education. These have been rapid expansion of both the state and private universities in number and location, considerable increase in student enrollment, centralized administration of all state universities by a constitutionally backed Higher Education Council, and, most of all, a nationwide competitive entrance examination for access to all state and even private universities.¹¹ These examinations relate closely to most of the other developments in higher education, including the tremendous proliferation of private pre-exam preparatory courses, which is currently a very profitable business. The following are some of the facts and figures pertaining to the above-mentioned points. There were fifty state and four private universities in Turkey in 1996. The following year, 1997, saw the establishment of thirteen new private universities. The number of students enrolled in the fifty-four universities in 1996 was 1,236,986, of which 755,205 (sixty-one percent) were males and 481,781 (thirty-nine percent) were females. Again in 1996, approximately one and a half million applicants took the university entrance examination, but the universities' undergraduate programs only admitted 187,691, and the programs of the Open Education Faculty admitted 144,404. Thus the overall admission ratio of admission over applicants was only about twenty-five percent. This low rate has several implications for the social and political positions of university students in Turkey. These students are the product of a very competitive system. Consequently, they have some considerable power and privileges that they enjoy in their social environment. Finally, they find

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9. See, e.g., HALE, *supra* note 4, at 106–07, 176–78, 224–28; Robert W. Olson, *Al-Fatah in Turkey: Its influence on the March 12 Coup*, 9 MIDDLE E. STUD. 197 (1973); Nihat Erim, *The Turkish Experience in the Light of Recent Developments*, 26 MIDDLE E. J. 245, 248–49 (1972); AHMAD, *supra* note 4, at 171, 210, 219.
 10. See, e.g., AHMAD, *supra* note 4, at 156; Feroz Ahmad, *Politics and Islam in Modern Turkey*, 27 MIDDLE E. STUD. 8 (1991).
 11. See EUROPEAN CENTRE FOR HIGHER EDUCATION (CEPES), UNESCO, HIGHER EDUCATION IN TURKEY (1990); STUDENT SELECTION AND PLACEMENT CENTER (ÖSYM), THE 1995–1996 ACADEMIC YEAR HIGHER EDUCATION STATISTICS (1996).

themselves in a position in which they can develop critical and strategic perspectives toward the socio-political issues in the country.

II. HUMAN RIGHTS ISSUES IN TURKEY: AN OVERVIEW

Before we begin to describe the scope, method, and the findings of our survey, it may be appropriate to make certain points about Turkey's human rights record and problems in recent decades. In the early 1990s, Charles Humana indicated in the *World Human Rights Guide* that Turkey had a human rights rating of forty-four percent, well below the world average of sixty-two percent.¹² The same report pointed out that despite the Turkish government's claim that the human rights situation had improved since the 1980 military coup, the situation in reality had hardly changed.¹³ Some have argued that the most flagrant abuses of human rights in Turkey's recent history have taken place in the last two decades.¹⁴ In the late 1970s, the country saw unstable governments as well as an increase in political alignments, armed struggles, and political violence, all of which were to become the reasons, or the excuse, for the ensuing military intervention of 1980.¹⁵ The years following the military intervention saw the creation of a new constitution, the changing of laws, unjust trials, and many other abuses, all under the pressure of military law.¹⁶ The most flagrant violations of human rights in Turkey after 1980 include the realization of capital punishment, cases of torture and physical abuse, terrorist actions, and a number of mysterious and unsolved murders, all of which have significantly increased during the past several years.¹⁷

As reported by Amnesty International in the early 1990s, in Turkey the government claimed that the walls of its police stations would be "made of glass" as a part of its commitment to end torture, yet the number of people who suspiciously died in prisons and police stations rose during this time, and new patterns of political killings by "unknown" forces emerged in the Kurdish-dominated region of the Southeast in Anatolia.¹⁸ The Kurdish

12. CHARLES HUMANA, *WORLD HUMAN RIGHTS GUIDE*, xvii, xix, 334–37 (3d ed. 1992).

13. *Id.* at 335.

14. *See, e.g.*, TURKISH HISTORY FOUNDATION, *HUMAN RIGHTS IN TURKEY: A PHOTOGRAPHIC ACCOUNT* (1995).

15. *See* HALE, *supra* note 4, at 224–28.

16. For a related discussion, *see, e.g.*, *id.* at 251–59; AHMAD, *supra* note 4, at 181–212; HUMANA, *supra* note 12, at 335.

17. *See, e.g.*, AHMAD, *supra* note 4, at 184–85; AMNESTY INTERNATIONAL, *AMNESTY INTERNATIONAL REPORT 1992*, at 257–60 (1992); HUMAN RIGHTS WATCH, *HUMAN RIGHTS WATCH WORLD REPORT 1996: EVENTS OF 1995*, at 239–47 (1995).

18. For this information, and discussion of other human rights abuses in the succeeding text, consult the annual reports of Amnesty International, particularly AMNESTY INTERNATIONAL, *AMNESTY INTERNATIONAL REPORT 1987*, at 315–20 (1987); AMNESTY INTERNATIONAL, *AMNESTY INTERNATIONAL REPORT 1991*, at 228–30 (1991); AMNESTY INTERNATIONAL, *AMNESTY INTERNATIONAL REPORT 1993*, at 290–92 (1993).

conflict has persisted in the form of guerrilla movements and limited warfare between the Turkish government and the Kurdish Workers' Party (PKK). The PKK was often given as the main reason for the common human rights abuses, including comparable killings by both the guerrillas and the security forces. In addition, there had been many claims of "death sentences without due trial" in the first half of the 1990s.¹⁹ Within this background, in fact, many international governmental and nongovernmental organizations have directed criticism toward human rights violations in Turkey. In addition, in the late 1980s and early 1990s, the public and various organizations in Turkey also became increasingly vocal regarding the need to improve the country's human rights record. It is within this context, for instance, that a human rights association was established on 17 July 1986. In 1987, the government made it possible for individuals to file personal complaints against the state directly to the European Human Rights Commission.²⁰ Then, in 1989, the government decided to accept the rulings of the European Human Rights Court as binding.²¹ The following year brought the establishment of a Parliamentary Commission on Human Rights,²² and the Turkish Human Rights Foundation.²³ After accepting the 1990 Charter of Paris for a New Europe,²⁴ Turkey began to introduce changes to harmonize the Turkish administrative and legal system with the European human rights regime. For instance, in 1991, a State Ministry was set up on the issue of human rights.²⁵

