

Azerbaijan's Formula: Secular Governance and Civic Nationhood

Svante E. Cornell
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Executive Summary

In January 2016, Azerbaijani President Ilham Aliyev designated 2016 the “Year of Multiculturalism.” This took place at a time when Azerbaijan’s neighborhood has experienced a trend toward less rather than more separation between religion and state; and toward more ethnic rather than civic conceptions of nationhood. This trend has been particularly pronounced in two powers with whom Azerbaijan is closely connected, Russia and Turkey. Yet Azerbaijan has chosen to go in the other direction, doubling down on the country’s commitment to secular governance and an inclusive conception of the nation.

This is happening against the backdrop of often confused intellectual debates in the West on matters relating to national identity and secularism. The past few decades have seen a growing effort to deconstruct the traditional divide between ethnic, particularistic conceptions of nationhood and civic, universalistic models. Indeed, Western intellectual discourse has come to decry the concept of nation itself – whether ethnic or civic – as a political fiction promoting homogeneity, imposed by force. From this perspective came the concept of multiculturalism in its Western understanding. Yet as a result of mounting difficulties to integrate immigrant populations and the challenge of Islamic extremism, this discourse has lost much of its power of attraction. In its place, the idea of the nation-state appears to be making a comeback.

In parallel, conceptions of secularism remain divided between the primarily Anglo-Saxon model focused on promoting individual religious freedom, and the French model of *laïcité*, which focuses on protecting state and society from religion. The former model has gained widespread adherence, and forms the basis for various European conventions and inter-state agreements in the area of mi-

nority protection. However, most secularists in the Muslim world have perceived the French model as the most appropriate to their particular situation. Azerbaijan is no exception.

The Azerbaijani model draws on a long history dating back to pre-Soviet times, which includes the proclamation in 1918 of the first republic in the Muslim world. This republic was, from its inception, committed to secularism and espoused an inclusive conception of the nation known as *Azerbaijanism*. The republic was not destined to survive, however, but was absorbed into the Soviet Union, where Azerbaijan received status as a distinct union republic. From the 1930s, however, Soviet ethnic engineering introduced elements that affected Azerbaijani identity: in particular, it contributed to minimizing connections to Turkey and emphasizing instead the indigenous roots of Azerbaijani identity.

The transition to independence made matters of identity central to Azerbaijani politics. With minor exceptions, the country's political forces retained a strong commitment to secularism. However, a more ethnic, Turkist, understanding of national identity briefly gained salience under the Popular Front government of 1992-93, something that exacerbated centrifugal tendencies among the country's minorities. With the return to power of Heydar Aliyev in 1993, state policies veered back toward the policy of *Azerbaijanism*, which promotes an civic conception of the nation inclusive of minorities. Under Ilham Aliyev's presidency, the government has given renewed emphasis on these issues, introducing the term "multiculturalism" in official parlance as the definition of the Azerbaijani model.

At present, Azerbaijan's policy in the religious sphere is quite clear. The government seeks to regulate religion through a triumvirate of institutions – the Caucasus Muslims Board, the State Committee for Work with Religious Organizations, and the State Security Service. The Caucasus Muslims Board is tasked with regulating all Muslim congregations in society, and projects a model of Islam that is moderate, inclusive and tolerant. Indeed, Azerbaijan has launched the unique feature of "unity prayers" where Shi'a and Sunni Muslims pray jointly in the same mosque. The State Committee, created in 2001, is the direct arm of the executive power in religious affairs, which supervises all religious

organizations in the country. Finally, the State Security Services intervenes specifically in cases where religious groups are deemed a national security threat. Thus, in the religious sphere, Azerbaijani authorities have created complementary institutions with comprehensive mandates. Indeed, over time, legislation has been passed that has increased the regulatory power of these institutions, particularly as the state has worked to minimize the influence of foreign religious actors. These institutions have sought to exert control over religious literature, education and training, as well as to supervise the contents and delivery of sermons, pilgrimages, and any activities and finances of religious associations.

In the area of national minorities, by contrast, the picture is less clear. The institutional complementarity visible in the religious field has not developed; in fact, a certain institutional vacuum is visible in the area of national minority issues. Azerbaijan has espoused a model of state-minority relations that focuses on the programmatic and policy levels rather than the legislative or institutional. Rather than working actively to proactively include minorities as groups in formal decision-making, the government's approach is based on a negative liberty paradigm.

This stems from Azerbaijan being torn between two models: the "multicultural" and the civic. Azerbaijan is trying to thread a needle by developing policies of civic nationhood that focus on the role of the national language as the unifying force in society; while it simultaneously rhetorically promotes ethnolinguistic pluralism and adopts the term "multiculturalism" as a guiding idea. Meanwhile, in practice national minorities are integrated in the country's economic and political system mainly by informal means. This "hybrid" model is understandable, given the Soviet heritage and the tumultuous transition to independence. But in the long term Azerbaijan's leaders will have to develop a more clearly defined and internally consistent model of national identity and minority policy. This study finds that Azerbaijan is moving increasingly toward the promotion of inclusive, civic nationhood, a model focused on national unity and the promotion of the state language – which inherently sits uneasily with the promotion of the separateness of national minorities. At present, Azerbaijan has

signed European conventions on national minorities that states based on the civic model (such as France and Turkey) have rejected – but finds that its promotion of civic nationhood prevents it from implementing them.

Western criticism of Azerbaijan's model in the field of national minorities stems largely from this contradiction, and should be seen in this context. In the field of religious matters, however, Western and particularly American criticism stems from a failure to accept the legitimacy of the French-inspired, *laïcist* model that Azerbaijan espouses. As a result, U.S. institutions like the State Department's Commission on International Religious Freedom find themselves in the peculiar situation of censuring Azerbaijan for seeking to promote the export of extremist religious influences from Iran and the Gulf region.

This study finds that Azerbaijan's Western partners should view Azerbaijan as a largely successful and functioning laboratory for a civic nation and moderate Islam in the modern world. It should embrace the strengthening and improvement of secular statehood there as a strategic goal, as well as the continued secular nature of law, courts, and educational institutions. This study accepts that Azerbaijani authorities at times err on the side of excessively restrictive measure. But it finds that the influence of Western recommendations are undermined by their failure to accept the underlying legitimacy of Azerbaijan's general approach.

Recognizing the ample shortcomings and deficiencies that exist, Western governments and institutions should work patiently but tenaciously with government and society to correct them, but on the basis of an acceptance of not only the legitimacy, but the positive value of the Azerbaijani model. This strategic goal should be assigned the same level of importance as security, democratic development, the protection of rights and freedoms, and economic development. Indeed, the advancement of secular governance, courts, and education may prove not only to be the key to progress in the other strategic areas but the most lasting contribution the West can make.

Introduction

For a number of years, both Azerbaijanis and foreign audiences have become accustomed to seeing the religious leaders of Azerbaijan's Muslim, Christian and Jewish communities appearing in public together, speaking jointly in favor of tolerance and coexistence and against extremism of any kind – and appearing to enjoy each other's company. In parallel, Azerbaijan's political leadership has come to increasingly highlight the country's secular nature. This has included increasingly restrictive measures on foreign religious proselytizing in the country; but it has also included bold positive measures. On January 11, 2016, President Ilham Aliyev designated 2016 the "Year of Multiculturalism" in Azerbaijan. A few days later, the first "unity prayer" – in which Shi'a and Sunni Muslims prayed jointly – took place in Baku's Heydar mosques. Since then, they have been a weekly occurrence. In many ways, the "Year of Multiculturalism" represents the culmination of long-standing efforts to promote, both at home and abroad, the inclusive and tolerant character of Azerbaijani society, as well as the secularism of its institutions.

The Year of Multiculturalism strives to combine Azerbaijan's endeavors regarding state interaction with both religious and ethnic communities in the country. It also purposefully stands as a strong contrast to developments in Azerbaijan's neighborhood, and in the world more broadly. While the Middle East has entered a period of growing sectarian violence, Azerbaijan assertively heads in the opposite direction.

This raises a number of questions, which have not been subjected to stringent analysis. Most importantly, what exactly is the Azerbaijani model? Many will know that Azerbaijan was the first secular republic in the Muslim world; some are undoubtedly aware that it also has a largely inclusive understanding of its

national identity. But where does Azerbaijan fit in an international comparison, and how does its model relate to the ideal-types on national identity?

Over the past decades, in fact, these concepts have not remained static. The traditional dichotomy between states based on ethnic nationalism and civic nationhood has become increasingly blurred in Western academic discourse. Meanwhile, the practical experience in the West has seen experiments with what came to be known as “multiculturalism”, which in turn have become subject to growing criticism for having a divisive impact on societies. At the same time, the fundamental divergence between varying forms of secular government have not been bridged; most Western states have embraced an Anglo-Saxon model of secularism aimed at securing religious freedom; yet the French model of *laïcité*, centered on protecting state and society against religious coercion, remains very much alive. Outside the traditional “West,” states dealing with these timeless questions have all chosen different paths.

In this context, it does not suffice to term Azerbaijan as “secular” and “multicultural.” These terms have nearly as many meanings as there are scholars writing on them; and there is a need to determine more exactly how Azerbaijan’s model relates to these terms, and what, in practice, Azerbaijani government policy is. This is all the more important because, somewhat surprisingly, Azerbaijan has come under relatively heavy criticism from Western governments and organizations exactly in these areas, areas where Azerbaijan could be thought to be most aligned with Western state practice. What, then, is behind this criticism? That question can only be answered by achieving a more complete understanding of the Azerbaijani situation, as well as of the divergence in approaches to these issues taken by Azerbaijani authorities and its Western partners.

This study aims to do exactly that. To this end, it will begin with a brief overview of the past few decades’ debate on issues of national identity and secularism. Having done so, the study will examine the unique history of Azerbaijan’s evolution into a modern nation-state, which has shaped its approach today. Then, attention will shift to the evolving government policies in the areas of religion and national minorities; as well as an examination of the attitudes in Azerbaijani

society, the criticism directed at Azerbaijan's policies in this field, and a comparative overview of policies in Azerbaijan's neighborhood. The study closes with an overview of the implications of the Azerbaijani model and its relationship with Western interests in the broader region that Azerbaijan is part of.

Civic Nation: A Conceptual Framework

For much of human history, empire was the paramount form of political organization. Empires were particularly successful in striking a balance between social coherence and cultural diversity; indeed, that was the key to their amazing lifespan, ultimately the reason why the Roman, Byzantine, Ottoman, Habsburg and Russian empires survived for centuries. Subsequently, however, empires were to give way to nation-states. The last, defunct empire to bequeath a legacy in the form of a set of new nation-states was the Soviet Union. Today, these successor states, but also other, older nation states, grapple with their imperial legacies, that is, with the challenge of balancing social coherence and the diversity that is the hallmark of their societies.

Indeed, the present is a time when the question of how long-lasting political and social cohesion is going to be forged in the midst of ethnic and national diversity – when it is obvious that national borders are no longer impermeable for the movements of people and ideas, if they have ever been – has become particularly acute; it is a question that begs for an answer perhaps more intensely than ever before in modern history. And the answers to that question are almost exclusively sought within the conceptual framework that the nation and the nation-state provide. Even though we live in an era that is recognized as one of “globalization,” and even though many intellectuals, not least in Europe, have during the last two decades rushed to proclaim that the nation belongs to the past, this is nonetheless not a “post-national” era; it is global and national at the same time.

The empires of the past may offer guidance, their experiences serving as useful reminders of how social coherence and diversity can be balanced and political unity maintained; yet few are those who entertain the notion that empire as a political and social organizing principle should or even could be resuscitated. It

is true that the experience of the European Union did seem – during the 1990s – to suggest that democratic “empire” of a new kind was perhaps viable and in the process of emerging, and that the nation-state could thus be transcended in this way. Yet events in Europe since those more hopeful days that followed the unification of Western and Eastern Europe within the framework of the EU after the end of the Cold War have, if anything, served to underline the resilience of parochial national interests and priorities and demonstrated how the sense of national primacy undermines “imperial” cohesion – be it of a democratic kind as in the case of the EU.

The Modern Nation

Yet while the nation is not about to be substituted, it must nonetheless change and adapt in order to meet new challenges. The challenge of balancing cohesion and increasing diversity means not only that the concept of the nation has to be updated; it also resurrects an old question that has in fact never really been definitely settled: the question of how to define and delineate the social unit that is called a nation. The answer to that question has never been self-evident. Émile Durkheim, the French 19th century sociologist, famously observed that “surely, the concept of the nation is a mystique, obscure idea.”¹ Durkheim made his observation during a time when the modern, European nation-state had just been born and when intellectuals – above all French and German intellectuals – were engaged in a lively discourse about the very meaning of this relatively new concept and decidedly new form of social and political organization.

The genesis of the idea of the modern nation took place in England starting from the 16th century. The genesis of nationalism is generally situated around the time of the French revolution 1789. Social scientists have tended to interpret the genesis of the modern nation against the background of emerging capitalism and industrialization, with the latter imposing the need of social and cultural homogenization of the industrial workforce. The formation of the nation and the

¹ Emile Durkheim, *Textes III* (Paris: Éditions de Minuit, 1975), p. 49.

expressions of early nationalism were also signs of emancipation: they expressed the fact that people, who had until then been subjects of kings and emperors, had come to think of themselves as equals, with a right to self-rule. Typically, it was the bourgeoisie, the new rising class of capitalism that was the vanguard of the nation. The idea of the nation that was invented in England in the 16th century was founded on the notion of the equality and freedom of the citizens who formed a new community, called the nation.

Citizenship, and the political participation that this notion implied, was to become the foundation of the nationalism that developed in France in the wake of the revolution of 1789. It came to be known as *civic* nationalism: what bound together the members of the national community was not their “race,” or in modern parlance ethnicity, their “blood,” but their adherence to a common, democratic political project. The Napoleonic wars that pitted revolutionary France against the conservative, German-speaking monarchies of Europe – and Russia – provoked an intellectual, Germanic backlash against the French notion of civic nationalism with its emphasis on universal values as the common bond of the members of the national community.

Emmanuel Kant defined the “civic nation” as the embodiment of universalism: it aspired to be the expression of the universal human rights that the French revolution had proclaimed, and was hence open for anyone to join, irrespective of ethnic origins. Jean-Jacques Rousseau’s notion of the social contract emphasized the voluntary association of citizens, in contrast to the ethnic community where membership does not depend on the choice of the sovereign individual but is determined by birth and “blood.” The German romanticists took issue with Kant and Rousseau in denouncing universalism, French Jacobinism and its destruction of particularistic identities in the formation of the republican, civic nation. German romanticism insisted that there existed something called the “soul of the people,” and intellectuals in Central Europe and Scandinavia set about to explore this supposed “soul” in folkloric traditions. German philosopher Johann Gottfried Herder, the antithesis of Kant and Rousseau, dismissed the notion of a civic nationalism as “cold” and defended an ethnic nationalism, rooted in the particular culture of an “authentic” community.

The reaction that Herder formulated to the French civic nationalism set the tone of the ensuing academic and intellectual discourse about the nation and nationalism for the rest of the nineteenth century. It bequeathed what has come to be a lasting, discursive dichotomy which assumes the existence of opposing poles: civic nationalism versus ethnic nationalism; the universal versus the particularistic. The "French" model of nation is understood to be the embodiment of the former and the "German" model of nation the embodiment of the latter. American nationalism, Canadian nationalism, and "Kemalist" Turkish nationalism, to name a few examples, have been defined as "civic;" the national community in these cases, as in the French case is supposedly bound together by an ethnically "neutral" citizenship; it is understood that anyone, regardless of ancestry, can become American, French, Canadian or Turkish. In contrast, German and Scandinavian nations are defined as "ethnic," that is, what holds these national communities together is common ancestry, ethnicity. Until the code of citizenship was revised in the 1990s, German citizenship did indeed remain reserved for those of German extraction, or "blood."

German intellectuals in particular have endeavored over recent decades to transcend the ethnic connotations of the nation and applied themselves to further develop the concept of the civic nation, trying to adapt it to what is believed to be an increasingly "post-national" world. This is not a coincidence, since the devastating experience of Nazism has made German intellectuals extremely wary of the nationalistic tradition of their country, indeed of any kind of nationalism. They have regenerated the old opposition between the idea of the democratic nation, the civic nation, and the ethnic nation, the *Volk*. During the 1990s, German philosopher Jürgen Habermas introduced the concept of "constitutional patriotism" as a substitute for ethnic nationalism; this new patriotism would foster the loyalty of the individuals not to the nation as a "community of destiny," but to the principles of the rule of law and democracy. The objects of the patriotic feelings were no longer going to be Germany, the nation, the historical and cultural community, but the principle of the rule of law. The nation was *demos*, not *ethnos*.

In a similar vein, and around the same time, French intellectual Jean-Marc Ferry developed the idea of a “post-national” identity. This identity would refer exclusively to the universal principles of democracy and rule of law that are enshrined in the French declaration of human rights.² Indeed, French sociologist Dominique Schnapper points out that both the “constitutional patriotism” of Habermas and the “post-national” identity of Ferry are in fact no different from the pure form of the “American” or “French” nationalisms – that is, from “civic” nationalism.³

What prompted Ferry to formulate a “post-national” identity that re-emphasized the purely civic character of the nationalism that the French revolution had given birth to was awareness that the French republican model – an ideal-type – is in fact characterized by a constitutive ambiguity: it does not exclusively incarnate the civic idea, but also includes ethnic components.⁴ Indeed, this is expressed by French political scientist Pierre-Jean Luizard, who argues precisely that “being French cannot be reduced to an adherence to republican principles.”⁵

“Constitutional patriotism,” or the nation as a “community of citizens” who are imagined to be bound together by commonly agreed laws and universal principles of democracy and the rule of law is an ideal-type that does not correspond to the reality of the “civic” nation – be it in its French, American or Turkish versions, to name a few prominent examples. In her highly influential book *La communauté des citoyens*, published in 1994, Dominique Schnapper made what was then the novel case that the traditional dichotomy of “civic” versus “ethnic” nation is actually distorting and that this analytical distortion has to be trans-

² Jean-Marc Ferry, *Les puissances de l'expérience* (Paris: Cerf 1991), p. 194.

³ Dominique Schnapper, *La communauté des citoyens* (Paris: Gallimard NRF Essais 1994), p. 258.

⁴ *Ibid.* p. 258.

⁵ Kevin Poireault, “Pourquoi la France est-elle une cible privilégiée de Daesh?” *Les Inrocks*, November 15, 2015, <http://www.lesinrocks.com/2015/11/15/actualite/pourquoi-la-france-est-elle-une-cible-privilegiee-de-daesh-11788105/>

cended if we are to gain a proper appreciation of what a nation is. She emphasized that there is not two, but one idea of the nation.⁶ The “civic” and the “ethnic” dimensions are intertwined. Schnapper observes that preexisting ethnic groups are the basis of all nations. And she argues, crucially, that affirmation of the principle of citizenship has never in itself been enough to create and sustain a national community: “One cannot mobilize individuals based on such abstract principles.”⁷ The builders of civic nations, however universalistic in their aspirations to construct a civic community held together by universal values such as rule of law and democracy, could not avoid appealing to the particularistic feelings of historical and cultural uniqueness of the ethnic group that provided the “building material” of their construction. Thus, she observes,

It seems inevitable that the nation, in order to secure its existence and ensure its vitality, constructs and entertains elements of an ethnic order. Paradoxically, to be able to create a civic nation ... the nationalists invoke ethnic arguments, race, language, religion or culture, and contribute to create or to entertain them. ... Invention of tradition is a precondition for the existence of the nation in any form.⁸

Thus, she concludes, “the most civic nations endeavor to produce a national ethnicity.”⁹ British sociologist of history Anthony D. Smith, who has been a leading international authority in the field of studies of ethnicity and nationalism since the 1970s, has made the case that the ethnic heritage, primordial sentiments and passions, survive within what are supposed to be ethnically neutral, civic nations.¹⁰ Smith argues that the only truly functional societal bonds are those that the ethnic community provides, and that only ethnicity mobilizes the kind of strong affection that the maintenance of a community requires. Smith

⁶ Schnapper, *La communauté des citoyens*, pp. 16, 40.

⁷ *Ibid.*, p. 75.

⁸ *Ibid.*, p. 117.

⁹ *Ibid.*, p. 18.

¹⁰ Smith's many works include *The Ethnic Origins of Nations* (Malden: Blackwell, 1986), *Nations and Nationalism in a Global Era* (Cambridge: Polity Press, 1995), *Theories of Nationalism* (London: Duckworth, 1971).

points to the millennial resilience of ethnic groups – Jews, Greeks, Turks, Persians, Chinese, to name a few – as proof of the perennial hold of ethnic identities. The civic nation, meanwhile – a recent product of the Enlightenment of 18th century and modernity – is an abstract construction that, at best, prolongs the myths, memories, values and symbols – the “mythic and symbolic system” – of preexisting ethnicities which the civic nations have never succeeded in transcending.¹¹

While all “civic” nations may in fact be termed “ethnic” in the sense that they prolong the myths, memories, values and symbols of a preexisting ethnic group, the process of constructing the civic nation is inevitably undertaken at the expense of other, sub-national and transnational historical collectivities within the national territory.¹² This in turn means that multiculturalism and civic nationalism are in fact not easily reconcilable. Indeed, the historical record amply shows that civic nationalism – which in theory embodies universal values of freedom – in practice does not accommodate the public expression of ethnic and cultural differences, and certainly not their political recognition. In fact, many self-proclaimed civic nations do not even accept the notion of ethnic minorities.

Historical experience, on the contrary, demonstrates that the “reduction of cultural and historical differences”¹³ has constituted the most effective way of transcending ethnic identities in the process of nation-forming. The civic nation “tends to devalue the differences.”¹⁴ In other words, “every national construction tends objectively to eliminate particularities and risks ceding to the temptation to reduce them with brutality.”¹⁵

Multiculturalism and the Deconstruction of the Civic-Ethnic Divide

Political philosophers since Antiquity, from Aristotle to John Stuart Mill, the “father” of political liberalism, have insisted that the homogeneity of popula-

¹¹ Anthony D. Smith, *The Ethnic Origins of Nations* (Malden, MA: Blackwell, 1986), p. 216.

¹² Schnapper, *La communauté des citoyens*, p. 18.

¹³ *Ibid.*, p. 201.

¹⁴ *Ibid.*, p. 201.

¹⁵ *Ibid.*, p. 206.

tions is a precondition of the stability of political entities. The processes of national homogenization in Europe during the 19th century enjoyed the endorsement of liberals and progressives; since the civic nation, the community of citizens, in theory enshrined universal values of freedom of democracy and was an expression of the equality of the citizens, the eradication and assimilation of local, sub-national ethnic cultures in the name of civic nationalism was understood to be a progressive, enlightened endeavor.

Toward the end of the 20th century, however, a political and intellectual change had taken place in most Western countries – from France to the United States to Canada. The Second World War and the Holocaust had discredited ethnic nationalism; but they also contributed to discredit civic nationalism. Indeed, that was in a sense only logical, because as has been pointed out above, “civic” nationalism was founded on ethnic myths, memories, values and symbols and prolonged and strengthened the ethnic dimension in order to mobilize the loyalty of the citizens. Indeed, civic nationalism displayed intolerance to diversity and did not refrain from leveling pluralism with brutality. Yet in another sense, civic nationalism is progressive: whereas explicit ethnic nationalism is by definition closed and xenophobic – only those with a particular ancestry, or “blood” are included in such national communities – what sets civic nationalism apart is that although ethnically rooted, it is not closed: it is instead universal.

