

# The Armenian Genocide Legacy

Edited by  
Alexis Demirdjian

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# The Armenian Genocide Legacy

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# The Armenian Genocide Legacy

Edited by

Alexis Demirdjian

*Office of the Prosecutor, International Criminal Court, The Netherlands*

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# Foreword

It was an extraordinary moment – in many parts of the world – a coming together to mark a date, to remember a tragedy, to resist the assassination of memory, to insist that what had happened not be forgotten. One hundred years after the Young Turk government of the Ottoman Empire initiated and carried out massive deportations and killings of their Armenian and Assyrian subjects, the descendants of survivors, along with ordinary citizens of various ethnicities – Turks and Kurds among them – as well as historians and sociologists, anthropologists and legal scholars professionally engaged in the study of what happened and its aftermath, gathered in Erevan, Istanbul, New York, Los Angeles, The Hague, and elsewhere to commemorate the one hundredth anniversary of what has almost universally been recognized as the Armenian Genocide.

One of those gatherings took place in the Netherlands, not far from the Peace Palace, from 5 March to 7 March 2015. Convened under the title ‘The Armenian Genocide Legacy, 100 Years On’, the events began with lectures and discussions with students at Humanity House in The Hague and continued more formally with an international conference at the Institute for Global Justice. I had the honor of giving a keynote address at each of the events, laying out the narrative and attempting to explain why the Ottoman government decided to eliminate several of its subject peoples.

Most unique about the assembly of participants, brought together through the hard work of Alexis Demirdjian, was the inclusion of men and women with varied professional expertise. Bringing international lawyers into conversation with art and film critics, literary scholars, social and political historians, and educational theorists resulted in the production of new knowledge and the expansion of the horizons of each of those who listened to the presentations. Historical reconstruction was but a beginning. The eternal questions of legacy and what might be done to further understanding engaged the audience. No easy answers were sought or provided. The limits of legal intervention and international courts were frankly admitted. But rather than despair or disillusionment over the denial of past tragedies, optimism prevailed. The conference itself was a recognition that the battle over erasure of the Genocide had been won. The denialists had been marginalized and were in retreat even as they continued to snipe at the truth. The centennial marked a moment when Armenians, Turks, Kurds and progressive humanist forces could move forward rather than simply fight old battles on the grounds determined by official refusals to accept state guilt.

While the excitement and energy of the conversations during those March days cannot be fully recovered, the essays in this volume represent

the lasting voices of the presenters. Reading through the chapters one travels from graphic depictions of the events of 1915–16, through the thickets of legal struggles, on to representatives of the Genocide in the media, art, literature and film. Not only the past but the present is portrayed in the stories of memorialization and hiking to the sites of Armenian resistance. Genocide is sadly not over, but with us in various forms today – in the memories of descendants, in ongoing conflicts over land and who should live on it, and in the disastrous attempts by pseudo-scholars and governments to distort the truth and turn our attention away from the dark moments of history. This extraordinary book – and the meetings that bred it – are places where exploration has begun. Such investigations encourage us all not only to remember but to engage in further inquiries and struggle to set the record right.

*Ronald Grigor Suny*  
*The University of Michigan*  
*The University of Chicago*

# Acknowledgments

No project of this magnitude is achievable without the dedicated and generous contributions of a diverse group of brilliant and creative minds. And so, the first acknowledgment goes to all the contributing authors who have participated in this project and drafted a chapter in this book. In addition, Anna Mathew's work on formatting the chapters and editing them was crucial in finalizing this project; all co-authors and myself as editor are indebted to Ms Mathew for her stellar work. Avo-Sevag Garabed and Francie Derderyan were an essential part of my original team and helped tremendously in conducting searches as well as supporting me with administrative matters. I also thank Mr Garabed for assisting in researches conducted for Chapter 8 and editing Chapter 4. I wish to thank Nicholas Koumjian, Sandra Sahyouni and Christian A. Nielsen for the advice and support they have given me. This project owes an immense debt to Ruby Chorbajian who played a tremendous role in obtaining support both for this book and its associated conference which took place on 6 and 7 March 2015 in The Hague. I also wish to thank Ms Sheila Paylan for elaborating the concept of this book in its initial stages.

The project received crucial support from the USC Dornsife Institute of Armenian Studies (IAS) and I wish to personally thank Ms Salpi Ghazarian, Director of the IAS, for giving us generous support and shrewd advice, especially in organizing the March 2015 conference.

The project also received support from the NIOD Institute for War, Holocaust and Genocide Studies, particularly from Dr Nanci Adler, Director of Research/Manager Holocaust and Genocide Studies, as well as Martine van den Heuvel.

I wish to thank Dr Ronald Grigor Suny for supporting this project. Dr Suny's keynote speech offered the perfect introduction to our conference held in The Hague in March 2015 and opened up the senses of the audience to the topics and issues we are concerned with. I am indebted for his generosity.

I am equally indebted to Emily Russell and Angharad Bishop at Palgrave Macmillan for their dedicated support and assistance throughout the publishing process of this book. I wish to thank Brian North of CPI Solutions for his assistance, advice and patience in adding the final touches to the book.

This project also received the unwavering support of my father and mother, Krikor Demirdjian and Sylvia Simonian, who inspired confidence and offered thoughtful advice. Last but not least, I wish to thank my wife, Evelyn Anoya, who supported me from the conceptual stages of this project, witnessed its evolution and tolerated my preoccupation, not to say obsession, in completing it.

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**Hannibal Travis** is a Professor of Law at Florida International University, and teaches and conducts research in the fields of cyberlaw, intellectual property, genocide studies and human rights. He graduated from Harvard Law School after receiving a BA in philosophy at Washington University. He taught law at Villanova University and was a visiting fellow at Oxford. He spent several years in private practice before teaching. He has published extensively on several law-related topics.

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# Note to the Reader

References by contributors to other chapters in this volume are inserted in the notes with the chapter number and name of the author.

# List of Abbreviations

AKP	Justice and Development Party
ASALA	Armenian Secret Army for the Liberation of Armenia
BOA	Prime Ministry Ottoman Archives ( <i>Başbakanlık Osmanlı Arşivleri</i> )
CUP	Committee of Union and Progress
EC	European Community
ECHR	European Court of Human Rights
EU	European Union
FRY	Federal Republic of Yugoslavia
GIS	Global Information Systems
ICC	International Criminal Court
ICJ	International Court of Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Cooperation
RS	Serbian Republic of Bosnia-Herzegovina ( <i>Republika Srpska</i> )
SDS	Serbian Democratic Party
SFRY	Social Federal Republic of Yugoslavia
TAF	Turkish Armed Forces
Takvim-I Vekâyi	Official Gazette of the Ottoman Empire

# Introduction

*Alexis Demirdjian*

For the past hundred years, the lives of millions of civilians have been marked by the forcible uprooting of their families from what once was the Ottoman Empire. Armenians, Assyrians, Greeks and other minorities were expelled from their ancestral lands and sent on death marches from which few would survive. Their pain and suffering have yet to be fully addressed and the enduring lack of closure has left inerasable scars on their descendants. Loss of life, expropriated property and a confused identity is the legacy that these descendants are left with. Due to decades of denial and misinformation, the dissemination of primary source information was limited and the massacres receive little attention outside academic circles. A hundred years later, no distinctive episode of the Armenian Genocide is inscribed in global, common awareness. Whereas 'Auschwitz' and 'Srebrenica' are immediate synonyms of, respectively, the Holocaust and the genocide in Bosnia-Herzegovina, the detention camps of Ayash and Chankiri, the desert of Deir-Zor, and the deportations and killings from Van, Erzerum, Diyarbakır, Erzindjan and other locations have little to no meaning in public consciousness in relation to the events of 1915.

It was in the middle of reviewing documentary evidence that I came across the Decree on Temporary Protection of Abandoned Property issued by the Serbian District of Slavonia, Baranja and Western Srem and admitted in the Milošević trial.<sup>1</sup> Adopted on 2 October 1991, it was reminiscent of the Temporary Law of Expropriation and Confiscation issued by the Ottoman Empire's leadership on 27 September 1915, recognised today as the legalisation of pillage.<sup>2</sup> Both laws provided for the creation of commissions to manage so-called abandoned property seized, in reality, for the purposes of the state, if not liquidated, sold and re-distributed. George Bernard Shaw famously stated that if history repeats itself, and the unexpected always happens, how incapable must Man be of learning from experience!

It was this and other similar examples that generated the impetus for an assessment, a century later, of the Genocide's imprint on 20th-century studies and literature, giving birth to the underlying concept of this book.

However, this study is not limited to law or history. Indeed, the Genocide's aftermath and long-lasting marks must be analysed in the context of a variety of disciplines. Several questions arise as to the identity of descendants in the countries in which they have integrated, the pervading political denial discourse, the influence of the genocide on literature and arts, the changing tides in societal discourse in Turkey, the Armenian Diaspora's involvement in genocide recognition efforts, and the reasonable legal avenues to redress the situation. For these reasons, this book focuses on the impact of the acts commonly referred to as the Armenian Genocide<sup>3</sup> and their continuing effects a century later.

This project suffers moderately from its own identity crisis. It finds its sources and inspiration in the field of academia, while simultaneously addressing events of past and modern day politics, amidst worldwide efforts to commemorate the emotionally charged centennial of the Genocide. The current undertaking, however, aims to provide analysis free from partisanship and nationalist slogans. It attempts to reflect on the past century and assess the actuality of the Genocide, its pertinence today, and how it is or may be used in academia as a prototype or case study. A form of interaction between disciplines on the issue of the Armenian catastrophe is necessary and warranted at this turning point in the history of Armenian and Turkish communities.

The events of 1915–23 have gained the attention of politicians, academics, journalists and students worldwide, most importantly in Turkey, in the last decade. A critical discourse has emerged thanks to the pioneering work of Turkish historians, journalists, lawyers, NGO workers and other activists on the ground. While one can hardly predict Turkey's strategy, given the ambivalent political statements issued in the months leading up to the centennial, changes will occur in the foreseeable future if the direction taken by Turkish civil society is an indicator. Today, Turkish leaders cannot claim ignorance; those barriers have been shattered by the relentless labour of historians and researchers too numerous to enumerate here.

What remains to be seen is a change in the Turkish government's stance on its past and a frank acknowledgement of the victimisation of Armenians, Assyrians and other minorities. Turkey has sent mixed signals, probably to appease nationalist elements of its society, and partly to thwart potential claims by descendants of victims. Reaching this plateau was achieved by the accomplishment of several milestones within academic circles and civil society, starting with the Workshop for Armenian/Turkish Scholarship (WATS) beginning in the year 2000, the 2005 conference on 'Ottoman Armenians During the Decline of the Empire' at Bilgi University in Istanbul, and the establishment of the *Agos* newspaper in the late 1990s. Since the killing of Hrant Dink, the Turkish-Armenian editor of *Agos*, in 2007, initiatives have multiplied and the debate has crossed into the public sphere.

This book does not attempt to prove and convince readers that the events of 1915–23 amounted to genocide. Many projects by not only Armenian

authors, but also Turkish and international scholars, have achieved this process. For one, a term to describe the events was missing in 1915. Guibert and Kim highlight US Ambassador Henry Morgenthau's words, a direct witness to genocidal intent, in 1918 that this was 'a new method of massacre'.<sup>4</sup> Our task in this volume assumes that these events amounted to genocide and fit within the definition of the crime coined by Raphael Lemkin and enshrined in the Genocide Convention. There is a danger in borrowing a legal concept and transposing it in the realm of politics, history and media. As Geoffrey Robertson argues in Chapter 4, Turkey's mantra of 'leaving history to historians' is an easy way out for those who deny the events; Robertson recalls that genocide is a concept created by a jurist for the purposes of legal accountability. Historians, on the other hand, are at liberty of applying modern terminology to past events. The danger arises when the term is used for political gains and propagandist purposes.

The creation of international criminal tribunals in the mid-1990s, such as the International Criminal Tribunals for Yugoslavia and Rwanda (respectively, ICTY and ICTR), brought new hope to the international scene by putting an end to impunity and creating a new awareness for mankind vis-à-vis war crimes and crimes against humanity. With this hope, however, came a responsibility: that of factual accuracy, which, in the context of historiography, carries a crucial role. International trials have at least one critical distinction in comparison to domestic criminal trials: their results impact wide portions of societies affected by past and ongoing conflicts.

Hence, while history may not have a role in establishing the responsibility of an accused for atrocities, trials before international criminal courts are likely to play a role in the history and well-being of nations. The 'no peace without justice' slogan holds that international justice is necessary in furthering peace by establishing and individualising the responsibility of war criminals. Here, the lack of legacy of the 1919–20 trials in Istanbul is regrettable, as an effort to individualise criminality may have impacted positively on the relationship between both nations. Instead, in addition to the ensuing decades of denial in Turkey, the unfortunate result of the failure of these trials has led to disgruntlement on the part of the victim group. Some segments of this community today attribute responsibility for the Genocide to the Turkish nation as a whole, leading to what has been labelled an 'almost racist argument'.<sup>5</sup>

## Content

This book is divided into five loosely defined sections. However, many of the chapters easily cross over disciplinary boundaries. In an attempt to organise the various threads, the book tackles matters first from a historical perspective, followed by sections on law, on denial, on social sciences, and on literature and media.

In the first section, Uğur Ümit Üngör broaches the topic of the relationship between paramilitary units and governmental authorities. This relationship has been exposed in a multitude of conflicts of the 20th century, going back to Nicaragua in the 1980s, the Balkans war in the 1990s with prominent figures such as Arkan sponsored by Belgrade authorities, Abu Sayyaf in the Philippines, or JITEM in the Kurdish–Turkish conflict. Üngör analyses the creation and activity of the Special Organisation that operated during the Armenian Genocide and its relationship with the Ottoman leadership.

In Chapter 2, Jakub Bijak and Sarah Lubman take on the task of assessing the methodology and results of past studies on the death toll during the Genocide. By applying modern principles and state-of-the-art tools of demography, they present their findings and proposals to advance the estimates in relation to Armenian victims. This section is concluded by Lorne Shirinian's chapter on the fate of Armenian orphans of the First World War and the specific circumstances of a small group taken to Canada, at the Georgetown farm. Himself the son of one of these orphans, Shirinian presents us with the harsh reality and suffering of children during armed conflicts, a problem which persists to this day.

The second section consists of six chapters written by experts in international law, starting with Geoffrey Robertson who writes about both legal and geopolitical considerations. His chapter describes how the Armenian case fits squarely within the meaning of genocide and explains how the United Kingdom has skirted the issue since the late 1990s. Chapter 5 is written by Susan Karamanian and presents the legal challenges, from public international law's perspective, of raising a genocide trial before the International Court of Justice in The Hague. Karamanian discusses the legal requirements to present a case before the International Court of Justice (ICJ) and the obstacles facing a potential case between Armenia and Turkey. This is followed by a chapter on the compensation for the Armenian Genocide through established means of recognition and reparations. Nolwenn Guibert and Sun Kim review recent decisions by national and international tribunals on the issue of recognition via legal proceedings dealing with acts of denial, such as the *Perinçek v. Switzerland* case, as well as claims filed before US courts against life insurance companies.

Next, Najwa Nabti writes about sexual violence against Armenian women and girls during the Genocide and the legacy of the impunity of these crimes. Nabti suggests that many of the crimes suffered by Armenian women and girls would be punishable under international criminal law in the same way they are before modern-day tribunals. Nabti canvasses advances made in prosecuting sexual violence before international criminal courts since the mid-1990s.

In Chapter 8, I conduct a comparative study between the judicial systems operating under the Ottoman Empire, Nazi-era Germany and Republika Srpska during the war in the former Yugoslavia. I assess how legal systems

are corrupted during armed conflicts to serve political needs. Hannibal Travis concludes the law segment with a chapter that acts as a bridge to the book's next section dealing with denial. Travis points out that the Ottoman leadership's genocidal intent preceded any uprising or rebellious acts by other Christian minorities, thereby countering the argument that Ottoman armed forces were simply trying to put a stop to insurgent activities. Reviewing ICTY jurisprudence, notably from the Karadžić and Mladić trials, he compares the Ottoman leadership's circumstances to those of the Bosnian Serbs during the 1990s war, who equally have argued that their activities were aimed at defending against attacks launched by Muslim and Croat forces.

The third section addresses the issue of genocide denial as well as public and official discourse in Turkey. Levon Chorbajian opens this section with a presentation of denial discourse from 1915 until the end of the interwar period. He tackles the immediate response of the Ottoman leadership to the Allied nations' 29 May 1915 telegram protesting Turkey's renewed crimes against humanity. He further describes the consolidation of the denial following the war and its expansion beyond Turkey's borders, to the point of successfully censoring a Hollywood motion picture on the subject, *The 40 Days of Musa Dagh*.

In Chapter 11 Esra Elmas discusses Turkish media's role in confirming the State's narrative and failing to challenge the official storyline. Elmas provides a contextual background on Turkey's nation-building and history-making, beginning with the 50th anniversary commemorations. Elmas shows how the discussion evolved in Turkish media over the following 50 years. In Chapter 12, Seyhan Bayraktar writes about the changing discourse on the Genocide starting from the mid-1980s to today. Bayraktar discusses particularly how Turkey's EU bid and its relationship with Armenia as of the 1990s has impacted the discourse relating to Armenians among Turkish civil society. Bayraktar illustrates the gradual opening of the topic through the 2005 alternative conference held at Bilgi University and the 2008 apology campaign, showing how in the end, both internal and international pressure spurred the discussion.

