

Volume: 19 Issue: 4 Year: 2022

Opening the curtains: Adoption of transparency policy for eliminating in confidentiality of the faith groups

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Abstract

Transparency policies, which have become increasingly important in recent years, have become one of the most important implementation tools of accountability, especially for public administrations. The main purpose of this study is to examine a public policy that can be planned to be implemented in Turkish public administration under the leadership of the Presidency of Religious Affairs (PRA). In the public policy literature, policy transfer and adoption processes are considered a quick solution for developing countries. Because developing countries have two important constraints, such as time and resources, to produce a solution. The adoption process of the policy that is planned to be implemented in Turkey, compared to the transparency policies in faith group services carried out by the UK public institutions, is the focus of this study. Although belief groups are important for the spread of civil society, they can cause certain social and political problems. It is not possible to produce qualified solutions to these problems by ignoring belief groups or making them illegal with a radical approach. The principle of transparency in public policies plays a key role in solving the problems encountered in civil society. This case study and content analysis will both provide the PRA with a theoretical assessment of its transparency policy and provide a roadmap for academics to work on different public policies.

Keywords: Transparency, faith groups, public policy, policy adoption, policy diffusion.

1. Introduction

One of the changing phenomena in the world after 1980 was seen in public management. Public administration has evolved from administration to governance and attempted to eliminate administrator-administrated segregation. It was an issue that administrative scientists had been investigating for a while that the functioning of public administrations, which were financing management activity by taxes, was far from being efficient and effective. There are some problems for the public as part of the management activity with the notion of participation.

Non-governmental organizations (NGOs) are organizations that can generate solutions to many social problems as well as enrich social relations. Many social problems that governments cannot reach and cannot produce solutions even if they reach, can be solved without causing bigger problems with the efforts of non-governmental organizations. There may be many reasons for NGOs to be successful, and one of the most important reasons is professionalization in their field. Since most NGOs focus on certain areas, they strengthen their capacities in those areas. When we consider the issue in particular faith groups, a different confusion emerges. While faith groups can

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develop activities for the religious beliefs of some segments of society, they can also operate in different fields with some sub-NGO structures. The point that makes the issue problematic is the existence of faith groups in areas where the PRA is also active. The law enacted in the early republic period regarding the closure of dervish lodges, which were the places faith groups act in, required the closure of existing these groups. Faith groups have continued their existence until today by giving themselves new appearances in the social sphere. However, how transparent they are to the outside and accountable in their internal operations is a controversial issue.

The chairman of the PRA, Ali Erbaş³ (2018) also describes sects and religious communities as "the civilian structure of religion". Many breakthroughs of the revolutionary activities, which were put into practice during the Republican period, were successful in terms of reaching the goals. However, it cannot be said that the policymakers in the early Republican era have shown the expected success in the move to close the dervish lodges. Because the isolation of faith groups from social life makes them illegal after radical transformations such as political pressure or regime change do not result in their complete disappearance. Therefore, the PRA must find solutions to the issue of religious diversity by not ignoring faith groups.

In Turkey, political life and power equations do not fully contain civilian actors, and the fear of a coup affected deeply the political culture. In this context, for groups that are not in the middle of the political center or do not have the potential to get along with the military bureaucracy under all conditions, fear of a coup is a reality that cannot be eliminated in the short or long term. Under these conditions, it would be correct to say that this fear continues for the faith groups, which started to be seen as a threat to the regime, especially in the period of February 28. This fear makes them non-transparent and hidden establishments. Ironically, groups that feared coup makers can do so and become the actor of the coup threat as seen in the July 15 coup attempt.

The July 15 coup attempt concentrated on sociology rather than an institutional uprising of the army. The coup attempt carried out by Gulenist organization⁴ that looks like a faith group makes the issue of faith groups more vital. Ignoring and making them illegal leads these groups to more secrecy. Therefore, it is inevitable to establish a control mechanism under the roof of the PRA in order to prevent political crises and protect social peace. How this supervision should be done is available in the model we recommend.