In theory, everyone, regardless of ethnic origins is eligible for membership in the civic nation: anyone can become American, French or Canadian. Yet in the intellectual atmosphere that came to prevail in the West from 1968 onward, this openness increasingly came to be interpreted as another form of cultural violation. Liberal and progressive intellectuals in North America and Western Europe took issue with a civic nationalism which although open, in turn demanded cultural submission or assimilation and abandonment of cultural diversity. Mario Vargas Llosa, a Nobel laureate in literature, condemned the nation in what have been typical terms of Western intellectual discourse for the last couple of decades: “A nation is a political fiction imposed on a social and geographical reality almost always by force ... [and] imposes homogeneity at the expense of the disappearance of a pre-existing heterogeneity, and installs often

insurmountable obstacles to the development of religious, cultural or ethnic diversity within it.”¹⁶

Writing in 1995, American journalist William Pfaff noted that a large and crucial debate was active between those who say that the United States is, and should be, merely a federation of autonomous and self-sufficient racial and ethnic cultures, but not a united nation-state: “The unifying American identity is denigrated as elitist, ethnocentric, imperialist, patriarchal and so on.”¹⁷ Pfaff noted that a part of the American leadership had come to challenge the old idea that a certain historically warranted conception of the nation, and of the culture that distinguishes that nation, should be taught to immigrants, as well as to the native children:

American education no longer is didactic about citizenship or deliberately assimilative with respect to minorities as it was in earlier periods of immigration. Then it insisted upon the acculturation of immigrants’ children by teaching them English and American literature, American history and what for many years in American schools was called “civics”.¹⁸

In his book *The Disuniting of America – Reflections on a Multicultural Society*, published 1991, historian and former presidential advisor Arthur M. Schlesinger, Jr. worried about America’s future as a unified nation; he criticized multicultural public education for strengthening and perpetuating separate ethnic and racial subcultures instead of making the young generation contributors to a common American culture: “it is surely not the office of public school to promote artificial ethnic chauvinism.”¹⁹

“The right to difference” became the catchword of multiculturalism: it expressed not only a demand that cultural and religious practices of minorities be

¹⁶ Mario Vargas Llosa, “Piedra que Toque: Naciones, Ficciones”, *El País*, December 2, 1992, http://elpais.com/diario/1992/12/02/opinion/723250813_850215.html

¹⁷ William Pfaff, “Canada’s Lesson in Multiculturalism” *St. Louis Dispatch*, November 2, 1995.

¹⁸ *Ibid.*

¹⁹ Arthur M. Schlesinger, Jr., *The Disuniting of America – Reflections on a Multicultural Society* (New York, London: W.W. Norton & Co, 1991), p. 90.

tolerated in the private realm, but that they should enjoy recognition in the public space and be public subsidized.²⁰ Yet in practice, multiculturalism made significantly less headway in institutional and legal terms than what the dominant intellectual discourse suggested. The “contract of integration” of the French government of 1990 stated that “France does not intend to accept practices on its territory that are incompatible with its fundamental principles, especially with regard to the status of women.”²¹ Similarly, Great Britain did not give in to fundamentalist Muslim demands for the application of Sharia law:

English judges have emphasized that tolerance is bounded by notions of reasonableness and public policy and that foreign customs and laws will not be recognized or applied here if they are considered repugnant or otherwise offend the conscience of the court.²²

Today, in the wake of mounting difficulties to integrate immigrant populations and with the challenge posed by Islamist extremism, the multicultural discourse has lost much of its power of attraction in Europe and the United States. In the United States, the debate of the 1980s and 1990s between civic nationalists and multiculturalists has been quietly settled. In spite of recent convulsions, American civic nationalism appeared much more resilient than what the alarmists had conjured. America continued to demonstrate an adaptive ability, with its civic nationalism surviving a greater tolerance for diversity. The case of civic nationalism in Europe – most notably the case of the French civic nation – offers much less reason for optimism. France may not have surrendered to multiculturalism, but neither has its civic nationalism succeeded in securing the full adherence of the French Muslim population to the national community. That in turn has created the perception among the non-Muslim part of the population of France that the identity of the nation is threatened, fueling an *ethnic* nationalist reaction.

It is this spirit that political scientist Pierre-Jean Luizard, as quoted above, says that “being French cannot be reduced to an adherence to republican” – that is

²⁰ Schnapper, *La communauté des citoyens*, p. 206.

²¹ *Ibid.*, p. 205.

²² Sebastian Poulter, “Ethnic Minority Customs, English Law and Human Rights,” *International and Comparative Law Quarterly*, vol. 36 no. 3, 1987, p. 594-595.

civic – “principles”. The point that Luizard and many other intellectuals in France today argue, is that defining itself as a civic nation has in fact made France more fragile than other nations that unlike France unapologetically assume their particularistic cultural and religious heritage. France has in contrast, Luizard says, deprived itself of its Christian heritage, in the name of *laïcité*, secularism, and is therefore having difficulty finding its identity.²³ Secularism is indeed an essential element of civic nationalism, because it enables the transcendence of the diversity of religious beliefs, and also because it has served to transfer the notion of sacredness from religion to the state, making the nation and the republic the objects of a civic religion, a secular cult.²⁴

When the non-Muslim French population feels – whether legitimately or not – that French Muslims refuse the “offer” to identify with the civic national community with which they themselves identify, they are thrown into a crisis of identity. As the Muslims of France are believed to prefer to be a community apart, the civic nation is undermined and devalued, and non-Muslims also start to grope for a comforting religious and ethnic identity in response.

Sociologist Dominique Schnapper argues that the civic nation is inherently fragile, because it is inflicted by a “constitutive tension” between universalism – its aspiration – and what remains a particularistic reality, formed by the different ethnicities from which it has sprung.²⁵ The latter have been maintained and are always posed to reassert themselves, reigniting ethnic conflicts; the immigration of new ethnic groups, and the reactions to them from the native community, can only exacerbate the “constitutive tension” of the civic nation, something that is on full display in Europe today. The ethnic nation can certainly not offer any democratically acceptable answer to the challenge of forging long-lasting political and social cohesion in the midst of ethnic and national diversity; but neither can it be assumed that the civic nation – which, as has been argued here, is an inherently fragile concept with a “constitutive tension” between universalism and ethnic particularism – will be able to cope with the challenge:

²³ Poireault, “Pourquoi la France est-elle une cible privilégiée de Daesh?”, 2015.

²⁴ Schnapper, *La communauté des citoyens*, pp 73, 176.

²⁵ *Ibid.*, p. 74.

A society founded on a utopian principle – even though it is an innovative utopia – it cannot help but betray the values that it proclaims and nourishes the criticism of the citizens in the name of these values.²⁶

Models of Secular Governance

A corollary to the debate on nationhood is the role of religion in the public sphere. It goes without saying that the introduction of the civic nation means, in principle, the introduction of secular governance. Indeed, if the state is to be neutral towards the *ethnic* groups that compose the nation, so it needs to be neutral towards the *religious* communities that form part of it – including the parts of the population that profess no religion at all. Of course, in Europe, this was not the case traditionally: the Peace of Augsburg of 1555 regulated religion by introducing the principle of *Cuius region, eius religio*, which stipulated that the ruler of a territory had the right to determine the religion practiced in his realm. Thus, it did not provide religious freedom; but it did allow “heretics” to emigrate to territories where their religion was official.

This European experience stood in strong contrast to some non-Western societies. Most notably, the Mongol Empire fiercely enforced freedom of religion, allowing the coexistence of Christians, Muslims and Buddhists, among other, in the lands it controlled.²⁷ In Europe, religious freedom was practiced *ad hoc* in some German lands, but lacked official sanction across the continent. Only in the late eighteenth century did revolutionary France and the United States launch the then novel idea that the state should be separated from religion. Today, of course, practically all Western countries are secular for all intents and purposes. Yet the vestiges of state religion remain in particular in the Constitutional Monarchies of Europe. Thus, the Church of England remains the established Church, headed by the British Monarch; most Scandinavian countries have yet to fully separate the state from the Lutheran Church.

²⁶ Ibid., p. 16.

²⁷ Jack Weatherford, *Genghis Khan and the Quest for God: How the World's Greatest Conqueror Gave Us Religious Freedom* (New York: Viking, 2016).

While secular governance has become established in the Western world, misunderstandings often arise as a result from widely diverging definitions of secularism. While the full range of secular government is beyond the scope of this paper, two ideal-types of secularism coexist at the present time. The dominant form presently is what could be termed the “Anglo-Saxon” model of secularism, which emerged with the American Constitution. This model arose from the sectarian conflicts between religious denominations in England and the American colonies. The main aim of this model is to secure religious freedom of the individual; it follows from this that the state must observe *neutrality* between different religious dogmas. Thus, it seeks to separate the state from religion; in other words, to relegate religion to the private sphere. In no sense does this make the state anti-religious; quite to the contrary, it emerged from the very notion of protecting the freedom of all different communities to worship without state interference.

The French model of *laïcité*, a term seldom translated into English and therefore subsumed under the term “secular”, has different background and thus different aims. It stems only in part from an attempt to regulate conflict between religious denominations – its roots lie in the 1598 Edict of Nantes, which sought to bring an end to the wars of religion of the second half of the sixteenth century. Since then, it has focused more on disagreements in a predominantly Catholic society over the role of religion in the state. In other words, *laïcité* was devised to shield the state – and by extension the individual – from institutional religion. It sought not to protect a right *to* religious freedom, but a right *from* religious oppression.

Thus, the two models have radically divergent goals, and therefore, the relationship between the state and religion differ considerably. Anglo-Saxon models of secularism do not tend to see religion *per se* as a challenge to the state or to the freedom of society; quite to the contrary, they tend to view state efforts to control expressions of religion as more problematic than those expression of religion might be; in turn, they tend to be acceptant of individual and collective displays of religious identity. By contrast, the French model very much sees in-

stitutionalized religion as a threat to the freedom of the society and to the integrity of the state. As a result, it certainly promotes state intervention in the area of religion, in order to regulate both the organization of religious communities and the displays of religiosity in the public realm. Where the Anglo-Saxon model is comfortable with a society where public displays of religiosity are ubiquitous, the French model would prefer a society where religion is strictly personal, exercised in private, and minimized in the public realm.

There is, of course, a third model: the socialist atheist model, which actively seeks to undermine religion *per se* – not just to reduce it to the private realm, but to repress it altogether. While *laïcité*, unlike Anglo-Saxon secularism, has a healthy dose of skepticism for organized religion, it is not in and of itself anti-religious: neither France nor societies that have followed the French model have razed churches or sought to restrict the exercise of religious rites. Laicist states share with socialism the fear of a threat to the state from organized religion; but socialist atheist societies, moreover, view religion in itself as incongruent with modernity and progress, as an archaic belief system incompatible with their own that must be rolled back. Of course, this model has largely been abandoned, whether in formerly Communist Eastern Europe or the Soviet Union; a China that is Communist in name only; or in the Arab world, where Arab socialism in its Baathist and Nasserist forms are relics of the past.

However, the contrast between the Anglo-Saxon and French models lives on. The problem is exacerbated by the fact that the English language has no viable translation for the term *laïcité*. As a result, the term “secularism” is used interchangeably for government policies that differ in fundamental ways. In turn, when Western governments and organizations assess the practices of other states and design foreign policies in this field, the distinction between these models tend to be glossed over. Thus, American government agencies and organizations tend to assume that the only legitimate exercise of secularism is the Anglo-Saxon model focused on ensuring religious freedom. But because of historical links and their own proper experiences, many non-Western countries have in fact adopted religious policies that have much more in common with the French model.

This is particularly the case in the Muslim world. The conditions that gave rise to secular ideas among political leaders shared more in common with the French than with the Anglo-Saxon experience. The urge to regulate relations between different Islamic communities certainly exists, particularly in societies like Azerbaijan that are split between Sunni and Shi'a communities. But this is dwarfed by the objective, much as in Catholic France, to protect the state from religious forces perceived to be large, monolithic and distinctively political in nature. Thus, the driving force behind secular governance has been to prevent religious dogma from influencing the state and society; it should therefore come as no surprise that "secular" states in the Muslim world have drawn from the French experience of regulating religion. Since these states have democratic traditions that are less advanced than in France, their policies have often been more restrictive than the French, and often even repressive in nature. Turkey is an obvious example of this tendency. Similarly, leaders of majority-Muslim post-Soviet societies – the five states of Central Asia and Azerbaijan – shed the atheist Soviet model upon independence, but rapidly gravitated toward a model inspired by the Turkish and French examples – one that ensured the sensitive state-building project they embarked upon would not be hijacked by the religious revival that began to sweep their societies. As shall be seen, this set the stage for much acrimony concerning Western criticism of Azerbaijan's practices in the religious area.

Implications for Non-Western Societies

These contemporary debates and controversies over civic nationhood, multiculturalism, and secularism are of relevance for multi-ethnic and multi-confessional states outside the traditional West that seek to develop a model of nationhood that could help them maintain social cohesion. Numerous states in the Muslim world have in the past century sought to develop more or less civic identities and uphold secular forms of government. While their experiences are unique, they are also instructive. Turkey, Iran, and Pakistan struggled with these notions for much of the twentieth century. All of these states are highly multi-ethnic, making the prospect of ethnic nationalism a divisive prospect. As

a result, all sought to build inclusive concepts of the nation, based on the broader idea of citizenship. Thus, Kemal Atatürk proclaimed "Happy who *calls* himself a Turk;" The Pahlavi Shahs and their revolutionary successors all emphasized the inclusive "Iranian" rather than "Persian" nature of the state; and Pakistan struggled to develop a coherent concept of the nation that would subsume sub-national provincial loyalties. But they developed diverging approaches. Turkey and Iran, post-imperial entities as they are, let there be no doubt that the language and culture of the majority population would remain dominant, while non-Turks and non-Persians were welcome to assimilate into it. Post-Colonial Pakistan took a more civic route in elevating Urdu rather than the majority Punjabi language to the national language, though Urdu was the vernacular only for the *Muhajirs* that fled northern India. In spite of the travails of Turkey and Iran, it is clear that their model, based on a dominant culture and language, has been more successful in forging national loyalty than has been the case in Pakistan.

In the religious realm, all secularizing states in the Muslim world have had to confront the powerful rise of political as well as radical Islam since the 1960s. Pakistan and Iran first succumbed to the challenge in the late 1970s, as Zia ul-Haq and Imam Khomeini imposed Islamic law with varying degrees of fervor. Almost simultaneously, Turkey's military regime in the early 1980s began to introduce the notion of the Turkish-Islamic synthesis to counter perceived threats from the left. Within two decades, political Islam had grown to become the dominant ideology in Turkish politics. Against this background, secular governance in the Islamic world is gradually declining; at present, aside from a number of states in Western Africa, it is represented mainly by the post-Soviet states of Central Asia and Azerbaijan.

The Emergence of Civic Nationhood and Secular Governance in Azerbaijan

The development of the modern nation of Azerbaijan has, consciously as well as unconsciously, taken place against the backdrop of European intellectual and political debates on identity. Azerbaijan was the first republic to be created in a Muslim society in 1918. That was in turn the logical result of a process of nation-building that had begun in the late nineteenth century. As will be seen, this process was remarkable for its inclusive and progressive nature. From the outset, the definition of Azerbaijani identity has been contested, with three chief perspectives. The first is an ethnic understanding, often leaning toward pan-Turkist ideology. The second is a more Islamic understanding of the nation. The third is that of a secular, civic nation based primarily on citizenship. However, since the emergence of a self-conscious Azerbaijani nation, the third, inclusive interpretation has grown increasingly dominant, while challenged primarily by more ethnic perceptions of the nation.

The Emergence of the Azerbaijani Nation: From the 1850s to the First Republic

The names of many territories, indeed of most European nations, are derived from the names of the people who inhabit them. In the case of Azerbaijan, the process has been the opposite: the nation's name derives from the land. The term "Azerbaijan" has been in usage for centuries, derived from *Atropatene*, a territory of the Achaemenid empire in the fourth century BCE, with a meaning roughly equivalent to the "Land of Fire". The term historically described a geographic area; it did not carry any connotations as to the identity of its inhabitants or rulers. More importantly, the name predated the Turkic migrations of the late

first millennium CE, which would give present-day Azerbaijan its current ethnic composition. Thus, prior to the late nineteenth century, there had never been a people self-identifying as “Azerbaijani”, while prior to 1918, there had never been a state carrying the name Azerbaijan.

The Azerbaijani nation, thus, did not go through the long, gradual process of ‘organic’ nation-building over the course several centuries that characterized the development of European nations. But conversely, neither is the Azerbaijani nation an artificial creation, as is the case in so many postcolonial nations in the Middle East and Africa – where the name of the state is entirely dissociated from the identity of its citizens. Neither was the creation of Azerbaijan a political decision of the Stalinist 1920s, as was the case in Central Asia. In fact, the development of the Azerbaijani nation was a genuine development led not by state officials but by local intellectuals, who had been exposed to current ideas and debates on nations and nationalism. While Russian colonialism was a main channel for Western ideas and writings, Azerbaijani intellectuals were also strongly influenced by developments in Iran and the Ottoman Empire and took an active part in many of them.

From the second half of the nineteenth century, the work and debates of these intellectuals contributed the formation of the Azerbaijani nation. Yet when the First World War started, they were still far from dominant in their society, which remained largely agrarian. Nor had they progressed so far as to demand the creation of a separate political entity for their nation: it remained largely a cultural and social process, rather than a political one. But when these intellectuals unexpectedly found themselves at the helm of an independent state in 1918, they were already equipped to form that state according to their understanding of the nation that inhabited its ill-defined boundaries.

The main political impetus for the native intelligentsia was the reform and development of their own society. These intellectuals initially viewed Russian colonialism as a force for reform and modernization, though views of Russia would subsequently be more complex. The acknowledged founder of the modern literary Azerbaijani Turkish language, Mirza Fath Ali Khan Akhundzade – a translator employed by the Russian viceroy – published works and plays in

Azerbaijani, which were the first Western-style plays ever published in the Muslim world.²⁸ His work's main thrust was a critique of the superstition and ignorance of native society, and emphasized the importance of secular education. Indeed, the reform of Muslim schooling was a main focus of the intelligentsia, as it had almost exclusively included only boys and consisted of religious education as well as limited rote instruction in writing, reading, and basic mathematics. The literacy rate among Azerbaijanis in Baku was 10 percent and was far lower in the countryside, especially for girls.²⁹ Azerbaijani intellectuals were drawn to the *Jadid* movement, an anti-clerical reform movement originating among the Tatars in the Russian empire, which developed an agenda for the modernization of Muslim education that included girls, discouraged rote learning, and introduced new secular learning, as well as new methods of teaching, including foreign languages.³⁰ In Azerbaijan, a leading proponent was Abdulrahim Talebzade, who set up the first Muslim Jadid school in Baku.³¹

This social activism inevitably raised issues of identity. Not least because the new intellectuals expressed themselves mainly in print which made the question of language, as in education, paramount. Thus, they created various newspapers and periodicals in Azerbaijani, Ottoman Turkish, Persian, and Russian. Confusion over language was part of the identity question: what community, what group did the intellectuals target? Azerbaijan was small, and at the time its natives were commonly referred to either as "Muslims" or "Tatars," a term used variously for Turkic-speakers across the Empire whose languages nevertheless differed considerably – though not necessarily more so than populations elsewhere that were assimilated into new nations with a single language. Indeed, Ottoman Turkish – the literary language of the Ottoman Empire – was

²⁸ Hasan Javadi, *Satire in Persian Literature* (London: Associated University Press, 1988), p. 258; Brenda Shaffer, *Borders and Brethren: Iran and the Challenge of Azerbaijani Identity*, (Boston, MA: MIT Press, 2002), p. 26.

²⁹ Kari Eken Strømmen, *Tyrker, Muslim og Sovjetborger: Utvikling av aserbajdsjansk nasjonal identitet under sovjetregimet* (Oslo: NUPI, 1999), p. 40.

³⁰ Adeeb Khalid, *The Politics of Muslim Cultural Reform: Jadidism in Central Asia* (Berkeley: University of California Press, 1998).

³¹ Shaffer, *Borders and Brethren*, 27.

quite different from the vernacular Turkish, with heavy Arabic and Persian influences that made it scarcely comprehensible to the masses.

Many intellectuals sought a larger community of which the Azerbaijanis could become a part of – the most obvious candidates were communities of language or religion. Thus, Pan-Turkist and Pan-Islamist influences were powerful.³² Pan-Turkism was a nascent force in both the Ottoman and Russian empires, and grew strong with the emergence of the Young Turk movement in the Ottoman Empire in the early twentieth century. In the Azerbaijani context, the nation's mainly Shi'ite beliefs led pan-Islamism to be strongly tied to feelings of community with Iran – and thus to complicate views of the Sunni Turks of the Ottoman Empire, traditional rivals of Iran.

But the two lines of thought were not mutually exclusive, and various thinkers gravitated between them. Pan-Turkists emphasized the primacy of the ethnic bonds of Turkic origin, but acknowledged the key role of Islam as a marker of identity. In any case, Islam was a common denominator between all Turkic peoples save small groups like the Christian Chuvash and Gagauz and the Jewish Karaims. This made Pan-Islamism acceptable to many Turkic nationalists. Likewise, Pan-Islamists disillusioned with Iran could accept the ideas of Pan-Turkism. Hence, Ali Huseynzade, a Turkist writer, articulated the joint principles of "Turkify, Islamize, and Europeanize," unifying three concepts that could otherwise seem at odds.³³ This slogan was adopted by the leading Ottoman ideologist of Pan-Turkism, Ziya Gökalp, in his *Principles of Turkism*.³⁴ On the other hand, former Pan-Islamist Ali Ağaoğlu, initially highly critical of the Ottoman Empire, gravitated toward Turkism, realizing that Turkey represented a much better hope than Iran of unifying Muslim lands.³⁵

³² Volker Adam, *Auf der Suche nach Turan: Panislamismus und Panturkismus in der aserbajdschanischen Vorkriegspresse*, [In Search for Turan: Pan-Islamism and Pan-Turkism in the Azerbaijani Pre-War Media] in Raoul Motika and Michael Ursinus, eds., *Caucasia Between the Ottoman Empire and Iran, 1555–1914*, (Wiesbaden: Reichert Verlag, 2000), pp. 189–206.

³³ Audrey Altstadt, *Azerbaijani Turks* (Stanford: Hoover Institution Press, 1992), p. 70.

³⁴ Ziya Gökalp, *Türkçülüğün Esasları*, 1923. In English, *Principles of Turkism*, trans. Robert Devereux (Leiden: E. J. Brill, 1968).

³⁵ A. Holly Schissler, *Between Two Empires: Ahmet Agaoglu and the New Turkey* (New York: I.B. Tauris, 2003).

Neither orientation was unproblematic for Azerbaijani intellectuals, however. The modernizing influence of Europe, through Russia, made the Azerbaijanis among the most progressive of thinkers in the Muslim world, because many of the elite had received a modern, secular education. As such, the appeal of Pan-Islamism was very limited to many of them. Moreover, the religious division of Azerbaijan – where a third of the population, primarily in the north, was Sunni – also contributed to diminish the appeal of religious ideologies that were often sectarian. Indeed, the fact that many of the nineteenth century intellectuals were Sunni alienated them from Iran and drew them toward the Ottoman Empire.³⁶

Gradually, it became clear that most Azerbaijani intellectuals sought the community of outside groups, but were unwilling to subsume their identities under them. While there were exceptions, Azerbaijani Turkists did not simply desire to be an Ottoman province; and even committed Azerbaijani Communists sought to maintain organizational autonomy from the Bolshevik party, as the career of Nariman Narimanov suggests.³⁷

Proponents of a distinct Azerbaijani identity also grew in number, an attitude that would resurface with newfound strength in the 1990s. The concept of self-identification as an “Azerbaijani Turk” first emerged in the newspaper *Keshkul* in 1891.³⁸ In Altstadt’s words, this conception managed “in one stroke [to convey] a distinction between religious and national identity while marrying the idea of Turkishness to the Azerbaijan land.”³⁹ Part of this movement involved the rejection of forthright adoption of the Ottoman Turkish language; instead, Azerbaijanis would codify and standardize the vernacular Azerbaijani dialect, a task undertaken by several newspapers, most notably *Sharq-i-Rus*, founded by Ismail Shakhhtakhtinski. In its new form as a written language, Azerbaijani was

³⁶ Tadeusz Swietochowski, “The Politics of a Literary Language and the Rise of National Identity in Russian Azerbaijan before the 1920s”, *Ethnic and Racial Studies*, vol. 14 no. 1, January 1991, p. 57.

³⁷ Tadeusz Swietochowski, “The Himmät Party: Socialism and the National Question in Russian Azerbaijan, 1904-1920,” *Cahiers du Monde Russe et Sovietique*, 19, nos .1-2, 1978, pp. 119-42.

³⁸ Tadeusz Swietochowski, *Russian Azerbaijan, 1905-1920: The Shaping of National Community in a Muslim Community* (New York: Cambridge University Press, 1985), p. 32.