Ayda Erbal concludes this segment with an in-depth analysis of the building and destruction of the Monument of Humanity in Kars, within its political context. Erbal observes how the discourse surrounding the Monument entirely excluded the Armenian community and became the subject of political gaming in Turkey. Erbal demonstrates this project's failure, in particular its non-deliberative process.

The penultimate section addresses Armenian identity in the Diaspora in the 21st century and descendants' attempts to reconnect with their roots. Eugene Sensenig-Dabbous opens this segment by presenting a grassroots history-trail project conducted by Lebanese students hiking up Musa Dagh. Many of these students were descendants of Armenian resistance members

on Mount Musa. The story of the resistance was captured in the novel *The 40 Days of Musa Dagh* by Austrian writer Franz Werfel. Sensenig-Dabbous assesses the benefits and challenges of this experiment as part of an Initiative of Change project.

In the next chapter, Nanor Kebranian addresses the absence of cultural genocide in the 1948 Geneva Convention and explains the underlying denial caused by this gap. Kebranian develops on the physical destruction of Armenian churches and monasteries, which erased from Turkish lands the memory and the existence of this minority group. She describes recent efforts to reclaim and restore destroyed religious properties, such as the St Giragos church in Diyarbakır, and considers such municipal or regional efforts to revitalise the Armenian community to be the most fruitful avenue for restitution and reconciliation.

In Chapter 16, Anthonie Holslag assesses the meaning of collective history within Armenian diasporic communities in the Netherlands and England. Following a description of the anthropological theories employed in his methodology, Holslag analyses the Ottoman Empire's creation of an internal 'Other' in the tumultuous period of the First World War where the 'self-concept' of the nation was perceived to be at risk. Holslag assesses the consequences of the violent annihilation of the majority of the Armenian community in 1915 and the feelings of alienation and preoccupation with identity among members of the Armenian Diaspora. Symbolism has its importance in his analysis and, similar to other chapters, the Armenian painter Arshile Gorky's imprint, amongst others, on Armenian memory and remembrance takes a particular place in Holslag's investigation.

The last section of the book surveys the topic of the Armenian Genocide in literature, education and media studies. Barlow Der Mugardechian describes the theme of the genocide as presented by Armenian-American authors during the 20th century. Der Mugardechian begins with the mass movement of population towards the United States in the 19th and early 20th centuries. The case of the Armenians is presented as a struggle to adapt to a new society and embrace a new culture while preserving traditions and symbols of the motherland. The themes of their writing at the time were divided between describing village life in historic Armenia and the wonders of America. The Genocide was marked by its absence from Armenian-American literature in the years following its occurrence. The next generation opened the door in discussing the impact of the Genocide on their lives and their work.

Lisa Siraganian's chapter focuses on the films produced by world-renowned filmmaker, Atom Egoyan. Siraganian reviews several of Egoyan's earlier films and exposes aspects of these movies which may have gone unnoticed by the general public, but which contain symbolic and subtle characteristics portraying the transfer of genocide trauma to future generations, depicting difficult subjects such as nationalism, identity and memory. Although *Ararat* constitutes Egoyan's most overtly descriptive film in connection with the Genocide, other Egoyan productions prior to *Ararat* contain hidden

messages all too familiar to Armenians. Egoyan does not provide images of the horrors of the Genocide, but is interested in its aftermath and the ways Armenians connect to and remember this violent past.

Marie-Aude Baronian's 'Missing Images' addresses the role of images and films in memorialising the Genocide. Specifically, Baronian suggests that the lack of images casts the Genocide as a non-event and explains the Armenian communities' need to reconstruct the past by any means available. Baronian presents us with two artists, Gariné Torossian and Mekhitar Garabedian, to illustrate how the Catastrophe can only be imagined, as a result of this hole in media support. Baronian's review of Torossian's and Garabedian's work intrinsically demonstrates the Genocide's impact on memory and on Egoyan's role in creating a necessary but imagined reality.

Joyce Sahyouni concludes the book with a chapter on the benefits of genocide education at a young age. In a class experiment with high school students, Sahyouni's pupils read a graphic novel, *Maus*, by Art Spiegelman, which depicts various aspects of the life of Holocaust survivors. Following a brief presentation on her methodology, Sahyouni describes the graphic novels designed by her students after they read *Maus*. She draws conclusions and provides recommendations for future experiments.

The celebrated Armenian-American William Saroyan once wrote:

I am an Armenian, I say. It is a meaningless remark, but they expect me to say it, so I do. I have no idea what it is like to be an Armenian or what it is like to be an Englishman or a Japanese or anything else. I have a faint idea what it is like to be alive. This is the only thing that interests me greatly. This and tennis.<sup>6</sup>

Saroyan writes this a few pages before describing how his barber, an Assyrian named Theodore Badal, spoke of his people as a 'topic in ancient history', remarks that were painful for Saroyan to hear. Placed in the context of an Armenian growing up in Fresno, California, surrounded by a community of thriving Armenians fighting for the survival of their nation, and supporting the Eastern Relief efforts, Badal's words rang like a bad omen to Saroyan. Here was a man whose nation was without a land. Armenians today do have a land but the Diaspora still struggles with the losses of 1915. The experience of the Armenian suffering is not unique, sadly, and although this book focuses on this community, it is not to be taken in isolation. Human suffering anywhere deserves recognition, justice and reparation.

Armenian, Turkish and international scholars have done the intellectual groundwork with respect to the Genocide. They have established the facts, have conducted meticulous inquiry, and will continue to do so for as long as human curiosity, moral correctness and judicial fairness prevail over the curtailing of freedom of speech, the corruption of human values and the distractions of legal misrepresentations. What is most needed is atonement, forward-looking policies, academic honesty and political will.<sup>7</sup>

## Notes

1. *Prosecutor v. Slobodan Milošević*, Case Nr. IT-02-54-T, Exhibit P549.15.
2. U. Ü. Üngör and M. Polatel (2011) *Confiscation and Destruction: The Young Turk Seizure of Armenian Property* (New York: Continuum), p. 46.
3. We refer interchangeably to the Armenian Genocide, the Catastrophe or the Genocide. Unless otherwise indicated, 'Genocide' refers to the Armenian case.
4. See Chapter 6, Guibert and Kim.
5. S. Garlock (2015) 'Explaining the Armenian Genocide', *Harvard Magazine*, <http://harvardmagazine.com/2015/01/ronald-suny-armenian-genocide>, presenting Ronald G. Suny (2015) *They Can Live in the Desert but Nowhere Else': A History of the Armenian Genocide* (Princeton: Princeton University Press).
6. W. Saroyan (2005) 'Seventy Thousand Assyrians', in *Essential Saroyan* (Berkeley: Heyday Books), p. 11.
7. The views expressed in this chapter are those of the author and do not necessarily reflect those of the International Criminal Court.

## **Part I**

# **Now and Then: Historical Perspectives on the Armenian Catastrophe**

# 1

## The Armenian Genocide in the Context of 20th-Century Paramilitarism

*Uğur Ümit Üngör*<sup>1</sup>

### Introduction

Genocide can be defined as a complex process of systematic persecution and annihilation of a group of people by a government. In the 20th century, approximately 40 to 60 million defenceless people became victims of deliberate genocidal policies. The beginning of the 21st century has not shown signs of improvement, with genocidal episodes flaring up in Darfur, the Democratic Republic of the Congo, Myanmar, and Syria. Genocide can best be understood as the persecution and destruction of human beings on the basis of their presumed or imputed membership in a group, rather than on their individual properties or participation in certain acts.

Although it is unnecessary to quantify genocide, it is clear that a genocidal process always concerns a society at large, and that genocide destroys a significant and critical part of the affected communities. It can be argued that genocidal processes are particularly malicious and destructive because they are directed against all members of a group, mostly innocent and defenceless civilians persecuted and killed regardless of their behavior. Genocide always denotes a colossal and brutal collective criminality and for this reason, it is a phenomenon that is distinct from other forms of mass violence such as war, civil war, or massacre.<sup>2</sup>

Genocide is a complex process with several important transitions from non-violent conflict to (civil) war, through to genocide. The transition from crisis to mass violence is a point of no return where serious moral and political transgressions occur in a rapid process of violent polarization. Comparative research on mass political violence demonstrates that once unleashed, it can develop its own dynamic and become nearly unstoppable by internal forces – reaching ‘relative autonomy’. This dynamic consists of a routinization of the killing, and a moral shift in society due to mass impunity.

Two other key variables are the political elite’s decision-making and the organization of violence. The first is conducted in secret sessions, develops

fitfully, and comes to light only retroactively, once the victims are killed. Indeed, brutal conflicts expose the criminology of violent political elites, who begin operating as an organized crime group with growing mutual complicity developing among them. Secondly, the organization of violence, another major analytical category is carried out according to clear and logical divisions of labor: between the civil and military wing of the state, but also crucially between the military and paramilitary groups. The killing process has the dual function of at once annihilating the victim group and constructing the perpetrator group. The destruction of the Other is the validation of the Self.<sup>3</sup>

This chapter focuses on an important aspect of genocidal processes: paramilitary units that are spawned and organized by the political elites to carry out violence against victim groups. It opens with a conceptual discussion of paramilitary units in the 20th century, and then moves to an examination of Ottoman-Turkish paramilitary units during the Armenian Genocide.

To be sure, such units played a significant role in the actual perpetration of the mass killings in the Genocide, but they are not necessarily central to its causation or even course. Wartime escalation, ethnic nationalism, and long-term planning were much more central to the genocide, but many of its perpetrators were Turkish, Kurdish and Caucasian paramilitaries. This chapter focuses on how they were mobilized and deployed in the massacres.

## **Paramilitarism**

Paramilitarism refers to clandestine, irregular armed organizations that carry out illegal acts of violence against clearly defined civilian individuals or groups. The concept is key to understanding the processes of violence that play out during ethnic conflicts, which see the formation of paramilitary units conducting counterinsurgency operations,<sup>4</sup> scorched earth campaigns, and violence against civilians including genocide.<sup>5</sup> Paramilitary units captured the Western imagination when they appeared in Serbia and Turkey during the ethnic conflicts of the 1990s. Armed groups such as the Serbian Volunteer Guard and the Turkish Gendarmerie Intelligence Organization (JITEM) were responsible for widespread violations of human rights. Preliminary investigation of these paramilitary units revealed two puzzling patterns: they maintained close links with political elites, including heads of state, and they were largely drawn from the social milieu of organized crime.<sup>6</sup> How can we understand this conundrum?

Paramilitarism seems to be most fruitfully examined through the prism of the interplay between organized crime, the dynamic of violent conflict, and the state. This chapter historicizes the development of paramilitary groups in the collapsing Ottoman Empire as they emerged, functioned, and disappeared. It aims to challenge dominant interpretations that paramilitarism is a function of weak states. Instead, it can also be interpreted in the context

of the power of states to outsource and subcontract illegal and illegitimate violence against civilians, with a view to placing a buffer between the perpetration of crimes and the political or military elite.

Paramilitary units have four distinguishing characteristics that make them unique within the spectrum of ways of organizing violence. First, they are different from private militias and terrorists: unlike paramilitaries, the former are not state-orchestrated and the latter are anti-systemic. Second, paramilitary units are secretive and covert organizations, but nevertheless carry out very public violence: they torture, kill their victims openly, and with widespread notoriety.<sup>7</sup> Third, they leave no visible indication that they exercise legitimate use of force that is traceable up the hierarchy of a state-sanctioned chain of command. Since the monopoly of legitimate violence is a vital characteristic of states, by resorting to paramilitarism governments potentially compromise that monopoly and undermine their legitimacy.<sup>8</sup>

Finally, states benefit from relying on these groups and individuals as it provides them with plausible deniability: they can disavow any linkage with these shadowy organizations by claiming they were private groups committing violence of their own volition.<sup>9</sup> Deniability is considered necessary not only for domestic reasons (electorate, institutions), but also for fear of international sanction, including the threat of foreign intervention, monitoring by NGOs, the UN, international criminal tribunals and the EU, and embargos.<sup>10</sup>

Comparative research suggests that paramilitary units generally do not necessarily consist of ideologically committed soldiers steeped in ethnic hatred, but of men with a prior career in organized crime. This requires thorough attention because it has played an important role in many conflicts. The extensive literature on modern organized crime in the most diverse societies converges on three characteristics that define these criminal groups: first, they are businesses that adopt the practices of legitimate corporations while dealing in illicit commodities and services and second, they are secret societies that conduct their operations covertly.<sup>11</sup> Third, and most importantly, in certain countries and contexts organized crime structures have historically colluded with states and influential political forces that have supported and benefited from them.<sup>12</sup>

Criminals' involvement in paramilitary units can account for their conduct, dynamic and recruitment. A burgeoning body of research suggests that the interplay between organized crime and politics can profoundly affect democracy: it can force elected governments to resign or change policy.<sup>13</sup> Moreover, it undermines the rule of law by increasing crime in wartime and post-war society, as territories of low-intensity warfare provide safe havens in which paramilitaries extract resources through trafficking, gambling and money laundering.<sup>14</sup>

This chapter will depart from conventional approaches by developing a transnational and comparative perspective. The subject of paramilitary

violence offers a useful prism through which to investigate genocidal processes. This chapter will argue that the collapse of state authority and functioning monopolies of violence at the end and in the aftermath of the First World War provided political elites and paramilitary warlords (known as *fedayis*) with a unique window of opportunity to establish or consolidate power in these post-imperial shatter-zones. It will focus on the roots and rationale of paramilitary violence rather than inter-state warfare of standing armies in this period. How and why were paramilitary units established? What role did they play in the violence that engulfed these territories in the long war? What was the relationship between the state and the paramilitaries?

The chapter discusses the establishment and functioning of paramilitary units, and the violence they committed against Armenian civilians. It will review how the Ottoman government established paramilitary units during the First World War, focusing on the 'Special Organization' (*Teşkilât-ı Mahsusa*) units that were deployed for various operations outside and inside the empire, including the destruction of Armenians.

### **Ottoman-Turkish paramilitaries and the First World War**

Paramilitarism was not a product of the First World War but had a long prehistory. It became more and more prevalent in the Balkans in the late 19th century, as various paramilitary groups became engaged in combating each other under conditions strongly reminiscent of a low-intensity civil war.<sup>15</sup> Bulgarian, Macedonian, Serb, Greek and Muslim bands engaged in skirmishes to protect their own interlocking clusters of extended families, for ideological reasons, or to exact revenge for prior losses or injustice. With only a limited grip on the peripheries, the Ottoman state grappled desperately with these conflicts and resorted to alternative sources of power.<sup>16</sup>

Pacifying these conflicts was extremely difficult because the levels of brutalization were exceedingly high: too much blood had been shed for a successful de-escalation, for example by effecting reconciliation. The conflicts took on the dynamic of vendettas. For example, whenever Muslim bands killed Bulgarians, they would leave a letter addressed to the local district governor that would read: 'This person has been killed in order to avenge the Muslim killed at such and such place'.<sup>17</sup> Internal correspondence of the CUP sheds light on how the Young Turks learned from the conduct of the bands. In an undated letter, Dr Mehmed Nâzım wrote to Dr Bahaeddin Shakir about a certain Hasan the Sailor:

Hasan the Sailor's program is as follows: to slay ten Bulgarians for each murdered Muslim. He does not differentiate in order to fulfill his goal. No Bulgarian, man, woman, old or young, can escape alive from the axe of Hasan the Sailor until he reaches the number of ten. Hasan the Sailor has become the god of a few districts and Bulgarians tremble when they

hear his name ... The impact of these bands on the Bulgarians is greater than the impact of one hundred thousand troops dispatched by the administration.<sup>18</sup>

In other words, spreading terror by killing civilians was seen as a legitimate method to secure submission of a potentially recalcitrant population.

A watershed that marked a critical shift in the nature of paramilitary violence in this period was the Young Turk coup d'état of 23 January 1913. In the months after the coup, the CUP, no longer wielding power from behind the scenes, would gradually impose a violent dictatorship upon the empire. Enver Pasha reconquered Edirne, promoted himself to general, and became Minister of War. The new cabinet stood under the auspices of Talaat Pasha, who rose from party boss to Interior Minister. The third member of the triumvirate, Djemal Pasha, was Minister of the Navy and commander of the Fourth Army in Damascus.

Slowly but steadily the political climate in Istanbul became violent to an extent unseen in the Abdulhamid era, with political violence becoming commonplace. Assassinations were carried out by paramilitary gangsters loyal to factions around Talaat and especially Enver. Hüseyin Cahit (1875–1957), publisher of one of the most important newspapers of the period, witnessed one of these political murders as a hitman loyal to Enver Pasha shot a man in his presence for expressing criticism.<sup>19</sup> The Young Turks became the propelling force behind state terror:

To them politics was much more than a game and having seized power they meant to hold on to it. To do so they were willing to use all possible means, so that repression and violence became the order of the day. Nothing was sacred in the pursuit of power and those guilty of dissent must be prepared to pay with their lives.<sup>20</sup>

The *fedayi* paramilitaries who used to live as outlaws amidst civil war conditions now rose to state power. This lent them legitimacy and transposed the severely de-pacified political culture to Anatolia. Their experience of paramilitary warfare in the Rumelian countryside was transplanted into the offices of the Ottoman government, which brutalized the state.