After the July 15 coup attempt whether faith groups could be inspected or not was the focus of discussions about all the faith groups that were active in Turkey. As a social reality, faith groups that are kept away from a control mechanism determined by objective criteria will have problems in terms of ensuring their legitimacy and even may be perceived as a threat to society. Our study is based on how the inspection and audit of faith groups should be; this is the basic question we seek answers. The focus of this study is on why a policy transfer is needed in this area rather than explaining what transparency is or what transparency policies are.

The study will be a content analysis that will conduct an examination of the legislation in the case country to fulfill this purpose. A research technique called content analysis is used to identify the existence of particular words, topics, or concepts in a set of qualitative data (i.e., text). Content analysts view data as representations of words, images, and expressions intended to be viewed, read, understood, and acted upon in accordance with their intended meanings rather than as physical events. Content analysis differs from other research techniques in that it examines texts in the context of their use (Krippendorff, 2003:1). This definition makes it clear why content analysis is regarded as one of the best qualitative research techniques for addressing this research agenda.

The United Kingdom has been selected as the case study for this article. The reason is that there are dozens of different faith groups within the multicultural structure of the country. Given the fact that not only citizens of the UK but also people from the Commonwealth countries and even

³ President of Religious Affairs at the time of this research is made.

⁴ Then it is defined as Fetullahçı Terör Örgütü (aka FETÖ) by the Republic of Turkey and lawsuits have been filled due to criminal acts like staging a coup.

immigrants from many different countries each have different faith groups, the applications of this case example are perfectly suited for a roadmap.

In the following sections of the study, firstly, the need for transparency and policy adaptation will be stated. Then, the situation in the case example will be examined and various sample applications will be explained from the UK. Content analysis will also be shared in this section. Finally, after explaining the situation in Turkey, a model will be presented with the data obtained from the case country. Various inferences to be obtained from the UK sample with the content analysis method constitute the basic parts of this model. This model, the details of which will be shared in the related title, consists of four elements in total. These elements are presented as steps and adapted to the Turkish example as much as possible.

2. The Need for Transparency and Policy Adoption

Transparency means that decisions taken by public authorities are understandable and clear, justified and that the information on which they are based is accessible to the public as much as possible (Davis, 1998; Meijer, 2009). This notion, in general, is not only important for public managements on a local basis, but also stands out for international institutions. There are also different approaches to this concept. For example, Hale (2008) defines transparency as a solution to the imperfections of democracy for global governance. In addition, the concept of transparency is an element that governments use to implement the phenomenon of openness and, more importantly, to reduce corruption (Bertot, Jaeger, & Grimes, 2012). In summary, transparency means that the reasons for the decisions taken by public administrations are freely known by the citizens and shared with an open and understandable expression.

When the historical development of the concept is examined, it is seen that it became a constitutional principle with the acceptance of the right to information in Sweden in 1766 (Florini, 2002, 4). Another country that is effective in institutionalizing transparency and diffusing the right to information is the USA:

- "Freedom of Information Act" was adopted in 1966.
- "Government in the Sunshine Act" was enacted in 1976.

In today's societies, developments in democracy and human rights, and discomfort from bad administration practices such as corruption, bribery, and nepotism have enabled the concept of transparency to be included in state policies and played a role in the spread of a responsible and accountable form of government (Park & Blenkinsopp, 2011; Grimmelikhuijsen & Meijer, 2014; Hollyer, Rosendorff & Vreeland, 2011). In non-transparent governance, public participation in the public policy process will also be incomplete. Citizens, today, are now an actor in the public policymaking process (Mulazimoglu, 2017). However, if citizens encounter a non-transparent administration in participating in public policymaking, this process cannot function properly.

Public policy is the process that is created by the governments (federal, central, or state) for a specific issue within the country. These solutions address the needs of society such as health care, education, transparency, etc. When administrations face a new problem, they try to find a successful example instead of creating a new solution for it (Rose, 1993). The introduction of a successful example first time is called policy adoption (Walker, 1969).