³⁹ Altstadt, *the Azerbaijani Turks*, 70.

increasingly put to practical use in both book publishing and theater. As Swietochowski puts it, Shakhtakhtinski became the first of the twentieth-century *Azərbayclər*, the partisans of writing in Azerbaijani vernacular.⁴⁰

The key divide relevant for the purposes of this paper crystalized at this time. It pitted the proponents of the vernacular Azerbaijani language against the “Ottomanizers” who sought to unite all Turkic peoples of the Ottoman and Russian empires and advocated for the adoption of a single literary language for them, that is, Ottoman Turkish. To the latter, Azerbaijanis were Oghuz Turks just like the Anatolian Turks, the differences between them were minor or irrelevant, and did not warrant the existence of separate literary languages. But even in modified form, Ottoman Turkish was distant from the vernacular of Azerbaijan, let alone that of Central Asian Muslims. In fact, it was the most Arabized of Turkic languages and thus the least Turkish, a point frequently made by the proponents of a vernacular language. Indeed, even in the main outlet of the Ottomanizers, *Füyuzat*, Swietochowski comments that contributions were “written in Ottoman, often in an elaborate style, showing an elitist disregard for the average Azerbaijani’s ability to understand them.”⁴¹

The gradual rejection of Ottomanism would not be completed until the collapse of the Ottoman Empire itself, primarily because the entire region would succumb to convulsions and conflicts from 1905 onward. And since Azerbaijan would not become a state until 1918, the issue of the minorities *within* Azerbaijan, and their place in relationship to Azerbaijani nationalism, was not yet on the political agenda.

The 1905 Russian Revolution was a most momentous event, for two reasons. The Russian defeat in the 1904 war with Japan – symbolic as the defeat of a European power at the hands of an Asian one – led to an assertion of separatist moods. But the ethnic violence pitting Armenians and Azerbaijanis was incomparably more consequential, especially because it showcased the Russian colo-

⁴⁰ Swietochowski, *Russian Azerbaijan*, p. 61.

⁴¹ Swietochowski, “The Politics of a Literary Language and the Rise of National Identity in Russian Azerbaijan before 1920”, *Ethnic and Racial Studies*, vol. 14 no. 1, 1991, p. 59.

nizing power's implicit, and occasionally explicit, favoritism toward its co-religionists. As a result, Russian colonization came to be viewed much more negatively, and outright separatist opinions became increasingly commonplace. But the Russian Revolution was not the only momentous event of the time. The Ottoman Empire and Iran, two powers that Azerbaijani intellectuals oscillated between, also experienced political convulsions. The 1906 constitutional revolution in Iran, and the Young Turk revolution of 1908 involved a number of leading Azerbaijani intellectuals – not least Mammadamin Rasulgade, who played a leading role among left-wing intellectuals in the period that followed. The 1908 coup by the Committee for Union and Progress was more decisive than developments in Iran, because it brought Pan-Turkist ideology to the fore. Azerbaijanis, not least the secularist playwright Akhundzade, were among the leading and most influential thinkers behind Pan-Turkism. Yet while they became increasingly hostile toward Russian rule, Azerbaijani intellectuals remained undecided whether to build a separate Azerbaijani nationalism or join revolutionary or reformist forces in cooperation with other peoples of the Russian Empire. Russia was still regarded as a force that had brought European modernism to Azerbaijan, and independence continued to seem infeasible.

An important characteristic of the Azerbaijani political movements was, with few exceptions, their moderation and their progressive outlook. As Brenda Shaffer observes, “in almost all movements they joined, the Azerbaijanis continued to be at the forefront of Muslims advocating for the adoption of liberal values and enlightenment. One example of this is the insistence on the emancipation of women advocated by political parties in both north and south Azerbaijan.”⁴² Hence, whether nationalist in orientation, like the *Difai* and *Müsavat*, or leftist, like the *Hümmät*, Azerbaijani groupings eschewed radicalism and were oriented toward compromise – a trend that would lead to the remarkable political system that was set up in 1918 with creation of the Azerbaijan Popular Republic. The Azerbaijan People's Republic, created on the ashes of an abortive attempt to build a joint state for the peoples of the South Caucasus, predated the Turkish

⁴² Shaffer, *Borders and Brethren*, 32–33.

republic by five years, making it the first republic ever created in the Muslim world. While the Republic would appeal for Ottoman assistance to gain control over Baku, where a Bolshevik regime had seized power, the new state's form of governance created differences between the Azerbaijani elite and the Ottoman armies. They were still representatives of a sultanate that had not embraced secularism, and whose legitimacy ultimately rested on religion. The remarkably progressive spirit and moderation of the Azerbaijani elite did not remain on paper: these traits were reflected in the activities and behavior of the political elite during this brief period of independence. The National Charter of the Republic proclaimed the state a democratic, parliamentary republic. Its fourth article stated that the republic "guarantees to all its citizens within its borders full civil and political rights, regardless of ethnic origin, religion, class, profession, or sex."⁴³

When the Azerbaijani delegation to the recently dissolved Transcaucasian Seim reconvened in Baku they passed a law on elections to a constituent assembly to replace it. This was to be held on the basis of proportional representation and universal suffrage – giving women the right to vote long before many Western European countries did. The chaos and warfare in the region meant that the planned elections were never held. Yet the Parliament sought to expand its membership by including new groups and giving representation to minority representatives.⁴⁴ Out of a total of 120 seats, 21 were allocated to Armenians. Russians were granted 10, in recognition of their long-standing presence within the territory of the new republic.

Although the Republic had to contend with Turkish, British, and Russian interference into its internal affairs, the process of building a nation-state began in earnest during this period. Parliament was a great venue for political activity, with 145 sessions and more than 250 legislative proposals during its brief existence. It sought to initiate many reforms, especially in the field of education, enacting a comprehensive reform that made instruction in the Azerbaijani lan-

⁴³ Quoted in Swietochowski, *Russian Azerbaijan*, p. 129.

⁴⁴ *Ibid.*, 145.

guage obligatory in all schools as well as replacing the teaching of Russian history with that of Azerbaijan.⁴⁵ A key accomplishment was the establishment of a state university in Baku in 1919, teaching in Azerbaijani.

Of course, this experiment was short-lived. Western powers never truly recognized the independence of the south Caucasian states, appearing to assume that they would be reincorporated under Russian control. The Ottoman Empire collapsed, and was replaced by a Turkish republic that studiously sought to focus on its internal transformation into a modern nation-state and eschewed foreign adventures. By early 1920, Bolshevik forces entered Baku, ending the first attempt at independence.

The Soviet Impact

The Sovietization of Azerbaijan would have a powerful impact on the nation and shape its development over the next seven decades. Initially, Sovietization did not appear to carry disastrous consequences. The 1920s were characterized by the policy of *Korenizatsiia*, best translated as “nativization”, which meant the central support for the consolidation and nation-building of the many nations of the USSR. Not staying at that, it meant the promotion of the native languages and investments in education in these languages. Going further, Lenin’s nationality policy led the Soviet Union to be created as an ethnic federation. Thus, sovietization did not mean the dismantling of the newly created Azerbaijani nation: Azerbaijan was not split into the pre-existing Russian colonial *gubernii* but kept its new name and remained a coherent entity. Perhaps most remarkably, all union republics of the USSR were nominally equal: at least in theory, the Azerbaijani Soviet Socialist Republic was on an equal footing with other constituent republics, including Russia. Thus, throughout the 1920s, Azerbaijan continued to develop under the leadership of Nariman Narimanov, a member of the emerging intelligentsia that had sided with the Bolsheviks.

However, this was not to last. In the 1930s, Stalin strengthened the centralized character of Soviet rule, and rolled back much of the substance of the relatively

⁴⁵ *Ibid.*, 148.

liberal nationality policies that Lenin had launched. In other words, the autonomy that Azerbaijan and other national republics had been granted was successively reduced. With centralization came repression in several waves. Already in the 1920s, “class enemies” such as religious leaders and “kulaks” were crushed. In the late 1920s and early 1930s, the so-called “national communists” were eliminated – including those vestiges of the Musavat elite that had been tolerated initially. Even Narimanov, who died in 1925, was posthumously denounced as a nationalist. The murderous 1937 purges across the Union hit Azerbaijan particularly hard, because its national intelligentsia was comparatively small. Virtually the entire intellectual class in the republic was destroyed – with everyone including the early Bolsheviks of Azerbaijan lumped together as enemies of the state. 70,000 people were killed in the purges according to official numbers, almost half of whom were listed as members of the intelligentsia. The real figure is believed to be considerably higher. Thus, the bearers of the very identity of Azerbaijan as a nation were eliminated, and their memory denigrated – a development with considerable implications for the future.

In following decades, Azerbaijan would continue to be exposed to the ebbs and flows of Soviet nationality policy. The Second World War forced Stalin to liberalize nationality policy temporarily to curry favor with non-Russian minorities; this was reversed after the end of the war. After Stalin’s death, Khrushchev’s “thaw” allowed for an effort to reassert Azerbaijani identity – the Azerbaijani language was even given official status in 1956. This eventually caused concerns in Moscow, as Khrushchev feared it would open the door to Turkish influence in Azerbaijan.⁴⁶ In the early 1960s, the pendulum swung back to more restrictive policies in the fields of language and religion. But in 1969, Heydar Aliyev was appointed First secretary of Azerbaijan’s Communist Party, beginning a long period at the pinnacle of Azerbaijani politics. His reign would coincide with the relaxation of pressure on the intelligentsia – in fact, with what can only be termed a concerted effort to encourage the reassertion of Azerbaijani national identity.

⁴⁶ Jamil Hasanli, *Khrushchev's Thaw and National Identity in Soviet Azerbaijan, 1954-59* (Lanham: Lexington, 2015).

The Soviet era changed Azerbaijan considerably; in fact, early Soviet social engineering spent serious efforts on affecting the Azerbaijani identity. It should be recalled that the First Republic had had no time to decisively settle some remaining questions, including the ethnic origins of the nation. As has been seen, in the pre-revolutionary period, there was little dispute on the name of the territory, while there was greater debate on the identity of its inhabitants and their language. It was no foregone conclusion that the codification of the vernacular would continue in a linear fashion.

Indeed, the early Soviet period experienced a sharp battle between theories of linguistic and ethnic development, a battle that had important implications for Azerbaijan. In the 1920s, scholars made a serious effort to fit theories of history, ethnicity and language within a Communist class paradigm. In regards to history, the effort to reconstruct national histories to fit the Bolshevik regime and the Marxist ideology was led by Mikhail Pokrovsky. Pokrovsky denounced the role of great historical figures and institutional structures and argued instead that history was determined by class struggles.⁴⁷ Similarly, in the field of linguistics and ethnic studies, Nikolay Marr led an effort to define the development of languages in similar terms. He argued that ethnicity was not a racial concept but a socio-economic one: humans formed into groups not on the basis on blood or kinship, but on economic need.⁴⁸ Importantly for Azerbaijan, these theories de-emphasized “blood ties” and genealogical understanding of national histories; they were comfortable with identities in evolution and transition. But from the mid-1930s, the pendulum swung back, largely as a result of the challenge to the Soviet Union posed by Nazi ideology. Stalin decisively repudiated Pokrovsky’s and Marr’s ideas, and instead imposed a strongly primordial understanding of history and ethnicity on the Soviet Union. Whereas Marr’s theories would readily accept the recent nature of Slavic settlement in the Soviet territories, the new conditions demanded that theories instead emphasized their

⁴⁷ George M. Enteen, *The Soviet Scholar Bureaucrat: M.N. Pokrovskii and the Society of Marxist Historians* (University Park, PA: Pennsylvania State University Press, 1978).

⁴⁸ Yuri Slezkine, “N. Ia. Marr and the National Origins of Soviet Ethnogenetics”, *Slavic Review*, vol. 55 no. 3, 1996, pp. 826-62; Harun Yilmaz, *National Identities in Soviet Historiography: The Rise of Nations under Stalin* (London: Routledge, 2015).

antiquity be promoted – such as those of eighteenth-century historian Mikhail Lomonosov. This meant that all nations were now judged on the antiquity of their origins and of their connection to the land they inhabited. Paradoxically for a Communist state, blood lineage was now emphasized as crucial to the identity of nations. Of course, this posed a significant problem for Azerbaijan. First, it directly contradicted the inclusive nature of the emerging Azerbaijani identity, which was open to integrating or assimilating non-Turkic minorities including Lezgins, Talysh, and Kurds that chose to embrace the Azerbaijani-Turkish language. Moreover, the territory had only been decisively turkified in the eleventh century, meaning that its inhabitants' identity was not indigenous – except if the population could be shown to be of indigenous origins, but to have undergone a language shift at some point in the past. The question was particularly vexing because Azerbaijan's immediate neighbors had no difficulty with the new policy: Armenia and Georgia could easily show their ethnic and linguistic links with antiquity. This would create imbalance and possibly tensions among the communities in the South Caucasus, thus, the Bolshevik authorities decided that the “ethnogenesis and ancient history of the Turkic-speaking people of Azerbaijan had to be constructed in a way that would allow them to claim that they were indigenous alongside Armenians and Georgians.”⁴⁹

Until this point, diverse opinions existed on the ethnic composition of Azerbaijan. The question goes to the nature of Turkic invasions: were the invading Turkic tribes so numerous as to have rapidly constituted a majority of the population? In this case, Azerbaijan was predominantly Turkic in both ethnicity and language; and its genealogy traced – much like the emerging Turkish republic – to the Seljuk Turks. But an alternative opinion held that the number of Turks arriving from Central Asia could not have been that large. Instead, Azerbaijanis were primarily the descendants of the populations that had inhabited the terri-

⁴⁹ Harun Yılmaz, “The Soviet Union and the Construction of Azerbaijani National Identity in the 1930s”, *Iranian Studies*, vol. 46 no. 4, July 2013, p. 525.

tory prior to the Turkic invasions, but which had over centuries been linguistically Turkified. Proponents of this theory argued, thus, that Azerbaijanis had no ethnic connections to the Turks of Turkey.⁵⁰

The purges of 1937 led to the demise and physical elimination of proponents of both schools of thought; the party authorities in 1939 began to reformulate the genesis of the Azerbaijani nation from scratch. At this point, and without combative historians to deal with, the Soviet authorities could attend to the troubling problem of the Azerbaijanis' links to Turkey and Iran. Indeed, since Turkey had elevated the term "Turk" to a national marker it posed a challenge to Soviet Azerbaijan. Turkey's inhabitants had been registered as "Turks" in the 1926 census. Instead in 1936, instead, the term "Azerbaijani" was introduced, clearly in great part a political step to minimize the identification with the Turkish republic. But conversely, if Azerbaijanis were not "Turks", that could risk instead arousing an identification with Iran. Instead, another ethnic link was mysteriously manufactured: the Medes were depicted as the ancestors of the Azerbaijanis, a policy advocated at the highest level of Soviet power.⁵¹ Thus, Azerbaijanis were depicted as non-Turkic peoples that, furthermore, had long been seeking freedom from Iran. Subsequently, in the post-Stalin era, this narrative was compounded with the historic linkage to the Caucasian Albanian population, which had been predominant prior to the Arab invasions of the seventh century – another linkage that was neither Turkic nor Iranian in character.

These questions would return with independence, especially that of the Caucasian Albanians. This time, the controversy would concern Nagorno-Karabakh – a territory Armenia claims to be inhabited by Armenians since antiquity. By contrast, Azerbaijani historians would argue that the population of Karabakh was Caucasian Albanian – a people whose Church shared many similarities with Armenia's – thus seeking to prove that the territory belonged historically not with Armenia but with Azerbaijan, which saw itself as the successor state to

⁵⁰ Yılmaz, pp. 526-27.

⁵¹ Suha Bölükbaşı, "Nation-Building in Azerbaijan: the Soviet Legacy and the Impact of the Karabakh Conflict", in Ilgen van Schendel and Erik Zürcher, eds., *Identity Politics in Central Asia and the Muslim World* (London: I.B. Tauris, 2001).

Caucasian Albania.⁵² Of course, such arcane historical debates may seem bizarre to foreign observers; yet it should be noted that they are influential and relevant across the Caucasus region. They stem in great part from the nearly fifty years during which the Soviet Union imposed a primordial understanding of ethnicity, linking pride and prestige to a people's connections with antiquity.

The Transition to Independence: the Failure of Turkism and the Return of "Azerbaijanism"

The resurgence of nationalism in Azerbaijan was both gradual and accelerated: it was gradual since the late 1970s, when Aliyev supported a growing sense of Azerbaijani identity. By the 1980s, this had led to the development of forces that supported a more ethnic, Turkic identity, as well as smaller, more religious-oriented forces. But it was accelerated by the dissolution of the Soviet Union, the violent repression of popular forces in January 20, 1990, and in particular, the conflict with Armenia. Indeed, the development of Azerbaijani nationalism has, to a considerable extent been affected by the challenge of Armenian nationalism since the early twentieth century. Indeed, the territorial challenge posed by Armenia from 1987 and onward was a leading force that triggered the mobilization of the Popular Front of Azerbaijan, which would gain power in 1992.

Because the escalating conflict added to the challenges of transition from a Soviet command economy to an independent market economy, Azerbaijan's transition to independence was a very tumultuous process. While the developments put issues such as the identity and character of the nation front and center, the practical challenges of dealing with the rapid succession of crises prevented such issues from being elaborated and decided in a calm, gradual manner. Matters were complicated by internal divisions within the Popular Front. Indeed, the movement – like Azerbaijani society writ large – was divided between a more moderate, inclusive faction and a more radical, pan-Turkist group. While there were variations in the level of emphasis put on Turkic identity and nationalism, there was broad agreement on Azerbaijan's future as a democratic and

⁵² Nora Dudwick, "The Case of the Caucasian Albanians: Ethnohistory and Ethnic Politics", *Cahiers du Monde Russe et Soviétique*, vol. 31 no. 2-3, April-September 1990, 377-84.

secular society respecting the rights of every citizen, including ethnic and religious minorities. The consensus among the APF's founders was largely attributable to their ambition to reconnect to the pre-Soviet *Müsavat* party and the legacy of the 1918–20 period, which supplied the ideological foundation of the movement.⁵³

While Elçibey did reject the more extreme demands of the Turkists, he can be fairly characterized as a Pan-Turkist nationalist. This does not mean that Elçibey was hostile to minorities; in fact, he supported the development of institutions enhancing the cultural rights of minorities in Azerbaijan. However, this is beside the point: the main issue is that he viewed them as exactly that – minorities – and therefore, by definition, not as members of the majority population. The message to all citizens of the republic was most clearly sent by the controversy regarding the name of the nation and its language. Elçibey argued that there was no such thing as an Azerbaijani language, it was simply “Türk” (Turkic languages do not have the distinction between Turkish and Turkic that also exist in Russian as *Turetskiy* and *Tyurkskiy*). Similarly, he defined the nation as “Azerbaijani Turk”, not as “Azerbaijani,” as had been the case in the late Soviet period. This led to considerable social resistance.⁵⁴ The main opposition voices came from ethnic minority representatives, who had been relatively comfortable with an inclusive, civic-based Azerbaijani identity; but not with an ethnic, Turkic-based one. A leading Lezgin representative put it best when explaining that “Lezgins accept the Azerbaijan Republic, the Azerbaijani people and the Azerbaijani language, but do not accept a Turkic republic, Turkic people and Turkic language”.⁵⁵ Furthermore, the changes had been made without any substantial public debate. Elçibey countered that the name of a language is a matter of science, not politics, but this decision did not sit well even with many of the Azerbaijani Turks, who, of course, had been educated in an environment that

⁵³ Nasib Nasibzade, “Müsavatçılıq keçmişte ve indi,” [Müsavatism in the past and present] in *Bölünmüş Azərbaycan, Birləşik Azərbaycan* [Divided Azerbaijan, United Azerbaijan] (Baku, Azerbaijan, Ay-Ulduz, 1997).

⁵⁴ Jala Garibova, “Language Policy in Post-Soviet Azerbaijan: Political Aspects”, *International Journal of the Sociology of Language*. vol.2009, issue 198, 2009, pp. 16-17.

⁵⁵ Quoted in Aryeh Vasserman, “A Year of Rule by the Popular Front of Azerbaijan,” in Yacoov Ro’i, ed., *Muslim Eurasia: Conflicting Legacies* (London: Frank Cass, 1959), 151.

stressed the indigenous roots of the Azerbaijani nation, separate from any Turks to the east or west. As Swietochowski puts it, "Soviet-imposed Azerbaijanism had put down deep roots in the native soil."⁵⁶

Yet among the political leadership of the country, Turkism dominated and Elçibey remained wedded to this idea. While his government also included more liberal elements such as the Müsavat party led by Isa Gambar, it also included much more radical elements: his Interior Minister was Iskender Hamidov, the leader of the Turkic nationalist paramilitary Gray Wolves forces. Hamidov, among other, twice showed up during live television broadcasts to physically assault people who spoke against him.

This generated centrifugal tendencies among Lezgins, Talysh and Kurds. These centrifugal tendencies were exacerbated by Azerbaijan's disastrous internal political divisions, the mismanagement of the economic transition, and poor military performance in Karabakh. More than anything else, however, it invited the intervention of foreign forces. Moscow, in particular, sought to bring the entire South Caucasus under its control; to that effect, it supported two separate ethnic rebellions in Georgia, those of the Abkhaz and South Ossetians. And while it is well-known that Moscow also manipulated the Nagorno-Karabakh conflict, it did not leave matters at that: there is considerable evidence suggesting that Russia at the very least toyed with fanning the flames of Lezgin and Talysh separatism in Azerbaijan. Given that the Lezgin population is divided between Azerbaijan and Dagestan, Moscow obliquely threatened to support Lezgin separatism and, presumably, creating a second unresolved conflict unless Azerbaijan's foreign policy changed course from its heavily pro-Turkish and anti-Russian orientation. In the south, a Talysh-Mugham republic was proclaimed, but it received little public support and was rapidly suppressed once Heydar Aliyev came to power. While these movements emerged in a chaotic atmosphere and in all likelihood with foreign support, the point is that the Popular Front gov-

⁵⁶ Tadeusz Swietochowski, "Turkism, Azerbaijanism and the Language Question", *Nowy Prometeusz*, no. 4, October 2013, 115-24, <http://nowyprometeusz.pl/turkism-azerbaijanism-and-the-language-question/>

ernment's nationality and language policies opened the door for such manipulation. These policies weakened the prospect to develop national unity across ethnic and linguistic boundaries.

Elçibey's policies were reversed after Heydar Aliyev's return in 1993, as the nation, as well as the language, were redefined as "Azerbaijani." This is important to note, since the Western press often uses the term "Azeri," which is not frequently used in Azerbaijan, and is certainly not used in official documents. Indeed, the difference between these two terms merits some attention. The term "Azeri," used mostly by foreigners, including Turks, has come to possess a narrower, ethnically based meaning, whereas the term "Azerbaijani" is understood to refer to residents within the territory of Azerbaijan, embracing the country's entire population. Azerbaijanis today refer their nation by the term "Azərbaycanlı," (Azerbaijani). By the same token, Azerbaijan's language was defined as "Azərbaycan dili" or Azərbaycanca (Azerbaijani), which implied that it was the state language of all citizens of Azerbaijan.

This definition has now been in use for more than a decade. It seems to represent the most acceptable notion to most of the population, in spite of objections, viewed below, from Turkic nationalist fringe groups. Yet it does not mean that the definition of the Azerbaijani nation is settled; just as in any other modern nation-state, there is a continuing tug of war between civic and ethnic markers of identity. A nation's past is invariably built in great part upon the culture of its majority population, in this case a Turkic-speaking, mainly Shiite Muslim population.