For almost every year in the 1990s, Amnesty International has claimed that there was an escalation in human rights violations against civilian Kurdish villages in southeastern Turkey.²⁶ In Turkey, several organizations mentioned that infringements of basic human rights continued in the country. For instance, in 1993, the chairman of the Human Rights Association said that "extrajudicial killings, torture at police stations, unsolved

19. AMNESTY INTERNATIONAL, AMNESTY INTERNATIONAL REPORT 1991, at 230–31 (1991).

20. The Council of Ministers, in Resolution No. 87-11439 of 22 January 1987, recognized the right for individuals to take complaints to the European Human Rights Commission. See OFFICIAL GAZETTE OF THE TURKISH REPUBLIC, 27 Sept. 1989, No. 20295, Joint Decree of the Council of Ministers, Decree No. 89-14563, at 6 (providing details on this Resolution).

21. The Turkish government recognized the decisions of the European Human Rights Court as binding by an Executive Decree having the Force of Law, No. 89-14563, dated 22 January 1987. See OFFICIAL GAZETTE OF THE TURKISH REPUBLIC, 27 Sept. 1989, No. 20295, Joint Decree of the Council of Ministers, Decree No. 89-14563, at 6.

22. Law 3686 of 5 December 1990 set up the Commission. See OFFICIAL GAZETTE OF THE TURKISH REPUBLIC, 8 Dec. 1990, No. 20719.

23. For a brief history of the Turkish Human Rights Foundation and its recent activities, see HUMAN RIGHTS FOUNDATION OF TURKEY, *supra* note 7.

24. Charter of Paris for a New Europe, adopted 21 Nov. 1991, Conference on Security and Co-operation in Europe, reprinted in BASIC DOCUMENTS ON HUMAN RIGHTS 474 (Ian Brownlie ed., 3d ed. 1992).

25. See Ergun Ozbuden, *Democratization of the Constitutional and Legal Framework, in THE THIRD TURKISH REPUBLIC* 41, 46–47 (Metin Heper & Ahmet Evin eds., 1994).

26. See *Human Rights Diary*, TURKISH PROBE, 13 July 1993, at 17.

murders, and inhumane treatment of prisoners continue; the freedoms of thought and of the press are still being encroached upon; the Kurdish question is planned to be solved through military means instead of through peaceful means."²⁷

Meanwhile, the human rights issues became a key element in Turkey's international relations. For instance, in 1994, the Deputy Chairman of the European Parliament Commission, Ole Espersen, said that because of continuing human rights violations, Turkey's membership in the Council of Europe should be canceled.²⁸ The Turkish ambassador in Denmark, Faruk Logoglu, responded to Espersen by saying that such an action would only benefit the PKK and the supporters of radical Islam.²⁹ In fact, in addition to the Kurdish question, the rise of Islam also started to contribute to the human rights issues in the country by the mid-1990s.³⁰ The State Minister responsible for human rights, Azimet Köylüoğlu, announced the establishment of a human rights advisory department in 1994, connected to the Prime Ministry.³¹ The commitment to the improvement of human rights in the country increased in the mid-1990s. In 1995 the Parliament passed an amendment to Article 8 of the Anti-Terrorism Law, relaxing the Law's restriction on freedom of thought.³² Both national and international organizations have signaled improvement in the overall Turkish human rights situation in the mid-1990s, but admitted that problems remained, particularly in terms of torture claims and freedom of expression.³³

Two major recent developments relate directly to the human rights issue in Turkey. The first was the European Union (EU) announcement in December 1997 that, among other reasons, Turkey's questionable human rights record was precluding her EU candidacy.³⁴ The second related to the decision taken in January 1998 by the Constitutional Court to close down the Islamist Welfare Party.³⁵ The Court's decision has drawn wide criticism regarding its human rights implications.³⁶

27. *Human Rights Diary*, TURKISH PROBE, 3 Aug. 1993, at 18.

28. *See Avrupa Parlementosunda Turkiyede Insan Haklari Tartismasi (Debating on Human Rights in Turkey at the European Parliament)*, CUMHURİYET, 27 July 1994, at 3.

29. *See id.*

30. *See, e.g.*, HUMAN RIGHTS WATCH, HUMAN RIGHTS WATCH WORLD REPORT 1998: EVENTS OF 1997, at 294 (1998).

31. *See Avrupa Parlementosunda Turkiyede Insan Haklari Tartismasi (Debating on Human Rights in Turkey at the European Parliament)*, TURKISH DAILY NEWS, 28 Aug. 1994, at 5.

32. *See Hugh Pope, Turkey: Progress or Cosmetics*, MIDDLE E. INT'L, 3 Nov. 1995, at 13.

33. *Issues of TURKISH PROBE*, particularly in 1996 & 1997, explore these issues.

34. *See Bird, supra* note 6.

35. *See Constitutional Court Decision*, Base No. 1998/2, Decision No. 1998/1, Decision Date: 9.1.98, No. 23266, OFFICIAL GAZETTE OF THE TURKISH REPUBLIC, 22 Feb. 1998, at 19-348.

36. *See, e.g.*, Nicole Pope, *Turkey Refah Banned*, MIDDLE E. INT'L, 30 Jan. 1998, at 14, 14-15.

III. SCOPE AND THE METHOD

A. The Research Instrument

The research used a questionnaire consisting of twenty items to ascertain the level of awareness and support for human rights among university students.³⁷ Of these twenty items, ten came from the provisions of the current Turkish Constitution's "General Principles" and "Fundamental Rights and Duties" sections, including equality before the law without any discrimination with respect to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any similar considerations (Article 10);³⁸ inviolability and inalienability of the fundamental rights and freedoms (Article 12);³⁹ prohibition of torture, ill-treatment, and inhuman penalties (Article 17);⁴⁰ right of the detained and arrested persons to be notified about the cause of their detention or arrest (Article 19);⁴¹ obligation of the state to compensate the persons whose rights in detention or arrest are violated (Article 19);⁴² prohibition of deportation and the right to entry to the homeland for citizens (Article 23);⁴³ freedom of religion and conscience (Article 24);⁴⁴ prohibition of the use or exploitation of religious feelings and sacred things for political purposes and protection of the secular nature of the state (Article 24);⁴⁵ freedom of thought and opinion (Article 25);⁴⁶ prohibition of publication in a language prohibited by law (Article 28).⁴⁷

With two exceptions, the provisions of the Constitution cited above are, in principle, consistent with the fundamental rights found in most international human rights documents. The first exception is the last item; which may conflict with the freedom of expression and with the right of ethnic groups to use their own languages.⁴⁸ The second is the item that prohibits the abuse or exploitation of religion for political or personal influence, as well as prohibits even partially basing the fundamental, social, economic,

37. Ahmet İçduygu & Arif Payaslıoğlu, Youth Human Rights Survey (YHRS) Questionnaire (on file with authors) [hereinafter YHRS Questionnaire].