After January 1913 the doctors Mehmed Nâzım and Bahaeddin Shakir began merging the then relatively disunited and independent paramilitary forces into the 'Special Organization'. There were four groups of Ottoman paramilitary forces during the First World War. Firstly, the tribal cavalry (*aşiret alayları*) that had grown out of the 29 Kurdish and Circassian cavalry regiments. These units were led by tribal chieftains and were responsible for various internal security duties. A second group were the 'volunteers' (*gönüllüler*), made up of Islamic ethnic groups from outside the Ottoman Empire. The majority of this group consisted of Turkish refugees from the

Balkans, vindictive and ready for battle. Third came the above-mentioned 'Special Organization', initially an intelligence service that sought to foment insurrection in enemy territory and conduct espionage, counterespionage and counterinsurgency tasks. The command structure of this organization would now absorb the other groups.<sup>21</sup>

Finally, a fourth group were simply called 'bands' (*çete*), a hodgepodge of non-military guerrilla groups not fully subject to centralized command and control, but acting as paramilitary wings of individual Young Turk leaders. Poor, unemployed young men, in Turkish named 'vagrants' (*serseri*) or 'roughnecks' (*kabadayı*), from the urban demimonde of louche coffee shops and criminal networks, were particularly receptive to recruitment into this group. Their contribution to regular warfare, counterinsurgency operations and various 'dirty jobs' was deemed vital. Their rewards would consist of direct payments or *carte blanche* to pillage. As high-ranking Young Turk officials were implicated by association with their crimes, many of these ruffians enjoyed protection.<sup>22</sup>

Apart from this bottom-up perspective, a top-down orientation on paramilitary units emerged: the CUP began drawing up formations by releasing ordinary criminal convicts from prisons. Talaat and Enver oversaw the operation, administrated by Dr Bahaeddin Shakir and Dr Nâzım, tolerated by the Justice Minister Ibrahim Bey<sup>23</sup> and organizationally supported by the party's large network in the provinces. How were these units deployed during the war and what were their tasks?

In August 1914, Talaat corresponded with the party secretary for Erzurum, Filibeli Ahmet Hilmi (1885–1926). Hilmi suggested the release of convicts from the central prison of Trabzon and their enlistment into paramilitary units under the command of regular army officers. Particular preference would be given to prisoners 'who have a reputation leading outlaw gangs'. Talaat replied: 'those people imprisoned who are needed for the irregular units will be released and a list will be prepared and sent'.<sup>24</sup> To facilitate the formation of these units, the Justice Ministry issued a special amnesty through a temporary law that became permanent in 1916.<sup>25</sup>

As a result of these measures, thousands of criminals were released from Ottoman prisons and drafted into paramilitary units. The convicts, named 'savages and criminals' even by CUP officials,<sup>26</sup> were very local outlaws and bandits who had committed crimes such as theft, racketeering or manslaughter. According to one source, they were drilled in Istanbul for one week before being deployed in various regions: 'These gangs were composed of murderers and thieves who had been released from incarceration. They received a week of instruction in the courtyard of the War Ministry and were then sent to the Caucasus border through the agency of the Special Organization.'<sup>27</sup> Province by province, paramilitary units emerged as the clouds of war gathered over Anatolia.

From 11 November 1914, the Ottoman Empire was officially at war with Russia, France and Britain. According to a recent study, the CUP entrance into the war was 'part of a strategy to achieve long-term security, economic

development, and, eventually, national recovery'.<sup>28</sup> The CUP immediately began drawing up formations of irregular militia in order to invade Russia and Persia. These secret military units were integrated into the existing Special Organization. The cadre of these new guerrilla bands was to be made up of convicts, Kurdish tribesmen and Muslim refugees, and would be led by the same cadres the CUP had used in the Balkan wars. On 18 November Talaat personally ordered the drawing up of lists of names of 'those convicts who were able to exert influence'.<sup>29</sup> The entire operation was led by Dr Bahaeddin Shakir and was kept out of the control of the Ottoman army as much as possible. Nevertheless, clashes of jurisdiction were inevitable and at times caused confusion and inefficiency during the war.<sup>30</sup>

In the early winter of 1914, the groups began penetrating into Russian and Persian territory to incite the Muslim populations to rise in rebellion and join the Ottoman forces.<sup>31</sup> Two operations were launched: into Persian Azerbaijan (Northwest Iran) and into the South Caucasus (current-day Northeast Turkey and Georgia). The former became a catastrophic success, the latter a monumental washout. The war on the eastern front gained momentum when Enver Pasha, driven by concerns of security and expansionism, attempted to attack the Russian army near Sarikamish on 29 December.

Against all military advice from German and Ottoman strategists, Enver insisted on waging an encirclement campaign through the rugged Kars Mountains. However, the Russian general Nikolai Yudenich (1862–1933) anticipated the outflanking maneuver, outsmarted Enver and delivered a heavy blow to his forces. Enver's attack failed miserably, and as a result the Third Army was effectively wiped out. Of the 90,000 soldiers that engaged in the battle, approximately 78,000 perished, mainly through succumbing to the effects of cold and frost.<sup>32</sup> After the battle, American diplomats stationed in Istanbul witnessed a sea change among the Young Turks with whom they had frequent contact.<sup>33</sup>

The paramilitary units did not necessarily fight on the frontline itself. They either penetrated through the lines and attempted to foment insurrection among Muslims in the Russian army's rear, or followed behind the front and wrought havoc in villages. Ottoman army officers serving on the Caucasian front provided detailed information about the paramilitaries' activities:

Upon the orders of Hasan İzzet Pasha, the most distinguished officers and most courageous individuals in the units of the 9th Army Corps in Erzurum were given to the armed gangs formed by Bahaeddin Shakir. Later, I saw how these gangs did not go in ahead of us, but instead followed behind us and engaged in looting villages.<sup>34</sup>

Another Ottoman officer later reminisced:

In the places they went, they ... behaved cruelly and intimidated the local population. The gangs made sure that they were well taken care

of. They did whatever they felt like ... Enver Pasha trusted these groups of vagrants. He knew that they created mayhem and plundered villages. That he did not suppress these groups was his weakness. All who belonged to this Special Organization were bandits, shaikhs, dervishes, and deserters. We made great opposition to the formation of these organizations. But we could not stand up against Enver Pasha and the CUP's strong man Bahaeddin Shakir.<sup>35</sup>

In this guerrilla war, the paramilitaries attacked Armenian villages, plundering, raping and killing with impunity. It was this behavior that would strain the relations between the Special Organization and the army. Bahaeddin Shakir complained to Istanbul about the supposed low morale and unenthusiastic attitude of regular soldiers. Ottoman army officers in their turn were skeptical of the military efficacy of the paramilitaries. Enver Pasha had to arbitrate the disputes between the two forces.<sup>36</sup>

The Ottoman advance into and occupation of Persian territory spelled a sad fate for the local Armenians and Syriacs. Persia had been divided into British and Russian zones of influence, with the north essentially occupied by Russian forces. As this was potentially a security threat to the Ottoman Empire, Enver Pasha gave the order to proceed towards the Caspian Sea and Iran became the battleground between Russia and Turkey.<sup>37</sup>

Two armies thrust ahead: the First Expeditionary Force, commanded by Enver's uncle Halil Pasha (1882–1957), and the Fifth Expeditionary Force led by the Young Turk fanatic Tahir Cevdet Bey – governor of Van and Enver's brother-in-law. The paramilitary units, made up of gendarmerie, volunteers, and Kurdish tribesmen, scorched the area west of Lake Urmiye. Villages were razed to the ground, including schools, libraries, churches, shops, missions, houses and government offices. Men were systematically murdered, women were raped and killed. The unsuspecting victims were Armenian and Syriac citizens of Persia, a country that officially declared itself neutral in the Russo-Ottoman war.<sup>38</sup>

After returning from the Caucasian front, Enver wrote a letter to the Armenian patriarch of Konya, expressing his respect and admiration for the courage the Armenian soldiers had shown in the Sarikamish battle. He gave the example of a Sergeant Ohannes who had received a medal for valor.<sup>39</sup> This may not have been how Enver really felt about the Ottoman-Armenian participation in the war. In a personal discussion with publisher Hüseyin Cahit, he bitterly blamed the Armenians for the fiasco and proposed their deportation to somewhere they would not cause trouble.<sup>40</sup> Talaat, too, alleged that the Armenians had stabbed the army in the back.<sup>41</sup>

The American diplomat Lewis Einstein (1877–1967) wrote in his diary that Talaat 'was different six years ago, when I used to see him daily ... he had a seemingly engaging frankness, which contrasted favourably with the shiftiness of Hamidian officials'. But he noted that Talaat had changed and

after the Balkan wars, 'all his loyalty is to his organization, and his policy is ruthless Turkification ... He declares openly that the persecution is revenge for the defeat at Sarykamish, the Turkish expulsion from Azerbaijan, and the occupation of Van, all of which he lays at the Armenian door.'<sup>42</sup>

The CUP leadership had reached a consensus that the disastrous defeats at Sarikamish and Dilman had been caused by 'Armenian treachery'. The Italian consul in Van reported that Halil Pasha's and Cevdet Bey's forces, forced back into Ottoman territory, took revenge on Ottoman Armenian villagers, indiscriminately massacring any and all they encountered, and pillaging their goods.<sup>43</sup> On the frontline in Bitlis, Governor Mustafa Abdülhalik Renda summoned the Armenian civil inspector Mihran Boyajian and openly threatened him: 'Now it is time for revenge (Şimdi intikâm zamanıdır).'44 According to American and German missionaries living in the area, the 50 Armenian villages in the area were raided, pillaged and destroyed by the regiments.<sup>45</sup>

## **The paramilitaries and the Armenian Genocide**

The twin military failures sparked a severe radicalization of anti-Armenian policy at the political center. The first phase was the threat of invasion by the British in the west and the Russians in the east. It is no exaggeration to state that the effect of these threats on the Ottoman political elite was nothing short of apocalyptic. It fueled a fear of disappearance among the Ottoman elites and spurred persecutions in the winter of 1914–15 when, for example, all Armenian civil servants were fired from their positions.<sup>46</sup> The second phase developed out of the delusional fear of an organized Armenian insurrection, which reached boiling point when Allied forces launched the Gallipoli campaign on the night of 24 April 1915. In the same night, Talaat ordered the arrest of the Armenian elites of the entire Ottoman Empire. In Istanbul, between 235 and 270 Armenian clergymen, physicians, editors, journalists, lawyers, teachers and politicians were rounded up and deported to the interior, where most were murdered.<sup>47</sup> Other provinces followed. This effectively decapitated a community of their political, intellectual, cultural and religious leaders.

A third phase followed when the regime ordered the general deportation of all Ottoman Armenians to the Syrian desert. Recent research has demonstrated how the deportations escalated into mass murder and cost the lives of about a million Armenians, amounting to genocide.<sup>48</sup> What made the massacres genocidal is that the killings targeted the abstract category of group identity, in that all Armenians, loyal or disloyal, were deported and murdered. By the end of the war, the approximately 2,900 Anatolian Armenian settlements (villages, towns and neighborhoods) were depopulated and the majority of their inhabitants dead.

The contribution of Young Turk paramilitary units to the genocide was particularly significant. Tens of thousands of Turks, Kurds and Circassians

had carried out the mass murder campaign. During the war they hardly denied or kept secret their involvement. One member of the Special Organization justified the cutthroats' acts as follows:

The committee is seen by some as plunder and robbery. On the contrary, I say that it is the epitome of patriotism. A committee member gives everything for the homeland, even his life. When the interests of the homeland and the people are at stake, the committee member has no mercy. He destroys when he must destroy and burns when it's necessary, he breaks down and draws blood. Everything needs to be leveled, no head should remain standing on a body. We have been in such situations so often and have done what needed to be done. Now I look back, I think: 'Had we not been so radical, what would have happened to this country, under which feet would it be trampled, as whose slaves would we be doomed to live?'<sup>49</sup>

Whereas many paramilitaries escaped with considerable booty and full impunity, some were deemed a liability to the Young Turk political elite. The memoirs of Fourth Army Chief of Staff, General Ali Fuat Erden (1883–1957) shed light on the relationship between the paramilitaries and the state. Erden had found bloody gold coins in the personal possessions of the militiamen. He mentions that on 28 September 1915 Djemal Pasha had received a short telegram from Talaat on Çerkez Ahmed: 'Probably should be eliminated. Can be very harmful later.' Çerkez Ahmed was arrested, court-martialled, convicted and hanged, along with a consort in Damascus on 30 September 1915. Erden added:

The debt of gratitude to executioners and murderers is heavy. They desire to dominate those who express their need of them and use them. Tools that are used for dirty jobs are needed in times of exigencies; it is likewise necessary, however, not to glorify but to dispose of them after using them, once they have done their job (like toilet paper).<sup>50</sup>

In studies of the Armenian Genocide and accounts of the killings, the perpetrators, from the organizing elites to the rank-and-file executioners, have figured as evil faceless killers, undifferentiated and unexplained. The paramilitaries and tribesmen appear in the killing fields of Anatolia *ex nihilo* and murder people for no apparent reason other than intrinsic (Turkish or Islamic) cruelty and malignance. This chapter has challenged this essentialist convention by arguing that the involvement of seasoned criminals and militiamen hardened in years of (low-intensity) conflict in the Balkans, accounts for the cruelty of the genocide. The roots of the Armenian Genocide can partly be traced in the loss of power, territory and 'honor' in the Balkans, as well as the gradual radicalization of conflict in that region prior to the First World War.

The mobilization of rank-and-file paramilitary killers depended on the manipulation of their vulnerabilities and ambitions. Widespread emotions of fear, hatred and resentment among the Turkish populace were certainly important. But most of all, the genocide emerged as a child of the fatal combination of the series of fiat issued by the CUP elite after the invasion of Russia and Iran in December 1914. Powerful cadres within the party, government and army formed a genocidal consensus within the empire during the months of heightened administrative networking, strategic disputes, and factional infighting in the empire's darkest hour.

## **Conclusion**

Many studies of genocide have convincingly demonstrated the central role of paramilitaries in the perpetration of genocide.<sup>51</sup> States embroiled in war are thought to spawn paramilitary units as a covert augmentation of state power for special purposes such as mass murder.<sup>52</sup> Indeed, the recent historiography on the civil wars of the post-Cold War era has argued that wars have since been fought not necessarily between states' standing armies, but between paramilitaries and militias, and especially against civilians. This has arguably blurred the distinctions between war, organized crime, and large-scale violations of human rights such as genocide.<sup>53</sup>

The Ottoman slaying of Armenians is no different from other cases: criminals such as Çerkez Ahmed were drawn from the milieu of gangsters and desperados, easily manipulated into joining special killing units. The genocide itself then emerged as a huge opportunity structure with irresistible incentives for plunder for these roughnecks: the government-sanctioned impunity set off a race for personal enrichment among them. Pre-existing networks of organized crime functioned as catalysts in different ways due to the genocide, which also produced opportunities for big business: rival tribes, mafia clans and other shady groups competed for more favorable conditions for illegal trade and self-enrichment, as corruption, smuggling and illegal appropriation triumph under conditions of war.

Four factors seem to have been separately necessary and together sufficient in explaining the salience of these armed forces in the genocide. First of all, personal ties were forged between the paramilitary leaders and political leaders: it is obvious that Enver Pasha employed thugs for his personal security details. It is yet unclear to what extent the paramilitaries' violence was instigated and controlled by those political leaders. Second, support by state institutions (such as ministries, police or army) was key in understanding the conduct of paramilitaries, both for their means and objectives. The Ottoman Ministry of War employed these men, but due to access restrictions to the Turkish military archives, it is yet unknown how exactly it supported the paramilitaries.

Third, as a logical corollary, the genocide and the conduct of the paramilitaries seem to have thoroughly criminalized the party politics of the

Committee of Union and Progress. The interplay between organized crime and national politics, and especially the varying extent to which paramilitary units pursue political ambitions through liaising with political parties, is not fully clear yet. Fourth, one could also make an argument about international involvement, by considering the influence of external threats (foreign intervention, risk of occupation) on the emergence of paramilitarism. As states are embroiled in an increasingly violent conflict, outsourcing the violence may be the safest way of keeping the crimes off the radar and maintaining plausible deniability. The co-occurrence of these four factors seems to have been the most likely sufficient cause for explaining the rise of state-sponsored paramilitarism in the 1915 genocide.

On the *longue durée*, paramilitarism became a time-tested tradition during crises in Turkey, especially relating to the Kurdish-nationalist movement that surfaced with the establishment of the Kurdistan Worker's Party (PKK). On 15 August 1984 the PKK declared war on the Turkish state as local skirmishes escalated into a full-scale guerrilla war, lasting 13 years and causing more than 40,000 casualties.<sup>54</sup> Deep-seated frustration about the war among the Turkish military elite led to the formation of extra-legal paramilitary units that conducted counterinsurgency operations and a scorched earth campaign in 1994 and 1995. This state-sponsored terror left more than 3,000 villages devastated and millions of internally displaced people in Turkey.<sup>55</sup> The similarities with the conflicts surrounding and including the First World War are remarkable and raise questions on the continuities of the political culture, as well as the geopolitical constellations resulting from it.

The main political challenges for the Turkish state have continued to emerge from the eastern borderlands where the two main ethnic groups excluded from the nation state, Armenians and Kurds, persist in raising global awareness about their history. This raises the question of path dependence, that is, a diachronic understanding of why paramilitarism has occurred repeatedly in Turkish society. Research on this subject in Turkey covering the period 1912–25 raises the question of whether and to what extent the state-sponsored paramilitary activity of the 1990s was truly a novel phenomenon in these regions, or a revival of previous phases.<sup>56</sup> Did earlier stages of paramilitary violence impact later episodes? Is it possible to discern major continuities and discontinuities regarding political culture, ideology, unprocessed traumas, or institutional entrenchments that governed state security? Further historical research on the Turkish state, as well as comparisons with other cases, can clarify these questions.