From "Azerbaijanism" to "Multiculturalism"

After being reintroduced by Heydar Aliyev, Azerbaijanism has gradually been elevated to the level of state ideology. However, it is increasingly known by another term: that of "multiculturalism." And while it has been state policy since the mid-1990s, it has become increasingly central to the image that the Azerbaijani government projects of the country in both the domestic and foreign realms. In fact, the importance attached to "multiculturalism" has increased in parallel

with the growing sectarian conflicts in Azerbaijan's neighborhood; this culminated in the designation of the year 2016 as the "Year of Multiculturalism."⁵⁷

What, then, does "multiculturalism" mean in an Azerbaijani context? In a 2014 interview, President Ilham Aliyev noted the recent nature of the use of the term, while emphasizing the ancient character of the phenomenon: "while multiculturalism is a relatively new word in our lexicon, its traditions have always been present in Azerbaijan for centuries."⁵⁸ In elaborating, government representatives explain that Azerbaijanism foresees a civic state model where only citizenship is of consequence to the state, while religious affiliation, ethnicity and native language is not. Thus, Azerbaijanism represents a model of "historic multiculturalism" based on the fact that the different peoples inhabiting the territory of Azerbaijan are used to living together, and have done so for centuries. Speaking at the 70th anniversary of the Azerbaijani Academy of Sciences in 2015, President Aliyev explained that while "multiculturalism" was simply the way of life in Azerbaijan, Azerbaijan was "the world's most exemplary case of its implementation" – and warned that events in other countries showed how there are no alternatives to it.⁵⁹

The concept has been further explained by Akif Alizade, the President of the National Academy of Sciences of Azerbaijan, in a 2016 document entitled "the Right Ideological Target".⁶⁰ Alizade raises the point that Azerbaijanism is both an answer to global challenges, an integral part of the country's democratic development process, and an important paradigm for its national security. Indeed, the proclamation of the 'Year of Multiculturalism' for 2016 is referred to as Azerbaijan's "worthy response" to global processes including conflicts on the basis

⁵⁷ Ilham Əliyev, "2016-cı ilin Azərbaycan Respublikasında "Multikulturalizm ili" elan edilməsi haqqında Azərbaycan Respublikası Prezidentinin Sərəncamı," [Decree of the President of the Republic of Azerbaijan on declaring 2016 the Year of Multiculturalism], January 11, 2016, <http://www.president.az/articles/17437>.

⁵⁸ "İlham Əliyev "Rossiya-24" informasiya telekanalına müsahibə verib", *President.az*, November 28, 2014, <http://president.az/mobile/articles/13559> Author's translation from Azerbaijani.

⁵⁹ "İlham Əliyev AMEA-nın 70 illik yubileyinə həsr olunmuş ümumi yığıncaqda iştirak edib" [Ilham Aliyev participated in the Meeting Devoted to the 70th Anniversary of the Academy of Sciences], *President.az*, November 9, 2015, <http://www.president.az/articles/16703>.

⁶⁰ Akif Əlizadə, "Dəqiq ideoloji hədəf", *Azərbaycan Milli Elmlər Akademiyası*, April 8, 2016, <http://www.science.gov.az/news/open/3455>. Also published as "Точная идеологическая цель – мультикультурализм", *Multikulturalizm jurnalı*, no. 1, 2016, pp. 28-36.

of race, religion, and nationality. Alizade notes that Heydar Aliyev's codification of Azerbaijani multiculturalism into concrete state policy formed part of the country's democratic development: the protection of the rights and freedoms of national minorities residing on the territory of Azerbaijan is based on the principles of human rights and freedoms. In the words of Heydar Aliyev, an "Azerbaijani republic which has chosen the path of democratic development must secure equal rights for all of its citizens independent of their religious, linguistic, or ethnic affiliation." Finally, Alizade argues that multiculturalism is crucial to Azerbaijan's very national security: "every country must provide for its own energy and economic security, national security, and 'multicultural security.'" "Multicultural security" implies the maintenance of the cultural values of all peoples and ethnic groups, regardless of their ethnic, religious, racial or cultural affiliation.⁶¹

Azerbaijan has made it its endeavor to promote its multicultural model through international events such as the World Forum on Intercultural Dialogue in Baku (hosted every two years since 2011), the hosting of the 7th Global Forum of the United Nations Alliance of Civilizations in April 2016, and the Baku Process launched in 2008 on the initiative of the President of Azerbaijan. It also finances half – a disproportionately large share – of the Eurasian activities of the Islamic Conference Youth Forum for Dialogue and Cooperation (ICYF-DC).⁶² This endeavor, which is perhaps best described as an interfaith cultural diplomacy effort, is certainly connected to events in Azerbaijan's immediate neighborhood – the Middle East – and the Western reaction to the challenges of Islamist terrorism and refugee flows originating from Muslim-majority countries in the region. In light of controversies in Europe and North America, it is remarkable that leaders in Baku should choose to emphasize a term that has come under increasingly heavy criticism in the West. And there is a tendency to view these initiatives as being for international consumption. A Western diplomat who had dis-

⁶¹ Əlizadə, "Dəqiq ideoloji hədəf".

⁶² Interview with Elchin Askarov, Eurasian Regional Forum Director, Islamic Conference Youth Forum for Dialogue and Cooperation, June 22, 2016.

cussed the subject with President Aliyev noted that Azerbaijan's various international efforts in this field have aimed to send a number of signals to the West. It is a gesture of continued openness and friendship towards Europe and the West – "a hand extended" in an attempt to place itself in the Western 'camp' on issues such the fight against terrorism. Azerbaijan has noted a growing presence of Islamophobic views in fringe and even mainstream U.S. and European politics, and does not want to let these hinder its relationship to the West. Furthermore, Azerbaijan seeks to mitigate some of the bad will that it has accumulated from the West on the issue of human rights by demonstrating that it has a humanitarian profile. It also wants to reassure its Western partners that it will continue on a secular path, in contrast to majority-Muslim states in the Middle East. Finally, it wishes to demonstrate that Azerbaijan is taking a leading role in the Muslim world with its 'modern' version of Islam, thus making it a viable partner for cooperation on economic, security issues, and beyond.⁶³

All these points are correct, and President Aliyev has openly conveyed similar messages on many occasions. Yet it would be simplistic to view these initiatives as a foreign policy ploy. This is indicated most obviously by the choice of a term under increasing pressure in a Western context; indeed, Azerbaijani leaders have been outright critical to the growing tendency to disparage multiculturalism. Azerbaijani representatives have increasingly come to qualify their "multiculturalism", noting that the Azerbaijani model is unique.⁶⁴ President Aliyev recently made this point:

In fact, some political leaders are using very dangerous statements that multiculturalism has failed, that it has no future. These are both wrong and dangerous ideas. Because there is no alternative to multiculturalism. What is the alternative? Xenophobia, discrimination, and racism. Unfortunately, we see this on television every day. Azerbaijan presents its own model in this area.⁶⁵

⁶³ Interview with Western diplomat, Baku, June 28, 2016.

⁶⁴ See eg., "Azerbaijani Model of Multiculturalism is Different", *Kaspi*, January 19, 2016, <http://www.kaspi.az/en/azerbajjans-model-of-multiculturalism-is-different/>

⁶⁵ "İlham Əliyev AMEA-nın 70 illik yubileyinə həsr olunmuş ümumi yığıncaqda iştirak edib."

Alizade has argued that European countries grappling with a wave of immigration wish to “dilute” cultural minorities based on the principles of the liberal democratic model and, therefore, assimilate them. Azerbaijan, on the other hand, “has chosen a completely different path”.⁶⁶ As one leading scholar employed at the Baku Multiculturalism Center argued, Azerbaijan’s existence as a historically multiethnic and multi-confessional state would be impossible without multiculturalism; the same existential importance cannot be attributed to the multiculturalism adopted by European nations. The European model, in this view, is a representation of a “new multiculturalism” which “has failed”. Germany was suggested as an example of such a failure, where friction between immigrants and Germans has led to the blaming of social problems on multiculturalist policies. The existence of political parties in the United Kingdom which organize on an ethno-territorial basis (e.g. the Scottish National Party) is also termed a failure of multicultural policy. In this interpretation, discussing both the European and Azerbaijani models of multiculturalism as if they represented the same phenomenon would constitute making a false equivalence.⁶⁷ The Azerbaijani model of multiculturalism presupposes the concurrent existence of two components: a historical tradition of coexistence in the population and a public policy that supports it.⁶⁸

Thus, it appears clear that the Azerbaijani model of multiculturalism is driven by deeper concerns, something that is also clear when considering the broad attention multiculturalism has received in domestic government rhetoric. The rationale appears relatively clear in a historical and geographic context: the policy was first launched in the mid-1990s to remedy the dangerous rise of centrifugal tendencies within Azerbaijan itself, which were in turn exacerbated by the machinations of foreign powers. When Azerbaijani leaders resolved almost two decades later to accelerate the promotion of “multiculturalism,” it had to do

⁶⁶ Əlizadə, “Dəqiq ideoloji hədəf”.

⁶⁷ Interview with Dr. Nariman Gasimoglu, Head of Analytics department, Baku International Multiculturalism Center (BIMC) and Azad Mammadov, Executive Director, Baku International Multiculturalism Center (BIMC), June 22, 2016.

⁶⁸ “Azerbaijani model of multiculturalism is different”, *Kaspi*, January 19, 2016, <http://kaspi.az/en/azerbaijans-model-of-multiculturalism-is-different/>

more with changes in Azerbaijan's external environment than with internal developments. As a majority Shi'a and minority Sunni country in a region where territorial claims are very much alive and the Middle East appears headed down the road of sectarian conflict, it is distinctly in Azerbaijan's interest to advance an inclusive conception of the nation. Such a conception would maintain social peace and leave no opening for foreign powers to use ethnic or religious fissures as a lever to exert pressure on or destabilize the country.

Multiculturalism or a Civic Nation?

President Heydar Aliyev took a unitary approach to Azerbaijani nationhood upon accession to power in 1993. Aliyev pursued a two-track policy on national minorities with the separatist movements of the early 1990s in mind. While officially emphasizing the importance of maintaining minority languages and cultures, President Aliyev also ensured that individuals involved in separatist activities were prosecuted and sentenced to lengthy prison sentences.⁶⁹ Under President Ilham Aliyev, Azerbaijan has continued to promote a civic national identity rather than an ethnic one. The state's promotion of Azerbaijanism has had the effect of downplaying the relevance of ethnic identity, as civic identity is emphasized in its place.

As will be seen, Azerbaijan has adopted a hybrid model, in which civic nationhood and multiculturalism cohabit uneasily. On the one hand, the state rhetorically promotes diversity and the identity of national minorities; but on the other, it also promotes an inclusive, civic, understanding of the nation – as seen in the elimination of references to ethnic origin in census data, passports, and official statistics. Yet if nationhood is based on citizenship, one is either a citizen or one is not; any emphasis on a separate identity from that of the civic nation becomes inherently contradictory to the purpose of building civic unity. In Azerbaijan, state support for cultural associations of national minorities has decreased, and as the state has veered away from registering the ethnicity of its citizens, the exact ethnic composition of the country has become increasingly difficult to determine.⁷⁰ In this sense, Azerbaijan's model is torn between the French-style civic nation and the British effort to build "multiculturalism".

⁶⁹ Johanna Popjanevski, *Minorities and the State in the South Caucasus: Assessing the Protection of National Minorities in Georgia and Azerbaijan* (Washington and Stockholm: Central Asia-Caucasus Institute & Silk Road Studies Program, Silk Road Paper, September 2006), p. 59.

⁷⁰ Popjanevski, *Minorities and the State in the South Caucasus*, p. 60.

Key Legislation and Policy Instruments

Azerbaijani law does not provide for a clear legal definition of minorities. The Azerbaijani constitution states that “every person shall have the right to preserve national/ethnic identity” and that “no one can be deprived of the right to change national/ethnic identity”. Accordingly, it is state policy that every person has the right to self-identification and may determine for themselves whether they belong to an ethnic minority or not.⁷¹ The Azerbaijani authorities tend to choose an inclusive approach to the determination of which groups may be considered national minorities.⁷²

In previous censuses, each citizen was obliged to state his or her ethnic origin.⁷³ In Azerbaijan's latest census of 2009, minority representatives communicated that they had been encouraged to freely and optionally self-identify their ethnic background. As a result, the Quiz, Khanbalik and Budge minorities were included as separate ethnic groups for the first time.⁷⁴ Census data is thus improving, which gives reason to believe that the situation of previously unrepresented national minorities may be easier to improve in the future, but the Azerbaijani authorities' understanding of the particular problems faced by national minorities is limited due to their unwillingness to collect data related to ethnic, national, and linguistic affiliation of the population outside the census.⁷⁵

Whereas Soviet-issued Azerbaijani passports specified citizens' ethnicity, no forms of identification in use today make use of this indication.⁷⁶ Soviet passports remained in use – at least to some extent – through 2006, but Azerbaijan has undertaken a major effort to move to newer forms of identification, a process which has been especially challenging for the Azerbaijani diaspora in Russia

⁷¹ Popjanevski, *Minorities and the State in the South Caucasus*, p. 63.

⁷² Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, “Third Opinion on Azerbaijan,” October 10, (2012). [Council of Europe, “Third Opinion on Azerbaijan.” [ACFC/OP/III(2012)005].

⁷³ Popjanevski, “Minorities and the State in the South Caucasus”, p. 63.

⁷⁴ Council of Europe, “Third Opinion on Azerbaijan.”

⁷⁵ Council of Europe, “Third Opinion on Azerbaijan,” para. 36.

⁷⁶ Immigration and Refugee Board of Canada, “Whether individuals seeking a passport encounter obstacles due to ethnicity, religion or political beliefs; whether obstacles may be overcome through bribery of officials (2004 - March 2007)” [AZE101981.E], April 2, 2007, http://www.ecoi.net/local_link/87966/183855_en.html.

and other neighboring states because of the necessity to travel to Baku to obtain new documentation.⁷⁷ This transition has led to cases of statelessness, which authorities claim to have eliminated by 2014.⁷⁸

In 1992, President Elçibey issued a decree on “Protection of the Rights and Freedoms and on State Support for the Promotion of the Languages and Cultures of National Minorities, Numerically Small Peoples and Ethnic Groups living in the Republic of Azerbaijan.” The decree mandated state institutions to implement state policies in minority protection and included legislative efforts to ensure the cultural and religious rights of national minorities.⁷⁹ The decree continues to serve as the national legislative framework for the rights and freedoms of national minorities to this day. The framework’s provisions are vaguely worded and state support mechanisms opaque, while the specifications of state procedures and criteria for the allocation of support to minority associations are not publicly disclosed.⁸⁰ The 1992 decree is not a holistic national framework for minority rights protection and European experts have criticized it for not containing legislation to deal with anti-discrimination issues.⁸¹

Azerbaijan’s national Council for National Minorities was established in 1993 to function as a consultative body for minority groups and state authorities. After the Council’s activities ceased in 1997, its chair, the State Counselor on National Policy of the Republic of Azerbaijan, continued to act the main advisor to the Presidential Administration of the Republic of Azerbaijan on issues relating to

⁷⁷ Sebuhi Mamedli, “Azerbaijan’s Passport Rush”, IWPR, January 19, 2005, <https://iwpr.net/global-voices/azerbaijans-passport-rush>.

⁷⁸ There is conflicting information on the issue of statelessness. The Ombudsperson has stated that she had received no further complaints in the issue since 2010, while the authorities claim to have “eliminated uncertainty with regard to citizenship” of about 18 000 persons between 2008 and 2014. ECRI report on Azerbaijan (fifth monitoring cycle), June 7, 2016, para. 58.

⁷⁹ Garibova, “Language Policy”, p. 16-17.

⁸⁰ Minority Rights Group International, “Partnership for all? Impact of Eastern Partnership on minorities”, 9 July 2014, p. 15.

⁸¹ Fernando Garcés de los Fayos, “Minorities in the South Caucasus: New visibility amid old frustrations”, European Parliament, DG EXPO/B/PolDep/Note/2014_104, June 2014, p. 13.

integration and protection of national minorities.⁸² As of August 2016, the position carries the title State Counsellor of the Republic of Azerbaijan for Multiculturalism, Interethnic and Religious Affairs.

The institution of the Commissioner for Human Rights, which would later become the Ombudsman, was established by the Presidential decree "On the Actions in Provision of Human Rights and Freedoms" in February 1998. In 2002, the Office of the Human Rights Commissioner of the Republic of Azerbaijan (also referred to as the Ombudsman) was established through the Constitutional Act on the Ombudsman. Apart from monitoring the human rights situation in Azerbaijan in general, the office handles claims of human rights abuses from the general public and has a separate representative for claims on ethnic grounds.⁸³ The Ombudsperson is responsible for preventing and combating violations of human rights and freedoms in the public sector and has wide-ranging powers in this field. The Ombudsperson shall also submit motions to Parliament with regard to the passing or review of laws and, in her annual report, express general views and recommendations concerning the protection of human rights. Finally, the Ombudsperson's mandate is limited to the public sector only and there is no institution in charge of combating racism and discrimination in society at large.⁸⁴

The Baku International Multiculturalism Centre (BIMC), set up in 2014, has a dual role in the promotion of multiculturalism and intercultural dialogue both nationally and internationally. It runs the Ministry of Education-approved "Azerbaijani Multiculturalism" course which is taught at seven universities nationwide, as well as at the Azerbaijan Diplomatic Academy (ADA) and at seven universities abroad. The objective of the MA-level course is to introduce students to the nature of the policy of multiculturalism in the Republic of Azerbaijan, its specific features and the reasons for why the policy is so successful in the country.⁸⁵ BIMC is represented in a number of countries including Germany,

⁸² Popjanevski, *Minorities and the State in the South Caucasus*, p. 61.

⁸³ Popjanevski, *Minorities and the State in the South Caucasus*, p. 61.

⁸⁴ ECRI report on Azerbaijan (fifth monitoring cycle), 7 June 2016, para. 74.

⁸⁵ Syllabus for the course "Azerbaijani Multiculturalism" at Baku Slavic University, Department of History and Social Sciences, obtained at BIMC on June 22, 2016.

Italy, Portugal, Russia, and Kazakhstan and has most recently added a local office in Israel.⁸⁶ BIMC and other institutions implementing the policy of Azerbaijanism in the country work in tandem with the Knowledge Foundation under the President of the Republic of Azerbaijan (Bilik Fondu), a public body, also established in 2014. The foundation's mission is to enhance scientific, technical, socio-economic and humanitarian knowledge in the country, analyze processes taking place in the context of globalization, and promote the national, moral and religious values of Azerbaijanism.⁸⁷

Despite repeated calls by the Advisory Committee on the FCNM to establish a single body that would deal specifically with integration issues and minorities, no such institution has been established. In its absence, the Ministry of National Security has dealt with national minority issues and a separate Department for Legislation and Legal Propaganda under the Ministry of Justice has worked towards increasing public awareness of legal initiatives in general.⁸⁸ The institutional vacuum in the field of minority protection has also led to the Office of the Ombudsman seeking to partially fill this gap. Most crucially, the Ministry of National Security effectively became the most prominent state institution to handle minority issues – while by design, its main concerns are threats to the state, including secessionist tendencies.⁸⁹

The most recent state measures in the field of minority protection have not been legislative efforts, but rather national action programs aimed at creating proactive policies which are otherwise not provided for within existing legislation. One such program was adopted by decree of the President of Azerbaijan in December 2006 – the National Action Plan on Protection of Human Rights. The action plan was presented as evidence of the priority placed on the issue of the protection of national minorities by the Azerbaijani government to the Council

⁸⁶ Interview with Dr. Nariman Gasimoglu, Head of Analytics department, Baku International Multiculturalism Center (BIMC) and Azad Mammadov, Executive Director, Baku International Multiculturalism Center (BIMC), June 22, 2016.

⁸⁷ History of the Knowledge Foundation under the President of the Republic of Azerbaijan, available at: <http://www.bilikfondu.gov.az/3/pages/12/13>.

⁸⁸ Popjanevski, *Minorities and the State in the South Caucasus*, p. 61.

⁸⁹ Fayos, "Minorities in the South Caucasus", p. 13.

of Europe.⁹⁰ In 2011, the National Program for Action to raise the effectiveness of human rights protection was adopted; this included references to the preservation and development of the cultural heritage of national minorities.⁹¹

From an institutional governance point of view, thus, in the field of minority protection everyone is in charge because no one is in charge. This multipart stop-gap institutional arrangement is likely a major contributing factor to the fact that institutions' mandates in the field of policy on ethnic minorities leave gaps in some areas, while overlapping in others. This setup furthermore ensures that minority issues are handled by the state in a specific hierarchical order. First and foremost, they are securitized and understood in the context of bilateral relations with neighboring states. Only after passing through that filter are they viewed in the context of the multilateral and rights-based monitoring system.

Minority Languages in Education and media

Azerbaijan hosts a wide variety of linguistic minorities, consisting roughly 10 percent of the population.⁹² The dominating foreign language in the country is Russian which is used by minorities and by a portion of the majority population. Altogether this equals an estimated two million people. During the Soviet period, a significant number of schools used Russian as language of instruction, giving rise to controversy between those in favor of protecting the Azerbaijani language and those wishing to recognize Russian as a second state language.⁹³ The use of Russian has also, since Soviet times, played a significant role in education, the media, and a means of communication among ethnic groups. With

⁹⁰ Heidrun Ferrari, "Partnership for all? Impact of Eastern Partnership on minorities", *Minority Rights Group International*, July 9, 2014, p. 15, <http://minorityrights.org/wp-content/uploads/old-site-downloads/download-1373-Policy-paper-English.pdf>.

⁹¹ Council of Europe, "Third Opinion on Azerbaijan," para. 12.

⁹² In total, 18 languages fit the definition of 'regional or minority languages' as classified by the European Charter for Regional and Minority Languages; these are Armenian, Avar, Budukh, Georgian, German, Juhuri, Khynalyg, Kryz, Kurdish, Lezgin, Russian, Rutul, Talysh, Tat, Tatar, Tsakhur, Udi, and Ukrainian. In addition, the traditionally present Yiddish constitutes a non-territorial language according to the same classification. European Centre for Minority Issues, "Early compliance of non-States Parties with the European Charter for Regional or Minority Languages. A Handbook with twenty proposed instruments of ratification", Volume 1, 2011, p. 26.

⁹³ Popjanevski, *Minorities and the State in the South Caucasus*, p. 65.

independence, the Azerbaijani government embarked on an assertive policy to strengthen the state language, a process that involved the transition to the Latin script, a transition initiated in 1992 but implemented assertively from 2002 onward. The promotion of Azerbaijani as a state language remains a work in progress, including in official circles: to a certain degree, public administration often continues to *de facto* be conducted in Russian.⁹⁴ Yet in contrast to the situation in neighboring Georgia, where few minorities speak Georgian, most national minorities in Azerbaijan tend to have widespread knowledge of the state language.⁹⁵

The Azerbaijani constitution stipulates that the Azerbaijani language is the state language of the country, but that everyone has the right to use their mother tongue, to work, and can receive education in any language.⁹⁶ However, the Law on State Language of 2002 aimed to cement the role of Azerbaijani in the administrative sphere by stipulating that all services, procedures in state agencies, NGOs and trade unions must be in Azerbaijani or in a foreign language with translation into Azerbaijani. The only specific exception provided in the law is for minority representatives being allowed to use languages other than Azerbaijani in parliamentary work.⁹⁷

In 2001, in the same vein, the President of Azerbaijan mandated the transition from Cyrillic to Latin script, effectively outlawing the use of Cyrillic for Azerbaijani in official and commercial settings, including publications. This put an end to an anarchic situation: Azerbaijan had formally transitioned to the Latin alphabet shortly after independence, but in practice, Cyrillic remained widely used. Street signs and the like remained largely in Cyrillic, and it was not uncommon for newspapers to have headlines in Latin and text in Cyrillic on the same page.

⁹⁴ Ewa Chylinski and Mahulena Hofmannová (eds.), "Early compliance of non-States Parties with the European Charter for Regional or Minority Languages. A Handbook with twenty proposed instruments of ratification", *European Centre for Minority Issues*, Volume 1, November 2011, p. 25.

⁹⁵ Fayos, "Minorities in the South Caucasus", p. 13.

⁹⁶ See articles 21 and 45.1 of the Azerbaijani Constitution.

⁹⁷ Popjanevski, *Minorities and the State in the South Caucasus*, p. 65.

Of course, the new policy met with resistance: the older generation could no longer read texts using the new alphabet, while the young could not read Azerbaijani classics printed using the Cyrillic alphabet.⁹⁸ Minorities were similarly affected, and Lezgins resisted the reform in fear of losing touch with their ethnic kin in neighboring Dagestan, who continued to use Cyrillic script.

A number of legal provisions provide the right for minority languages to be used in court proceedings and simultaneously prohibit any restriction to their use. Azerbaijani law provides the right for parties to court proceedings to self-select the procedural language, which is dependent on the majority language of the locality in question.⁹⁹ Persons suspected of or charged with a crime have the right to make statements, address the court and file complaints in their own language, and to receive translations free of charge.¹⁰⁰ Cases wherein the rights of persons who do not speak the language of the court proceedings are violated are inadmissible.¹⁰¹ The possibility to use minority languages in court proceedings and in notary offices does exist in practice, but access to such services could be improved. No formal possibility to use minority languages in contact with local authorities exists.¹⁰² No provisions for the use of minority languages in official contacts or for bilingual signposting exist, and there are some reports from representatives of national minorities, especially numerically smaller ones, that the use of their language is being increasingly discouraged.¹⁰³

Azerbaijan has signed the European Charter for Regional and Minority Languages, but has yet to ratify it. Despite of the Council of Europe's repeated offers to support Azerbaijan during the ratification process, no such request has been made by the Azerbaijani authorities.¹⁰⁴

⁹⁸ Betty Blair, "Alphabet changes in Azerbaijan in the 20th century", *Azerbaijan International*, vol. 8 no. 1, 2000.