38. See TURK. CONST., *supra* note 8, art. 10, ¶ 6.

39. *Id.* art. 12.

40. *Id.* art. 17, ¶ 3.

41. *Id.* art. 19, ¶ 4.

42. *Id.* art. 19, ¶ 9.

43. *Id.* art. 23, ¶ 3.

44. *Id.* art. 24, ¶ 1.

45. *Id.* art. 24, ¶ 5.

46. *Id.* art. 25, ¶ 1.

47. *Id.* art. 28, ¶ 2.

48. See International Covenant on Civil and Political Rights, *adopted* 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, art. 27, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (*entered into force* 23 Mar. 1976), *reprinted in* BASIC DOCUMENTS ON HUMAN RIGHTS 134 (Ian Brownlie ed., 3d ed. 1992).

political and legal order of the state on religious tenets. For the purposes of this research, the law concerning the prohibition of publication in a language prohibited by law will be treated as inconsistent with human rights.⁴⁹ However, the provision concerning the protection of secularism will not be treated as one inconsistent with human rights. The provision concerning the prohibition of the abuse of religion for political purposes will not be evaluated as a defect for human rights here. This provision aims at safeguarding the secularism of the state, which is one of the cornerstones of the modern conception of human rights. Secularism is particularly sensitive and difficult to maintain vis-à-vis a totalitarian religious ideology. Such an ideology centers around a religious creed that aims to regulate almost all aspects of social life. For example, many interpretations of Islam purport to control all aspects of one's social life. This forms the justification for limiting political manipulation of religion in Turkey, in which the vast majority of the population is Muslim.

The nature and the sources of the ten other items are as follows. Three items are from the Universal Declaration of Human Rights.⁵⁰ They concern: the protection of the honor and reputation of persons;⁵¹ equality of the rights of spouses in marriage;⁵² and the right to a just and favorable remuneration.⁵³ The Turkish Constitution does not include these provisions, at least not with the same vigor and clarity. However, protection of the honor and reputation of persons is covered in the Civil⁵⁴ and Criminal Codes.⁵⁵ Furthermore, a constitutional provision mentions that the state shall take the necessary measures to ensure that workers earn a fair wage for the work they perform and that they enjoy other social benefits.⁵⁶ In the case of the

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49. The regulation regarding the "publication in languages other than Turkish" has several implications for the Kurdish question in Turkey. Even though in 1991 the state authorities abolished "the Law on the ban of the Kurdish language," in effect since 1983, the use of the Kurdish language remains rather limited. For instance, these limitations take the form of not allowing radio and television broadcasting or education at schools in Kurdish. Consequently, the question of how the free expression of Kurdish ethnic interest is possible under the unitary principle of the Turkish state goes hand in hand with the question of the use of a mother tongue as a human rights issue. For Kurdish activists, the problem lies in Turkey's failure to recognize Kurdish cultural rights, for which the use of mother tongue is very essential. In response to the Kurdish challenges, the Turkish authorities argue that broader, wider language rights might contribute to growing "divisive" sentiments, and therefore that they are not desirable.
50. Universal Declaration of Human Rights, *adopted* 10 Dec. 1948, G.A. Res. 217 A (III), U.N. GAOR, 3d Sess. (Resolutions, part 1), at 71, U.N. Doc. A/810 (1948), *reprinted in* 43 AM. J. INT'L. L. SUPP. 127 (1949) [hereinafter UDHR].
51. *Id.* art. 12.
52. *Id.* arts. 16(1), 16(2).
53. *Id.* art. 23(3).
54. 3 TURKISH CIVIL CODE art. 24 (Turk.) [hereinafter Civ. Code].
55. 7 TURKISH CRIMINAL CODE arts. 480–90 (Turk.).
56. See TURK. CONST., *supra* note 8, art. 55, ¶ 2.

rights of wife and husband, the Civil Code (adopted verbatim in 1926 from the Swiss Civil Code), gives a clearly more privileged status to husbands,⁵⁷ and therefore is not compatible with Article 16 of the Universal Declaration of Human Rights.⁵⁸ Consequently, equality of the spouses in marriage and the right to a just and favorable remuneration, as they are stated in the Universal Declaration, will not be counted as existing in the current Turkish legislation, but the protection of the honor and reputation of persons will.

Two other items emanate from the European Convention for the Protection of Human Rights and Fundamental Freedoms.⁵⁹ These provisions concern the abolition of the death penalty⁶⁰ and the prohibition of collective expulsion of aliens.⁶¹ Although Turkey is a signatory of the Convention, Turkey did not adhere to these protocols concerning the death penalty and aliens, as these two aspects were added to the protocols after Turkey signed them. The Turkish Constitution clearly permits capital punishment.⁶² Consequently, abolition of capital punishment and prohibition of collective expulsion of aliens are not included in the current Turkish legislation.⁶³

Another item, taken from the Constitution of the Federal Republic of Germany, deals with the forfeiture of certain human rights for persons who abuse them in order to undermine the free democratic basic order.⁶⁴ Although this provision may be considered inimical to the inviolable and inalienable nature of fundamental human rights, in our survey it is positively assessed in evaluating the students' support of basic rights. A provision