One example of the adoption is freedom of information laws. According to Bennett (1997), there are significant similarities between these freedom of information laws. Bennett (1997,217) states that "[a]ll provide a "public's right to know" government, information, a set of exemptions, and a right of redress". It is not surprising that all these freedom of information laws contain the same content. As mentioned, governments tend to adopt solutions for new problems.

According to Berry and Berry (2007), there are internal and external determinants that affect policy adoption and diffusion processes. Internal determinants are the drivers that lead the country to adopt the policy such as political, economic, and social factors; and external determinants are the drivers that stimulate or coerce the country to adopt the policies (Berry & Berry, 2007). These

drivers could be media, NGOs⁵, international organizations, and even the society itself. The factors that affect the policy adoption process do not always motivate the adoption. On contrary, they aim to restrain the adoption process and these factors, just like the drivers, can be both internal and external (Greiner & Gregg, 2011; Biesbroek et al., 2013).

The solutions with successful results are spread from one place to another quickly (Karch, 2007). Figure 1 is presented how fast the freedom of information acts was adopted.

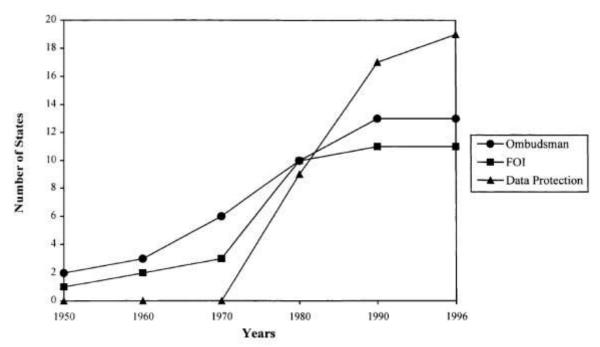


Figure 1 – The Diffusion of the Freedom of Information Acts Source: Bennett, 1997, 224

The figure shows that in the first decade the adoption rate is really slow, but after the 1970s the adoption rapidly increased. This increase was observed in developed countries, such as Finland and Canada (Banisar, 2006). One possible reason for this increase is that "efforts were mainly a result of extended campaigns led by the media with some government support and many took decades to succeed" (Banisar, 2006, 19). Media as an internal driver shows the importance of the determinants in this example as well.

When the government faces a problem, they look for comprehensive solutions. This is the adoption. When the government finds "the solution", this is *diffusion*; in other words, "[a]ny pattern of successful adoptions of a policy innovation can be called diffusion" (Eyestone, 1977, 441). Policy diffusion is the notion that policy outcomes in one place (city, state, country) could affect the process of policymaking somewhere else. That is to say, instead of finding solutions for similar problems, using the experiences of other policymakers would be an efficient way in the public sector.

3. The Case: Transparency of NGOs in the UK

Transparency is very important not only for state institutions but also for all structures within the framework of management. For example, Stiglitz (1999,23) states that "to pretend that any institution is infallible, or that there is perfect confidence in the actions being undertaken, is to fly in the face of reality." With this statement, it has been shown that the proverbial "err is human" which

⁵ Media and NGOs can be both internal and external drivers.

⁶ For efficiency arguments in public sector, please see Hood's (2010) article "A public management for all seasons" and New Public Management literature.

is widely used in Turkey, can also be said for institutions. Transparency is an important issue in the NGO sector due to the presence of substantial private information and secret actions in the institution-donor-beneficiary link. NGOs' relationships with their stakeholders are full of asymmetrical information; this makes it even more difficult for donors, government, and beneficiaries to observe potential problems and hold NGOs accountable (Burger & Owens, 2010,3).