⁹⁹ See Article II of the *Civil Procedural Code* and Article 26 of the *Criminal Code*.

¹⁰⁰ See *Criminal Procedural Code*.

¹⁰¹ See the *Law on Courts and Judges*.

¹⁰² Ewa Chylinski and Mahulena Hofmannová (eds.), "Early compliance of non-States Parties with the European Charter for Regional or Minority Languages. A Handbook with twenty proposed instruments of ratification", *European Centre for Minority Issues*, Volume 1, November 2011, p. 26.

¹⁰³ Council of Europe, "Third Opinion on Azerbaijan," para. 18.

¹⁰⁴ Council of Europe, Application of the European Charter for Regional or Minority Languages.

While the 1992 decree on national minorities by then-President Elçibey foresaw the establishment of special faculties for the preparation of specialists in minority languages, specialists who would then help develop minority languages by means of supporting education and publishing media, no such special measures have been put into practice. In reality, a large part of the minority population has accepted the linguistic domination of Azerbaijani in the public sphere.¹⁰⁵

Language and media law in Azerbaijan has both contradicting and overlapping features. The 1992 Presidential decree and the 1999 Law on Mass Media contained provisions for the establishment of minority-language public broadcasting.¹⁰⁶ The Law on State Language adopted in 2002, however, required that “TV and radio broadcasting founded and operating on the territory of the Republic of Azerbaijan regardless of the ownership” be carried out in the state language.¹⁰⁷ Azerbaijan removed the requirement to use state language in public broadcasting in 2003, but did instead urge broadcasters to use “fluent and well-articulated” Azerbaijani. New telecommunications regulations were adopted requiring that a minimum of 75% of all content transmitted by TV and radio stations, irrespective of ownership, be broadcast in the Azerbaijani language. Finally, a 2005 broadcasting law officially incorporated programs in minority languages into the concept of public broadcasting.¹⁰⁸

The airing of the last two Russian-language channels to broadcast on national television was halted in June 2007.¹⁰⁹ Public radio stations air two short weekly programs in Georgian, Kurdish, Talysh and Lezgin. Currently, no television channels broadcast in minority languages.¹¹⁰ The one exception is a 15 minute-long news edition in Russian, which is broadcast daily. No public support has been provided to minority language media since 1997, when the Council for National Minorities under the President of the Republic of Azerbaijan ceased to

Biennial Report by the Secretary General of the Council of Europe to the Parliamentary Assembly, Doc. 13436, March 2014, p. 10.

¹⁰⁵ Lea Gerber, *Minorities in Azerbaijan* (Geneva: Cimera, 2007), p. 24.

¹⁰⁶ See Article 6 of the *Law on Mass Media*.

¹⁰⁷ See Article 6 of the *Law on State Language*.

¹⁰⁸ Popjanevski, *Minorities and the State in the South Caucasus*, p. 67.

¹⁰⁹ Gerber, *Minorities in Azerbaijan*, p. 23.

¹¹⁰ Fayos, “Minorities in the South Caucasus”, p. 14.

exist. The Council of Europe, in a 2013 opinion, reports a tendency to discourage the use of smaller minority languages¹¹¹ – something that would not be surprising in a system based on the civic nationhood model centered on the state language, but which would be at odds with the traditional Western understanding of multiculturalism.

Of course, it should be noted that regardless of the prevalence of certain languages in domestic media, the population consumes Turkish and Russian television broadcasts to an extent that could even exceed the consumption of Azerbaijani-language broadcasts. This fact would appear to limit the overall impact of state policy on media to some degree, as citizens view the world through other lenses than their governments' and in other languages than what may be mandated by the state.¹¹²

With regard to language and education, State legislation initially expressed positive rights for national minorities to receive education in their native languages, but educational reforms have subsequently restricted those rights. The *Law on Education* underwent changes which increased the number of subjects which are to be taught in Azerbaijani and strengthened the position of the use of the Latin alphabet in education as a follow up to the 2001 transition from Cyrillic to Latin script.¹¹³ The Constitution and the Law on Education, in its current form, guarantees the right to be educated in one's native tongue and the right of minorities to have classes in their language, but the Law on State Language instead stipulated a dominant role for the Azerbaijani language.¹¹⁴ In fact, Azerbaijan has assertively promoted the Azerbaijani language and the use of the Latin alphabet in education. These policies did not necessarily take into consideration specific measures for minorities who may need more time to achieve the necessary level of command in the state language to effectively take part in education, or have difficulty competing in the education and labor fields.¹¹⁵ In fact, textbooks used in Azerbaijani schools in minority-populated areas are the same as the textbooks

¹¹¹ Council of Europe, "Third Opinion on Azerbaijan," para. 17.

¹¹² Interviews in Baku, June 2016.

¹¹³ Popjanevski, *Minorities and the State in the South Caucasus*, p. 68.

¹¹⁴ See Article 45 of the *Constitution of the Republic of Azerbaijan* and Article 6 of the *Law on Education*.

¹¹⁵ See ACFC/INF/OP/I(2004)001.

used in all other Azerbaijani schools. In other words, they do not contain any special methodology for teaching Azerbaijani as a second language. Russian-language schools in Azerbaijan, however, do use books with an Azerbaijani as a second language methodology for learning the language.¹¹⁶

The general school curriculum is taught in three main languages: Azerbaijani, Russian and Georgian – the latter a vestige of the Soviet past, as it is based on a mutual agreement between Tbilisi and Baku to assist each other with education for their respective minorities.¹¹⁷ Talysh, Avar, Udi, Tat, Tsakhur, Khinalug and Kurdish are taught for the first four years of primary school, and Lezgin for nine years in those regions where these national minorities are settled.¹¹⁸ This discrepancy is due to the prospects for continued study in each language: Lezgin students can obtain higher education in the Lezgin language in Dagestan, and Georgian students in Georgia; however, Talysh is considered as a “dead-end” since no institutions of higher education exist in Talysh anywhere, with the exception of a BA program in the Talysh language at Lenkoran state university.¹¹⁹ While there are schools which offer their full curriculum in Russian and Georgian, all other minority languages are offered as an extra two hours of classes per week. There is, however, an overall lack of qualified teachers and available textbooks for minority-language education.¹²⁰ It should be noted that Azerbaijani public spending on education has remained relatively low, hovering around 3 percent of GDP.¹²¹ As a result, minority language classes were long cancelled with increasing frequency. In effect, thus, by default or design, the emphasis of Azerbaijani education policy appears to be on minority language instruction as transitional, in order to enable students of minority origin to eventually obtain higher level education in the state language Azerbaijani.

¹¹⁶ Gerber, *Minorities in Azerbaijan*, p. 30.

¹¹⁷ Val D. Rust et.al., “Minority Education Policy in Azerbaijan and Iran”, *Journal of Azerbaijani Studies*, vol. 5 no. 3-4, 2002, p. 2.

¹¹⁸ Minority Rights Group International, “Partnership for all? Impact of Eastern Partnership on minorities”, July 9, 2014, p. 15.

¹¹⁹ Rust et. al., *Minority Education*, p. 35.

¹²⁰ Fayos, “Minorities in the South Caucasus”, p. 14.

¹²¹ Akram Esanov, *Efficiency of Public Spending in Resource-Rich Post-Soviet States*, Revenue Watch Institute, 2009, p. 16, http://www.resourcegovernance.org/sites/default/files/documents/rwi_esanov_efficiency-ofpublicspending.pdf

The status of Russian-language schools diverges from this general tendency; the number of pupils and students studying in Russian clearly exceeds the number of children belonging to the Russian national minority in the country.¹²² This is a heritage from the Soviet past, and Russian schools continue to be seen as having a high quality of education. As regards higher education, Russian and Azerbaijani are the only two languages used for instruction with the only exception of a BA level program in the Talysh language at Lenkoran University.¹²³ Because most minority groups are proficient in both languages, access to higher education is not considered a serious issue. A quota system for minority groups in higher education existed but was abandoned in the 1990s. Research has shown that the Azerbaijani curriculum remains strongly focused on the history of the majority nation; few references are made in textbooks to the specific language, traditions or history of minority groups.¹²⁴

It should be noted that following the appointment of new Minister of Education, Mikayil Jabbarov in April 2013, there has been a growing impetus for reform. Starting in the 2013-14 academic year, the Ministry of Education began publishing new textbooks and other educational resources, including electronic resources, for minority groups and conducting field visits to relevant schools to assess needs. The ministry chose to centrally publish educational resources in-house in order to reduce cost, ensure coherence of curricula and quality control. In 2016, the Year of Multiculturalism, additional attention was given to the issue of minority education. This prompted the ministry to, for example, raise the issue of tolerance in connection with global migration with schools. In the first half of 2016, an anonymized electronic appeals system was launched for teachers and students who can directly contact the ministry with any issues, including discrimination issues that they might be experiencing. In 2005-2009, the program Changing Attitudes, Practices and Policies was run to provide inclusive education to students with physical disabilities. The 2015 Inclusive Education

¹²² Gerber, "Minorities in Azerbaijan", p. 30.

¹²³ Interview with Dr. Nariman Gasimoglu, Head of Analytics department, Baku International Multiculturalism Center (BIMC) and Azad Mammadov, Executive Director, Baku International Multiculturalism Center (BIMC), June 22, 2016.

¹²⁴ Rust et al., "Minority Education", p. 66.

Strategy Development Program, initially piloted by two schools, is a program based on the Educational Development Document for 2015-2025 signed by the Minister of Education. The new 2015 program is meant to extend inclusive education also to children facing issues with language barriers, integrational issues, and even financial issues and should spread to the entire country after an evaluation period. Among other things, the strategy foresees the expansion of public, public-private, and community-based preschool services, as well as infrastructural development via the provision of IT infrastructure and fiber optic internet connections to all schools. It should prioritize the development of educational institutions in remote minority-inhabited regions.¹²⁵ However, the collapse of the oil price in 2014 and the serious macroeconomic implications it has had for Azerbaijan may delay the rollout and implementation of these reforms.

Participation: the Formal and the Informal

According to the Constitution of the Republic of Azerbaijan, citizens have the right to participate in political life irrespective of their national identity. They furthermore have the right to be elected to government bodies and vote.¹²⁶ Both the previous and the current presidential administrations have ensured, and continue to ensure, that national minorities are proportionally represented in the political sphere.¹²⁷ Russian, Jewish, Talysh, Lezgin, Kurdish, Avar and Ukrainian minority representatives have been represented in Parliament and served in the President's office, in Government, the Constitutional Court, in municipalities and various ministries. They also occupied leading posts in regional structures.¹²⁸ As of 2015, minority representation in civil service continued to be substantial, including in some elected bodies. Thus, without using formal quotas or otherwise singling out positions for minority representation, Azerbaijan has been relatively successful at providing minority representatives with a stake in the system. In fact, the representation of minorities has gone so far that the

¹²⁵ Interview with Lamiya Sharafkhatova, Head of Unit at Baku Education Administration, June 29, 2016.

¹²⁶ See Article 55 and Article 56 of the *Constitution of the Republic of Azerbaijan*.

¹²⁷ Popjanevski, *Minorities and the State in the South Caucasus*, p. 69.

¹²⁸ ACFC/INF/OP/I(2004)001.

Turkic nationalist opposition routinely derides the government for being dominated by non-Turks, including frequently using ethnic slurs against certain government representatives.

Since minority representatives in government are not in a formal sense representing a minority *per se*, their presence in government does not necessarily imply an effort to influence national policies on minority issues. Quite to the contrary, as is the case in many states built on civic nationalism, many officials with a minority background go out of their way to appear assimilated into the Azerbaijani identity. Given the sense of national unity in the face of Armenian occupation, there is a powerful incentive to avoid steps that could be construed as signs of disloyalty against the state and its general promotion of unity.

Minority participation is further affected by two factors: centralization and informality. Azerbaijan's form of government is highly centralized and top down, and indeed, frequently subjected to criticism for its authoritarian inclinations. The country has a super-presidential system, where the position of local government relative to the central authorities is strictly subordinated. The regions are controlled by a chief executive directly appointed by the President, who follows policy set by the central government, with little need for formalized input from local demands. Azerbaijan is the only member of the Council of Europe that has yet to create the institution of elected mayors.¹²⁹

Thus, on the surface level, Azerbaijan's system would appear not to offer many opportunities for national minority representation. Yet this is not the entire picture, because of the salience of informal networks of power. Formal structures and procedures aside, the government operates largely through informal understandings among ruling elites. Within this framework, it is clear that the top decision-makers have, since the time of Heydar Aliyev's presidency, developed what amounts to an informal quota system for minority representation in state institutions, including state-controlled economic structures. There is no formal mechanism that facilitates this; instead, leaders of national minority groups are

¹²⁹ Natig Jafarli, "Azerbaijan: Approaching Crisis Point", *European Council on Foreign Relations*, February 10 2016, http://www.ecfr.eu/article/commentary_azerbaijan_approaching_crisis_point5096

informally co-opted into aligning with state political priorities and economic policies. In practice, this amounts to a 'deep state' layer which executes those power-sharing functions which Azerbaijan's formal institutions are unwilling or unable to perform. Thus, the government leadership ensures that parliamentary and executive seats, corporate positions, and major state contracts are awarded to minority elite representatives in order for these communities to develop a buy-in to the system, in whose survival and development they acquire a stake. These elites are, of course, provided with resources with the understanding that they should not only benefit themselves, but also ensure a trickle-down effect to their home regions, for instance through preferential provision of employment to job seekers from certain constituencies.¹³⁰ Within this understanding, co-opted elites are expected to make investments in their home regions. Further down the line, entire minority groups are turned into stakeholders with the construction of tourism infrastructure in Lezgin and Talysh-majority areas, which boosts the regional economies.¹³¹

Implementation of International Instruments and International Criticism

In the past decade, Azerbaijan has come under growing criticism from Western governments and organizations over its record in the areas of human rights and democracy. While the Azerbaijani government has become increasingly frustrated with such criticism, its highest levels of indignation have been reserved for criticism in the areas of secularism and minority rights – areas where Azerbaijani leaders feel they have something to offer the world, and where they appear to be honestly bewildered by the criticism directed at them.

In the area of minority rights protection, Azerbaijan's main contractual obligations are to the Council of Europe, which it joined in 2001. Its membership im-

¹³⁰ David S. Siroky, and Ceyhun Mahmudlu, "E Pluribus Unum? Ethnicity, Islam, and the Construction of Identity in Azerbaijan" in *Problems of Post-Communism*, vol. 63, 2016, 2016, pp. 94–107. Also Svante E. Cornell, *Azerbaijan since Independence* (Armonk: M.E. Sharpe, 2011), p. 169.

¹³¹ Interview with Dr. Elnur Soltanov, Dean of School of Public and International Affairs, ADA University, June 28, 2016.

plies an obligation to implement a number of international human rights instruments, including the Framework Convention on National Minorities, which entered into force in 1998. Azerbaijan ratified the FCNM in 2000, but has yet to elaborate a separate law that would address the rights of national minorities. Legislators have indicated that the 1992 decree is sufficient, and that more contemporary legislative issues have higher priority.¹³² Upon accession to the FCNM, Azerbaijan submitted a report to the Council of Europe on how its existing legislation already reflects the principles contained in the Framework Convention.

Yet the Council of Europe's Commission against Racism and Intolerance has criticized the lack of a national institution that could take a cohesive approach to the integration of, among other minority groups, ethnic minorities,¹³³ and recommended the reactivation of the Council for National Minorities *defunct since 1997*.¹³⁴ A European Parliament report pronounced the 1992 framework insufficient on the grounds that it contains neither a national framework for minority rights protection nor the appropriate legislation to deal with anti-discrimination issues.¹³⁵ The Office of the Ombudsperson has also come under criticism, not least as the institution reports never having received any complaints based on racial or ethnic discrimination, something that contradicts reports received by the Advisory Committee on the FCNM and other monitoring bodies.¹³⁶ The Ombudsperson's independence and mandate have also been called into question.

Inevitably, criticism of Azerbaijan's compliance with its obligations in the minority area are related to general criticism of its political system and its judiciary, which international observers argue suffers from corruption, inefficiencies, and

¹³² Johanna Popjanevski, *Minorities and the State in the South Caucasus*, p. 60.

¹³³ ECRI report on Azerbaijan (fifth monitoring cycle), 7 June 2016, p. 36.

¹³⁴ Minority Rights Group International, "Partnership for all? Impact of Eastern Partnership on minorities", 9 July 2014, p. 15.

¹³⁵ Fayos, "Minorities in the South Caucasus", p. 13.

¹³⁶ Council of Europe, "Third Opinion on Azerbaijan", para. 31.

understaffing; concerns have been raised regarding the fairness of judiciary proceedings involving human rights defenders and journalists.¹³⁷ The chronic understaffing of the criminal bar has been mitigated somewhat – whereas the Collegium had 350 members in February 2005, it had approximately 863 in 2012. However, the professional competency of advocates remains relatively low as a result of slow progress in reforming legal education.¹³⁸ Azerbaijan's restrictive policies on NGO registration has been strongly criticized by the Council of Europe's Venice Commission.¹³⁹

Azerbaijan categorically denies the occurrence of any incidents of discrimination towards any ethnic groups in the country, declaring in 2002 that “at no time in the history of Azerbaijan have there been recorded cases of intolerance or discrimination on ethnic, religious, language and cultural grounds.”¹⁴⁰ Similar language is used in Azerbaijan's 2011 report pursuant to the Framework Convention for the protection of National Minorities (FCNM),¹⁴¹ and its 2014 report to the UN General Assembly.¹⁴² Even the most developed, democratic countries in the world cannot make that claim; as such, even if Azerbaijan's record in this

¹³⁷ Civil Rights Defenders, “Human Rights in Azerbaijan”, 11 June (2015), <https://www.civilrightsdefenders.org/?p=22302>.

¹³⁸ Brady, M. “Lawyers and advocates in Azerbaijan” in *Spotlight on Azerbaijan*, The Foreign Policy Centre, May 2012, pp. 35-39, <http://fpc.org.uk/fsblob/1462.pdf>.

¹³⁹ Venice Commission, “Opinion on the Law on Non-Governmental Organisations (Public Unions and Foundations) of the Republic of Azerbaijan”, CDL-AD (2014) 043, 15 December (2014), §88-93. Furthermore, the Council of Europe's Expert Council on NGO Law concluded that the 2013 amendments expose NGOs to “virtually unavoidable criminal liability for most aspects of their functioning” and that as a whole, the 2009 & 2013 amendments render the *Law On Non-Governmental Organizations* “non-compliant with European and international standards in many respects.” McBride, J & Expert Council on NGO Law, “Opinion on the NGO Law of the Republic of Azerbaijan in the Light of Amendments Made in 2009 and 2013 and Their Application”, OING Conf/Exp 2014, September (2014), §226-233.

¹⁴⁰ Council of Europe: Secretariat of the Framework Convention for the Protection of National Minorities, Report Submitted by Azerbaijan Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities, 4 June 2002, ACFC/SR(2002)001, <http://www.refworld.org/docid/4254e99d4.html>.

¹⁴¹ Council of Europe: Secretariat of the Framework Convention for the Protection of National Minorities, Third Report Submitted by Azerbaijan Pursuant to Article 25, Paragraph 2, of the Framework Convention for the Protection of National Minorities, November 21, 2011, ACFC/SR/III(2011)006, <http://www.refworld.org/docid/4edcd3352.html>.

¹⁴² United Nations General Assembly, *Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief. Report of the Secretary-General*, A/69/336, August 21, 2014, p. 4.

area is generally considered positive, such overstated claims have done little to address the concerns of European human rights bodies.

Azerbaijan's legislation on language has been termed incompatible with the FCNM, which stipulates that national minorities should have the right to use their own languages in dealing with the authorities.¹⁴³ In addition to the FCNM, Azerbaijan when joining the Council of Europe committed itself to signing and ratifying the European Charter for Regional or Minority Languages (ECRML) within a year. While it signed the Charter, Azerbaijan never ratified it, stating in 2010 that it was not ready to ratify the Charter owing to a lack of funds.¹⁴⁴ And while a total of 19 languages in Azerbaijan would theoretically be covered by the ECRML, Azerbaijani negotiators have indicated that the authorities would apply Part III of the treaty only to the Armenian, Georgian, Lezgin and Russian languages, whereas all other languages would be covered by Part II, which only grants a minimal level of protection and promotion.¹⁴⁵ Similarly, while Azerbaijan in 2010 acceded to the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the Azerbaijani government has elected not to submit any progress reports as regards the implementation of the Convention.¹⁴⁶

The phenomenon of international organizations diffusing policy ideas and acting as multipliers is well-studied.¹⁴⁷ And while Central and Eastern European states have been shown to be unusually susceptible to policy ideas promulgated by international organizations, it has also been argued that Western attempts to co-opt particular movements within these states – called the “coalition ap-

¹⁴³ ACFC/INF/OP/I(2004)001.

¹⁴⁴ The Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, “Report: The European Charter for Regional or Minority Languages”, 21 October (2010) (Doc. 12422), para. 35.

¹⁴⁵ European Centre for Minority Issues, “Early compliance of non-States Parties with the European Charter for Regional or Minority Languages. A Handbook with twenty proposed instruments of ratification”, Volume 1, 2011, pp. 26-27.

¹⁴⁶ UNESCO, “Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Fifth Ordinary Session.” (CE/15/5.CP/9a), 23 March (2015), p. 8.

¹⁴⁷ Daniel Béland, “Ideas, Institutions and Policy Change,” *Journal of European Public Policy* 16 (5), June 2009, pp. 701–718.

proach” – can have the effect of making make post-communist reformers defensive and instead harden their positions against reforms desired by the West.¹⁴⁸ When the Council of Europe’s efforts in the field of Azerbaijani minority protection are viewed as a reflection of the coalition approach, the most recent policy developments in Baku should be understood as an example of such a backlash.

Overall, the Azerbaijani system of polity and policy on the protection of national minorities has come to diverge from those espoused by the relevant European conventions to which it has acceded as a member of the Council of Europe. More so, with only a few exceptions, the Azerbaijani system appears neither designed nor intended to conform to them. Azerbaijan’s efforts in the field take place on the programmatic and policy levels, and not primarily on the legislative or institutional levels. This ‘thin’ model of minority protection necessarily implies that international observers will find that Azerbaijan does not fulfill its international commitments because it does not adopt laws or create institutions with comprehensive enough mandates.

In practice, the Azerbaijani model is based on a negative liberty rather than a positive liberty paradigm. Azerbaijani legislation and institutions do work to ensure that representatives of all ethnicities have equal opportunities, but do little to proactively include them, as groups, in formal decision-making policy processes. Second, Azerbaijani multiculturalism a priori exists on a parallel plane that precedes any regulations or institutions the state might create; multicultural policies in the country exist precisely *because* Azerbaijan’s society is already multicultural, not the other way around. Finally, the state is largely able to avoid pressure for reform from the public on minority issues because the interests of various minority groups are co-opted through an informal system of continuously re-negotiated power-sharing.

In espousing such a model, Azerbaijan is not alone: among the member states of the Council of Europe, France and Turkey have neither signed nor ratified

¹⁴⁸ Wade Jacoby, “Minority Traditions and Postcommunist Politics: How do IGOs Matter?” in *Transnational Actors in Central and East European Transitions*, (Pittsburg: University of Pittsburg Press: 2008), pp. 56-76.

the FCNM; and a whole host of European countries have refused to ratify the ECRML.¹⁴⁹ The difference, of course, is that unlike France and Turkey, Azerbaijan has elected to sign these instruments, exposing itself to criticism that France and Turkey have largely avoided simply by rejecting the premise of these documents as incompatible with their model of civic nationhood.

An Institutional Vacuum?