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57. CIV. CODE, *supra* note 54, arts. 21, 152–54 (providing, respectively, that the domicile of the wife shall be that of her husband; the husband shall be the head of the family; the wife shall carry the family name of her husband; and the husband shall have the right to represent the family).
 58. UDHR, *supra* note 50, art. 16(1). Apparently in contrast to Turkish law, the Universal Declaration provides: "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and its dissolution." *Id.*
 59. European Convention for the Protection of Human Rights and Fundamental Freedoms, *opened for signature* 4 Nov. 1950, 213 U.N.T.S. 221, Europ. T.S. No. 5 (*entered into force* 3 Sept. 1953).
 60. See Protocol 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms, *opened for signature* 28 Apr. 1983, art. 1, Europ. T.S. No. 114 (*entered into force* 1 Mar. 1985), *reprinted in* 22 I.L.M. 538 (1983).
 61. See Protocol 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, *opened for signature* 16 Sept. 1963, art. 4, Europ. T.S. No. 46, (*entered into force* 2 May 1968), *reprinted in* 58 AM. J. INT'L L. 334 (1964).
 62. TURK. CONST., *supra* note 8, art. 17, ¶ 4.
 63. According to the Turkish Constitution, death sentences passed by the courts can only be implemented upon confirmation by the legislative assembly, the Turkish Grand National Assembly, *id.* art. 87, which has not taken any such decision since 1983, and therefore no death sentence has been executed since that date.
 64. GRUNDGESETZ [Constitution] [GG] art. 18, (F.R.G.) *reprinted in* VII CONSTITUTIONS OF THE COUNTRIES OF THE WORLD, *supra* note 8.

introduced in 1992 into the Code of Criminal Procedure stipulates that the testimonies of the detained and arrested persons should be made solely of their own free will.⁶⁵ This provision prohibits any corporeal or psychological intervention in order to obtain information in interrogations. The provision is also added to the research instrument as a positive point for human rights.

The last three items, formulated by the authors, test the reaction of the students to certain human rights-related current and controversial issues. One of these items describes freedom of religion in the following comprehensive manner: "Everyone shall be free to adopt any religion, to change his religion, or not to believe in any religion and shall have the right to reveal, express and disseminate his beliefs in this respect."⁶⁶ The reasons for the inclusion of this item can be explained in some detail. In general the freedom of religion is worded in most human rights instruments and other legal documents in a rather vague and ambiguous manner. This wording may give the impression that this freedom consists only of the right to choose some kind of a religion.⁶⁷ Even the fact that this freedom includes the right to change or replace one's religion may not be mentioned. When this inclusion is mentioned, it is often because it had to be incorporated into official documents after long debates, as in the case of Article 18 of the Universal Declaration.⁶⁸

In the Turkish Constitution the freedom of conscience and religion is stated thus: "Everyone has the right to freedom of conscience, *religious belief* and *conviction*."⁶⁹ One can see that here, too, there is no mention of changing one's religion. This provision is apt to be understood as if freedom of religion consists of adopting one kind of religion or another. Also, according to the Constitution, "[i]nstruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools."⁷⁰ It is an open secret that under the title of "religious culture and moral education" students in these courses are taught the creeds, rites, and

65. CODE OF CRIMINAL PROCEDURE art. 135(a) (Turk.).

66. YHRS Questionnaire, *supra* note 37, at 2 (Question 10).

67. See, e.g., American Declaration on the Rights and Duties of Man, *signed* 2 May 1948, art. 3, OEA/Ser.L/V/II.71 (1988), *reprinted in* BASIC DOCUMENTS ON HUMAN RIGHTS, *supra* note 24, at 489, 489 ("Every person has the right to freely profess a *religious faith* and to manifest and practice it both in public and in private.") (emphasis added); African Charter on Human and Peoples' Rights, *adopted* 26 June 1981, art. 8, O.A.U. Doc. CAB/LEG/67/3 Rev. 5 (*entered into force* 21 Oct. 1986), *reprinted in* 21 I.L.M. 58 (1982) ("Freedom of conscience, the *profession and free practice of religion* shall be guaranteed.") (emphasis added).

68. For an example of the debates concerning Article 18 of the Universal Declaration, see JOHN P. HUMPHREY, HUMAN RIGHTS AND THE UNITED NATIONS: A GREAT ADVENTURE 67-68, 73 (1984).

69. TURK. CONST., *supra* note 8, art. 24, ¶ 1 (emphasis added).

70. *Id.* art. 24, ¶ 4.

rituals of the orthodox Sunnite Islam for eight years, from fourth grade until the end of high school. This was the intention of the drafters of this Article, as documented by the fact that in its original form this provision included a part that read "for those who do not belong to Islamic religion participation in these courses shall be left to their choice," and this was later omitted.⁷¹

The constitution is ambivalent regarding secularism, in that it strongly affirms it on the one hand and includes provisions for mandatory religious education on the other.⁷² This can hardly be reconciled with the idea of secularism. The state finances the salaries of all the Islamic clerks and auxiliary personnel (who all have civil servant status).⁷³ Various public funds provide indirect, partial assistance for the cost of maintenance, utilities, and at least part of the construction of mosques. There are presently 480 (Islamic) Prayer Leader (*imam*) and Preacher (*hatip*) high schools in Turkey. In 1997, twenty-three percent of students who wrote the university entrance examination were from these religious schools. When the state first established these religious high schools in 1951 (training the Muslim clerics and giving the equivalent of primary school diploma), they only numbered

71. After the Constitution went into effect, however, this omission resulted in the awkward situation where the children of non-Islamic families were taking compulsory education in Islam along with Muslim students. Authorities later corrected this singularity by exempting non-Islamic students from the "Islamic parts" of the "religious culture and moral education" courses. See Resolution of the High Board of Education and Training Concerning the Basic Principles of the Religious Culture and Moral Education, 3 Oct. 1986, 49 *TEBLİDLER DERGİSİ* (COMM. J.), No. 2219, 20 Oct. 1986, at 25–27. Another resolution made in 1990 by the same Board reads: "Religious culture and moral education courses shall not be compulsory for those students who are Turkish citizens belonging to Christian and Judaic faiths and studying in non-minority Turkish primary and secondary schools provided that they document their religious affiliation." 53 *TEBLİDLER DERGİSİ* (COMM. J.), No. 2317, 23 July 1990, at 17–22. This is an indirect admission that the so-called religious culture and moral education courses were teaching pure Islam.