Asymmetric information is the source of the principal-agent problem (Ciliberti, De Groot & Pontrandolfo, 2011). The principal, who is a donor, donates to the NGO's service area. However, how NGO, as an agent, spends these sources are limited only to the data shared by the NGO itself: Donors may not be as knowledgeable as the NGO staff on how donees are selected, which services are transferred to this service area, how much sources are spent for these services, and which private or legal persons receive these services. For this reason, transparency is a very sensitive phenomenon for NGOs.

The Vision of the Principles, prepared by the Department for International Development (DFID), specifically for faith groups, is a clear statement of intent to strengthen the relationship between DFID and faith groups. Faith Partnership Principals are "transparency, mutual respect, and understanding" (DFID, 2020, 1). The institution states transparency as "belief groups, organizations working on DFID and international development should be clear about their missions, beliefs, values, policies, and practices" (DFID, 2020: 6).

How to ensure this transparency is another question to be asked. The Bribery Act, enacted in the UK in 2010, made it mandatory for all civil society and charities to establish programs by this law. According to this law, allegations that an NGO is linked to bribery in any way can undermine the reputation and undermine the trust and support of beneficiaries and, more broadly, donors and the public. Public interest in the impact of bribery and corruption is a critical issue in building broad public support for aid and development.

In addition to this law, the basic features of NGOs' accountability systems have been adopted by the UK government itself as the outlines prepared by another NGO called Transparency International (Transparency International UK, 2020). According to this system, these groups have to account for the following stakeholders: "Internal stakeholders (staff, board of directors, supporters, subsidiaries, local partners, volunteers, members); donors and external partners (government or non-government); Regulatory institutions; Organizations influenced by NGO activities; Beneficiaries and parties affected by the activities of NGOs; The media, civil society and the whole society in general" (Anti-Corruption Research Center, 2013, 3).

The areas in which these groups are responsible, as well as the stakeholders, are defined as follows (Jordan, 2005 as cited in Anti-Corruption Research Center, 2013, 4):

- "Effectiveness NGOs can be held accountable for their effectiveness in carrying out their missions, as well as the quantity, quality, impact, and value for money of their activities, as well as their responsiveness to beneficiaries.
- Organizational reliability NGOs can be found liable for the independence and dependability of their
 organizational structures, depending on criteria such as the role and composition of the board of directors,
 financial and management structures, human resource management policies and practices, and so on.
- Legitimacy Last but not least, they must address concerns of legitimacy such as their constituency, devotion to their mission, and links to the public/beneficiaries, among others."

The management structure of these non-profit groups should be as follows (Anti-Corruption Research Center, 2013: 4-7):

NGO governance structures, decision-making procedures, membership rules, and a
description of the governing body's roles, powers, and obligations, as well as its interactions
with other organizational entities, should all be specified. Board members should be chosen
via open procedures outlined in publicly published policies, and their periods of office
should be clearly established.

- The CEO should not have a voting position on the Board, and board activities should be clearly separated from management. The appointment and yearly evaluation of the CEO's performance, the examination of financial performance and statements, and the duty to hire the auditor are all board responsibilities.
- Unless there are compelling reasons, the list of current Board members should be made public, Board meeting minutes should be kept on file, and decisions should be conveyed to the membership in a complete and timely way (privacy concerns).
- Financial management should have the following minimum requirements: basic accounting tools; separation of key functions (approving officer, bookkeeper, cash custodian) and "four-eye" principles for expenses, which require two signatures by relevant staff; annual financial statements of income and expenditures; and practices that are audited by a qualified independent public accountant(s).

4. Drawing Lessons from the Case Study

In this study, we tried to share the practices in the UK, which was selected as a case study, in general terms above. However, copying a good practice for public policy diffusion not always works well; even this kind of diffusion is defined as an unsuccessful example (Shiphan and Volden, 2008). Therefore, learning from a good practice rather than copying it works better in many situations. Learning is observing what other authorities do for a particular problem. The focus of this mechanism is the policy itself. According to Barry and Baybeck (2005,505) "[w]hen confronted with a problem; decision-makers simplify the task of finding a solution by choosing an alternative that has proven successful elsewhere". One example of learning could be freedom of information laws in the 1970s. As mentioned earlier, campaigns in developed states forced the governments in Finland and Canada to adopt freedom of information laws for their dynamics.