Two significant points can be made from the theoretical vantage point of institutional change and complementarity in the post-Soviet space. First, it should be noted that institutional complementarity is rather an exception than the norm in post-communist states, and it is demonstrably absent in the case of Azerbaijani policies on minority protection. Multiple reasons are cited for the absence of institutional complementarity: political uncertainty and instability, lack of resources, and the importance of actors over institutions in states transitioning away from old models of governance.¹⁵⁰ In the Azerbaijani case, it is difficult to argue that the country's political direction has been uncertain or that a lack of time or financial resources is to blame. Consequently, the continued lack of institutional complementarity in the field of minority protection is not explained by these factors alone. However, informality plays such a significant role that it competes with the actions of the state, and by extension, its institutions.¹⁵¹ As has been seen, when informality is in effect an alternative mode of governance, a lack of change in the relevant institutions is the expected outcome rather than an anomaly because of the *de facto* diminished relevance of the formal institutions in their policy field. Therefore, when informality is considered as a persistent factor, it follows that institutional change towards greater complementarity is not necessarily to be expected at all.

¹⁴⁹ Tove H. Malloy, "European International Law," in ed. Tove H. Malloy, *Minority Issues in Europe: Rights, Concepts, Policy* (Berlin: Frank & Timme, 2013), p. 72.

¹⁵⁰ Martin Mendelski, "The possibilities and limitations of institutional complementarities in explaining post-communist diversity", 2009, http://www.wiwiss.fu-berlin.de/forschung/pfadkolleg/downloads/summer_school_2009/Paper_Martin_Mendelski.pdf.

¹⁵¹ Huseyn Aliyev, "Institutional Transformation and Informality in Azerbaijan and Georgia." in *Informal Economies in Post-socialist Spaces – Practices, Institutions and Networks*, eds. Jeremy Morris and Abel Polese, (Basingstoke, UK: Palgrave Macmillan: 2015), pp. 51–69.

As such, there is a clear pattern in how minority issues are both narrowly defined and acted upon by state institutions and legislature, which in turn leads to the understanding that the existing 'thin' model for minority protection is appropriate for those scenarios where state intervention is necessary, such as ethnic separatism and issues directly related to the provision of state services. Meanwhile, the Azerbaijani authorities maintain that a 'thick' mandate model – such as that being advocated by international human rights organizations, including the enforcement of rights and provision of positive freedoms to minorities in society at large – is seen as not suitable and therefore not desirable.

In conclusion, because state institutions that regulate minority issues have not been strengthened, an analysis based only on these formal institutions cannot yield a comprehensive analysis of how Azerbaijan's model functions. It follows that from a Western human rights perspective, the Council of Europe is correct in arguing that the creation of an entirely new institutional body to deal with minority issues is more desirable than piecemeal reform of individual institutions. Yet it likewise follows that international assessments of Azerbaijan's minority protection system are necessarily negative because they do not (and cannot by nature) take into consideration the importance of informality, which appears to be the chief vehicle for the inclusion and participation of minorities.

A Staunch Commitment to Secularism

Whereas considerable debates have raged in Azerbaijan on the best model to deal with the multi-ethnic character of the country, there has been little doubt as to the commitment of the successive leaders of the country on the relationship between religion and the state. Indeed, from the first founders of the Republic of Azerbaijan a century ago to the present, all Azerbaijani leaders have been committed to secular governance, laws, and education.

This is not to say that there are no nuances. In fact, true to the original theorists of Turkic nationalism like Ziya Gökalp, the Azerbaijani Turkists adopted the motto of “Turkify, Islamize, Europeanize”, which saw Islam as a marker of Turkic identity more than anything else, and in no sense incompatible with modernity and European identity. Yet over time, the convulsions in Azerbaijan’s neighborhood in the past decade have reinforced the urgency of the question. As a part Shi’a and part Sunni nation, few countries have perceived an urgency in avoiding the spread of sectarian conflict from the neighboring Levant quite like Azerbaijan has. Remarkably, the effect in Azerbaijan has been to reinforce the government’s commitment to an assertive form of secularism, more accurately described as *laïcité* of the French model, designed to shield state and society from foreign and radical religious impulses,

Religion in Azerbaijan Society

A 2010 estimate describes the Azerbaijani population as nominally 96.9% Muslim and 3% Christian. The numbers of practicing adherents, however, are considerably lower.¹⁵² In the late Soviet period, by contrast, Azerbaijan’s Muslim population constituted 78.1% of the total population. As mentioned, Azerbaijan

¹⁵² CIA World Facebook: Azerbaijan, <https://www.cia.gov/library/publications/the-world-factbook/geos/aj.html>

is roughly two third Shi'a and one third Sunni. Yet the Shia-Sunni balance is currently undergoing a shift. Scholars note that many Azerbaijanis who were 'Shia by birth' have converted to Sunnism, while doing the opposite is a rarity. Unofficial estimates therefore suggest that the real proportion of Shia to Sunni believers is actually heading in the direction of a rough parity.¹⁵³ The divide may nevertheless be artificial. One expert estimated that an anticipated 60% of the population currently identifies as primarily Muslim (not specifically Shi'a or Sunni), while only around 35% identify as specifically Shi'a or Sunni – with the remaining 5% containing adherents of other religions and those who could not answer.¹⁵⁴ Before independence in 1991, most Azerbaijanis who self-identified as Muslim saw Islam as a signifier of their ethnic or national identity. They had no real understanding of conceptual differences between the Shia and Sunni branches, which helped to positively reinforce the uniqueness of Azerbaijani Islam. Aside from developing distinct Shia and Sunni identities, Islam in Azerbaijan proved malleable as it soon split into the 'old' and the 'new'. Independent Azerbaijan's educational system failed to develop a modern curriculum in the humanities and has not taught a generation of students about the history and inner workings of the major religions or the meaning of secularism.¹⁵⁵ Meanwhile, foreign missionaries (which, despite the Iranian presence, were mainly Sunni) provided literature and education, and constructed mosques, creating a split between how generations of believers understood and practiced Islam.¹⁵⁶

In this context, polls show a low, but growing percentage of Azerbaijanis attending religious services and attaching greater importance to religion. According to a 2013 Caucasus Barometer poll, fewer than 20% of Azerbaijanis attended religious services regularly, while 39% did attend during special holidays. This was not a meaningful increase from 2008 numbers, which showed 18% regular attendees and 38% special holiday attendees. Caucasus Barometer data for

¹⁵³ Sofie Bedford and Emil Aslan Souleimanov, "Under construction and highly contested: Islam in the post-Soviet Caucasus", *Third World Quarterly*, April 2016, p. 8.

¹⁵⁴ Interview with Elchin Askarov, Eurasian Regional Forum Director, Islamic Conference Youth Forum for Dialogue and Cooperation, June 22, 2016.

¹⁵⁵ Svante E. Cornell and Zeyno Baran, "The Caucasus" in *Guide to Islamist Movements*, 2010, p.205.

¹⁵⁶ Sofie Bedford and Emil Aslan Souleimanov "Under construction and highly contested: Islam in the post-Soviet Caucasus", 2016, pp. 8-9.

Azerbaijan for 2010-2013 does show a significant increase in respondents stating that religion plays an important role in their daily lives, rising from 71% to 82% in three years. Again between 2010 and 2013, the proportion of individuals who defined themselves as 'religious' grew significantly from 16% to 27%, while the proportion of those who said they were 'not religious' dropped from 59% to 41%. Yet between 2008 and 2013, according to the same dataset, the proportion of respondents who fast, at least sometimes, when required by their religion actually fell from 66% to 58% with the number of respondents who said they 'never' fast grew from 34% to 42%. As regards religious tolerance, 61% of Azerbaijanis either strongly or tended to agree that "it is possible to belong to Azerbaijani society and not be a Muslim", while 34% either tended to or strongly disagreed in a 2012 CRRC poll.¹⁵⁷

A former SCWRO official estimated that if around 9% of the population attended religious services in 2001, 20% did so in 2006, 26% in 2012, and 29% in 2015. This would indicate a slowing growth in the number of attendees with an expected soft cap at around 33% of the population, whereafter the proportion is not projected to grow very much. At the same time, 60-70% of the population reportedly fasts during special holidays. In regards to preferences for governance, 60-70% of the population is estimated to favor a 'secular government with respect to religious values', 10% favors a secular government, and around 4-5% would want a Sharia government.¹⁵⁸ Officials at the Baku International Multiculturalism Center similarly conveyed the belief that the practicing proportion of the population is not likely to grow beyond a third of the population in the foreseeable future.¹⁵⁹

¹⁵⁷ Caucasus Analytical Digest, No. 44, 20 November 2012, p. 8.

¹⁵⁸ Interview with Elchin Askarov, Eurasian Regional Forum Director, Islamic Conference Youth Forum for Dialogue and Cooperation, June 22, 2016.

¹⁵⁹ Interview with Dr. Nariman Gasimoglu, Head of Analytics department, Baku International Multiculturalism Center (BIMC) and Azad Mammadov, Executive Director, Baku International Multiculturalism Center (BIMC), June 22, 2016.

It should be noted that among all Muslim-majority states surveyed by the Pew survey on religion in 2013, Azerbaijan had the lowest support for Sharia among all countries, at 8 percent.¹⁶⁰

Though the Azerbaijani state has cracked down on foreign NGOs operating in the field of religion, Turkey-linked organizations remained largely untouched by this until recently. Schools linked to the Sunnite and nationalist Gülen movement, which is led by the exiled preacher Fethullah Gülen, have long remained an outlier – Azerbaijan welcomed Gülen-connected institutions in the early 1990s because they were seen as a useful tool for the promotion of Azerbaijani-Turkish ties and a moderate form of Islam compatible with the secular state. After President Erdoğan's falling out with Gülen in 2013, Turkey began to put pressure on other countries, including Azerbaijan, to close Gülen-connected institutions.¹⁶¹ Azerbaijan responded by sacking Gülenist officials and transferring schools linked to the movement to the control of SOCAR, the state oil and gas company.¹⁶² The second wave of closures arrived in the wake of the July 2016 coup attempt in Turkey. President Aliyev's administration quickly acted to sever ties between the Qafqaz University and the Gülen movement. It also proceeded to revoke the license of ANS-TV, a station with nation-wide reach which had planned to broadcast an interview with Fethullah Gülen.¹⁶³ It would appear that Turkish influence in the field of religion had been treated as an exception, never grouped together with other foreign sources of influence by the state. Actions taken by authorities after the coup attempt in Turkey only reinforce this notion because they were not precipitated by investigations by state

¹⁶⁰ Pew Research Center, *The World's Muslims: Religion, Politics and Society*, Washington DC, 2013, <http://www.pewforum.org/2013/04/30/the-worlds-muslims-religion-politics-society-beliefs-about-sharia/>

¹⁶¹ Bayram Balci, "What Future for the Fethullah Gülen Movement in Central Asia and the Caucasus", *Central Asia-Caucasus Analyst*, July 2, 2014, <https://www.cacianalyst.org/publications/analytical-articles/item/13006>; Elisabeth Owen, "Turkey: Effort to Force Closure of Gülen Schools Falling Flat in Eurasia", September 12 (2016), *Eurasianet*, <http://www.eurasianet.org/node/80501>

¹⁶² Eldar Mamedov, "Azerbaijan: Marching in Lockstep with Turkey in Cracking Down on Gulen", August 9 2016, *Eurasianet*, <http://www.eurasianet.org/node/80061>

¹⁶³ Durna Safarova "Coup Attempt Ripple Effect: Azerbaijan Closes TV Station", July 19, 2016, *Eurasianet*, <http://www.eurasianet.org/node/79751>

institutions such as the SCRWO or SSS, but transpired directly as a result of high-level bilateral dialogue between the two countries.

A contributing factor to the country's bottom-up Islamization has been Azerbaijan's socio-economic situation. As is well-known, oil is not a labor-intensive industry, and moreover makes it difficult for the non-oil sector to compete on world markets. While state officials downplay¹⁶⁴ the importance of economics, over half of the country's population has yet to join the ranks of the nascent middle class. Yet until the sharp fall in oil prices in 2014, there was a general sense of greater hope for the future, clearly reflected in polling in Azerbaijan. But the heavy devaluation of the Azerbaijani manat did considerable damage to this general sense of gradual economic improvement.¹⁶⁵ Thus, there have been instances of limited unrest, mainly caused by local dynamic.¹⁶⁶ Rising unemployment and prices on foodstuffs in combination with falling foreign remittances contributed to social discontent in a number of Azerbaijani regions in January 2016, which the government has blamed on opposition parties as well as "religious extremists."

Key Legislation and Policies

Religious activity is regulated on the basis of the Azerbaijani Constitution and the 1992 *Law on Religious Belief*, last amended in 2011.¹⁶⁷ Both explicitly enshrine the principle of secularism and guarantee the right to express (or not to express) religious belief, but also impose limitations motivated by the intent to prevent and control radicalization. In practice, a triumvirate of institutions regulates religious affairs: the regulating actors are the Caucasus Muslim Board, the State

¹⁶⁴ Interview with Dr. Nariman Gasimoglu, Head of Analytics department, Baku International Multiculturalism Center (BIMC) and Azad Mammadov, Executive Director, Baku International Multiculturalism Center (BIMC), June 22, 2016.

¹⁶⁵ Nargiz Rashid, "Azerbaijan Loses Its Manat Mojo", *Eurasianet*, February 23, 2015, <http://www.eurasianet.org/node/72201>

¹⁶⁶ Khadija Ismayilova, "Azerbaijan: Examining the Economic Sources of Ismayilli Discontent", *Eurasianet*, January 31, 2013, <http://www.eurasianet.org/node/66485>

¹⁶⁷ "'Dini etiqad azadlığı haqqında' Azərbaycan Respublikasının Qanununda dəyişikliklər edilməsi barədə Azərbaycan Respublikasının Qanunu", *President.az*, July 4, 2011, <http://www.president.az/articles/2672>

Committee for Work with Religious Organizations, and the State Security Service, formerly the Ministry for State Security.

The Azerbaijani Constitution explicitly guarantees the principle of secularism both in its preamble and in Article 7, which defines the state as a “democratic, legal, secular, unitary republic”. Article 25 guarantees the equal rights to all citizens, irrespective of their religious belief, while Article 48 provides for freedom of religion, and the right to profess it. It also explicitly includes the freedom to profess no religion at all. Article 48 does impose a number of limitations on the profession of religious belief. It states that any religious rituals carried out may not “violate public order and public morals”, and seeks to clearly establish a hierarchy between state legislation and religious scripture – “religious beliefs and convictions do not excuse infringements of the law”. A 2009 amendment further stipulates that that no one “shall be forced to express his or her religious faith and belief, to execute religious rituals and participate in religious ceremonies.” The constitution also seeks to limit any hate speech involving i.e. religion: Article 18 disallows the “spreading and propaganda of religions humiliating people’s dignity and contradicting the principles of humanism,” while Article 47 precludes “propaganda provoking racial, national, religious and social discord and animosity.” Articles 18, 89, and 89 clearly demarcate the separation of religion and state and the mutual exclusivity of service in either one for individual citizens. They clarify that all religions are equal before Azerbaijani law and that the educational system is secular; additionally, “religious men” cannot serve in the Azerbaijani Parliament and any current member of parliament will automatically lose his or her position there upon entrance into service of a religious organization.

The *Law on Religious Belief* repeats the secular tenets of the constitution but also seeks to establish legal barriers against the undermining of the Azerbaijani secular state by religious actors. It thus conditions the principle of freedom of religion on the absolute untouchability of the secular state. Article 1 of the law states that “it is prohibited to propagandize religions with the appliance of religious violence or sowing discord among the people with the aim of changing their religious way of life or forcing to confessing religion”. Article 5 of the law seeks

to expand the principle of mutual exclusivity in religious and public life established by the constitution from the individual level to organizations. It states that, "religion and religious associations shall be separated from the state. The state shall not instruct religious associations to fulfil any state affair, and does not interfere with their activities. All religions and religious associations shall be equal in relation to the law. Establishing any superiority or limitations for one religion in comparison with another shall not be allowed". In a similar vein, it stipulates that religious organizations cannot partake in political activities or provide financial aid to political parties and reciprocally that political parties cannot take part in religious activities, forbids public officials to serve as religious officials, and vice versa. Finally, Article 6 of the law stipulates that the state education system is separated from religion, but allows state educational institutions and religious organizations alike to teach religion and include class on religion in their curricula.¹⁶⁸

Amendments to the Law on Religious Belief forbids "foreigners and persons without citizenship from conducting religious propaganda" in Azerbaijan, an addition that sought to further insulate the secular state from religious influences by making any such attempts from abroad unlawful. The legislative base on NGO financing and regulation, while not aimed directly at religious organizations, is designed not least with the threat of possible religious agendas perpetuating via non-religious organizations in mind. The 2014 amendments to NGO legislation took measures to restrict religious influence in the country which would presumably come from abroad. Only foreign organizations that register all their local affiliates and representative offices, and obtain permission to conduct their activities in the country, are permitted to finance activities in Azerbaijan.

Azerbaijani law codifies two state institutions as the regulators of religious organizations, clerics, and mosques. The 1992 Law on Freedom of Religion states that clerics and mosques in Azerbaijan are under the control of the Caucasus Muslim Board (CMB). According to Article 8 of the law, Islamic associations are

¹⁶⁸ "Dini etiqad azadlığı haqqında Azərbaycan Respublikasının qanunu."

subordinated to the CMB in terms of “organizational matters”, while non-Islamic associations can choose to be subordinated to religious organizations both in Azerbaijan and outside it. The 2001 presidential decree which established the State Committee for Work with Religious Organizations (SCWRO) describes the committee’s task as “the creation of appropriate conditions for compliance with laws relating to freedom of religion and for the state registration and oversight of religious institutions.”¹⁶⁹ This control is ensured by the compulsory registration that relevant organizations must complete with the SCWRO; registrations are regulated by the 1992 law and a subsequent 1999 amendment. Organizations with a minimum of 50 members may apply for registration, but may be denied registration or have their registration revoked if they file incorrect information, if the association is not deemed to be religious, or “if its actions, goals, or essence contradict the Constitution and other laws.”

The Caucasus Muslims Board

Islamic congregations in Azerbaijan are controlled by the Spiritual Board of Muslims of the Caucasus (hereinafter Caucasus Muslim Board or CMB), which has been led by Sheikh ul-Islam Haji Allahshukur Pashazade since the late 1980s. Pashazade controls mosques and shrines around the country, and oversees the activities of imams and clergy there. The clergy’s loyalty is secured, among other, through the CMB’s control of the financial flows present in mosques, i.e. the donations and gifts made by visitors. However, as an institution with Soviet roots, the CMB faces challenges to its effective performance and has had to work to overcome distrust in society. As in other post-Soviet Muslim republics, former Soviet clerics face criticism from radical and oppositional forces for their close connection to the government. Furthermore, the CMB only has authority over Muslim groups, and *de facto* only over official religious structures – it therefore has little authority over independent Islamic communities, such as the Juma or Abu Bakr mosques and their communities of believers. CMB-affiliated preachers have had a history of lacking knowledge about Islam;

¹⁶⁹ “Azərbaycan Respublikasının Dini Qurumlarla İş üzrə Dövlət Komitəsinin yaradılması haqqında,” [On the Creation of the State Committee for Work with Religious Organizations of the Republic of Azerbaijan], June 21, 2001, <http://scwra.gov.az/upload/Files/5.doc>

as a result, more active believers have been drawn to foreign-educated preachers. In addition, while the Sheikh's first deputy, Salman Musayev, is a representative of the Sunni community, Pashazade himself and much of the leadership of the CMB hail from the more devoutly Shi'a provinces of southern Azerbaijan. In the 1990s and early 2000s, the CMB received middling public opinion ratings at best; since then, the limited survey data that is available suggests that Pashazade has succeeded in rebuilding some trust. The CRRC Caucasus Barometer in 2013 found that 57 percent of people somewhat or fully trust religious institutions, while only 12 percent express distrust.¹⁷⁰

The CMB is not technically a state-controlled institution or subordinated to the political leadership of the country. It plays a useful role in promoting a moderate and inclusive form of Islam domestically and abroad, as well as in showcasing the close and harmonious relations between members of the Muslim, Christian, and Jewish communities in the country. Thus, for the past decade, it has been commonplace for the Sheikh ul-Islam to lead delegations including Jewish and Christian leaders on trips abroad, in which the assembled religious leaders extol the tolerance of Azerbaijan's society and the wisdom of its state policies.¹⁷¹

Yet the CMB was never designed to function as an arm of the executive to effectively monitor and regulate religious activity. Indeed, legally, it is a non-governmental organization covering the entire Caucasus, including representatives in the North Caucasus republics.

The State Committee for Work with Religious Organizations

Until 2001, the only institution such regulation would fall to was the Ministry of National Security, whose instruments of power are mainly coercive. This void led to the establishment of the SCWRO in 2001. The committee was made responsible for oversight and registration of religious structures and non-governmental religious organizations and their activities. As might be expected, the

¹⁷⁰ Caucasus Research Resource Centers, "Caucasus Barometer, Azerbaijan 2013", <http://caucasusbarometer.org/en/cb2013az/TRURELI/>

¹⁷¹ The Joint Center contributed to organizing a seminar in Stockholm in 2015 on this topic. See "Multiculturalism and inter-religious tolerance: the experience of Azerbaijan and its significance for Europe", Stockholm, November 18, 2015, <http://silkroadstudies.org/forums-and-events/item/13181>

CMB and the Committee did not initially agree on their distribution of duties, and relations between Pashazade and the first Head of the SCWRO, Rafiq Aliyev, is best described as acrimonious. Personal and institutional tensions have diminished under subsequent leaders of the SCWRO. Yet privately, Azerbaijani officials and commentators speculate on whether the CMB will continue to exist following the eventual passing of the Sheikh ul-Islam; many suspect the intention is for the SCWRO to concentrate power in the religious field.¹⁷²

So far, however, the SCWRO has in practice been forced to share some powers with the CMB. Islamic organizations and mosques remain under the CMB's mandate, and must therefore receive letters of approval from it in order to register with the SCWRO. In fact, the CMB itself is registered with the SCWRO.

The creation of the SCWRO was timely; while it predated the September 11, 2001 terrorist attacks by a few months, it was a response to a sense that the field of religion was one over which the state was risking losing control following the growing role of foreign-sponsored religious groups in the country, with origins in the Gulf states, the North Caucasus, Turkey and Iran. Given the ideological vacuum that reigned in Azerbaijan after the fall of the Soviet Union, these movements were gradually establishing roots in society. A former SCWRO official estimated that around 15 "Arab" religious organizations and around 20 "sects" were active in Azerbaijan between 1991-1997, before the 1997 amendment on "religious propaganda by foreigners" was put in place.¹⁷³

According to an SCWRO official, concern over the possible radicalization of a number of religious groups led to a 2009 amendment to the Law on Freedom of Religion, which called for a re-registration of religious associations with the committee. The re-registration requirement was, accordingly, meant to check again that all active associations and their activities still conformed to the relevant legal base; since then, some associations have still not re-registered, either because their applications were denied or because they had not applied for re-registration. At least some disagreements over re-registration were reportedly

¹⁷² Interview with political analyst, Baku, June 2016.

¹⁷³ Interview with Elchin Askarov, Eurasian Regional Forum Director, Islamic Conference Youth Forum for Dialogue and Cooperation, June 22, 2016.

motivated by associations' wish to register all of their local chapters as one coherent association, instead of several disparate units. As of mid-2016, the SCWRO had over 650 religious associations registered. This included 25 non-Muslim associations including various Christian and Jewish denominations, as well as Krishna and Bahai communities. The incentives offered for registering with the SCWRO include a subsidized (effectively free) supply of natural gas from the State Oil Company of the Azerbaijan Republic (SOCAR) provided to buildings registered with the association and the allocation of state funding for projects. Since 2013, the committee has allocated funds for the associations' development and distributed AZN 2.5 million for various projects in 2014 alone.¹⁷⁴

Aside from promoting religious tolerance by providing financial support for religious organizations in the country, the SCWRO is tasked with preventing radicalization. This work takes place through institutional cooperation with local religious associations and the Ministry of National Security to track potential or suspected "foreign fighters" going or having gone to fight in Syria, as well as making sure that they are intercepted by border police or security services in the eventuality of return.

In this context, the SCWRO is tasked with monitoring and vetting religious literature, especially literature imported from abroad. The committee can and does prohibit importing literature it deems to be incompatible with its mission to ensure the secular nature of the state; approved books available for sale must thus carry a SCWRO stamp.