Besides these compulsory courses of religion in primary and secondary schools, the Constitution states that "[o]ther religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives." *TURK. CONST.*, *supra* note 8, art. 24, ¶ 4. Even secularist political parties understand this provision to mean that the state is under the obligation to provide additional religious education if and when it is requested. In other words, it is interpreted not as a matter of discretion for the state to meet such demands, but an obligation that must be honored. As a consequence of this understanding, the government decided to organize special Koran courses through the Presidency of the Religious Affairs in August 1997. As expected, this kind of supplementary or advanced religious education has so far only been requested by Muslims; it would be an interesting test if citizens with other religious affiliations requested similar services from the state.

72. See *TURK. CONST.*, *supra* note 8, arts. 2, 4, 24, ¶ 4.

73. The number of positions totaled 88,591 in 1996. See generally 1996 *STATISTICS OF THE PRESIDENCY OF RELIGIOUS AFFAIRS*, No. 7 (1997). The authors gleaned this figure, and the other statistics in this section, from various parts of the above source.

seven. Eventually they were elevated to high school level. Their numbers and enrollment increased and they began to teach secular subjects along with religious education, so that their graduates could enter any higher education program.⁷⁴

All this is mostly the result of the progressive concessions made to Islamists and conservative groups by the political parties, following the transition to a more or less democratic system. These concessions have been made for several reasons or pretexts: because "ninety-nine percent" of the population in the country is Muslim; to mitigate the too-restrictive applications of secularism; as an antidote to Communism and gauchism; and most importantly, to win the votes of religious and conservative electors.⁷⁵ Today it seems that the effects of these concessions have gone out of control. Although Turkey has been strictly secular since 1928, Islam is becoming the semi-official religion of Turkey.⁷⁶ Furthermore, these concessions are giving rise to an openly Islamic party, the Welfare Party.⁷⁷ The Welfare Party won more than twenty-one percent of the votes in the last election—more than any other party.⁷⁸ The results of these concessions brought the military once again into open and active politics.⁷⁹ Turkey even stood on the brink of another coup aimed at stopping religious reactionary activities. The resignation of the Islamic Party leader as Prime Minister, and the closure of the Welfare Party by the Constitutional Court, averted the coup.⁸⁰ It should be noted, however, that after its closure the Welfare Party continued almost intact under a new name, the "Virtue Party."⁸¹

Under these circumstances and given longstanding religious traditions, many people (and particularly the Islamists) see atheism, non-theism, and the apostasy of a Muslim as great sins, rather than as a natural and logical consequence of the freedom of religion.⁸² At this point one may recall a

74. See Bahattin Aksit, *Islamic Education in Turkey: Medrese Reform in Late Ottoman Times and Iman-Hatip Schools in the Republic*, in *ISLAM IN MODERN TURKEY: RELIGION, POLITICS AND LITERATURE IN A SECULAR STATE* 145, 149–50 (Richard Tapper ed., 1991); see also BINNAZ TOPRAK, *ISLAM AND POLITICAL DEVELOPMENT IN TURKEY* 50 (1981).

75. For the role of political parties in the rise of Islamic values and institutions, see TOPRAK, *supra* note 74, at 91–121.

76. For related discussion, see, e.g., Umit Cizre Sakallioğlu, *Parameters and Strategies of Islam-State Interaction in Republican Turkey*, 28 *INT'L J. MIDDLE E. STUD.* 231, 244–47 (1996).

77. See Metin Heper, *Islam and Democracy in Turkey: Toward a Reconciliation?*, 51 *MIDDLE E. J.* 32 (1997).

78. See *id.* at 32; STATE INSTITUTE OF STATISTICS, REPUBLIC OF TURK., *STATISTICAL YEARBOOK OF TURKEY* 216 (1997).

79. See Heper & Keyman, *supra* note 4, at 270–71.

80. See *id.* at 271.

81. See Nicole Pope, *Turkey, from Welfare to Virtue*, *MIDDLE E. INT'L*, 27 Feb. 1998, at 13–14.

82. Even disregarding religious doctrine, one need only consider the significant criticism that the world's Islamists professed toward authors Salman Rushdie of the United Kingdom and Aziz Nesin of Turkey, both of whom were atheist and often critical of Islam.

General Comment of the UN Human Rights Committee on the scope and meaning of the freedom of religion and belief, protected by Article 18 of the International Covenant on Civil and Political Rights.⁸³ In this Comment, the Committee states that "Article 18 protects theistic, non-theistic and atheistic beliefs as well as the right to not profess any religion or belief."⁸⁴ Further, the Committee attests that this freedom "necessarily entails . . . the right to replace one's current religion or belief with another or to adopt atheistic views" and that any one of these alternatives should not be a cause for discrimination or coercion.⁸⁵

These and several other important points made in this Comment clarify the scope and meaning of freedom of religion. The need for such clarifications supports the above-stated opinion that formulations of the freedom of religion precept have often been too vague. Therefore, the formulation of freedom of religion in the questionnaire is in conformity with these clarifications and should be taken in its logical and genuine sense. The authors thought that the reaction of the students to this open formulation of the freedom of religion would be significant, given the fact that in today's Turkey the most critical issue for the secularists is whether, how, to what extent, and by whom "the things" that have spilt out of the Islamic Pandora's box (opened by master (politicians) and apprentice (military) sorcerers) could be put back in it. On the other hand there is little reason to doubt the ultimate aim of the militant Islamists—to establish an Islamic state and society.⁸⁶ Consequently, for them the main questions are how and when to achieve this goal, and according to which model of Islam.⁸⁷ For instance,

83. General Comment No. 22, adopted 20 July 1993, U.N. GAOR, Hum. Rts. Comm., 48th Sess., 1247th mtg., addendum, ¶¶ 2, 5, U.N. Doc. CCPR/C/21/Rev.1/Add.4 (1993) (regarding Article 18 of the ICCPR dealing with the right to freedom of thought, conscience and religion), reprinted in *Compilation of General Comments and General Recommendations Adopted by the Human Rights Treaty Bodies*, at 35, U.N. Doc. HRI/Gen/1/Rev.1 (1995).

84. *Id.* ¶ 2.

85. *Id.* ¶ 5. In another paragraph of the General Comment, the Committee noted that public educational "instruction of a particular religion or belief is inconsistent with article 18.4 unless provision is made for non-discriminatory exceptions or alternatives that would accommodate the wishes of parents." *Id.* ¶ 6.