## Notes

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3. See Chapter 16, Holslag; A. de Swaan (2001) 'Dyscivilization, Mass Extermination and the State', *Theory, Culture & Society*, Vol. 18(2–3): 265–76; E. Weitz (2005) *A Century of Genocide: Utopias of Race and Nation* (Princeton, NJ: Princeton University Press); M. Levene (2013a) *The Crisis of Genocide, Vol. 1: Devastation: The European Rimlands, 1912–1938* (Oxford: Oxford University Press); (2013b) *The Crisis of Genocide, Vol. 2: Annihilation: The European Rimlands, 1938–1953* (Oxford: Oxford University Press); A. de Swaan (2015) *The Killing Compartment* (New Haven, CT: Yale University Press).
  4. See Chapter 9, Travis.
  5. A. Alvarez (2010) *Genocidal Crimes* (London: Routledge); T. Wilson (2013) 'State Terrorism: An Historical Overview', in G. Duncan et al. (eds) *State Terrorism and Human Rights: International Responses Since the End of the Cold War* (New York: Routledge), pp. 14–31.
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  15. For a brief treatment, see G. V. Brandolini (2002) *Low Intensity Conflicts* (Bergamo: CRF Press).
  16. J. Klein (2002) *Power in the Periphery: The Hamidiye Light Cavalry and the Struggle over Ottoman Kurdistan, 1890–1914* (unpublished PhD thesis, University of Princeton).
  17. S. Hanioglu (2001) *Preparation for a Revolution: The Young Turks, 1902–1908* (Oxford: Oxford University Press), p. 223.
  18. *Ibid.*
  19. H. C. Yalçın (1976) *Siyasal Anılar* (Istanbul: Türkiye İş Bankası Kültür Yayınları), p. 170.

20. F. Ahmad (1969) *The Young Turks: The Committee of Union and Progress in Turkish Politics* (Oxford: Oxford University Press), p. 163.
21. *Türk Silahlı Kuvvetleri Tarihi* (Ankara: Genelkurmay Basımevi, 1971), Vol. III, section 6, 1908–1920, pp. 129–240.
22. R. Gingeras (2009) *Sorrowful Shores: Violence, Ethnicity, and the End of the Ottoman Empire 1912–1923* (Oxford: Oxford University Press), pp. 6 and 51.
23. See Chapter 8, Demirdjian.
24. A. Mil, 'Umumi Harpte Teşkilâtı Mahsusa', in: *Vakit*, 5 and 29 November 1933, republished as: Arif Cemil (Denker) (1997), *I. Dünya Savaşı'nda Teşkilât-ı Mahsusa* (Istanbul: Arba).
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26. Denker, *Teşkilât-ı Mahsusa*, p. 196.
27. A. Refik [1919] (1998) *Kafkas Yollarında: İki Komite, İki Kıtıl* (Istanbul: Temel), p. 157.
28. M. Aksakal (2008) *The Ottoman Road to War in 1914: The Ottoman Empire and the First World War* (Cambridge: Cambridge University Press), p. 191.
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36. K. Ş. İlden (1998) *Sarikamış: Birinci Dünya Savaşı Başlangıcında Üçüncü Ordu: Kuşatma Manevrası ve Meydan Savaşı: Anı*, Sami Önal (ed.) (Istanbul: Türkiye İş Bankası Kültür Yayınları), pp. 158–60.
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  46. Üngör (2011), pp. 55–71.
  47. M. Shamtanchian (2007) *The Fatal Night: An Eyewitness Account of the Extermination of Armenian Intellectuals in 1915* (Studio City, CA: H. and K. Majikian Publications).
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  49. H. Çiçek (2004) *Dr Bahattin Shakir: İttihat ve Terakki'den Teşkilatı Mahsusa'ya bir Türk Jakobeni* (Istanbul: Kaynak), p. 110.
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# 2

## The Disputed Numbers: In Search of the Demographic Basis for Studies of Armenian Population Losses, 1915–1923

*Jakub Bijak and Sarah Lubman*<sup>1</sup>

### Introduction

This chapter looks at the Armenian Catastrophe through the lens of demography. The availability of statistical information about the tragic events of 1915–23, even about the overall number of victims, is very limited, especially after a hundred years. This makes an empirical analysis very difficult. The existing estimates are quoted as ranging ‘from 600,000 to 2 million’,<sup>2</sup> and are heavily disputed.<sup>3</sup>

The aim of this chapter is to critically review the current knowledge on the Armenian population losses between 1915 and 1923, from the point of view of conflict demography. Further, we look into the role the numbers play in the public discourse on the tragedy. We also discuss the uncertainty in the existing estimates and propose a future research agenda. To that end, we suggest a quality benchmark for the estimates, in line with the contemporary demographic state of the art.

Demography is a study of human populations through numbers.<sup>4</sup> The quantitative features of populations are at the core of the research interests of demographers. The same holds true for the subfield of historical demography. As general history, it aims to learn about the human past, but unlike history, it focuses on population change, and applies different research methodology. The key priority of demographic analysts has long been the application of formal models to empirical data in order to study human populations, rather than proposing theoretical explanations or interpretations.

The area of the demography of conflict and violence has been established as a standalone sub-discipline only recently,<sup>5</sup> although there are many examples of earlier studies dealing with the extent of victimisation during armed conflict.<sup>6</sup> Currently, this area of research is developing rapidly, aided by the proliferation of demographic and statistical methods that can be applied, and by the current practice of international tribunals to

commission expert demographers to provide their analysis in addition to that of expert historians.<sup>7</sup>

This chapter comprises five sections and we start by reviewing the demographic methodology used to estimate the numbers of victims of violent conflicts. We then discuss the applicability of these methods and present key caveats. This allows us to critically assess selected estimates of the extent of the Armenian population losses in 1915–23. On that basis, we propose a method to evaluate the range of plausible estimates. Finally, we submit concluding remarks and recommendations for further work that could provide a firmer factual base for future studies of the Armenian Catastrophe.

There are three important caveats to the conclusions reached in this chapter. First, we limit the analysis to secondary sources and existing estimates. Since the main goal of this chapter is methodological, we focus on the critique of the methods of analysis and on the possible reasons behind the apparent dissimilarities between various numbers.

Second, we do not attempt to paint a complete picture of the population losses of the Ottoman Empire in 1915–23, but instead we focus exclusively on the Armenian population. In particular, this study does not deal with the population losses amongst the Assyrians, Greeks or other Christian minorities. The scholarly literature concerning the extent of persecutions of these groups is scarcer than that for the Armenians, and the relevant data and estimates are lacking important components, such as the official Ottoman reports (discussed below).<sup>8</sup>

Furthermore, several studies have focused on the victimisation of the Turkish population during and in the direct aftermath of the First World War.<sup>9</sup> However, this research topic also remains beyond the scope of the current analysis. Still, some general, methodological conclusions regarding the quality assessment are applicable, with the necessary adjustments, to other conflict-related population losses.

Finally, demography alone cannot determine whether the Armenian population losses in 1915–23 constitute genocide. Both the definition used in the 1948 UN Convention,<sup>10</sup> and the vast majority of the definitions in the scholarly literature,<sup>11</sup> contain two key elements: (1) a mass character of killings, targeted at a particular group, and (2) killings being carried out intentionally.<sup>12</sup> Whilst demography can help establish the factual base with respect to (1), it is not in a position to comment on the question of intent (2), located at the intersection of history, law, psychology and politics. These aspects are discussed extensively elsewhere in this book.<sup>13</sup>

## **Demography of conflict and violence: an overview**

To provide the background for the analysis of published estimates on Armenian population losses in 1915–23, in this section we present a brief overview of selected methods used in demography for assessing the

numbers of conflict victims. Broadly, two main groups of methods can be distinguished: micro-level, based on information on individual casualties, and macro-level, looking at the characteristics and dynamics of populations under study.<sup>14</sup> The two groups differ both with respect to their data requirements and the methods applied.

The micro-level approaches are predominantly based on individual-level lists of people killed in conflict-related incidents. The data sources include victim lists, exhumation records, military registers, public health records, and survivors' reports.<sup>15</sup> At a very basic level, the method simply consists in counting the victims, after ensuring that there is no duplication of records. When multiple sources are available, they first need to be linked by matching people based on their individual characteristics, before removing duplicates (overlapping records).

Simple counting does not make any allowances for people who are not included in the data source or sources used. Correcting this gap requires the use of different methods of statistical inference, in particular the *multiple system estimation* (MSE) or *capture-recapture* methods.<sup>16</sup> Statistical assumptions on the relationships between different sources allow for estimating the number of victims not included in any of the multiple data sources. A crucial assumption is whether the sources are independent – in other words, whether the chances of a person being reported in one source affect the chances of that person being reported in another source.

A prerequisite for using the micro-level methods is the presence of comprehensive individual lists of victims, which do not exist for the Armenian population losses of 1915–23.<sup>17</sup> Hence, there is a need to rely on macro-level, aggregate statistics, which exhibit various – and often unknown – levels of reliability. Amongst the least reliable estimates, sometimes referred to as *naïve*<sup>18</sup> or *passive*,<sup>19</sup> are simple aggregations of the numbers from a range of eyewitness or media reports, testimonies, medical or mortuary records, rough counts, or similar sources.<sup>20</sup>

Other macro-level techniques include wartime or post-conflict (retrospective) random surveys amongst survivors. Known issues with surveys, besides the obvious presence of random errors due to sampling, include recall biases or distortions, and – most importantly – a question of appropriate survey design.<sup>21</sup> As no surveys have been carried out amongst the surviving Armenians, this method is mentioned here merely for the sake of completeness.

In the context of assessing the Armenian population losses, the key demographic macro-level methods include comparisons of the pre-war and post-war populations, and explaining the difference through analysing particular components of population change: births, deaths and migrations. In this method, distinction needs to be made between hypothetical 'regular' conditions, which would be observed had there been no conflict, and the war-related 'excess'. Thanks to demographic accounting, whereby the population change between two periods can be only attributed to births, deaths or the balance of migration, these components can be separated, as listed in Figure 2.1.

$$\begin{array}{rclclcl}
 \text{Post-War} & = & \text{Pre-War} & + & \text{'Regular'} & + & \text{'Excess'} \\
 \text{population} & & \text{population} & & \text{population change} & & \text{population change} \\
 \\ 
 \text{'Regular'} & = & \text{'Regular'} & - & \text{'Regular'} & + & \text{'Regular'} & - & \text{'Regular'} \\
 \text{population change} & & \text{Births} & & \text{Deaths} & & \text{Immigration} & & \text{Emigration} \\
 \\ 
 \text{'Excess'} & = & \text{'Excess'} & - & \text{'Excess'} & + & \text{'Excess'} & - & \text{'Excess'} \\
 \text{population change} & & \text{Births} & & \text{Deaths} & & \text{Immigration} & & \text{Emigration}
 \end{array}$$

Figure 2.1 The demographic framework for assessing the population consequences of conflict (compiled by J. Bijak and S. Lubman)

The key challenge is to differentiate between the 'regular' and the 'excess' population change, and between the particular demographic components (births, deaths, immigration and emigration). To estimate 'excess' deaths, as the nearest proxy to the number of persons perished due to the conflict,<sup>22</sup> a 'regular' trajectory of population change is needed. Additionally, the 'excess' emigration (people who left the population but did not die) needs to be taken into account, ideally alongside the 'excess' birth and immigration effects, which may well be negative. All elements of the above equations must refer to the same time period and the same geographic area.

This model can be extended to include the age structure, and hence to apply the standard demographic cohort-component projection technique,<sup>23</sup> which allows for more stringent internal consistency checks of the estimates, but requires more detailed data. Typically, especially in the context of armed conflict, such data may not be available, and need to be substituted by carefully crafted and documented assumptions on the underlying projections. In such instances, demographic realism of these assumptions, complemented by transparency of the assumptions made, are crucial components of the reliability of the resulting estimates.<sup>24</sup>

Contemporary literature on the estimation of the numbers of conflict casualties places strong emphasis on a systematic assessment of the quality of the estimates according to pre-defined criteria. The United States Government Accountability Office, in a study related to Darfur, has focused on the quality of data, soundness of the methods and their assumptions, objectivity, and 'sufficiency of reporting' (replicability and transparency).<sup>25</sup> Ewa Tabeau applied similar criteria studying estimates of the number of victims of the Khmer Rouge in Cambodia.<sup>26</sup> These criteria form the basis for an assessment of estimates of the Armenian population losses, presented in the next section.

### Armenian population losses, 1915–1923: existing estimates

A number of factors have contributed to the proliferation of conflicting estimates of the number of Armenian victims, not least the problems with

available population data. The presence of *undercount* – that is, underestimation of the size of specific population groups, such as women – means that even referring to official statistics for a baseline population is not possible. This problem is common to many conflict situations.

It is impossible to collect additional data a century after the atrocities took place. This has resulted in a stalemate and entrenchment, with each side of the debate unable to present problem-free, definitive statistics (barring the release of as yet unpublished contemporary data). Besides, crucial to the continued emphasis on exaggerating or minimising the death toll is a misplaced belief that the ‘numbers’ will strengthen or weaken arguments surrounding the applicability of the definition of genocide.<sup>27</sup> However, estimates that fail to implement accepted and rigorous methods in a transparent way lack credibility as a result.

The studies selected for discussion here, listed chronologically in Table 2.1, represent a range of estimates of Armenian population losses of 1915–23, and include some of the widely quoted sources and commonly applied methods. Different estimates lack consistency in the temporal and geographic scope, which hampers comparison. Nevertheless, the purpose of this work is to assess each estimate with a focus on the quality of data sources and methods used, in order to narrow down the plausible range of the number of Armenian casualties.

The first estimate of the number of victims was nearly contemporaneous with the massacres. Viscount James Bryce and Arnold J. Toynbee were commissioned by the British government to report on the situation of the Armenians in the Ottoman Empire in 1915–16.<sup>28</sup> A three-stage methodology has been employed in order to estimate the number of victims who died, beginning with a discussion about the pre-conflict Armenian population. The Armenian Patriarchate declared its size to be 2.1 million in 1912, whereas the Ottoman Government reported 1.1 million.<sup>29</sup> The authors suggest to ‘halve the difference’, implying a population of 1.6 million, but themselves judge the true figure to be closer to 2 million.<sup>30</sup>

Although the size of this population is still contended, Kemal Karpat’s later scrutiny of the official Ottoman records suggests that an undercount is highly likely.<sup>31</sup> The second stage of the process consisted in estimating the number of survivors who were not deported – in Turkey and elsewhere – assumed at around 600,000. Finally, of the estimated 1.0–1.2 million remaining Armenians, it has been suggested that ‘the exact quantitative scale of the crime [...] remains uncertain’, but at least half of these are likely to have perished through massacres and deportation.<sup>32</sup>

From the official Ottoman point of view, a report written in 1917 by Talaat Pasha includes an estimate that ‘over one million Ottoman Armenians had disappeared between 1914 and 1917’.<sup>33</sup> Talaat Pasha was the Ottoman Minister of the Interior during the events of 1915–16, and is largely considered responsible for the massacres. His estimate is based on responses to

*Table 2.1* Selected published estimates of the Armenian population losses, 1915–1923 (compiled by J. Bijak and S. Lubman with data from Akçam (2013); Bryce and Toynbee (1916); Dadrian (1995); Dündar (2010); McCarthy (1983; 2001) and Sarafian (2011))

No.	Source	Estimated number of victims	Data sources	Method	Reference period	Geography
1	Bryce and Toynbee (1916)	600,000+	Official Ottoman statistics; the Armenian Patriarchate statistics 1912; witness accounts of deportations; the American Relief Committee.	Estimates of: initial Armenian population; number of survivors not deported; and of those who died through ‘massacre or deportation’.	1912–16	Turkey
2	Talaat Pasha’s Report (1917), summarised by Sarafian (2011)	1,150,000 (after correction for the 1914 undercount; must include refugees)	Official Ottoman statistics for 1914; Talaat’s report on information from telegrams based on local records.	Correcting the 1914 population for undercount, and calculating the difference between the 1914 and 1917 estimated populations.	1914–17	See note*

(continued)

Table 2.1 Continued

No.	Source	Estimated number of victims	Data sources	Method	Reference period	Geography
3	McCarthy (1983; 2001)	584,268–850,000	Official Ottoman statistics for 1914; Turkey 1927 Census; Armenian refugee estimates (League of Nations, receiving countries' censuses/ population and immigration statistics).	Estimating survivors (in Turkey and other countries) and calculating the difference between the 1912 and 1917 estimated populations.	1912–22	Anatolia
4	Dadrian (1995)	800,000+	Unclear. Reference to the Turkish Interior Ministry and an exchange between Mustafa Kemal and the chief of the American Military Mission to Armenia in 1919.	Reporting contemporary estimates.	Unclear	Unclear

5	Dündar (2010)	664,000	Various, including Talaat Pasha's report.	Estimating survivors (those deported, exempted from deportation and refugees) and calculating the difference between pre- and post-conflict estimated populations.	Unclear	Not explicitly defined
6	Akçam (2013)	630,000–1,000,000 ( <i>implied</i> )	Refers to 'Armenian sources', as well as Official Ottoman statistics and Talaat Pasha's report on information from telegrams based on local records.	Reporting a range of contemporary estimates.	1915–16	Syria

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\*Details in: A. Sarafian (2011) *Talaat Pasha's Report on the Armenian Genocide, 1917* (London: Taderon Press/Gomidas Institute), pp. 18–21.

telegrams which he sent out in 1917 requesting information on the number of Armenians in each region. This information came from local records, and when compared to the estimated Armenian population of 1914 showed the 'discrepancy between the number of Armenians who were deported, and the number ... found in the resettlement zone in 1917'.<sup>34</sup> This estimate must include refugees who fled to other countries and should therefore not be included in the total number of conflict related deaths. Crucially for the assessment of recent work on the numbers of Armenian victims, Talaat Pasha's report was not available to modern historians until its publication in 2008 by a Turkish journalist, Murat Bardakçı.<sup>35</sup>

Amongst recent examples of historical scholarship, Justin McCarthy is widely cited for his attempt to systematically estimate the number of Armenians who 'survived', either remaining in Turkey by 1922, or living in another country as refugees.<sup>36</sup> His estimate of the number who perished is at the lowest end of the most commonly reported range. A variety of sources are used, but the considerable gaps in the data mean that some elements are estimated through an 'educated guess'.<sup>37</sup> In a later publication McCarthy reiterates his finding that less than 600,000 Armenians died between 1912 and 1922, acknowledging, however, that the Armenian Patriarchate statistics published in 1992,<sup>38</sup> and the estimate of a pre-conflict Armenian population of 1.9 million,<sup>39</sup> may indicate a higher death toll of around 850,000.