A significant number of legal amendments added every year between 2009 and 2015 have been squarely aimed at tackling the extremist threat and preventing further radicalization. Among these, an amendment to the criminal code ensured that the punishment for "foreign fighters" traveling to Syria became a 15 year-long jail sentence. Amendments added in 2014-2015 prevented clerics educated abroad (with the exception of those educated in state-approved educational institutions) from working in Azerbaijan, while a 2014 amendment led

¹⁷⁴ Interview with Nijat Mammadov, Head of International Relations Department, State Committee for Work with Religious Organizations, Baku, June 22, 2016.

the SCWRO to monopolize religious education for the conduct of rites. To fill the need for training clerics, the SCWRO expanded its own role and conducted more than 30,000 trainings in the past two years. While clerics can be attested by the committee, they cannot be appointed by it to positions within religious associations, thus maintaining the separation of religion and state. Additionally, the amendments were not applied retroactively, which means that any previous training that existing clerics may have received has not been invalidated.¹⁷⁵ Whereas the official state estimate is that 1,800 individuals have already received religious education abroad, the real number may be closer to 3,000.¹⁷⁶ Nonetheless, observers maintain that even those educated abroad tend to support a secular model of governance, and that the long-standing fear of foreign clerics importing the Shia-Sunni conflict into Azerbaijan has not been realized.¹⁷⁷

An Institutional Triumvirate

Taken together, the CMB and the SCWRO represent two parts of a three-pronged state mechanism for the control of religious associations, mosques and other places of prayer, as well as individual clerics in terms of their education, the literature they use, and the activities they engage in. They are also the main surface of interaction between the secular government and religious associations in Azerbaijan. The third part of the control mechanism is the State Security Service, until 2015 the Ministry of National Security. It plays the role of the 'muscle' as it only acts when the CMB or the SCWRO determine that an individual cleric or religious association have overstepped the 'red line', which is defined by the Law on Freedom of Religion.

Whereas the CMB and the SCWRO have fairly comprehensive, and, indeed, expanding mandates in the religious field compared to the state institutions in the field of minority protection, they nevertheless have exhibited a gap in that they have not had the means to direct or guide the message delivered by preachers

¹⁷⁵ Interview with Nijat Mammadov, Head of International Relations Department, State Committee for Work with Religious Organizations, Baku, June 22, 2016.

¹⁷⁶ Interviewee wishes to be anonymous.

¹⁷⁷ Interview with Elchin Askarov, Eurasian Regional Forum Director, Islamic Conference Youth Forum for Dialogue and Cooperation, June 22, 2016.

who fall under their jurisdiction – let alone those who do not.¹⁷⁸ In Turkey, by contrast, the Directorate of Religious Affairs under the Prime Minister's office is responsible for issuing the sermons to be delivered in every mosque in the country; indeed, in Turkey no mosques are allowed to exist outside the purview of the Directorate. It appears, however, that the Azerbaijani state has become aware of this shortcoming and is attempting to resolve it. In March 2016, the CMB stated that it will jointly prepare sermons together with the SCWRO going forward, and that cameras shall be installed in mosques so that sermons may be monitored by the state.¹⁷⁹ Of course, such a role on the part of the SCWRO would potentially raise the question whether it remains in line with the separation of state and religion as provided for in the Law on Freedom of Religion. Nevertheless, the move is entirely coherent with the principle of *laïcité* as understood in the French and Turkish models.

Whereas Azerbaijani authorities have not exhibited an interest in creating comprehensive mandates and complementary institutions in the field of minority rights, they have moved decisively to do so in the area of religion. The expansion of the mandates of the CMB and the SCWRO over the past 15 years has led these institutions to exert control over religious literature, education, and training, as well as to supervise the contents and delivery of sermons, pilgrimages, and any activities and finances of religious associations. The creation of the SCWRO in 2001 and the subsequent expansion of its mandate, even at the cost of overlaps with the CMB, represents a move towards a conscious and determined Azerbaijani institutional model in the field of religion which has now gradually come to replace the post-Soviet model that Heydar Aliyev inherited.

Western Criticism of Azerbaijani Secularism

In the field of religion, Azerbaijan has come under considerable pressure from Western human rights organizations, which have assailed the government's

¹⁷⁸ Svante E. Cornell, *The Politicization of Islam in Azerbaijan*, (Washington and Stockholm: Central Asia-Caucasus Institute & Silk Road Studies Program, Silk road Paper, October 2006), pp. 66.

¹⁷⁹ APA.az, "Cameras to be installed in Azerbaijan mosques to monitor sermons", March 30, 2016, http://en.apa.az/azerbaijan_religion_news/cameras-to-be-installed-in-azerbaijan-mosques-to-monitor-sermons.html

policies are repressive and counter-productive. This has frequently led to bewilderment in Azerbaijan, as the country's leaders had rather expected Western support for these measure intended to sustain Azerbaijan's secular model and European identity. This Western criticism reflects, in part, a fundamentally different understanding of the causes of religious extremism.

Indeed, a distinct paradigm developed in the West in the late 1990s, which argued that the combination of repressive governments and economic deprivation serves as an incubator of radicalism.¹⁸⁰ But the paradigm, advanced in the post-Soviet space primarily by the International Crisis Group and seconded by scholars and human rights activists,¹⁸¹ is woefully disconnected from the general literature on radicalization, which remains highly inconclusive, and in which general political repression is not given a particularly important role. In fact, several overviews of causes of radicalization hardly mention generalized repression at all, focusing only on specific discrimination against specific groups.¹⁸² Ignoring this, the policy recommendation of the dominant paradigm has been that instead of repressing political Islam, governments should open their political systems to competition; that would, proponents argue, deflate the balloon of radicalism that is being created by the repressive environment and the lack of avenues for opposition. This ignores that countries that have followed these recommendations have seen the opposite occur, as the recent examples of Pakistan and Turkey indicate.

For Western policy, this paradigm suggested that the best way to curtail terrorism was to withdraw support from any regime judged to be repressive, and to redouble investment in the "democracy agenda." This is not the place to offer yet another thesis on the cause of radical Islamic movements; suffice it to note that wherever they exist, these movements take as their goal to capture the state, its resources, all the administrative agencies through which it carries out its will,

¹⁸⁰ Martin Kramer, "The Mismeasure of Political Islam", in ed. Martin Kramer, *The Islamism Debate* (Tel Aviv: The Moshe Dayan Center for Middle Eastern and African Studies, 1997), pp. 161-73.

¹⁸¹ International Crisis Group, *Radical Islam in Central Asia: Responding to Hizb-ut-Tahrir*, Asia Report no. 58, June 2003; *Syria Calling*, Europe & Central Asia Briefing, no. 72, January 2015.

¹⁸² Matthew Francis, "What Causes Radicalisation? Main Lines of Consensus in Recent Research", January 24, 2012, *Radicalisation Research*, <http://www.radicalisationresearch.org/guides/francis-2012-causes-2/>

and education. For all their differences in tactics, and for all the disagreements and conflicts that have arisen between such movements, they all agree that the object of their efforts is less the soul of individual believers than the instruments of state power. As leftist and Communist movements once dreamed of seizing the state in order to make it serve the proletariat, Islamists aspire to seize power in order to place it in the service of the faith. This, of course, is the perspective underlying the state response to the growth of radicalism in Azerbaijan; and it differs markedly from the support for engagement and liberalization advocated by Western critics.

As concerns Azerbaijan, the most significant acrimony has resulted from the criticism directed at Azerbaijan by the U.S. Commission on International Religious Freedom (USCIRF). The Commission reports on violations of religious freedom around the world and makes recommendations to the U.S. President and the State Department for action. The USCIRF is particularly harsh in its condemnation of the Muslim-majority states of the former Soviet Union, and Azerbaijan has been a leading target. To begin with, its reports do not express any appreciation for the fact that Azerbaijan and Central Asian countries observe a separation between religion and state, and that in bright contrast to the Middle East, non-Muslims and secular Muslims can live as equal citizens. Yet, the Commission declares Azerbaijan to be in violation of religious freedom. The USCIRF complains that the school uniforms used in public schools in Azerbaijan do not allow hijab head covering of girls. It also has condemned the Azerbaijani law that prohibits foreign citizens from serving as Muslim clerics – a law enacted to prevent Iranian and other extremist clerics from breeding extremism in Azerbaijan and to protect secular citizens from religious coercion.

Thus, in practice the USCIRF has chosen to advocate for the right of Iranian mullahs to work in a moderate Muslim country and spread their extreme and anti-American rhetoric, the right to spread material that incites against non-Muslim minority citizens, and, not least, to castigate a country that bans head covering of girls in public schools. Of course, France and Turkey have had similar headscarf legislation, which have been upheld by the European Court of Human Rights up to the university level – yet these states have not come under

similar criticism. The USCIRF reports are not based on original research, as its small staff lacks either resources or language skills to conduct such research. Instead, it relies on reports of international and local NGOs, and puts the stamp of the U.S. Government on their findings.

The point here is not whether Azerbaijani authorities have erred on the side of excessive repression at times, as critics are right to point out. The point is that Western criticism has failed to accept the premises of the secular form of government in Azerbaijan. If the intention of this criticism had been to ameliorate the government's responses to radicalization, it would be more likely to achieve its goal if it accepted the legitimacy of the model of *laïcité* practiced in Azerbaijan and cooperated with the government to seek ways to improve it. As it stands, the criticism as presently formulated leads Azerbaijani authorities to simply ignore Western advice.

Attitudes in Society

The Azerbaijani government's commitment to secularism and civic nationhood enjoys solid support among the country's population. As discussed above, these measures were designed and implemented to a considerable extent in order to counter the centrifugal tendencies of the early 1990s. Subsequent to this period the short-lived Popular Front government's Turkic nationalist policies had failed to gather broad support and were seen as contributing to dangerous levels of polarization in society. Yet the exact nature of popular attitudes remains difficult to determine, given the absence of reliable polling. However, it is possible to discern at least three separate strains of opposition to the government's policies in the field of identity politics. One is a liberal critique, which joins with Western democracy activists in denouncing the government policies as unnecessarily repressive and potentially counter-productive. A second is an ethnic nationalist critique, which characterizes the government's policy as artificial, advocating instead a return to the emphasis on the ethnic nationalism of the early 1990s. The third strain of opposition is that of political Islam, opposing the government's secularism and advocating for the imposition of Sharia law and an Islamic form of government.

The Liberal Discourse

The liberal discourse on Azerbaijani multiculturalism is primarily focused on two critiques. First, it argues that a general transition to a Western legislative and institutional model would weed out corruption and guarantee the rule of law, thus obviating the need for a number of policies and practices which are considered invasive or repressive. Second, it sees the recently tightened NGO legislation as an unfortunate victim of the broader crackdown on the Islamist threat and argues that if democratic development is to take place at all, the regulations restricting NGO activity must be repealed. From the liberal point of

view, the problem is not so much that the state's means do not justify the ends, but that the ends can be achieved in a way that is not prohibitive for the country's democratic and economic development.

An activist who was previously active in the youth branch of the *Müsavat* party, and interviewed by this author, expressed the view that citizens' freedoms are needlessly circumscribed by the state-declared need for multiculturalism and secularism, which are enforced by policies such as the registration requirement for religious associations and NGOs. In the liberal view, with functioning rule of law in the country, Azerbaijan would have to "acknowledge all humans", therefore religious political parties, for instance Salafist parties, should be permitted. The same principle would apply to political parties founded on an ethno-territorial basis. The state's failure to include such views in the political system in combination with its failure to provide a sufficient educational standard in all parts of the country instead leads individuals to join Islamist and separatist groups. This is a process which the state anticipates and is aware of, but uses to its advantage in order to garner support from the West with an anti-terrorism and anti-radicalization narrative. In the liberal view, the state should not monitor funding from foreign sources to domestic NGOs. Yet as regards foreign-funded religious organizations, state institutions are correct in maintaining full control and demanding that foreign actors register with the state because of the gravity of the radical Islamic threat.

Similarly, liberals criticize the regime of using the Year of Multiculturalism to highlight the importance of its continued political viability in the eyes of the West. This is done against the backdrop of Islamist extremism being painted as a threat, and the regime's survival beyond the 2018 presidential election portrayed as the only way to counter that threat. The leadership desperately needs the West, because it needs investment to flow into the country and to counter-balance Moscow, on which it depends politically. Russia is understood to contribute to the political suppression of minorities in Azerbaijan by way of its attempts to use various minorities against the Azerbaijani state – if the rights and

freedoms of minorities were properly guaranteed by Baku, then Moscow would not be able to use them against it.¹⁸³

What, then, is the level of support in society for the liberal perspective? While that is difficult to determine, there is no indication that such a view is supported beyond parts of the urban intelligentsia in Baku. Indeed, research by the Caucasus Research Resource Centers has shown a broad divergence between the views of the liberal intelligentsia and those of the population at large. Thus, whereas the liberal intelligentsia and foreign activists accused the government of increasingly repressive policies during the 2010-13 period, CRRC polling data indicates that the broader population was of another view. Indeed, in 2010, a majority of respondents did not consider Azerbaijan a democracy; by 2013, a majority did. Similarly, the survey data showed increasing and stable support for President Aliyev's leadership.¹⁸⁴ Thus, it appears that the liberal discourse, while very audible to Western visitors to Baku, has a relatively limited following in the general population. Developments in Azerbaijan's neighborhood are also likely to have weakened the case of the liberal elites: since the upheavals in the Arab world and the Russian annexation of Crimea, fears of contagion of the instability and conflict has grown; it is increasingly common even for Western-educated, middle-class Azerbaijanis to express support for the more restrictive government policies. It is quite possible that the downturn in oil prices will weaken the social contract and make middle-class Azerbaijanis more likely to give opposition voices a hearing, but this remains to be seen.

Ethnic Nationalism

The second strain of opposition to the government approach is the approach of ethnic nationalists. This view is in turn somewhat divided between two approaches: one is the Pan-Turkic approach, which essentially argues that there is no Azerbaijani nation, and that the Turks of Azerbaijan form part of the greater Turkic or Turkish nation. Among this group, there is considerable support for

¹⁸³ Interview with Zaur Akbar, President of YATA Azerbaijan, June 30, (2016).

¹⁸⁴ CRRC, Caucasus Barometer, Azerbaijan 2010 and 2013.

unification with Turkey as well as with Iranian Azerbaijan. The alternative nationalist approach is narrower in advocating for Azerbaijani Turkish nationalism, thus more narrowly construed. Yet both approaches share the commonality of opposing the notion of civic nationalism or multiculturalism. In their assessment, the Azerbaijani Turks are by far the dominant group in Azerbaijan, as well as the titular nation; in other words, Azerbaijan is their land. They may recognize the existence of ethnic minorities, and even, as President Elçibey was, be positively disposed to institutions that would allow the minorities to preserve and develop their language and culture. But they usually argue strongly that the state should be controlled by the Azerbaijani Turks. In other words, this ethnic nationalist perspective makes a sharp distinction within Azerbaijani society, dividing the population into a “majority” and “minorities”.

Inherent in this critique is a denunciation of the Soviet-era official view of the Azerbaijani nation, which connect it to the peoples that lived in Azerbaijan before the Turkic invasions, thus denying the Turkic character of the nation. Ethnic nationalists, by contrast, strongly support the notion that the Azerbaijanis are Turkic both culturally and by genealogy.

Within nationalist circles, the official government policy is frequently decried as being “anti-Turkish” in orientation. Furthermore, laying underneath the surface of this nationalist discourse is thinly veiled accusation that the government is run by “non-Turks”. Particularly when interviewing opposition figures in the Turkish or Azerbaijani language, nationalists frequently lean into passionate tirades of listing high-level government officials that they identify as ethnically Kurdish, Talysh, Lezgin, or even Armenian; this amounts to a relatively widely held conspiracy theory among nationalist circles, sometimes overtly stated, that the non-Turks have taken over Azerbaijan. From the ethnic nationalist perspective, the policies of “Azerbaijanism” and “multiculturalism” thus flow from a need to mask this alleged power grab.

What is the popular following of the ethnic nationalists? Politically, their following collapsed after the debacle of the early 1990s. To this day, and not least because the government misses few opportunities to remind the population of this

debacle, the broader population harbors strong skepticism toward the nationalist opposition. Yet the ideas underlying their criticism of the official policy have a larger following, not least because the conflict with Armenia led to a strong rise of nationalism in society; and this nationalism includes a significant inclination toward pan-Turkic nationalism. Moreover, pan-Turkist ideology is also strengthened by the relatively strong Turkish nationalism in Turkey itself, which reaches many Azerbaijanis through television and other publications.

The Islamist Discourse

No academics, experts, or officials of state institutions interviewed for this study saw any imminent risk of Islamist organizations garnering any significant amount of influence in Azerbaijan, let alone enough influence to challenge the secular order guaranteed by the Azerbaijani Constitution, state legislature, and state institutions. What is more, interviewees have pointed to a general weakening of the Islamist phenomenon compared to the previous decade. Yet increased knowledge about Islam, awareness of its different branches, and a rise in the proportion of practicing Muslims among the population at large has been brought about by a number of internal and external factors. This includes a domestic post-communist Islamic revival, the influx of foreign religious literature and the wide availability of online resources, the influx of foreign religious organizations primarily from Turkey and the Persian Gulf, weak socio-economic development for parts of the general population, and the war in Syria and its sectarian implications. As a result, segments of Azerbaijani society have adopted an Islamist orientation, which stands in opposition to the government policy of secularism.

Indeed, a 'new' generation of believers gradually began to question the legitimacy of state-sponsored religious authorities. To these more politically oriented Muslims, state affiliation came to imply a loss of religious authority. In the early 2000s, Baku-based mosque communities (such as the Juma and Abu Bakr mosques) began to set themselves apart from state-controlled mosques, and became a striking alternative. The foreign-educated imams presented their

mosques as alternatives to state-controlled mosques led by comparatively uneducated religious leaders, which they portrayed as redundant and corrupt.¹⁸⁵ Islamists with political ambitions such as Taleh Baghirov – a Shia cleric previously active in Nardardan – did manage to build and retain a following based on projecting an image of authenticity and incorruptibility.¹⁸⁶

Among the new Islamic forces, certain differences are apparent. Independent Shi'a communities like the Juma mosque have tended to be more directly political, while some of the Salafi communities, such as that of the Abu Bakr mosque, have argued that they are entirely uninterested in politics – following the worldwide divide within the Salafi movement between the inward-looking approach of groups such as the Jamaat Tabligh, and the jihadi forces that presently grab most international attention.¹⁸⁷ Yet the avowedly unpolitical Salafi communities have failed to rein in their most activist members, which have tended to move on to more political and more violent activism, triggering a response by authorities against the Salafi communities in general.

The state reacted by instating tighter control over religious education, but it has also responded by shuttering mosques deemed to have a problematic influence. The Juma mosque has been temporarily closed down on several occasions, including during the 2016 Formula one race, while a number of mosques in the Baku suburb of Nardaran were closed by the state due to non-compliance with CMB and SCRWO registration regulations after the restoration of order there in 2015-2016.¹⁸⁸ Indeed, the town of Nardaran has long been a center of Islamic activism, which forced the government in 2015 to intervene to seek the reintegration of the town into the rest of society.¹⁸⁹ In this endeavor, where security clampdowns were followed up by a localized AZN 12 million infrastructure and

¹⁸⁵ Bedford and Souleimanov, p. 9.

¹⁸⁶ Eldar Mamedov, "Whither Azerbaijan's Islamists?", *Eurasianet*, August 12, 2015, <http://www.eurasianet.org/node/74651>.

¹⁸⁷ Quintan Wiktorowicz, "Anatomy of the Salafi Movement", *Studies in Conflict and Terrorism*, vol. 29 no. 3, 2006, pp. 207-239.

¹⁸⁸ Felix Corley, "Azerbaijan: Mosques ordered to close for 'repairs'", *Forum 18*, July 27, 2016, http://www.forum18.org/archive.php?article_id=2202

¹⁸⁹ Georgi Lomsadze, "More Trouble in Nardaran", *Eurasianet*, January 11, 2016, <http://www.eurasianet.org/node/76761>

state services restoration program, the Ministry of Education played an important role.¹⁹⁰ New public services such as extracurricular centers were opened for both male and female students between the ages of 10-14. As part of a project that started January 2016, special attention is being paid to the two schools operating in Nardaran, where schoolchildren are integrated with children from other schools via collaborative activities. In May 2016, for instance, local sixth grade pupils were brought to schools in other regions in connection with standardized tests so they could experience other lifestyles and school cultures. A major issue in Nardaran has been school attendance, which was exacerbated by the difficulty in knowing how many school-age children there are in the town. This is being addressed via the introduction of dedicated school buses and the creation of mobile services.¹⁹¹

Grassroots Islamization has also manifested via local protests. In one instance, a group of local religious figures called for the institution of *halal* beaches in the Caspian towns of Lenkoran and Astara in southern Azerbaijan, adjacent to the border with Iran. Similarly, in 2012, activists protested against "immoral" international folklore festival in the town of Masally.¹⁹² In the same year, protesters picketed the Ministry of Education in a protest against the ban on hijabs in Azerbaijan's schools, gathering in Masally and Nardaran.¹⁹³

The civil war in Syria has had at least some influence on interfaith relations in Azerbaijan. Azerbaijani, Turkish, and Russian television and media have produced divergent and competing images of the situation in Syria and presented various interpretations of the religious nature of the conflict there. The conflict has apparently been used as a propaganda tool in Azerbaijan, with claims that Shia adherents are destroying Sunnis in Syria, and drawing a parallel with the risk that the same could happen in the majority-Shia Azerbaijan. This narrative

¹⁹⁰ SÖS Information Agency, "Azerbaijani President allocates AZN 12 mln to restore Nardaran", <http://sia.az/en/news/social/517954-azerbaijani-president-allocates-azn-12-mln-to-restore-nardaran>

¹⁹¹ Interview with Lamiya Sharafkhatova, Head of Unit at Baku Education Administration, June 29, 2016.

¹⁹² Eldar Mamedov, "Whither Azerbaijan's Islamists?", August 12, 2015, *Eurasianet*, <http://www.eurasianet.org/node/74651>

¹⁹³ RFE/RL, "Police, Armed Pro-Hijab Activists Clash In Baku", September 18, 2016, <http://www.rferl.org/content/police-azerbaijan-baku-forcibly-disperse-pro-hijab-activists/24729975.html>

ostensibly has especially infectious potential in Azerbaijan's north, where most Sunnis also belong to the ethnic Lezgin minority. While a general feeling of mutual mistrust between Shiites and Sunnites has indeed grown in parallel with the progress of the civil war in Syria, it is difficult to point to any actual conflicts that have resulted from it in Azerbaijan.¹⁹⁴ Because Azerbaijani society widely perceives the war in Syria as Sunni versus Shia, the government sees citizens' participation in the conflict – by both Shi'a and Sunnis – as a serious security threat.¹⁹⁵

Conclusions

As is clear from the above, the official policy by no means enjoys unanimous support in Azerbaijani society. Yet as viewed above, the level of support for the opposing perspectives – whether liberal, nationalist or Islamist – is quite limited. Indeed, the liberal perspective is mainly an urban intelligentsia phenomenon; the Turkic nationalist position is considerably more widespread in society, but suffers from its association with the disastrous experience of the early 1990s. As for the Islamist discourse, it remains marginal, but for a considerable portion of the population, its very existence in fact serves to reinforce the government's endorsement of secularism.

By contrast, the current policy focusing on secularism and civic nationhood benefits from its association with the founders of the Azerbaijani nation-state in the early twentieth century. But it also benefits from drawing on the more positive aspects of the Soviet era. Of course, in that long era, the pendulum swung heavily in the direction of an anti-religious policy, and in suspect history-writing that tended to reject the obvious connections between Azerbaijan and the Turkic world. Since independence, those excesses have been excised from official policy, while it has kept those aspects that are most relevant to the modern era: the secular heritage, and the notion of Azerbaijan as nation in its own right rather than a part of some larger entity. This approach faces relatively weak opposition

¹⁹⁴ Interview with Elchin Askarov, Eurasian Regional Forum Director, Islamic Conference Youth Forum for Dialogue and Cooperation, June 22, 2016.

¹⁹⁵ Siroky and Mahmudlu, "E Pluribus Unum?", 2015.

in society, and appears to be supported, actively or more often passively, by the overwhelming majority of the population.

Implications for Azerbaijan and the West

What are the implications, regionally and globally, of the Azerbaijani model? To answer this, it is necessary to briefly study the regional context in which Azerbaijan's policies have been developed, consider the wider applicability of Azerbaijan's experience, as well as examine how the Azerbaijani model fits with the broader Western interests in the region.