Firstly, the current situation in Turkey can be summarized as follows. The westernization movement covers a process that started in the Ottoman Empire after military defeats and continued in a wider perspective during the republic period. Reorganizing the religious sphere has become more central to the republican era about westernization activities. Customs such as dressing that surrounds the social area, which is generally shaped by religious tradition, were intended to be turned into a western style with legal sanctions. One of the most striking constitutional transformations made as a part of westernization activities is the issue of laicism.

In Turkey, religious typology emerges in two groups: religious communities and sects. Although the concept of the sect is traditionally used to indicate the institutional state of Sufism, it cannot be said that the concept of religious communities has a history as old as a sect. The concept of a religious community has entered our literature as a concept used to describe non-Muslim elements. In the perception of the nation system of Ottoman, the state communicated with non-Muslim groups institutionally through their community authority and gave them an autonomous area in their internal affairs. Being able to organize in this way and having relatively free space, communities have tended to continue their existence by creating their own social spaces, since they contain different patterns (such as schools or places of worship) from mainstream society. Even though they are different religions, considering the subject through the concept of community, it is observed that Muslim "communities" are similar to non-Muslim communities: They are not only limited to the religious sphere but also, create unique living spaces at every point in the social sphere that the individuals will encounter.

The discussion of laicism is one of Turkey's central political issues. The existence of the PRA as a state institution makes this issue more difficult and controversial. The creation of a government agency at the point of meeting the religious needs of the people is important to show the indispensable extent that it is crucial to understand the context of religious institutions in Turkey for the Turkish community of Islam. In a sense, political decision-makers thought that the transfer of religious affairs to NGOs or to any other movement that could act outside the control of public authority could have "dangerous" consequences due to the reason that they would not have any kind of inspection. Although there are various efforts to close the PRA at different times with reference to the thought that it is against the principle of laicism, there are judicial decisions regarding the fact that "PRA is not religious, but an administrative institution", therefore there is no unconstitutional situation (Kara, 2000, 43).

On March 3, 1924, within the framework of three laws adopted by the Turkish Grand National Assembly, the Ministry of Sharia and Foundations and the institution of the Caliphate were abolished, and the law of the Unification of Education was enacted. These three laws, which are prominent examples of reorganizing religion and state affairs, are important in terms of showing the basic characteristics of the Republic period. The abolition of the Caliphate had the symbolic meaning that was eliminating perhaps the strongest bond between the Islamic world and Turkey. The PRA was established on March 3, 1924, to regulate religious affairs instead of the Ministry of Sharia and Foundations. After the phrase "Islam is the religion of the state" in the 1924 Constitution was removed from the constitution in 1928, the principle of "laicism" was added to the constitution in 1937 (Aydın, 2019, 247). In Article 174 of the 1982 Constitution in force, these laws are protected under the title of "Reform laws".

With the abolition of the Ministry of Sharia and Foundations, which was seen as the representation of Sheikh al-Islam in Ankara, the PRA was removed from being a ministry and turned into a directorate affiliated with the prime ministry, and its current position was reduced. It has an institutional identity that has been created to carry out better administrative affairs (Kara, 2000: 35). All religious institutions are affiliated with PRA in this context. The appointment and dismissal of religious officials such as imams and muezzins are included in the jurisdiction of PRA (Yanardag, 2012, 243). Managing mosques is the main duty of PRA and it has an indirect jurisdiction with tools such as books, magazines, and sermons on worship, faith, and religious education (Kara, 2000, 41-42).