Some primary documentation is also utilised by Vahakn Dadrian;<sup>40</sup> the figure of 800,000 Armenians estimated to have been 'directly killed' under the 'cover' of deportation is reported to be from the Turkish Interior Ministry as well as in an exchange between Mustafa Kemal and the chief of the American Military Mission to Armenia in 1919. However, without reference to the methodology and data behind these estimates, they cannot be verified.

Recently, Fuat Dündar has implemented a similar method to that used by McCarthy: subtracting the surviving Armenian population after the conflict from the pre-conflict population.<sup>41</sup> Dündar utilises a variety of sources but considers Talaat Pasha's estimate of the pre-conflict Armenian population (1.5 million, after an approximate correction for possible undercounting) to be the most accurate because of the purpose of the statistics: to implement population policies – tantamount to ethnic cleansing of the Armenians.<sup>42</sup> Nevertheless, Dündar's calculations and origin of the components are unclear, making the replication of this estimate problematic.<sup>43</sup> Taner Akçam<sup>44</sup> further focuses on the '5 to 10 per cent principle' of demographic policy which aimed to reduce the Armenian population in different Ottoman provinces to below one of these levels, but briefly refers to a similar estimate, that 630,000 of the Armenians who reached Syria had died by the end of the summer 1916.<sup>45</sup>

To assess the quality of the selected published estimates of Armenian population losses, Table 2.2 sets out more formal criteria based on the

framework proposed by the US Government Accountability Office and by Ewa Tabeau.<sup>46</sup> The five elements under consideration are important for the production of rigorous and credible estimates, particularly in the context of such heated political debate. These criteria have been defined separately for the purpose of assessment, but in practice they are all interlinked. Table 2.3 scores the estimates on the individual criteria and gives an overall (average) assessment based on these scores.

Each of the six estimates included in this study fails to consider the components of population change (see Figure 2.1); rather, they simply subtract the number of surviving Armenians from the pre-conflict population. Efforts to produce more accurate estimates have fallen short of implementing rigorous methodologies and transparent reporting of uncertainty. The widespread use of ‘educated guesswork’, rather than accepted demographic methods, is problematic. While much attention has been given to pre- and post-conflict population totals, consideration of the *components* of population change has been neglected, which would allow distinguishing between people who perished during the massacres, and refugees. Furthermore, there is no consideration of what the ‘regular’ non-conflict population change would have been – an essential exercise when attempting to establish the scale of ‘excess’ conflict-related deaths (Figure 2.1).

Finally, there is no real attempt at temporal or geographic consistency. Although Dündar does briefly consider the time period of analysis, recognising that deaths as a result of hunger and illness continued after the immediate killings and deportations,<sup>47</sup> this element is largely neglected, even when comparisons are being made between estimates. As a result, the general problems in the existing estimates have contributed to a perpetuation of widely varying figures.

The assessment scores presented in Table 2.3 bear an inevitable degree of subjectivity, but nonetheless they reveal a few interesting features. First, except for studies that did not document the methodology and assumptions in a transparent way, the remaining ones are clustered around the middle of the score table. Second, most of the estimates have scope for further improvement, albeit in different areas, such as the use of new data (McCarthy), or more rigorous assumptions (Dündar). Third, the estimates are not directly comparable due to the differences in their spatial and temporal coverage. Finally, the relatively high scores of historic data sources (Bryce and Toynbee; Talaat Pasha’s reports) suggest that these estimates are still useful as a benchmark for any further studies, a general framework for which is proposed in the following section.

## **Towards the range of plausible estimates**

Despite the imperfections of the existing data on the Ottoman Armenian population, there is room for improvement of the estimates in terms of

*Table 2.2* Quality criteria for the published estimates of the Armenian population losses, 1915–1923 (compiled by J. Bijak and S. Lubman based on US Government Accountability Office (2006))

Score	Data sources	Methods	Assumptions	Transparency	Objectivity
9–10	<ul style="list-style-type: none"> <li>– Complete register of victims; individual level</li> <li>– Details of date, place and cause of death</li> </ul>	<ul style="list-style-type: none"> <li>– Application of rigorous data cleaning methods</li> <li>– Consideration of all components of population change</li> <li>– Estimation of ‘regular’ and ‘excess’ population change</li> </ul>	<ul style="list-style-type: none"> <li>– Explicit, rigorous and demographic state of the art</li> </ul>	<ul style="list-style-type: none"> <li>– Systematic reporting of data sources and methods, including sources of error/uncertainty</li> </ul>	<ul style="list-style-type: none"> <li>– Self-evidently free from political sponsorship and bias</li> <li>– Clear evidence of a ‘double blind’ review by experts</li> </ul>
7–8	<ul style="list-style-type: none"> <li>– A range of sources used</li> <li>– Recognition of data problems/gaps, and some attempt to deal with these</li> <li>– May include survey/ census data</li> </ul>	<ul style="list-style-type: none"> <li>– Consideration of some individual components of population change</li> <li>– Some attempt to consider ‘regular’ and ‘excess’ population change</li> </ul>	<ul style="list-style-type: none"> <li>– Explicit and rigorous</li> </ul>	<ul style="list-style-type: none"> <li>– Good reporting of data sources and methods</li> <li>– May lack sources of error/uncertainty</li> </ul>	<ul style="list-style-type: none"> <li>– Self-evidently free from political sponsorship and bias</li> </ul>
5–6	<ul style="list-style-type: none"> <li>– A range of sources used</li> <li>– Recognition of data problems/gaps, but little attempt to deal with these</li> </ul>	<ul style="list-style-type: none"> <li>– Simple addition/ subtraction of population totals</li> </ul>	<ul style="list-style-type: none"> <li>– Not mentioned explicitly, yet deducible from the method/discussion</li> </ul>	<ul style="list-style-type: none"> <li>– Some attempt to describe methodology and data sources</li> </ul>	<ul style="list-style-type: none"> <li>– Possible bias but still transparent</li> </ul>
3–4	<ul style="list-style-type: none"> <li>– Substantial gaps in data</li> <li>– No attempt to correct/ supplement data</li> </ul>	<ul style="list-style-type: none"> <li>– No formal method (may merely reference other work or data sources)</li> </ul>	<ul style="list-style-type: none"> <li>– Unclear and/or lacking important information (such as assumptions on migration)</li> </ul>	<ul style="list-style-type: none"> <li>– Limited description of methodology and lack of clarity in referencing</li> </ul>	<ul style="list-style-type: none"> <li>– Evident bias and/or political agenda</li> </ul>
0–2	<ul style="list-style-type: none"> <li>– Clearly misleading/incorrect data</li> <li>– Other available sources ignored</li> </ul>	<ul style="list-style-type: none"> <li>– Incorrect methods and misleading results</li> </ul>	<ul style="list-style-type: none"> <li>– None identifiable</li> </ul>	<ul style="list-style-type: none"> <li>– No record of methodology and source references</li> </ul>	<ul style="list-style-type: none"> <li>– Clear political agenda and evidence that this has influenced methods</li> <li>– Deliberately misleading</li> </ul>

*Sources:* See footnotes

*Table 2.3* Quality assessment of selected estimates of the Armenian losses, 1915–1923 (compiled by J. Bijak and S. Lubman with data from Akçam (2013); Bryce and Toynbee (1916); Dadrian (1995); Dündar (2010); McCarthy (1983; 2001) and Sarafian (2011))

No.	Source	Data sources	Methods	Assumptions	Transparency	Objectivity	Overall assessment
1	Bryce and Toynbee (1916)	5.5	6	7	7	7	6.5
2	Talaat Pasha's reports (Sarafian, 2011)	6.5	5	5.5	6	6	5.8
3	McCarthy (1983; 2001)	5.5	6	6	7	6*	6.1
4	Dadrian (1995)	4	2.5	1.5	2	6	3.2
5	Dündar (2010)	7	6	4.5	6	7	6.1
6	Akçam (2013)	4	2.5	3	3.5	7	4.0

*Note:* Except 'objectivity', all other scores refer *only* to the demographic calculations.

\*Score 6 refers to McCarthy (1983); McCarthy (2001) exhibited evident political influence.

*Sources:* See notes at end of chapter.

methods, assumptions, transparency and objectivity. In particular, the estimation could move towards a more formal demographic assessment, taking into account changes in different components of population dynamics (Figure 2.1), and an explicit assessment of errors in all the components and assumptions.

To describe the uncertainty about different variables, such as populations or the numbers of events, contemporary demography relies on statistical methods to quantify the errors in data and estimates by using probability distributions. A pioneering study reconstructed the Iraqi Kurdish population dynamics during the *Anfal* in the late 1980s.<sup>48</sup> Their work utilised Bayesian statistical methods, within a general framework of demographic projections, and elicited expert assessment of error in different components of population change. By moving from point estimates to distributions of errors, the focus of enquiry shifts from attempting to determine the precise number of victims – which is impossible – to an assessment of how much is *knowable* about the events under study.<sup>49</sup>

The key research challenge is to make the estimates of Armenian population as robust as possible, through the use of additional data sources in a coherent framework, together with a careful assessment of their possible errors and biases. In particular, the role of migration needs to be made explicit, in order to distinguish between the victims of Ottoman persecutions that were killed or perished in exile, from those who were able to find refuge in other countries. A prerequisite would be a precise definition of the spatial and temporal scope of the analysis.

An example of an analytical framework, based on the principles from Figure 2.1, but taking into account data imperfections, is presented in

Figure 2.2. The white boxes indicate available *information*: the estimates of the Armenian population in the Ottoman Empire and elsewhere around 1914–15, and statistics about the survivors in Turkey and other countries, which could be obtained from the population censuses in the 1920s. This information would enter into the estimation process with an assessment of uncertainty elicited from a group of experts as wide and diverse as possible.

The light grey boxes in Figure 2.2 denote the *assumptions* on the natural change in the Armenian populations, both in the Ottoman Empire, and in other countries, the latter to take into account the dynamics of the Armenian populations outside Turkey (for example in the Russian Empire/ Soviet Union). For those assumptions, the error distributions are also needed. Given all this information, and assuming no Armenian migration *into* Turkey from other countries, except for refugee returns, in the period 1915–23, it would be possible to obtain two estimates:

1. The number of refugees and Armenians remaining outside Turkey due to border changes; as a difference between the post-war and pre-war Armenian populations in the other relevant countries, *net of natural population change* in those countries;

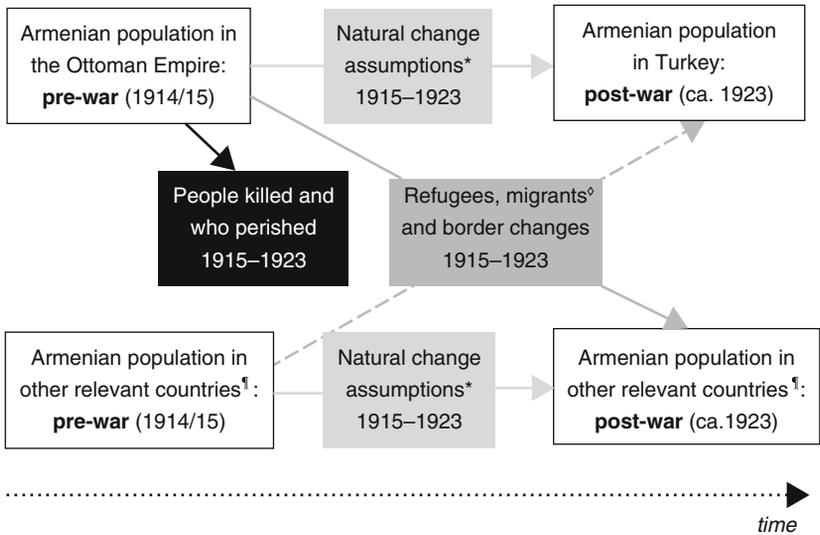


Figure 2.2 Proposed framework for estimating the number of Armenian victims 1915–1923 (compiled by J. Bijak and S. Lubman)

Notes: \*Assumptions on birth and death rates of the Armenian population in 1915–23;

◇ Non-refugee migration may be negligible, especially into Turkey (dotted line);

¶ Countries that received substantial numbers of Armenian refugees in 1915–23.

All variables are analysed with their error distributions, rather than as single estimates.

2. The number of people killed and those who perished; as a difference between the post-war and pre-war Armenian populations within the boundaries of the present Turkey, *net of natural population change and the number of refugees* from (1).

This framework contains a few simplifications in comparison with the general accounting approach presented in Figure 2.1. However, given the lack of data about many elements of the demographic system, these simplifications are inevitable. Still, transparency of the method and underlying assumptions will be a prerequisite for a successful application of this approach in practice.

The key methodological advantages of adopting this approach would be twofold. First, the estimation would be embedded in a formal framework of demographic accounting. Given that there are no data available by age and sex for most (if not all) variables shown in Figure 2.2, the calculations would need to be carried out at the level of the overall components of population change. Second, the approach would explicitly recognise the errors in the estimates through probability distributions. Here, data quality ratings, such as those discussed above, could help the experts involved in the estimation to at least approximate the distributions of errors. Should any interim data points be used – such as Talaat Pasha's 1917 estimates – they could be easily incorporated into the framework, and would also serve as important consistency checks.

## Conclusion

Some level of uncertainty in the estimates of the number of victims is unavoidable, and any single point estimate is bound to be wrong. Precise knowledge of the number of Armenian victims is not possible, and striving for 'more accurate' estimates might be misplaced. This fact needs to be acknowledged by different sides of the discourse, and an explicit treatment of the uncertainty of the estimates could help in that respect.

Still, even in the existing data, there is evidence of mass-scale killings and displacements of the Armenian population in 1915–23. The existing estimates roughly agree as to the order of magnitude of the number of victims, from at least 600,000, or – more likely – 800,000 to over a million during the entire period. These estimates could be made more robust by including additional information, for example from population censuses in other countries with high Armenian populations after the war.

In terms of practical recommendations, an implementation of the analytical framework presented in the previous section would require carrying out an independently-led and funded interdisciplinary research project, involving both demographers and historians, with their respective knowledge of methods and archives. While new eyewitness testimonies are unlikely, the

digitisation of historical population censuses and archive material may help increase accessibility of different sources of information. Still, a careful and rigorous assessment of quality and transparency of the data, estimates and assumptions, is crucial. The topic has not been explored by demographers, and thus the impact of the Armenian Catastrophe on demography has been far smaller than it could have been.