Azerbaijan in Context: Policies in Neighboring Countries

Azerbaijan's policies in the field of national minorities and religious affairs have not emerged in a vacuum; indeed, this study has shown how they have been developed and evolved as a response to global and regional affairs. They also, obviously, cannot be dissociated from the experience of Azerbaijan's neighborhood. Here, two sets of neighbors should be considered: the three regional powers surrounding Azerbaijan – Turkey, Iran and Russia – as well as its more direct neighbors – Armenia, Georgia, and the Central Asian states.

Azerbaijani thinking in the field of national identity construction cannot be dissociated from developments in Turkey, because it arose in the late nineteenth century from the same body of thought: modernist thinking among Turkic intellectuals in three empires that faced the dilemma of how to frame nation-states in a predominantly Turkic-speaking, Muslim society. But when Kemal Atatürk created the Turkish republic, he also copyrighted the term "Turk" as the name of a nation and a state – with important implications for Azerbaijan. The term "Turk" was now understood primarily as belonging to the Turkish republic, and not as the supranational, linguistic Turkic community, leaving Turkic populations outside Turkey to decide whether they were part of this project, or distinct entities. The Turkish model was important in other ways – in its conception of civic nationhood and secular governance. In spite of its ethnic-sounding

name, Atatürk's republic had a civic ambition: it defined Turkishness as an inclusive concept, open to all citizens of the republic irrespective of ethnic identity. Of course, in reality, the Turkish republic had a sophisticated strategy in which it dealt with different ethnic groups differently, depending on how easily the Republic's founders thought they could be assimilated. Similarly, while the Republic was secular in character, there is little doubt that its founders early on concluded that non-Muslim populations were poorly disposed to being assimilated into the modern Turkish nation.¹⁹⁶ This provides the backdrop for Turkey's problems with its Kurdish population, as well as its persecution of the Greek populations in the 1950s and 1960s. Yet when Azerbaijan gained independence in 1991, Turkey was nevertheless the key model its leaders looked to for inspiration. It was a country that appeared on the path of full integration with Europe, while maintaining a secular republic and a civic nation-state.

Nevertheless, during the past decade this model has changed considerably. It should be noted that the relative success of Turkey's assimilation of a diverse population into a Turkish identity has made that identity increasingly ethnic over time; especially as the Kurdish question has become the country's main divide. Thus, numerous individuals whose ethnic origin is most likely from the Balkans, Caucasus or elsewhere identify as Turks, and identity they increasingly see as opposed to that of the Kurds. The AKP government's handling of the Kurdish question has further threatened the civic character of the nation, especially following the breakdown of attempt to negotiate with the separatist PKK. Those negotiations, however, themselves had far-reaching implications as they constituted an inherent acceptance of the separateness of the Kurds – and thus, implied a qualification of Turkey's civic national identity. If the Kurds were to receive special treatment – and it soon became clear that demands for the assertion of Kurdish identity were much more widespread than the much-maligned PKK – then, were they no longer to be seen as Turks, as members of the national community? And if so, who was part of that community?

¹⁹⁶ Soner Çağaptay, *Islam, Secularism and Nationalism in Modern Turkey: Who is a Turk?* (New York: Routledge, 2006).

More important from the perspective of Azerbaijan was the growing Islamization of Turkey's state and society.¹⁹⁷ This meant that in the religious field, the contrast between Azerbaijan's and Turkey's policies were remarkable; the latter could no longer serve as a model for Azerbaijan. Quite to the contrary, it was increasingly clear that Turkey had become a challenge to Azerbaijan's secular policies.

Iran, of course, has espoused a model that the Republic of Azerbaijan explicitly seeks to distance itself from, and whose influence on itself the government seeks to minimize. An Islamic republic, Iran is led by a Shi'a theocracy, which has the explicit ambition to export its form of government. This model depends on the hierarchical structure of the Shi'a clergy; therefore, while the idea of an Islamic revolution certainly has inspired Sunni Islamists everywhere, the form of government itself is not applicable to Sunni-majority countries. By contrast, Iran has more than hinted that it is applicable to Shi'a-majority states, of which there are only three outside Iran: Azerbaijan, Bahrain and Iraq. In this sense, by its very existence the Islamic Republic of Iran has posed a key challenge to the secular republic Azerbaijani leaders have sought to build.

In theory, Iran's approach to national minorities would appear less problematic. But in reality, it is not. Iran is considerably more multi-ethnic than Azerbaijan, as its ethnic minorities constitute over 40 percent of its population – with Azerbaijani Turks being the largest single group. Yet while the Iranian revolution promised to do away with the assertive Persian nationalism advanced by the Pahlavi dynasty at the expense of ethnic minorities, this has not happened. Indeed, Iran continues to be dominated by Persian language and culture; the language of instruction in schools is exclusively Persian, and publications and media in minority languages is heavily circumscribed.¹⁹⁸ As a result, nationalist

¹⁹⁷ Eric S. Edelman, Svante E. Cornell, Halil Karaveli, Aaron Lober and Blaise Misztal, *Turkey Transformed: The Origins and Evolution of Authoritarianism and Islamization under the AKP* (Washington, DC: Bipartisan Policy Center, 2015), <http://silkroadstudies.org/publications/silkroad-papers-and-monographs/item/13166>

¹⁹⁸ Rasmus Elling, *Minorities in Iran: Nationalism and Ethnicity after Khomeini* (New York: Palgrave MacMillan, 2013).

groups have arisen among various minority populations including Azerbaijanis, Kurds, Ahwazi Arabas, and Baluchs to decry what they term "Persian chauvinism". In sum, thus, in both the religious and ethnic aspects, the Iranian model is distant from the Azerbaijani one.

Russia is the third power that has exercised considerable influence over Azerbaijan. It is also a country whose approach to identity and religion has been somewhat in flux. The 1993 constitution defines the "multinational people" of Russia as the source of state power. The official name of the country reflects this civic identity, since there are two terms for "Russian:" the narrow and ethnic *Russkie* and the broader and citizenship-based *Rossiyane*. Thus, the Russian state is not only a Federation, but has a name that promotes its inclusiveness to minority populations, who may not be *Russkiy* but can certainly define themselves as *Rossiyskiy*.¹⁹⁹ Furthermore, the Russian Constitution establishes that Russia is a secular state. In this sense, Russia's development in the post-Soviet era shares many similarities with Azerbaijan. However, in the past decade, this has begun to change. In the field of religion, it has long been noted that the political partnership between the Russian state and the Russian Orthodox Church have grown closer, with the state acting as a defender of "traditional values". This tendency has been increasingly pronounced since the political unrest of 2011-12, where public protests shook the long-planned transfer of the Presidency from Dmitry Medvedev back to Vladimir Putin.²⁰⁰

Indeed, the Russian state has come to increasingly promote traditional and religious values, in opposition to Western liberalism. In parallel, with the annexation of Crimea in 2014, the Russian leadership departed from the practice of referring to the Russian people and state exclusively by the inclusive term *Rossiyskiy*. When he defended this annexation, Putin termed Crimea, Sevastopol and Kiev as *Russkiy*; he added that the *Russkiy* people became one of the largest divided peoples in the world following the collapse of the Soviet Union. As

¹⁹⁹ Olga Malinova and Philipp Casula, "Political and National Identity in Russian Political Discourse", in eds. André Lecours and Luis Moreno, *Nationalism and Democracy: Dichotomies, Complementarities, Oppositions* (London: Routledge, 2010), pp. 170-73.

²⁰⁰ John Anderson, "Religion, State and 'Sovereign Democracy' in Russia", *Journal of Religious and Political Practice*, vol. 2 no. 2, July 2016, 249-266.

such, Putin transgressed the fine line from having been simply a Russian imperialist – something theoretically compatible with a civic state – to being an ethnic Russian nationalist.²⁰¹ Indeed, as Pål Kolstø has noted, even when extolling the virtues of traditional Russian values, he had previously always used the inclusive term *rossiyskiy*; now, his definition of the nation as “divided” in itself meant that he defined Russianness in ethnic terms: if the notion of Russian was civic, “it cannot by definition be divided among various states”.²⁰² Indeed, Moscow’s promotion of the term ‘Novorossiya’ for parts of Ukraine where it supported a rebellion suggests that the Russian state had suddenly become overtly irredentist.²⁰³ Not only did this pose acute security challenges for Azerbaijan, it also meant that Russia no longer pursued a model of nationhood compatible with Azerbaijan’s. It should be noted that the Russian leadership has to some degree walked back this rhetoric, perhaps realizing that ethnic Russian nationalism could become uncontrollable. Furthermore, in a few decades demographic realities will imply that the Russian population will be much more Muslim than presently; Muslims could make up a majority by mid-century.²⁰⁴ In the not too distant future, therefore, pursuing ethnoreligious nationalism could become suicidal for the Russian leadership. Therefore, while it is likely that Russia will have to return to a civic conception of the nation, that does not change the fact that it has espoused tendencies in this field that are profoundly destabilizing for its neighborhood and for the world at large.

For Azerbaijan, the *tour d’horizon* above suggests that a decade ago, two of the three regional powers surrounding the country (all except Iran) espoused civic nationhood and a secular state; in both of these, events in the past decade have

²⁰¹ Kimberley Marten, “Vladimir Putin: Ethnic Russian Nationalist”, *Washington Post*, March 19, 2014, <https://www.washingtonpost.com/news/monkey-cage/wp/2014/03/19/vladimir-putin-ethnic-russian-nationalist/>

²⁰² Pål Kolstø, “The Ethnification of Russian Nationalism”, in Kolstø and Helge Blakkisrud, *The New Russian Nationalism: Imperialism, Ethnicity and Authoritarianism 2000-15* (Edinburgh: Edinburgh University Press, 2016), pp. 18-45.

²⁰³ Andrew Michta, “Stop Putin’s Irredentist Project”, *The American Interest*, July 29, 2014, <http://www.the-american-interest.com/2014/07/29/stopping-putins-irredentist-project/>

²⁰⁴ Ilan Berman, “Russia’s Fraught Demographic Future”, Jamestown Foundation, Russia in Decline Project, September 13, 2016, <https://jamestown.org/program/ilan-berman-russias-fraught-demographic-future/>

qualified that situation to a worrisome degree, as Turkey accelerated the dismantling of secularism that began with the 1980 military coup, and Russia turned increasingly to irredentism.

What, then, is the situation in Azerbaijan's immediate neighborhood? In Azerbaijan's arch-nemesis, Armenia, the state is nominally secular in spite of the outsize role of the Armenian Apostolic Church in Armenia's history and society, and not least in the Armenian identity.²⁰⁵ Yet an ethnic conception of the nation has predominated in this nearly mono-ethnic country. This has not been entirely uncontested: in the initial period following independence, the government of Levon Ter-Petrosyan sought to prevent the absorption of Armenia's state and its policies to the "Armenian cause" driven by forces in the Armenian diaspora, which constitutes the majority of the Armenian nation. As Arus Harutunyan has shown, this led to contentious debates on key issues, particularly the question of history, relations with Azerbaijan, and citizenship. The ethnonationalist position on these was to make the recognition of massacres of Armenians in the Ottoman Empire as genocide a key element of Armenian foreign policy; to work to cement the *de facto* and non-negotiable annexation of Nagorno-Karabakh and occupied territories from Azerbaijan; and to ensure the connection between Armenia and the diaspora through, among other, dual citizenship. The liberal approach, on the other hand, sought to keep the door open for a normalization with Turkey; to envisage negotiations and a compromise of some sort with Azerbaijan; and to seek to insulate Armenia from the diaspora's control. Ter-Petrosyan adopted the latter approach; but when he was removed in a palace coup in 1997, his successors decisively sided with the former, ethno-nationalist approach to issues of state identity.²⁰⁶

Georgia displays a more complex story. Traditionally, Georgian identity has been deeply tied to the Georgian language and to the Georgian Orthodox

²⁰⁵ Hranush Khachatryan, "Religion and the Secular State in Armenia", in *Religion and the Secular State: Interim Reports*, XVIIIth Congress of Comparative Law, 2010, <https://www.iclrs.org/content/blurb/files/Armenia.pdf>

²⁰⁶ Arus Harutunyan, *Contesting National Identities in an Ethnically Homogeneous State: The Case of Armenian Democratization*, Ph.D. Dissertation, University of Western Michigan, 2009, pp. 303-332, <http://scholarworks.wmich.edu/cgi/viewcontent.cgi?article=1669&context=dissertations>

Church. Indeed, this posed serious troubles in Georgia's transition to independence, since the ethnonationalism of Georgia's independence movement was perceived as deeply troubling to Georgia's many minorities. This spurred separatist movements that were exploited by Moscow for political reasons; but even following the stabilization of the country in 1994-97, the Georgian state exercised only limited authority in the considerable ethnically Armenian and Azerbaijani regions in the country's south. Few Georgians perceived these citizens as belonging to the national community; minorities largely concurred, feeling little attachment to the country of Georgia. But following the Rose Revolution in 2003, the new government led by Mikheil Saakashvili perceived the inherent dangers in this situation. As a result, Saakashvili promoted the development of a civic national identity for Georgia, a difficult task given the realities of the country.²⁰⁷ Yet as survey and experimental research has shown, the policies did take root, as attitudes on national identity began to change both in the majority and minority populations.²⁰⁸ Similarly, the role of the Orthodox Church has grown significantly in Georgian society; Saakashvili's government tried to keep the influence of the Church at bay, with mixed success. Since the departure of the Saakashvili government in 2012, the Georgian Dream coalition that succeeded it has shown less interest in pursuing this approach, and has even allowed the return of ethnoreligious nationalists within its midst. Yet the government has continued to resist the influence of the Church under the Georgian Dream coalition.²⁰⁹ Thus, Georgia is more secular and more inclusive today than it was a decade ago; in fact, it has evolved toward a model closer to the Azerbaijani one than to any other neighbor.

The states across the Caspian Sea complete the overview of Azerbaijan's neighbors. Here, finally, we find models of national identity and state policies toward

²⁰⁷ Niklas Nilsson and Johanna Popjanevski, "State-Building Dilemmas: the Process of National Integration in Post-Revolutionary Georgia", in *State Approaches to National Integration in Georgia, CACI & SRSP Silk Road Paper*, February 2009, https://www.silkroadstudies.org/resources/pdf/SilkRoadPapers/2009_02_SRP_MetreveliNilssonPopjanevskiYakobashvili_Integration-Georgia.pdf

²⁰⁸ Christopher Berglund, *Borders and Belonging: Nation-Building in Georgia's Armenian and Azerbaijani Borderlands, 2004-2012*, Ph.D. Dissertation, Uppsala University, 2016, <http://uu.diva-portal.org/smash/rec-ord.jsf?pid=diva2%3A950931&dswid=6772>

²⁰⁹ Ghia Nodia, "Religion and Public Politics", *Tabula*, June 11, 2014, <http://www.tabula.ge/en/story/84312-religion-and-public-politics>

religion that are very similar to that practiced in Azerbaijan. Kazakhstan and Uzbekistan in particular have followed a model similar to the Azerbaijani one, in which the state promotes an inclusive civic national identity, while also promoting – to different degrees – the use of the state language in the public realm. Meanwhile, all Central Asian states have adopted a staunchly secular approach to religious affairs, the divergence being mainly in the tactics employed. Yet it is significant that the leadership of Kazakhstan and Uzbekistan have, just as in Azerbaijan, promoted the joint appearances and common messages of the traditional leaders of Muslim, Christian and Jewish religious communities. Indeed, the commonality between these post-Soviet Muslim-majority states is often noted, but has been subjected to relatively little research.²¹⁰

In sum, Azerbaijan stands out in its neighborhood. With the only exception of the states of Central Asia, and Georgia's work in progress, the broader region is characterized by a growing tendency toward the mixing of religion and politics, and turns toward ethno-nationalism. The tendency is most pronounced in the regional powers surrounding Azerbaijan, which have all moved in this direction in the past decade. This means that in its immediate neighborhood, Azerbaijan is the country that most clearly approximates a European and Western model in the area of national identity and the relationship of state to religion. And while its neighbors are headed in another direction, this study has shown how Azerbaijan stands out by doubling down on these policies rather than revising them. This has obvious implications for Azerbaijan's place in the world, particularly since the decline of the Turkish model of a successful secular state in a majority-Muslim society. Indeed, in the absence of a Turkish model, it is now Azerbaijan and its Central Asian neighbors that provide a model of secular government in the Muslim world. The future of these states is thus of considerable importance.

²¹⁰ One exception is Ronald Grigor Suny, "Provisional Stabilities: The Politics of Identities in Post-Soviet Eurasia", *International Security*, vol. 24 no. 3, Winter 1999/2000, pp. 139-178.

Western Interests

When Western countries established relations with the successor states to the Soviet Union in the early 1990s, they acknowledged the need to contend with religious extremism in all its dimensions. But the tactical measures adopted to counteract this phenomenon focused more on the manifestations of extremism than its causes. Going forward, the West's efforts to combat religious extremism must engage directly with the states themselves. The eye of the storm of religious extremism and terrorism is directed above all against the state, and any response must begin in that quarter, and not merely with negative measures.

This is the point at which the interests of the West and of the Azerbaijan and its neighbors in Central Asia come into mutual alignment. By very different routes, Germany, the United Kingdom and the United States in the sixteenth through eighteenth centuries adopted not only the principle of religious toleration but, importantly, the separation of religious law from the law of the land. Most if not all Western states eventually followed: throughout the nineteenth and twentieth centuries the West in general accepted the fundamental principle that the state is secular in character and both the laws and the system of justice that serves them are to be secular. Further, the West embraced the ideal of secularism in state-sponsored education.

So deeply are the principles of the secular state, secular systems of law, and secular education embedded in the Western consciousness that they are simply assumed, taken for granted. This, no doubt, is why it did not occur to the authors of the Freedom Support Act or any other major Western legislation affecting the states formed after the collapse of the Soviet Union to include these principles among their strategic affirmations and goals. This, it turns out, was a serious mistake.

The Communist system that Moscow imposed on Central Asia and the Caucasus decisively secularized the state, law and the courts, and education. To this extent it was in step with broader developments in Europe and the North Atlantic region. However, in secularizing these functions, Soviet rulers proceeded

to charge a new quasi-religious body—the Communist Party—with detailed supervision of the state, courts, and education. The Party carried out this assignment with unprecedented brutality and linked it closely with a general war against religion as such. The new states of the Caucasus and Central Asia inherited all this. They abolished the role of the Communist Party but to greater or lesser extent imposed the state itself in the space thus vacated.

This is the situation that exists in Azerbaijan today. By many steps both large and small, Azerbaijan has endeavored to untangle the tight knot that had choked the law, courts, and education in Soviet times. The task is exceedingly complex and progress has been slow. Many mistakes have been made along the way, and there have been more than a few steps backwards, as Western critics have rightly noted. It is all a work in progress. Yet for the difficulties, Azerbaijan has achieved a distinctive and highly important status. First, it has a secular system of government. The legal status and degree of independence of religious bodies remains in flux, but the state itself meets normal standards of secularism. Second, in spite of the varying state of reform in government institutions, Azerbaijan has a secular system of law and secular courts. And third, Azerbaijan's educational system, while long neglected by the top leadership, is open to modern secular knowledge.

Western powers have not embraced these achievements and the core Western principles on which they are based as cornerstones of its strategy toward Azerbaijan and its region. The reason appears to be that, accustomed to viewing the region through the lens of the USSR, the West has narrowly fixed its attention on areas that have yet to be reformed, not acknowledging the positive aspects of what does exist. Dramatically absent from this approach is any recognition of how profoundly significant the features listed above are when viewed in the context of neighboring Muslim societies.

In other words, those who persist in viewing Azerbaijan solely through the lens of post-Soviet development are blind to the important place it holds within the broader context of Muslim societies. Azerbaijan and Central Asia are not remote outliers to the core regions of Islam but are themselves a core region of the faith.

While Central Asian religious leaders compiled nearly all of the most authoritative collections of the Sayings (Hadiths) of the Prophet Mohammad and pioneered many of the achievements generally attributed to Medieval Arab scientists and philosophers, Azerbaijan stands out as a Shi'a-majority society. Indeed, Iran's Azerbaijanis were historically responsible for the establishment of the state of Iran as a Shi'a polity in the first place.

Conclusions

Azerbaijan's model of state policy in the area of religion and national identity is by no means perfect. As this study has shown, the government has adopted a much clearer, positive policy in the field of religion than in the area of national minorities. This is understandable. Azerbaijan's conceptual model in religious affairs is crystal clear and based on the French model of *laïcité* and adapted to a modern, Muslim-majority society encompassing a Shi'a majority and a Sunni minority. By contrast, its conceptual model in national minority affairs and national identity is torn between two models. At one point, the vestiges of the Soviet past and the experience of the transition to independence led Azerbaijan to espouse elements of a multicultural model, which provided considerable language rights for national minorities. Yet as Azerbaijan's statehood consolidated, the state's leadership turned increasingly toward a model of nation-building centered on civic nationhood, which is centered on the promotion of national unity rather than separateness, and where the vehicle to achieving national unity is the command of the state language.

This is both an important and real contradiction. Azerbaijan is trying to thread a needle by developing policies of civic nationhood that focus on the role of the national language as the unifying force in society; while it simultaneously rhetorically promotes ethnolinguistic pluralism and adopts the term "multiculturalism" as a guiding idea.

This "hybrid" model is understandable in the short term, particularly given the experience of the Soviet model, which provided for a strong primordial under-

standing of ethnic identity. In other words, the implementation a civic nationhood must proceed cautiously, and work over time to diminish the primordial identity conceptions that the Soviet Union promoted. Yet in the long term, Azerbaijan's leaders will have to make a choice, and develop a more clearly defined and internally consistent model of national identity and minority policy. This study has indicated that Azerbaijan is in fact moving increasingly toward the promotion of inclusive, civic nationhood, which inherently sits uneasily with the promotion of the separateness of national minorities. Indeed, other European states espousing such a model – most notably France – reject the very notion of minorities as fundamentally incompatible with a citizenship-based identity.

If Azerbaijan continues down the road of civic nationalism, its leaders may want to reconsider their adherence to the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages. If European countries including, but not limited to, France and Turkey have found these documents to be incompatible with their model of civic nationhood, Azerbaijan may find it a more fruitful option to follow suit, instead of continuing the current practice of having signed but eschewing implementation of these agreements. While such a decision will likely have some negative fallout, Azerbaijan could point to France as a country whose national model is incompatible with these agreements – something that does not make France less European, or for that matter, democratic. The alternative is to fully embrace the dominant European model and fully implement the agreements.

In the meantime, there are, of course, areas in which Azerbaijan's approach can be improved. In particular, it would appear that much could be done to improve the quality of Azerbaijani language education for minorities. If, as is already the case, the state views the national language as key to membership in the national community, then all available resources should be allocated to ensure that minority populations have the resources at hand to gain fluency in the state language, and thus become full members of the national community. While the current economic difficulties may make such investments difficult, they should be prioritized.

In the religious field, critics of Azerbaijan's policies have pointed to government measures that are excessively restrictive, and target religious groups that do not appear to pose any security threat to the country. On occasion, it indeed appears that Azerbaijan's authorities have erred on the side of excessive restrictions. This appears to be related in part to the continuing ambiguity concerning the distribution of competencies among state bodies in the religious field, and is a matter where the state, in the framework of further reforms, would do well to exercise its discretion.

Yet it is also patently clear that the Western criticism of Azerbaijani policies misses the mark, in particular in the religious area. By failing to accept the legitimacy of the *laïcist* foundations of Azerbaijan's model of a secular state, many Western critics have disqualified themselves in the eyes of Azerbaijani officials, and have, in consequence, become less influential. At present, they face the choice of either adapting their criticism to these realities, or to continue to preach, as it were, to the converted.

In fact, this study finds that the West should view Azerbaijan as a largely successful and functioning laboratory for moderate Islam in the modern world. It should embrace the strengthening and improvement of secular statehood there as a strategic goal, and also the continued secular nature of law, courts, and educational institutions. Recognizing the ample shortcomings and deficiencies that exist, it should work patiently but tenaciously with government and society to correct them, but on the basis of an acceptance for the legitimacy and positive value of the Azerbaijani model. This strategic goal should be assigned the same level of importance as security, democratic development, the protection of rights and freedoms, and economic development. Indeed, the advancement of secular governance, courts, and education across these regions may prove not only to be the key to progress in the other strategic areas but the most lasting contribution the West can make.

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