The PRA is a religious power institution. Occasionally, it makes efforts to interpret religiosities outside of the "religious truth" that the PRA represents as an institution (Coskuner & Aslan, 2020, 473). The PRA expresses its official opinion, sometimes in the journals or the declarations being published, and sometimes in the comments of the chairman of the PRA, regarding religiosities that are outside its religious stance. The PRA is a constitutional institution that has been discussed seriously since its establishment. One of the main criticisms directed at PRA is the problem of representation (Aydın, 2019, 240). Religious diversity is increasing in modern societies (Bouma & Ling, 2012: 320). Therefore, the number of groups that need to be represented is increasing. The discussion of the representation of the Alevis and the transfer of the function of the PRA to the faith groups is an ongoing issue throughout the history of the institution. The existence of the PRA imposes a responsibility on all taxpayers in terms of public finance. Therefore, with the transfer of this authority to the faith groups, each religious representation could finance its expenses only from its donors. At the same time, the fact that the beliefs of the Alevis could not be represented within the PRA was one of the main discussions. However, it should not be forgotten that apart from Alevism, other communities (cemaat) and sects (tarikat) are not also represented in the PRA. The idea of transferring the authority of the PRA to the faith groups did not seem possible to apply legally because the concept of "community" was used for non-Muslims within the framework of the Lausanne agreement. Therefore, it was not possible to speak of a Muslim "community". According to Kara (2000), in Turkey, literally religious communities and sects are not one hundred percent non-governmental, to survive, they must receive government support, either explicitly or implicitly. Therefore, the idea of transferring the power of the PRA to faith groups does not seem an alternative (Kara, 2000, 51-53). In addition, there is an idea that considers transferring all religious affairs to NGOs could be problematic, and according to another view the existence of the PRA is a way of keeping faith groups under "daylight".

In order to ensure the transparency of faith organizations, the steps can be followed based on the case example: In the first step, these organizations have to continue their activities within the rules of governance. According to these rules, a faith group should establish a board of directors and similar structures and publish them publicly and have a CEO. In the second step, the CEO and board of directors should not be run in parallel, and the CEO should not have voting rights on the board. The board of directors should have independent auditors that audit the organization annually whether it is managed properly and that there are no unethical events. Thus, an audit mechanism that is independent of the management of the institution can be established within the institution.

In the third step, the board meetings should be shared publicly on the official website of the organization. The reason why this sharing is open to the public is that donations to faith organizations can be made for charity work without being a member of that organization. Therefore, a person who donates to a faith group will be able to keep track of how and where the resource s/he gave is spent, even without being included in that organization.

In the fourth step, structural reforms that will enable faith groups to organize their activities in a way that respects and understand the whole society should be prepared by an institution of central government such as the PRA. The way to achieve this can be by being completely clear on their missions and practices and by making these practices public as much as possible. Being fully open does not only cover functions: Human resources management, financial and management structure, and the organization's policies must also be always clear. This kind of openness will ultimately bring organizational credibility with it.

5. Conclusion

Transparency is a very important part of governance today. It also resources for solution suggestions that can be produced within the framework of public policies. Therefore, transparency policies are crucial in dealing with social, political, and even economic problems. In the context of this research, a policy adoption is proposed for the solution of possible problems in relation to faith groups in Turkey. Faith groups are social structures that cannot be ignored or destroyed as social reality; these structures could contribute to the social order and conversely could damage social peace according to the political culture of a society. For example, there may be faith groups as NGOs that will help the poor and assist citizens in different religious perspectives, or they can also be the main actors of a coup attempt like July 15th. Faith groups will certainly contribute to society, not in a shield of secrecy, but in a transparent way like sunlight. At this point, considering the current situation the most reasonable suggestion is to adopt a successful public policy for Turkey. In this framework, the adoption of the implementations of DFID in the UK has been designed, taking into account similar social diversity and multicultural structure. Within the scope of the solution proposal consisting of 4 steps, it is envisaged that faith groups with their legal identity can become more transparent and auditable structures under the leadership of the Presidency of Religious Affairs. Finally, the policy proposal presented in this research will not only eliminate the distrust of the citizens of faith groups but also ensure that these groups are free from bureaucratic pressure and will be recognized on a legal basis.

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