In conclusion, the discourse on the estimates of Armenian victims needs to move beyond the ‘numbers war’. As argued elsewhere in this book, the questions of victimisation or responsibility do not necessarily hinge on the numbers. In particular, an assessment of the numbers is a *necessary* condition to classify the events as genocide, but is not *sufficient* – there is no fixed threshold above which mass-scale killings become genocidal.<sup>50</sup>

However, given that mass losses amongst the civilian population are unlikely to occur spontaneously, without a systematic involvement from the state apparatus, demography provides a very important piece of evidence on which genocidal intent can be judged. In that respect, demography as a discipline has a duty to provide this evidence to the best of its capabilities, as it has already done on several occasions in the past.<sup>51</sup> This is fully in the spirit of Fritz Scheuren’s *pro bono* mission of population statistics.<sup>52</sup>

## Notes

1. Department of Social Statistics and Demography, University of Southampton, Southampton, SO17 1BJ, UK. Contact: j.bijak@soton.ac.uk. We are grateful to Ewa Tabeau for comments on an earlier draft. The views presented in this chapter are exclusively ours and do not necessarily reflect the views of any institutions with which we are, or were affiliated.
2. For example, R. G. Hovannisian (ed.) (1998) *Remembrance and Denial: The Case of the Armenian Genocide* (Detroit, MI: Wayne State University Press), p. 15.
3. For a general discussion of the role of statistics in the study of the Armenian Genocide, see F. Dündar (2010) *Crime of Numbers: The Role of Statistics in the Armenian Question (1878–1918)* (New Brunswick, NJ: Transaction Publishers).
4. International Union for the Scientific Study of the Populations (1982), *Multilingual Demographic Dictionary* (2nd edn.) (Liège: Ordina).
5. H. Brunborg, E. Tabeau and H. Urdal (eds) (2006) *The Demography of Armed Conflict*, International Studies of Population, Vol. 5 (Berlin–Heidelberg: Springer).
6. J. M. Winter (1976) ‘Some Aspects of the Demographics Consequences of the First World War in Britain’, *Population Studies*, Vol. 30(3): 539–52.
7. See Brunborg, Tabeau and Urdal (2006); J. Asher, D. Banks and F. J. Scheuren (eds) (2008) *Statistical Methods for Human Rights* (New York: Springer); and T. Seybolt, J. Aronson and B. Fischhoff (eds) (2013) *Counting Civilian Casualties: An Introduction to Recording and Estimating Nonmilitary Deaths in Conflict* (Oxford: Oxford University Press). There are about 30 testimonies of demographic experts before the ICTY.
8. The statistics for the Ottoman Greeks include: their pre-war population, 1.75–1.81 million people; the post-war population of 110,000 Greeks in Turkey in 1928 (S. Mutlu (2003) ‘Late Ottoman Population and Its Ethnic Distribution’, *Turkish Journal of Population Studies*, Vol. 25: 3–38, esp.18–20); and 1.2–1.4 million

- refugees (D. Pentzopoulos (ed.) (2008) *The Balkan Exchange of Minorities and its Impact on Greece* (London: Hurst & Company), pp. 98–9). The difference of 240,000–500,000 people can be largely attributed to mortality. As for the Assyrian casualties, only very rough estimates are available, up to a quarter of a million people; see Gaunt (2006), p. 300. We are grateful to Hannibal Travis for these references.
9. J. McCarthy (1995) *Death and Exile: The Ethnic Cleansing of Ottoman Muslims, 1821–1922* (Princeton, NJ: Darwin Press); J. McCarthy, E. Arslan, C. Taşkıran and Ö. Turan (1996) *The Armenian Rebellion at Van* (Salt Lake City: University of Utah Press).
  10. See Chapter 1, Ungör and Chapter 5, Karamanian.
  11. A. Jones (2010) *Genocide: A Comprehensive Introduction* (London: Routledge), pp. 16–20.
  12. The definitions that do not require intent are exceptions (for example, I. Charny (1994) ‘Toward a Generic Definition of Genocide’, in G. J. Andreopoulos (ed.) *Genocide: Conceptual and Historical Dimensions* (Philadelphia: University of Pennsylvania Press), pp. 64–94).
  13. See Chapter 4, Robertson.
  14. E. Tabeau and J. Zwierzchowski (2013) ‘A Review of Estimation Methods for Victims of the 1992–1995 War in Bosnia-Herzegovina and 1975–1979 Khmer Rouge Regime in Cambodia’, in Seybolt, Aronson and Fischhoff (2013), pp. 213–43.
  15. Tabeau and Zwierzchowski (2013).
  16. For an overview, see Seybolt, Aronson and Fischhoff (2013).
  17. There are scarce examples of survivor lists, for example of those allowed to remain during the deportations of 1915–16 by the authorities (F. Dündar (2010), Appendix 18).
  18. Tabeau and Zwierzchowski (2013), p. 234.
  19. Z. Obermeyer, C. J. L. Murray and E. Gakidou (2008) ‘Fifty Years of Violent War Deaths from Vietnam to Bosnia: Analysis of Data from the World Health Survey Programme’, *British Medical Journal*, Vol. 336(7659): 1482–6.
  20. Examples related to the Armenian massacres include contemporary accounts by J. Bryce and A. Toynbee [1916] (2005) *The Treatment of Armenians in the Ottoman Empire, 1915–16: Documents Presented to Viscount Grey of Fallodon by Viscount Bryce* (2nd edn.), Uncensored Edition, edited by Ara Sarafian (London: Gomidas Institute). The authors fully acknowledge the uncertainty and limitations of the resulting estimates (see comments on pp. 647 and 660). A more recent example, based on a simple summation of counts, and not offering a critical analysis of the sources, is R. J. Rummel (1997) *Statistics of Democide: Genocide and Mass Murder since 1900* (Charlottesville, VA: Center for National Security Law), Tables 5.1 A–B.
  21. See Obermeyer, Murray and Gakidou (2008); however, their own survey-based estimates usually exhibit very wide confidence intervals, and in some known instances (such as Bosnia and Herzegovina), are inconsistent with the current consensus estimates (Tabeau and Zwierzchowski (2013), p. 216).
  22. Notably, these methods do not allow for distinguishing between different types of ‘excess’ mortality, for example people directly killed in conflict and those who died due to ‘indirect’ impacts, such as severe living conditions.
  23. Cohort-component projections are calculations of past or future population size and structure, based on assumptions on birth and death rates, and migration rates or volumes, by sex and age. These assumptions are applied to the initial population, to calculate the number of survivors, newborn children, and migrants in the intervening periods. For examples, see P. Heuveline (1998) ‘“Between One and Three Million”: Towards the Demographic Reconstruction of a Decade

- of Cambodian History (1970–79)', *Population Studies*, Vol. 52(1): 49–65; or T. Spoorenberg and D. Schwekendiek (2012) 'Demographic Changes in North Korea: 1993–2008', *Population and Development Review*, Vol. 38(1): 133–58.
24. E. Tabeau (2009) 'Victims of the Khmer Rouge Regime in Cambodia, April 1975 to January 1979: A Critical Assessment of Existing Estimates and Recommendations for Court', Expert Report for the Extraordinary Chambers of the Courts of Cambodia, Phnom Penh; and Tabeau and Zwierzchowski (2013).
  25. US Government Accountability Office (2006) 'Darfur Crisis: Death Estimates Demonstrate Severity of Crisis, but their Accuracy and Credibility could be Enhanced', Report to Congressional Requesters, GAO-07-24. Washington DC.
  26. Tabeau (2009).
  27. M. W. Gray and S. Marek (2008) 'The Statistics of Genocide', in Asher, Banks and Scheuren (2008), pp. 37–50.
  28. Bryce and Toynbee (1916). Note that the report was accepted for publication in June 1916 so can only refer to events occurring and information available before this date.
  29. Bryce and Toynbee (1916), p. 645.
  30. Bryce and Toynbee (1916). For further details, see K. Karpat (1984) *Ottoman Population, 1830–1914: Demographic and Social Characteristics*, Turkish and Ottoman studies (Madison: University of Wisconsin Press).
  31. An attempt to correct for some of this undercount by using model life tables has been undertaken in S. Mutlu (2003), p. 18, leading to a correction (increase) by 17.5–22.5 percent for the total 1914 population of the Ottoman Empire, and by 30.1–31.6 per cent for the Armenians.
  32. Bryce and Toynbee (1916), p. 647.
  33. A. Sarafian (2011) *Talaat Pasha's Report on the Armenian Genocide, 1917*, Gomidas Institute Studies Series (London: Taderon Press/Gomidas Institute), p. 9.
  34. The predilection for collecting statistical information about the victims by the perpetrators was a striking feature of 20th century war crimes, especially those involving genocide (Sarafian (2011), p. 10). Key examples include the Holocaust, the Rwandan genocide, and several other instances of organised state terror, such as in Stalinist USSR; see W. Seltzer (1998) 'Population Statistics, the Holocaust, and the Nuremberg Trials', *Population and Development Review*, Vol. 24(3): 511–52, and W. Seltzer and M. Anderson (2001) 'The Dark Side of Numbers: The Role of Population Data Systems in Human Rights Abuses', *Social Research*, Vol. 68(2): 481–513. Tellingly, sometimes the sources used by the perpetrators to target their victims have been later used as evidence against these perpetrators in war crimes trials.
  35. See <http://www.gomidas.org/press/show/19>.
  36. J. McCarthy (1983) *Muslims and Minorities: The Population of Ottoman Anatolia and the End of the Empire* (New York and London: New York University Press).
  37. McCarthy (1983), p. 126.
  38. R. Kévorkian and P. B. Paboudjian (1992) *Les Arméniens dans l'Empire Ottoman à la vielle du génocide* (Paris: Editions d'art et d'histoire), cited by J. McCarthy (2001) 'The Population of the Ottoman Armenians', in T. Ataöv (ed.) *The Armenians in the Late Ottoman Period* (Ankara: The Grand National Assembly of Turkey), pp. 65–85.
  39. For a detailed discussion of McCarthy's pre-conflict population estimates and suggestion that the real figure was at least two million, see L. Marshlian (1991) *Politics and Demography: Armenians, Turks and Kurds in the Ottoman Empire*, Zoryan Institute Special Report (Cambridge, MA: Zoryan Institute).

40. V. N. Dadrian (1995) *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus* (New York: Berghahn Books), p. 225.
41. Dündar (2010).
42. *Ibid.*, p. 149. The correction for undercount is roughly consistent with the 1.60–1.67 million Armenians in 1914 arrived at by Mutlu (2003), p. 18.
43. See Dündar (2010), p. 151, for a description of the method.
44. T. Akçam (2012), *The Young Turks' Crime Against Humanity: The Armenian Genocide and Ethnic Cleansing in the Ottoman Empire* (Princeton, NJ and Oxford: Princeton University Press).
45. The 'Armenian sources' of this estimate are not specified, and the reader is referred to R. Kévorkian (ed.) (1998) 'L'extermination des déportés arméniens ottomans dans les camps de concentration de Syrie-Mésopotamie (1915–1916)', *Revue d'histoire arménienne contemporaine*, Vol. 2 (cited after: Akçam (2012)).
46. US Government Accountability Office (2006); Tabeau (2009).
47. Dündar (2010), p. 150.
48. B. O. Daponte, J. B. Kadane and L. J. Wolfson (1997) 'Bayesian Demography: Projecting the Iraqi Kurdish Population, 1977–1990', *Journal of the American Statistical Association*, Vol. 92(440): 256–67.
49. An excellent example of a very similar approach, recently applied to estimating the extent of the 1970s Khmer Rouge atrocities in Cambodia, has been nearly simultaneously published by P. Heuveline (2015), 'The Boundaries of Genocide: Quantifying the Uncertainty of the Death Toll during the Pol Pot Regime in Cambodia (1975–79)', *Population Studies: A Journal of Demography*, Online first, DOI: 10.1080/00324728.2015.1045546. The key difference is that Heuveline's work is based on a much wider range of data, especially about the age structures, which are not available in the Armenian context.
50. M. W. Gray and S. Marek (2008).
51. For example, at the ICTY and the Extraordinary Chambers of the Courts of Cambodia (Tabeau (2009)). Large-scale records of Nazi atrocities have been examined before, although without a formal demographic analysis, in the Nuremberg trials. See National Archives Collection of World War II War Crimes Records, [www.archives.gov/research/captured-german-records/war-crimes-trials.html](http://www.archives.gov/research/captured-german-records/war-crimes-trials.html).
52. F. Scheuren (2007) 'The "Pro Bono" Statistician', *Journal of the American Statistical Association*, Vol. 102(477): 1–6.

# 3

## Orphans of the Armenian Genocide with Special Reference to the Georgetown Boys and Girls in Canada

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The Armenian Genocide that began 100 years ago in April 1915 still ferociously haunts Armenians. Although hostilities between Armenians and Turks may have officially ended in 1923, its impact continues to affect deeply generations of Armenians throughout the world. Because the inheritor governments of the perpetrator state still deny the Genocide, anger and pain continue to fester.

This chapter will focus on one aspect of the Genocide: orphans. I will look at the way the Young Turk government carried out its genocidal plan towards Armenian children with the intention of cleansing the Armenian nation of a whole generation of its youth. As I have a personal interest in this subject, since my father, my mother, and my maternal uncle were orphaned in 1915 and were brought to Canada to the Georgetown Farm Home along with 107 other orphans between 1923 and 1927, I will focus specifically on the fate of this particular group of Armenian children who were given the chance to begin new lives as young Canadians. The fact remains, however, that since 1915 Armenians have borne the burden of having to prove to a reluctant world that they are Abel, the murdered brother.

Turkish leaders knew very well the price paid by Armenians for their republic founded in 1918. Hasan Fehmi Bey, in a speech delivered at the secret session of the first parliament of the young Turkish Republic on 17 October 1920, said the following:

You know that the problem of [Armenian] deportations threw the world in an uproar and all of us were labeled murderers. We knew before this was done that world opinion would not be favorable and this would bring loathing and hatred upon us. Why have we resigned ourselves to being called murderers? Those are things that have only happened in order to secure something that is more holy and valuable than our own lives – the future of the fatherland.<sup>2</sup>

What Hasan Fehmi Bey was saying, in effect, is that the modern Turkish republic was born in large part from the genocide of its Armenian population. Genocide became acceptable state policy as it served the government's purposes and ends.

The perverted logic of the *génocidaire* demands the destruction of all members of the targeted group. It is no wonder, then, that all perpetrators of genocides in the 20th century have paid special attention to the annihilation of the children of these groups. This was as true during the Armenian Genocide, the first large-scale mass-murder of the modern era, which left up to 200,000 orphans,<sup>3</sup> as it was throughout the *Shoah*, during which over one million Jewish children were killed, 'targeted victims in the Nazis' calculated program of genocide'.<sup>4</sup> In the Rwandan Genocide in 1994 in which 800,000 were slaughtered, an estimated 300,000 were children.<sup>5</sup> The massacres in Darfur have claimed about 200,000 thousand victims since 2004. 'Some 4.7 million people are currently directly affected by the conflict ... Half of those ... are children, [and] of these, nearly 700,000 (the under-five population) have grown up knowing nothing but the conflict'.<sup>6</sup> The abuse of children and orphans became the focus of a case of the International Criminal Court, which, on 14 March 2012, decided unanimously that Thomas Lubanga Dyilo was guilty 'of the war crimes of conscripting and enlisting children under the age of 15 and using them to participate actively in hostilities' for the Patriotic Force for the Liberation of Congo in 2002 and 2003.<sup>7</sup>

In the mind-numbing statistics and eyewitness accounts, the child often gets lost in the undifferentiated descriptions. Yet the intent to destroy Armenian children is clear, as can be seen in one of a series of cipher telegrams from Talaat Pasha:

To the Government of Aleppo. Jan. 15, 1916 – We hear that certain orphanages which have been opened receive also the children of the Armenians. Whether this is done through ignorance of our real purpose, or through contempt of it, the Government will regard the feeding of such children or any attempt to prolong their lives as an act entirely opposed to its purpose, since it considers the survival of these children as detrimental. I recommend that such children shall not be received into the orphanages, and no attempts are to be made to establish special orphanages for them.

Minister of the Interior, Talaat.<sup>8</sup>

The orders targeted Armenian orphans to ensure that none survived. Many who did manage to do so were often taken into Turkish or Kurdish homes with the result that their Armenian identity would be lost. C. A. Macartney wrote in his study for the League of Nations in 1930 the following:

A tragic side-issue of the Armenian deportations of 1915 and 1916, and the Greek deportations during the same and later periods, was the imprisonment

of Christian women and children in Turkish and Kurd harems, a fate which overtook probably a full 200,000 women and children. The motive in placing the younger children, at least, in Moslem houses was often not unworthy, the aim being to save orphans from starvation; and these children, although afterwards sold in marriage (if girls) or used as slaves (if boys) were often treated well, and many of them resisted subsequent attempts to rescue them. The fate of the older captives was different. Boys of over 12 were as a rule killed, with the men; young women and girls were kept for the harems; 'with few exceptions', it was reported, 'they were violated as soon as captured'. All captives were converted, by terror or kindness, to Islam.<sup>9</sup>

In his study of cipher telegrams of the Interior Ministry in the Prime Ministerial archive, Taner Akçam writes that it is clear that Armenian children were 'taken from their families, sent to Muslim villages where there were no Armenians, married off to Muslims, or settled in orphanages with explicit instructions that they were to be raised in a manner consistent with Muslim norms and customs'.<sup>10</sup> Armenian identity was to be eliminated either by death or by assimilation.<sup>11</sup>

During the genocide, children and young people arriving in Aleppo, for example, told of deportations, separations, mass killings, and repeated rapes, followed by years of unpaid servitude as agricultural workers or domestic servants, servile concubines, forced marriages, and involuntary mothers. Ottoman officers often took girls, boys and women for their households or 'passed them on to state officials, who sent or sold them to elite and middle-class homes ... in the empire'.<sup>12</sup>

When the First World War ended in 1918, over 500,000 Armenians became refugees; that is, at least one quarter of the approximately two million Armenians in Western or Turkish Armenia. Those across the border in Eastern Armenia also suffered terribly. In addition, it has been estimated that up to 200,000 women and children were taken into Turkish, Kurdish, and Arabic homes as domestic labour, most of whom went through forced conversion to Islam. This is not to deny the altruistic nature of some of the families who took Armenian survivors into their homes.

After the fall of Smyrna and the Turkish reoccupation of Constantinople, the Allies signed an armistice with Mustafa Kemal Atatürk, father of the nascent Republic of Turkey, at Mudanya on 11 October 1922. In the Treaty of Lausanne signed on 24 July 1923, 'the idea of giving the Armenians a national home in Turkey was finally abandoned'.<sup>13</sup> The Turkish government adamantly opposed the idea of a return of Armenians *en masse*. There would be no Armenian homeland in former Western Armenia. In fact, Armenians leaving Turkey after Smyrna were given passports only to leave the country. At the same time, the Turkish government passed legislation stating that the property of those Armenians in Turkey who were either killed or exiled was abandoned and would be given to Turkish refugees.