86. Of course, it is not fair to say that all people who might be perceived as Islamists in Turkey are the people who wish to have an Islamic society or state. One can see a wide range of beliefs and thoughts among them. Here it is meaningful to refer to the statement of Heper and Keyman, well-known political scientists in Turkey:

Erbakan's RP [Islamist Welfare Party], which at least to some people in the past had giving the impression of being a party that aimed at making Turkish society more Muslim rather than rendering the Turkish state an Islamic one, now seemed to many, most critically to the army, as a party longing for an Islamic state.

Heper & Keyman, *supra* note 4, at 270.

87. One can remember the statement of Erbakan, who was the leader of the Islamist Welfare Party, which carried this remark: "[T]he religiously-oriented coming to power even by shedding blood if necessary . . ." Hurriyet, *TURKISH DAILY*, 4 Apr. 1994, at 1.

the leader of the Islamist Welfare Party openly declared: "The Welfare Party shall come to power, the just order shall be established. What is then the problem? The problem is whether the transition will be violent or smooth? Whether it will be sweet or bloody?"⁸⁸ The several years of Islamic education and indoctrination that the great majority of these students have gone through, in primary and secondary schools since the new Constitution of 1982, makes their reaction to this form of freedom of religion an important consideration.

Another item relates to the protection of the privacy of the individual and the family life of elected or appointed public officials. Invasion of privacy and violations of this basic right is one of the current issues in the world today. On the one hand, a constantly increasing number of people become more and more isolated and lonely, having less and less loving and trustworthy relatives and friends available to them. On the other hand, factors such as new technologies, hungry news reporters, and curious publicists result in all sorts of encroachments upon private lives. This is one of the ironies of modern life. In our survey we wanted to check the reaction of our respondents, university students, to one specific aspect of the right to privacy: privacy of public officials. In this connection there is a general impression that some people, particularly those in the media, seem to believe that these officials' right to privacy does not and should not cover them in connection with their public duties. This belief rests on the premise that people have a right to be informed of officials' activities to the extent that these activities may affect official functions. Because the notion of "in connection with their official duties" is very elastic, such an argument may result in the denial of a basic human right for public officials, which is not acceptable. Therefore, to test the reactions of the students on this issue, the questionnaire includes the following: "Officials elected or appointed for public duties shall forfeit their right to privacy for personal and family life in connection with their official functions."⁸⁹

Finally, to test how students conceive the inherent, inviolable, and inalienable nature of basic human rights, the questionnaire includes the following item: "None of the fundamental human rights may be abrogated by anyone or any authority in any manner whatsoever."⁹⁰ Inclusion of this item aims to find out to what extent participating students believe that these rights, although presumed as inherent, inviolable, and inalienable, could be abrogated by a popularly elected authority or by direct popular vote.

88. OFFICIAL GAZETTE OF THE TURKISH REPUBLIC, Constitutional Court Decision, Base No: 1998/2, Decision No: 1998/1, Decision Date: 9.1.98, No. 23266, 22 Feb. 1998, at 19-348.

89. YHRS Questionnaire, *supra* note 37, at 2 (Question 9).

90. *Id.* at 2 (Question 12).

B. Application

The questionnaire asks that for each item the respondents answer two questions as illustrated in the following example:

Everyone possesses inherent fundamental rights which are inviolable and inalienable.⁹¹

Does this provision exist in our legislation?

Yes it does/No it doesn't

Do you support having this provision in our legislation?

Yes I do/No I don't

For the first question, concerning the existence or nonexistence of a provision in the current Turkish legislation, students are notified that they should answer to the best of their knowledge or with their best guess. In other words, an "I don't know" alternative was not allowed in order to urge students to make a guess in terms of their observations and general impressions of the pertinent conditions and debates on human rights issues in the country. The great majority of respondents did comply with this instruction.⁹²

At the end of the questionnaire there was a set of questions about a few personal traits of the students. The purpose of these questions was to find out the relations between these traits and the degree of awareness of, and support for, human rights. These were questions about the university and department of study, the number of years spent as a university student, sex, the name of the province the respondent is from, and the name of the high school from which they graduated.

In all cases the questionnaires were group-administered in the classes under the supervision of instructors. Also, in all cases students were told both at the introductory part of the questionnaire and orally that this was only an application of a research project, not an examination. Therefore, everyone in the class was free to participate or not to participate, and to answer the questions according to their knowledge, guesses, and convictions.

The questionnaires were applied between February and June 1997. The survey aimed to reach a more or less representative cross-section of all university students. The sample consisted of 1025 university students selected on a judgmental basis and on the availability of the cooperation of the universities concerned. Compilation of the university sample, which covered nine state and two private universities, took into consideration the regional distribution of the universities, their state or private status, their core educational areas, and their age. The sample of students interviewed

91. *Id.* at 1 (Question 2).

92. Only three students out of 1025 wrote "I don't know" for some questions.

also sought diversity with regard to age, sex, secondary educational background, residential background, length of study, and area of study. The basic distribution of the sample may be summarized as follows: 149 students from Bilkent University (private) in Ankara; forty-four students from Bogaziçi University (state) in Istanbul; eighty-eight students from Dicle University (state) in Diyarbakır; 149 students from Dokuz Eylül University (state) in Izmir; fifty-three students from Erciyes University (state) in Kayseri; ninety-four students from Gaziantep University (state) in Gaziantep; forty-eight students from Istanbul University (state) in Istanbul; ninety-seven students from Kırkkale University (state) in Kırkkale; three students from Koc University (private) in Istanbul; ninety-eight students from Middle East Technical University (state) in Ankara; and 202 students from Selçuk University (state) in Konya.