The situation for Armenians was clearly calamitous. The task facing the international community was overwhelming as they had to deal not only with Armenian refugees, but also with evacuees from all the countries involved in the war. Although the figures can only be approximate, an Armenian delegation at Lausanne wrote that there remained 148,998 Armenians in Constantinople and 131,175 in the *vilayets* or provinces. These totals did not take into consideration the number of Armenians in concentration camps or the 73,350 women and children in harems. When included, the number of Armenians driven off their native land was placed at 700,000.<sup>14</sup>

In addition to the work of the League of Nations, there were aid organisations that worked in conjunction with the League as private and voluntary non-governmental groups, such as the Red Cross, the Armenian Refugees Fund, the Armenian Lord Mayor's Fund of London and Near East Relief (NER). The work of NER was monumental in scope, and through its humanitarian efforts hundreds of thousands of lives, not only Armenian, were saved.

Through the work of Henry Morgenthau and James L. Barton, Near East Relief was incorporated by the American Congress.<sup>15</sup> The dire situation Armenians found themselves in can be seen in reports such as one written by James H. Nicol on the condition of Armenians in 1918 in Sidon in which Mr Jessup, who had been placed in charge of the district, reported that many of the 5,000 destitute children there would die during the winter if not cared for.<sup>16</sup>

Not only did NER conduct relief work in Turkey and the districts of the former Ottoman Empire, but they also attended to the great needs in the Armenian republic. In early May 1919, Howard Heinz, an American government representative, visited the area and sent a report from Paris. It described the starvation and misery experienced by about 500,000 refugees in the region, but it also mentioned the work of the Near East Committee in Yerevan, Alexandropol and Kars, maintaining orphanages and saving 'the lives of thousands of children'.<sup>17</sup> (See Figure 3.1).

Eyewitness accounts of the situation in Yerevan in 1921 indicated to North American readers the desperation of the situation that NER faced. Frank R. Connes, writing in the *Indianapolis Star* (30 October 1921), offered an eyewitness report on the fate of orphans in Yerevan who were emaciated and victims of disease (see Figure 3.2).

The Kemalist movement had already mobilised and attacked Armenians in the Caucasus, the French in Cilicia, and also the Greeks in Smyrna. This led to the flight of 1.4 million refugees out of Asian Turkey into Greece and Bulgaria; among these were many Armenians. Orphans and refugees were transferred from places such as Marash, Aintab, Adana, Tarsus, Mersina, Mardin, and Urfa to Syria. Other orphans, such as my father, in institutions in Constantinople suddenly had to leave. This new refugee problem



*Above:* Twenty-six little children picked up on the streets of Samsoun.  
*Below:* Seventeen of them who were still in the orphanage a year later. One died and the other eight were returned to relatives located among the deportees.

Figure 3.1 Armenian orphans (J. L. Barton (1930) *Story of the Near East Relief (1915–1930): An Interpretation* (New York: Macmillan), p. 54)



**Above:** Children waiting in the snow for admission into the "Orphan City," a daily spectacle from early morning until late at night. **Below:** The refugee home, a few feet of earth or stone: its occupants waiting for death or deliverance as they slowly starved.

Figure 3.2 Armenian orphans (J. L. Barton (1930) *Story of the Near East Relief (1915–1930): An Interpretation* (New York: Macmillan), p. 124)

created in 1921–2 raised the orphanage population in Syria to nearly 12,000 as other orphanages in Kharpert, Malatya and Diyarbakır had to be quickly relocated.<sup>18</sup>

Greece now became one of the new areas of focus for NER as the administrative centre was moved from Constantinople to Athens. Orphanages were set up in Lutraki, Edipsos, St Paul, Corinth, Chalkis and Corfu, where my father and uncle were taken. The scope of these operations was monumental, yet NER managed. In addition, it must be recognised that the Government of Greece at the time accepted 90,000 Armenian refugees without hesitation, 17,000 of whom were orphans. This took place at a time when Greece was overcrowded with a great many Greek refugees from Turkey and did not have the resources to cope with its own problems. In all, approximately 132,000 orphans were rescued and brought to Greece before the orphanages there were closed.<sup>19</sup>

Typical of the problems encountered in the care of orphans were epidemics such as typhus, cholera, favus, trachoma, dysentery, malaria and intestinal diseases. Those who had survived were malnourished and weakened by illness. In 1923 NER ran 33 hospitals and 61 clinics caring for an average of 395,427 people per month. This work was accomplished by 8 American doctors, 21 American nurses, 52 local doctors and 121 local nurses. The local medical staff came from the ranks of the survivors themselves.<sup>20</sup> Typically, when children arrived at one of the hospitals, they were undressed by the nurses, their clothes were burned; then they were bathed, their heads shaved, and their sores were dressed.<sup>21</sup>

Records and documents written after the war such as those by Mark Hopkins Ward, born in Newton, Massachusetts in 1884, give us a glimpse into the daily workings of the Near East Relief medical unit in Kharpert as well as the lives of the orphans. After the war, Ward went to Turkey with NER where he was an administrative and medical officer for two years. He cared for over 5,000 orphans and knew their situation very well. The Turkish government forced him to leave in 1922 as a result of his outspoken protest against the continuing abuse and victimization of Armenians. He passed away in 1952.<sup>22</sup>

Several years ago, when I first began researching Armenian orphans, I heard about Mark Ward and contacted his family. His daughter Ann Curby in Cambridge, Massachusetts, sent me three typewritten documents, speeches her father had made in support of Near East Relief. These offer a first-hand look at daily life in the orphanage, including the terrible health conditions of the children found wandering from village to village, the lack of adequate clothing, the meagre amount of food available to them and how the children grew their own vegetables and sewed their own clothes.

Aside from the necessary work of taking care of the health and nutrition of the orphans, NER also tried to reunite families. When family members were located, the child would be placed with them. In addition to this,

teachers were recruited, and older boys and girls assisted in training and teaching the younger ones. Recreation was an important element of life in the orphanages. Every morning, the orphans did exercises, and time was set aside for play and sports (see Figure 3.3).

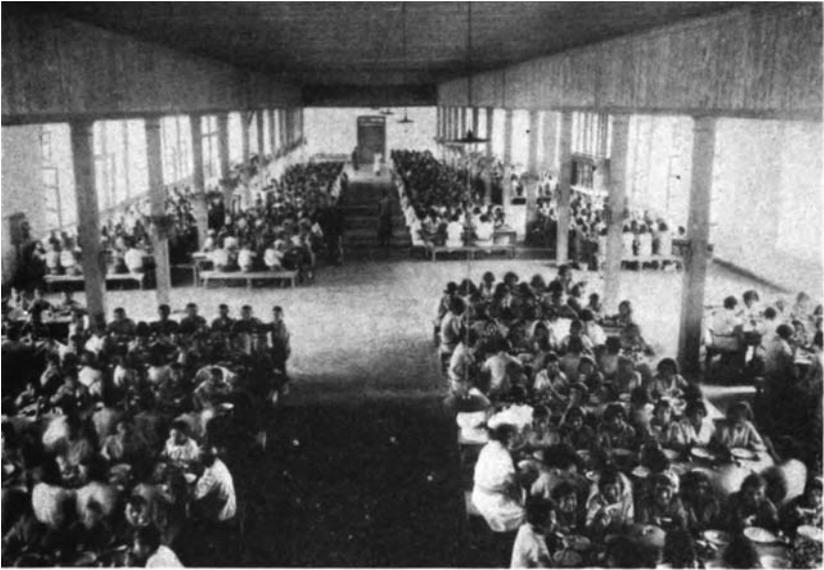
Schooling was complicated by the lack of textbooks. Education was made all the more difficult by the fact that the orphans had to learn new languages such as Greek or Arabic, depending on where the orphanage was located. The boys did manual labour and learned trades in order to prepare them for life outside of the orphanage. Girls were trained to become homemakers. Some would become teachers or nurses; however, the majority would work in the kitchen, the dining room, the laundry, the garden, serving room, or dormitory.<sup>23</sup>

Great care was given to the psychological welfare of the orphans. Most had lost their parents and perhaps had witnessed their deaths. Years of wandering alone, malnutrition, confusion, and the daily struggle for survival had destroyed many of their social instincts. Fear, suspicion and doubt filled their minds as they lived in constant uncertainty and insecurity. Relief workers not only had to physically nourish the orphans, but they also had to restore their belief in themselves and help them regain trust in others.

Besides targeting orphans for killing, the Ottoman leadership devised a plan to carry out the genocide of Armenians by other means: the Turkification of Armenian orphans, thereby robbing them of even the memory of their identities and heritage. The most infamous example of this took place beginning in 1915 at the Antoura orphanage in Lebanon, about a 30-minute drive from Beirut. Jemal Pasha had set up the orphanage and placed Halide Edib, a famous Turkish feminist known for her efforts to Turkify Armenian orphans, in charge.

On 8 December 8 2005, Missak Keleshian visited the village of Antoura and went to the school where he was given access to the archival material pertaining to that period. He discovered that at the end of 1915, the former French school was transformed into an orphanage for Armenian, Turkish and Kurdish children. The school housed 800 orphans and 30 soldiers who guarded the premises. Thus began the efforts to Turkify the Armenian orphans. The boys were circumcised and were given Arabic and Turkish names by keeping the first letters of their Armenian names – Haroutiun Najarian became Hamid Nazim, Boghos Merdanian became Bekim Mohammed, Sarkis Sarafian became Safwad Suleyman.

Poor sanitary conditions, lack of nourishment and diseases prevailed in the school, and as a result a large number of children died. Turks responsible for the orphanage blamed Nebih Bey, the principal. In 1916, when Jemal Pasha visited the institution accompanied by Halide Edib he appointed her to replace Nebih Bey. She was assisted by five Lebanese nuns from the Sacred Heart Order, who were responsible for the sanitation and nutrition of the orphans and other chores.



**Above:** An orphanage dining-room feeding 3,000 children in two shifts of 1,500 each. **Below:** A boys' dormitory, each boy standing beside his neatly made bed. Household duties were part of each child's training.

*Figure 3.3 Armenian orphans (J. L. Barton (1930) *Story of the Near East Relief (1915–1930): An Interpretation* (New York: Macmillan), p. 262)*

Four hundred new orphans aged 3 to 15 were brought to Antoura with Jemal Pasha. They were accompanied by 15 young women from elite Turkish families, who joined the team of 40 people working towards the Islamization and Turkification process. Teaching at the orphanage was in Turkish. Older orphans were trained in trades, shoemaking and carpentry, for example. The mullah assigned to the school called the children to prayer five times a day. Every night the band played 'Long live Jemal Pasha'.

In the summer of 1916 leprosy broke out in the orphanage at the same time as the Ottoman Armies started losing on the fronts in the Balkans and in Palestine. Halide Hanum abandoned the school, and the orphanage started falling into chaos. Fights broke out, the Armenian children blaming the parents of the Turkish and Kurdish students for having made them orphans. At this stage, of the 1,200 orphans kept at the Antoura orphanage one thousand were Armenians and the remaining two hundred were Turkish and Kurdish.

On 1 October 1918 the Turkish Army abandoned Lebanon. Religious authority returned to Antoura including a certain Father Sarlout who arranged for the Turkish and Kurdish orphans to be transported to Damascus to ease the tension within the orphanage. He then gathered the Armenian children and started working with them to remember their Armenian names and explained to them that the Turkification process they had been going through was no longer in force. Before long, the children started calling each other by their original names.

Armenian teachers replaced the staff at the school, and the orphans were offered lessons in Armenian and English. Later Near East Relief took over the school and kept it until the fall of 1919, when the males were sent to Aleppo and the females to the Armenian orphanage in the village of Ghazir, Lebanon. The process of Turkification was a clear attempt at ethnic cleansing, another element of the general plan of eliminating the Armenian nation in the Ottoman Empire.

There is another element to consider in the discussion of Armenian orphans; that is, those who were taken into Turkish and Kurdish households and raised as Turks and Kurds. Later in life they discovered they were Armenians, and their children searched to recover their lost heritage. They are known as hidden Armenians in Turkey. Some believe that two million Turks today have at least one grandparent who is Armenian.<sup>24</sup>

The case of Fethiye Çetin is the most famous example. Her book, *My Grandmother: An Armenian-Turkish Memoir*, was perhaps the first to draw international attention to hidden Armenians. Another book, *The Grandchildren*, edited by Ayse Gul Altinay, Fethiye Çetin, Gerard Libaridian and Maureen Freely is an anthology of testimonies of these forgotten Armenians, Islamized after the Genocide. Others have come forward with similar stories, such as the journalist Ahmed Abakay, the popular singer and actor Müslüm Gürses, and the rock singer Yasar Kurt.

There is a passage in Andranik Zaroukian's memoir which describes the emotional scars Armenian orphans lived with all their lives after the Genocide:

scattered in the four corners of the world is a lost multitude, tens of thousands of lost souls like me who were and always will be the most unfortunate of people because they had no childhood. We seem to have gone through something quite nameless instead, a savage mixture of misery and suffering the very memory of which, even years later, still hardens the heart and scorches the soul ... We were never children because we were Armenian and we were orphans.<sup>25</sup>

In the chaos that followed the end of the war, many thousands of Armenian children, a large proportion of whom would remain orphaned for life, wandered the roads of Anatolia in need of immediate assistance. A League of Nations document titled 'Settlement of Armenian Refugees', published in 1927, looked back at what the Armenians had suffered and at the failure of the international community to act. It acknowledged 'how it [the Armenian people] suffered starvation, massacre and all possible forms of horror, and how the Allied Powers had promised the Armenian people that if it would fight for them they would give them a land of their own, independence and liberty'.<sup>26</sup> At the same time, it recognised that none of the promises had been fulfilled. Canada, which was to become the home for a small number of the orphans, even refused to accept the Nansen passport, created by the League of Nations in 1922 to facilitate the relocation of the large number of refugees after the war, because it was a one-way document.

Canada held to the principle of returnability or deportability, which guaranteed the government the right to return an alien to his or her country of origin, or at least to the last residence, if he or she proved to be undesirable. This was against the idea of the Nansen passport, which was meant to protect the stateless, such as the Armenians. In the end, Armenians, classified as Asians, had to abide by the following restrictions governing the entry of undesirables into Canada; that is, they had to have a valid passport, have made one continuous journey to Canada, have an occupation, particularly as an agricultural worker or as a domestic, and have \$250 on them upon arrival.<sup>27</sup>

There were immigrant and refugee aid groups in the field helping to rehabilitate and resettle Armenian survivors. In Canada, their members continued to pressure the government to relax entry requirements for them. Certainly, the Canadian press had been printing headlines about the fate of Armenians since the beginning of the Genocide in 1915. Even as late as 1920 and up to 1923 they continued to appear, such as this one from an article by Sir Philip Gibbs in *The New York Times* and the *Montreal Gazette*, dated 12 June 1920:

ARMENIA CRIES DESPERATELY FOR RESCUE FROM TURK:  
Addresses Sad Appeal to the Christian Peoples of the West,  
MORE MASSACRES FEARED

In addition, the work of Canadian Protestant missionaries such as the Chambers family, who worked among Armenians in Turkey and wrote essays in the *Queen's Quarterly*, not only informed Canadians about the situation, but also aided in getting Canadian churches and business people to form aid groups.<sup>28</sup> In this way, Canadians were well aware of 'Martyred Armenia' and the 'starving Armenians'. In 1920, between \$200,000 and \$300,000 was sent to help survivors.<sup>29</sup> Much of the success in helping refugees is due to the work of the Armenian Relief Association of Canada, formed in 1917 and which lasted until 1927. In cooperation with other aid groups such as NER and the Lord Mayor's Fund of London, England (LMF), the Association raised funds for Armenians, helped bring orphans to Canada, and aided refugees to resettle in their new country of adoption.

In Canada, The Armenian Relief Fund, which had an impressive list of patrons, such as Sir Henry Pellatt, a well-known Canadian financier and soldier, and the Governor-General His Excellency Lord Julian Byng, sent out an open letter, dated 27 October 1922, written by the Secretary, A. J. Vining, D.D. to ask for aid. He wrote:

A cry comes from eternity. A million murdered Armenians are pleading with Civilization to care for the battered remnant of an ancient race ... A cry comes out of the East. Two hundred and fifty thousand little children are asking for a chance to live. They are the orphans of Armenia. Their fathers and mothers were murdered by the Turks; and now they feebly clutch at life, in weariness and hunger. Across the World they knock timidly at your door for mercy. Will you not answer their appeal?<sup>30</sup>

Having won his war for Turkish independence, Atatürk demanded a revision of the Treaty of Sèvres,<sup>31</sup> and Allied governments wanting to establish normal relations with the new Turkish Republic did not contest his claims. In the subsequent Treaty of Lausanne (1923) Turkey refused to grant any concessions to Armenians. The diplomatic reports and memoirs of the participants in the treaty discussions are quite disheartening as Europe once again abandoned Armenians. They had lost their Western Armenian homeland. The modern Armenian Diaspora had begun. Armenian orphans including those in Canada would remain in exile.

As the situation became more desperate, Dr Vining continued his efforts on behalf of the Armenian Relief Fund of Canada and Armenian orphans. He wrote to George Bogue Smart, Supervisor of Juvenile Immigration, 'we want to do a big thing for the Armenian children and for Canada ... [However] we are tied hand and foot till the Government sends us its answer'.<sup>32</sup> On 12 December 1922, the government finally and reluctantly decided to allow the Armenian Relief Fund to bring 100 Armenian orphans to Canada with a series of provisions. Thus, after being rescued and placed in a series of orphanages throughout the Middle East, this small number was offered the chance to go to Canada to make new lives for themselves in exile and in

diaspora. In Georgetown, Ontario, they would be taught farming skills and become Canadian citizens. This was called Canada's 'noble experiment'. The orphans were allowed entry into Canada based on the following provisions:

- that the Fund be responsible for all the children until each child reaches the age of 18;
- that only sound and healthy children be selected;
- that the provincial education act be followed;
- that each child be placed in adoption or service under a legal form of indenture;
- that the children be under the supervision and inspection of the offices of the Supervisor of Juvenile Immigration.