IV. FINDINGS AND DISCUSSION

As noted earlier, the sample structure aimed to catch something of the diversity of the university students in Turkey and thus approach representativeness. The findings indicate this representative tendency to diversity, even if no claim can be made on a representative sample. Fifty-five percent of the sampled students were male. The average age of the students was twenty-one with a range from seventeen to twenty-nine. Nearly one-tenth were below the age of nineteen and more than two-fifths were above the age of twenty-three. Three-fifths of the interviewed students were graduates of state-based high (secondary) schools, only less than 5 percent were the graduates of prayer leader and preacher schools, and the majority of the remaining ones were from private-based high schools. As far as the respondents' origin is considered, those from Central Anatolia are overrepresented (33 percent) in the sample while those from the Marmara region are underrepresented (13 percent); those from other regions are fairly well represented. Less than half of the students were from universities located in metropolitan areas (Istanbul, Ankara, and Izmir). Students from the private universities constituted less than one-seventh of the sample. Nearly one-fifth of the students came from universities located in predominantly Kurdish cities (Diyarbakır and Gaziantep), while another 20 percent were from Selçuk University in Konya, a city characterized by Islamist domination. Half of the sampled students were studying social sciences, one-quarter were students of engineering faculties, and 16 percent were from the fields of natural sciences. More than 40 percent of the sample had been studying at the universities for less than three years, while 17 percent had been studying for more than four years.

Three summarizing measures comprised the main areas of interest in

this study. These measures, described below in some detail, are: average percentage of awareness; average percentage of support; and average percentage of support for freedom of religion and secularism.

A. The Average Percentage of Awareness

This percentage, computed for the total population and various subgroups, aims to measure the degree of respondents' awareness of the existence and nonexistence of questionnaire items in current Turkish legislation. Its calculation takes the average of the percentages of correct identifications by the respondents of each item in the questionnaire as to their actual existence or nonexistence in the current Turkish legislature. This measure of awareness takes into consideration all twenty items, the reality being the existence of twelve items and the nonexistence of eight items. Its value for the total group is 53 percent. This percentage is rather low and may be taken as an indication of the need for education in the field of human rights. This measure does not show considerable variation based on sex, age group, or longevity as university students. On the other hand, it is highest among the students in social sciences (56 percent) and lowest among those in natural sciences programs (49 percent). It is lowest among the students who consider themselves from Southeast Anatolia (48 percent) and highest for those from the Marmara (Northwest) region (56 percent). An expected difference appears between the students of the universities in metropolitan areas and those located in provincial centers (57 percent and 50 percent, respectively). Istanbul University scores the highest percentage of awareness (61 percent). So far as type of school is considered, awareness is highest among the students who are the graduates of the teacher training vocational high schools and the elite science high schools (59 percent). It is lowest among those coming from the state and technical high schools (52 percent).

B. The Average Percentage of Support

This percentage, calculated for the totality of the respondents as well as for various sub-groups, takes the average of the percentages of (a) support for the eighteen positive human rights items, and (b) disapproval of the two negative ones (namely, the prevention of publication in a language prohibited by the state and the suppression of the right to privacy for public officials). The average percentage of support for the total group is found to lie at 78 percent. It is 79 percent among the male and 76 percent among the female students. It does not show significant variation in relation to age, but does show some variation with the number of years spent at the university.

Those students who have spent a longer amount of time at the university are relatively more supportive of human rights. The level of support for human rights is highest among the students in social sciences (80 percent) and lowest once again among those in natural science programs (74 percent). Those students who consider themselves from the southeastern region (where the Kurdish-dominated population lives) scored the highest percentage of support for human rights (82 percent). The level of support for human rights among the students from the metropolitan universities is somewhat higher than that among those from the peripheral universities. The survey results do not reveal any significant relationships between high school background and support for human rights.

C. Average Percentage of Support for Freedom of Religion and Secularism

This measure derives from the percentages of approval of the four items pertaining to freedom of opinion and religion as stated in the Constitution: equality before the law irrespective of religion and sect; comprehensive freedom of religion as formulated by the authors; right not to be forced to participate in religious ceremonies or to be blamed because of religious beliefs; and prohibition of attempts to base the fundamental, social, economic, political, and legal order of the state on religious tenets. This average percentage for the whole group is 88 percent.⁹³ Students in the young age group (seventeen to eighteen) reported a relatively high level of support for the freedom of religion and secularism. This kind of support is highest among the social science students and lowest among those in natural sciences. Students who were the graduates of the teacher training and private science vocational schools are the most conservative ones. Students of the universities in the peripheral areas seem to have similarly

93. It may be interesting to compare this and some other findings on the same issues mentioned above with the ones found concerning the attitudes toward religion in a study done on Turkish college youth of forty years ago. In that study some of the comparable findings were as follows:

When asked what accomplishment would bring them greatest pride, only one per cent mention[ed] something in the sphere of religion. . . . When asked about the two worst events that could conceivably happen, less than one per cent mention[ed] a "loss of religious faith." On the rating of the importance of the six sectors of life, the religious sphere receive[d] the lowest rating . . . 69 per cent answered "yes" to a direct question on the necessity of having some form of religious orientation or belief in order to achieve a "fully mature philosophy of life."

Herbert H. Hyman et al., *The Values of the Turkish College Youth*, 22 *PUB. OPINION Q.* 275, 285 (1958). Thus the university students of today do not seem to be more religious than their fathers in spite of the much more prominent role of religion in public education and in politics.

more conservative views on the issue, particularly notable among them are the students of the K yr kkale University. No significant pattern emerged in the context of the students' regional background and their study duration at the university.

From a more general perspective, an examination of the most correctly identified human rights items by the respondents provides an interesting insight into the question of awareness. The survey results reveal that the top most correctly identified items are mainly the "more abstract and general" ones rather than the "more concrete and practical" ones. For instance, 83 percent of interviewed students knew the item on "equality before law."⁹⁴ Similarly, 80 percent recognized the item on "inviolability of basic rights."⁹⁵ Seventy-four percent correctly identified the item on "prohibition of publication in a prohibited language."⁹⁶

On the other hand, the least correctly identified three items are the more concrete and practical ones. Only 27 percent of the students know of the existence of the law on the prohibition of the deportation of the citizen. Twenty-nine percent indicate that they are aware of the nonexistence of the following statement in Turkish law: "Those who abuse their freedom of expression, in particular freedom of press, freedom of teaching, freedom of assembly, freedom of association, privacy of correspondence, post and telecommunication, property or right to asylum in order to undermine the free democratic basic order shall forfeit these basic rights."⁹⁷ Again, only 30 percent know that there is a law indicating that damages suffered by persons subjected to treatment contrary to the provisions of the Constitution concerning detention and arrest shall be compensated by the state.

The findings from the survey also reveal that the proportion of students who correctly identify the existence or nonexistence of related laws increases if they are: from the universities in metropolitan areas; social sciences students; or originally from the developed parts of the country. This indicates that awareness on human right issues is not associated with the respondent's natural (internal) characteristics, such as gender or age, but rather that respondents are bound to more social (external) factors such as socioeconomic development or schooling.

The three most supported basic rights include the more concrete and practical items (the prohibition of torture and ill-treatment (94 percent)) as well as the more abstract and general ones (equality before the law (93 percent) and the inviolability of fundamental rights (92 percent)). The least supported rights are mainly associated with practical items such as the

94. YHRS Questionnaire, *supra* note 37, at 1 (Question 1).

95. *Id.* at 1 (Question 2).

96. *Id.* at 3 (Question 15).

97. *Id.* at 3 (Question 14).

prohibition of collective deportation of aliens (52 percent), the prohibition of publication in a language prohibited by the state (52 percent), and the prohibition of the death penalty (52 percent).

Consistent with the findings already mentioned, some characteristics of the interviewed students proved to be significantly related to their support of some specific human rights (as opposed to their knowledge of the existence of specific laws). For instance, regarding the support for the prohibition of torture and ill-treatment, while the general support level is about 93 percent, this figure is 95 percent among female students and 92 percent among male students. Among students from Southeast Anatolia, support for the prohibition on torture is 96 percent, which is the highest in comparison to other regions. The general level of disapproval for the prohibition of publication in a language prohibited by law is 42 percent of the students; however, disapproval is 38 percent among females and 44 percent among males. Almost three of every five students from southeastern Anatolia indicate their disapproval of this prohibition. When it comes to the prohibition of the death penalty, 58 percent of the interviewed students give support to the idea. The survey results indicate that the level of support for the prohibition of the death penalty is higher among the female students (65 percent) than among the male students (52 percent). Similarly, students from the social science departments (60 percent) and those from the Southeast region (77 percent) tend to support the prohibition more strongly.

Among the three most direct items on freedom of religion and secularism, the most correctly identified item regarded the existence of a legal arrangement on the right not to be forced to participate in religious ceremonies or blamed because of religious beliefs (67 percent). The least correctly identified item was on the nonexistence of a regulation stating that "every-one shall be free to adopt any religion, to change his religion, not to believe in any religion and shall have the right to freely reveal his personal status and to express and disseminate his beliefs in these respects" (47 percent).⁹⁸ The former item is the most supported candidate (90 percent) for inclusion in Turkish legislation. The latter item is relatively less supported (82 percent).

Again, rather than respondents' personal characteristics such as gender or age, support for the inclusion of these secularism-related issues in the legislation relates more to social factors. The most striking finding derives from the type of secondary level school from which the respondents graduated. The graduates of prayer leader and preacher schools are among the more liberal ones in the context of the items on "the right to not be

98. *Id.* at 2 (Question 10). That is, 47 percent believed the regulation existed, but it does not.

forced to participate in religious ceremonies or blamed because of religious beliefs⁹⁹ and "comprehensive freedom of religion formulated by the authors."¹⁰⁰ By contrast, they are among the most conservative ones on the issue of "prohibition of the attempts to base the fundamental, social, economic, political and legal order of the state on religious tenets."¹⁰¹ Related to this last point, for instance, 29 percent of the graduates of prayer leader and preacher schools do not support the presence of this item in Turkish legislation, compared with only less than 10 percent of graduates from the other schools, who do give support to the same issue.

V. CONCLUSION

Much of the literature on human rights issues has focused its attention on countries' human rights records or on the social, political, and legal aspects of these issues. This study attempted to extend exploration of human rights topics from these more general issues, which emphasize immediate practical needs of social and political interventions, to the extremely important individual-level life attitudes and perceptions, which highlight instead the need for long-term social policies. Here, we examined how a group of Turkish university students perceived human rights issues in a number of very specific areas of awareness and support.

The human rights dispute in Turkey in its publicly known form is a new phenomenon, but it is deeply rooted. Two particular forces seem to be shaping the contours of this sensitive problem: the ethnic revival of Kurds and the religious revival of Islamists. Growing reaction of the Turkish state against these trends and the responses of the Kurds and Islamists have heavily contributed to an environment that has made human rights in Turkey a phenomenon of increasing national and international importance. While the main emphasis of this study focuses on the human rights debate concerning the conflict between Islamists and secularists in Turkey, there has been relatively little discussion of human rights debates based on the Kurdish question.

The most basic conclusion to be drawn from the evidence presented by this study is that among the university students in Turkey, while there is less awareness about the existence or nonexistence of human rights-related items in Turkish legal regulations, the level of support for the inclusion of these items in regulations is considerably higher than the awareness level. One can also conclude from this study that the level of awareness of, and

99. *Id.* at 2 (Question 13).

100. *Id.* at 2 (Question 10).

101. *Id.* at 3 (Question 16).

support for, human rights among the interviewed students tends to rely on social (external, situational) factors rather than individual (personal, internal, dispositional) factors. For instance the study shows that neither awareness nor support clearly or significantly fluctuate with the age and sex of the respondents. On the other hand, both vary according to the students' field of study (social science, engineering, or natural science), their university (metropolitan or peripheral), or the type of high school from which they graduated (state-based ordinary, private-based, or prayer leader and preacher schools). Consequently, a naive and direct, but also very meaningful, conclusion may be found in the following point: Our attitudes toward human rights are not inherent in our human nature; rather, we learn about human rights so that we can teach them. The implication of this for policymaking is obvious: In light of a lack of awareness for human rights, combined with a concurrently high level of support for such rights, education becomes an essential and promising tool to promote human rights issues in the eyes of the public.

Of course, the field survey results discussed here are limited in at least two respects. First, a study of this type, which samples only students, clearly cannot be considered representative. Second, we have not attempted to rigorously determine the variation of awareness and support among the sampled students. Therefore, though no full explanation can be reached here, we have tried to identify some integral issues in human rights debates, while focusing on the multidimensional character of these issues in the Turkish case. What becomes clear is that we need more research, which is necessary to determine the mechanisms and dynamics of human rights debates around the world. Such research will require a synthesis of data and theory that emerges from a well-designed study framework.