In the winter of 1923 the Fund purchased a property in Halton County north-west of Toronto, which was to become the Georgetown Farm Home for Armenian orphans. The first group of fifty – including my uncle – left the orphanage in Corfu, Greece, and sailed to Marseilles, France, from where they took a train to Cherbourg, stopping first for a medical inspection in Paris. They boarded the *S.S. Minnedosa* in Cherbourg; then, seven days later, they arrived at the port of Québec on 29 June 1923. From there, they took a train to their new home in Georgetown, arriving on July 1st.

The second group of boys – including my father – left Piraeus, Greece, on the *S.S. Brage*, and arrived at Halifax on 30 September 1924. After a long train ride, they arrived in Georgetown on October 2nd. These boys formed the original 90. Others came later, bringing the number to 109 boys. In 1927, 39 orphaned Armenian girls, including my mother, were brought to Georgetown and were later sent out to work as domestics in homes in Southern Ontario.

My interest in the story of these orphans has personal significance as it marks the intersection of public and private history. In the 1940s and 1950s when the boys and girls had grown up, our home in Toronto served as an unofficial community centre for the Georgetown children. I attended many of their gatherings and picnics and heard many of their stories. In large part they have been the motivation for my research as an academic and for my creative writing in poems, stories, novels and plays.

My father's story of how he ended up at the Georgetown orphanage is illustrative of how an orphan-survivor came to Canada. Although only five in 1915, my father remembered quite vividly the day the soldiers came to his village, Hootbelank in Geyve, and ordered all Armenians to gather their belongings and to assemble in the square. They were formed into a long column and then deported south. Almost all the members of his family were killed by the end of 1915. He wandered alone in various deportation columns for four years, going from family to family, whoever would take care of him, one boy among what Henry Morgenthau estimated to be

1.2 million Armenians driven from their homes and force-marched on the roads towards the Syrian desert. At the end of the war, my father was found by Near East Relief in Konia and placed in a series of orphanages near Istanbul – Changelkeuy, followed by the Lord Mayor's Fund of London's orphanage at Erenkeuy.

The Turkish War for Independence forced relief agencies to move the orphans once again, this time to an orphanage in Corfu where he was selected at random to come to the Georgetown Farm Home north-west of Toronto (see Figures 3.4 and 3.5). His life could have been quite different as he told me that one day some officials visited the orphanage in Corfu and all the boys had to line up. The officials went through the line, selecting those boys who appeared robust enough to withstand life in Canada. And that's how my father's life changed. My mother and my uncle were from Peri in the Kharpert region. As luck would have it, my uncle ended up in the same orphanage in Corfu as my father. My mother was moved from an orphanage in Greece to the Bird's Nest Orphanage in Saida, Syria. The Red Cross found her and united her with her brother in Georgetown in 1927 where she met my father and later married.

As one might imagine, after witnessing so many traumas, the orphans now had to cope with life in a strange new land – Canada. The following is a description of the boys' first meal at the farm home written by one of the orphans, Jack Apramian. No one present on staff duty at the time spoke Armenian:

It was the boys' first breakfast in Canada, and they did not know what was waiting for them. As the dining room was still in the throes of construction, bowls of oatmeal porridge were served outside on picnic style benches. Every boy stared at his bowl of porridge askance, wondering what to do with such an unprepossessing sight. Rev. Edwards called for attention, picked up a bowl and slowly demonstrated the technique of coping with the matter. He spread a spoonful of sugar over it, then poured some milk, and picking up a spoon, began to eat of the strange looking mess, slowly saying 'good ... good porridge'.

Nobody understood the words, but the action was universal. Some of the boys caught on immediately, and after the first hesitant try, began eating theirs hastily. Others tried it once, and had to stop, pass some comments and observe the scene awhile before trying a second spoonful. Then there were some who left their bowls of oatmeal untouched for several mornings in a row, but finding no other choice, finally had to resign themselves to giving it a good try. That was the way in which on July 2, 1923, fifty Armenian orphans between the ages of 8 and 12 were introduced to rural Ontario's favourite breakfast.

When their school was set up, the boys learned English and Armenian through their teacher Mr Alexanian, who had arrived in Canada years



Figure 3.4 The Georgetown orphans (J. Apramian (2009) *The Georgetown Boys*, L. Shirinian (ed.) (Toronto: The Zorayan Institute), p. 18)



Figure 3.5 The Georgetown orphans (from the Shirinian family archives, courtesy of Lorne Shirinian)

earlier and was dedicated to the education of the orphans. The boys worked hard, learning how to become Canadian farmers whether they wanted to or not. To this end, when the boys reached 16, they were placed in farms in Southern Ontario with the promise that the families would pay for their schooling in exchange for their help on the farm. With the growing urbanization in Canada at the time, cities like Toronto and Hamilton would soon attract many people. It was not always an easy adjustment to life in Canada. There was an incident in September 1923 in which the farm administration under Dr Vinning wanted to change the boys' names. In a letter, dated 30 August 1923, he wrote to G. Bogue Smart, and commented that the boys' names were unpronounceable and that this might constitute a handicap for them in the future.<sup>33</sup>

The boys were given numbers from 1 to 109 to ease the task of attracting their attention. These numbers remained with the boys in later years as part of their identity. My uncle Ardashes Mazmanian, number 31, was to have a new name, Ardas M. Weaver. My father's number was 73 and his new name was to be Paul Oliver. The boys strongly rejected this effort

to deprive them of the last and most basic element of their heritage, their Armenian names, and the attempt was dropped. In a meeting with Reverend Ira Pierce, the administrator of the farm home, one of the older boys named Onnig spoke:

Mr. Pierce, see that boy sitting in the corner? His name is Mesrob Hagopian. They gave him name Jackson. What he know of Mr. Jackson. When he young baby, Armenian priest put water on his head and named him Hagopian after his father and mother. Then he lost his father, his mother and also his country and all he left is Hagopian. Now you want to take that away too.<sup>34</sup>

In addition to the traumatic experience described above, other problems arose. There were cases in which the local farm families who were supposed to look after the boys and guarantee their education in Ontario schools did not respect the contract. Furthermore, some of the boys were mistreated. Cases of overwork and physical abuse have been cited. Shortly after the orphan girls arrived, they were sent out to farm families in Southern Ontario as mothers' helps. Sadly, cases of abuse were reported. If the orphans forgot the terms under which they had been brought to Canada, an Armenian Relief Association pamphlet from 1927 made them clear:

The Armenian Relief Association is an independent organization seeking to ameliorate the conditions of the remnant of the decimated Armenian race.

The chief work undertaken is the training farm at Georgetown, Ontario, where orphan boys of this race are being welded into our agricultural life and Canadian citizenship.<sup>35</sup>

My father did not wish to be a farmer. He was not suited for it. His desire was to move to Toronto to study. The situation got so bad that he left the family he was living with on several occasions and complained bitterly that he was not being given the opportunity to study to better himself.

Another sore point with the boys, already in distress after the Genocide, was the fact that they were being assimilated into Canadian society with the attendant loss of their Armenian heritage. In a letter from Dr Vinning to G. Bogue Smart, dated 31 May 1923, one can sense the goodwill of the farm administrators towards the boys was going to create problems:

I may say that the day the children arrive at Georgetown, they will be taught to salute the British flag, and that will be a daily privilege and duty. The first music they will learn will be the National Anthem, the Maple Leaf Forever, and Oh, Canada, and one or all of these songs we propose to have them sing every day.<sup>36</sup>

There were outlets to counter these affects that allowed the boys to remember family and country as well as their feelings towards their new country. Almost three years after the first orphans arrived at the farm home in Georgetown, the assistant superintendent and the boys' teacher, Mr A. L. Alexanian, founded *Ararat Monthly* in January 1926, a publication written and produced by the boys, aged between 11 and 14 years. As shown in Figure 3.6, the front cover had the twin peaks of Mount Ararat and Mount Aragatz, a bright sun, and a river running through the Ararat plain. The orphans were in Canada, but their thoughts and concerns were with Armenia.

The boys wrote articles about their lives at the farm home; they translated jokes and stories from Armenian into English for their readers and offered comments and opinions as well. In this way, they were able to improve their English and at the same time maintain their Armenian language skills. There was a serious concern that the Armenian heritage of the orphans and all Armenians in Canada was in danger of being lost. Mr Alexanian made a determined effort to counter this.

In the editorial in the first issue, the boys set out what they hoped to accomplish with *Ararat*:

Through the medium of this paper we will teach one another how to live in this good and beautiful Canada. We will tell one another to respect and love the people of this country who have such kind hearts to care for us, to obey the laws of this country and learn its ways. In doing this we will not forget our own country, Armenia, where our fathers lived, prospered and died for their Homeland, Religion, Civilization and Truth. Our paper will also guide us to be worthy sons of our martyred fathers and mothers.<sup>37</sup>

The conflict inherent in all of those who immigrate to new lands for whatever reason was apparent, as the boys wanted to become good citizens of Canada, yet claimed their own country was Armenia. They were still strongly marked by what they witnessed during the Genocide and were clear in their feelings for their families, whom many might even have had difficulty remembering as they were so young at the time they were orphaned.

In the first issue, Hachig Karadjian (boy #52) wrote an article describing his life at his new home in Eramosa Township shortly after he left the Georgetown farm home:

I am an Armenian boy.

Four months ago I went out from the Armenian Boys' Farm Home to a new place at Mr. Earl Hindly's place in Eramosa Township.

It is a great happiness to me that I am learning how to farm.

Mr. Hindly is a good gentleman and Mrs. Hindly is a very nice lady.

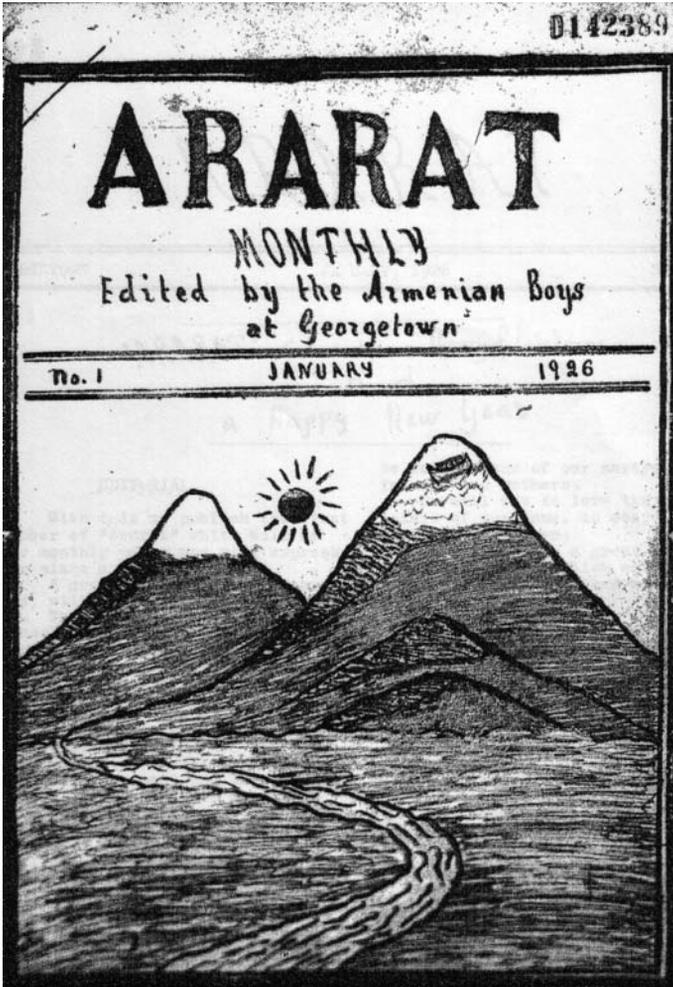


Figure 3.6 The cover of the first issue of *Ararat* (National Archives of Canada, Ottawa; D142389)

They have a little boy, Bruce, about three years of age. I love him as I would love my little brother.

They are very good to me.

I am going to tell you about my new farm:

I get up every morning at half past five, do the chores, milk the cows, feed the cattle and clean the stable. Then I get my breakfast.

I must get ready for school.

I start out from the farm at half past eight, walk half an hour to be at the school at nine o'clock. I have my lunch with me.

We are two Armenian boys in our school, and all the others are Canadian boys and girls. I like them, they are great playmates and I think they like me too.

At four o'clock school is over. I must be at home soon to feed the chickens. I take great care of them, so they lay good. I have to do the same chores as I did in the morning. I like my work well.

At eight o'clock I must be ready to study my lessons. I will try to progress as well as any Canadian boy can.

I have come from Corfu to Canada fifteen months ago.<sup>38</sup>

Apart from being struck by the length of the day for the young boy and the continued and strenuous nature of the work, one senses that young Hachig was a very determined person. He wanted to integrate and was thankful for the opportunity of a new life in Canada. His statement that he arrived from Corfu a mere fifteen months earlier is poignant given that this most recent journey was the last in a series of traumatising diasporisations.

First, he was forced away and deported from his home during the Genocide; then, when found after the war, he was sent to at least one orphanage in Turkey, likely several; then, he was sent to Corfu with the other orphans to avoid the dangers for Armenians during the Turkish War of Independence, and finally yet another diasporisation, this time to Canada. Despite the fact that children have a remarkable ability to cope and adapt, it is difficult for us to imagine the depth of trauma, dislocation and alienation each of these orphans must have felt, particularly in a country like Canada, half way around the world from their lost homeland.

In his book on the Georgetown Boys, Jack Apramian included brief biographical sketches on each of the original core group of 109 boys. From these one can get an idea of how many of the young orphans turned out. Eleven of the boys joined either the Canadian Army, the Royal Canadian Air Force, or the Canadian Coast Guard during the Second World War. Kourken Gargarian joined the US 13th Airborne unit where he served for 42 years. Eight boys went to and completed high school and two completed university. Some became small business owners, factory or mill workers, worked in the rug business, or in restaurants. Ironically, only two of the boys became what the Canadian government brought them to Canada to be, farmers. One boy, Aharon Cherkian, was found by his mother, who was living in France. He moved to Alfortville to be with her. Some of the boys decided to move to America. There were a number who decided to change their names to accommodate their new lives in Canada; for example, Misag Tomajian lived in Hamilton and changed his name to Ernest Jackson.

After reading Hatchig Karadian's heartfelt description of the daily routine on the farm, a look at his biography will offer an insight into the later life of one of the Georgetown boys:

Hatchig Karadjian. Born Aslanbeg 1913. Lost both parents during their [deportation] to Cilicia. After Armistice, boy admitted to Miss Newsham's Orphanage, Ismit, later transferred to LMF (Lord Mayor's Fund) Corfu, then to Georgetown 1924. Farm placements (1) – Earl Hindley, R. R. 1, Rockwood. (2) – G. O. Miller, R. R. 4, Jarvis, work contract \$160 per year 1927. (3) – R. A. Whiteside, R. R. 2, Port Dover. Later moved to Toronto, worked in restaurants, carpet servicing. Later operated his own auto interior servicing business, married Hermine Garabedian, has one daughter. Now semi-retired, lives in Toronto. Served in the Canadian Army.<sup>39</sup>

Many of the orphans prospered to varying degrees and did relatively well in Canada. There were successes and there were some failures. It has to be recognised that many of the boys had great difficulty because of a lack of English language skills; still others had problems because of a lack of education. Nevertheless, most never let their fate ruin their chances for a new life in Canada.<sup>40</sup>

## Notes

1. Writer, filmmaker, and Professor Emeritus of Comparative Literature at the Royal Military College of Canada in Kingston.
2. Quoted in T. Akçam (1997) 'The Genocide of the Armenians and the Silence of the Turks', in *Problems of Genocide, Proceedings of the International Conference on 'Problems of Genocide'*, April 21–3, Yerevan, Armenia (Toronto: The Zoryan Institute), p. 366.
3. See C. A. Macartney (1930) *Refugees: The Work of the League* (London: The League of Nations Union). In Chapter VI, Macartney estimates over 176,000 Armenian orphans had been gathered; however, he states, 'there were many who could not be reached' (p. 124).
4. United States Holocaust Memorial Museum, 'Plight of Jewish Children', in *Holocaust Encyclopaedia*, <http://www.ushmm.org>.
5. UNICEF, 'Rwanda: Ten years after the genocide', [http://www.unicef.org/infobycountry/rwanda\\_genocide.html](http://www.unicef.org/infobycountry/rwanda_genocide.html).
6. UNICEF, 'Darfur – overview', [http://www.unicef.org/infobycountry/sudan\\_darfuroverview.html](http://www.unicef.org/infobycountry/sudan_darfuroverview.html).
7. *Prosecutor v. Thomas Lubanga Dyilo*, Judgment pursuant to Article 74 of the Statute, 14 March 2012, ICC-01/04-01/06-2842.
8. A. Andonian (1965) *The Memoirs of Naim Bey, The Turkish Armenocide*, Armenian Historical Research Association, Documentary Series, Volume 2, Second reprinting (Philadelphia: University of Pennsylvania Printing Office). Telegraph dated 18 January 1916, p. 56.

9. Macartney (1930), p. 123. See V. Dadrian (2003) 'Children as Victims of Genocide: The Armenian Case', *Journal of Genocide Research*, Vol. 5(3): 421–37. See also Chapter 7, Nabti.
10. T. Akçam (2006) 'Deportation and Massacres in the Cipher Telegrams of the Interior Ministry in the Prime Ministerial Archive', *Genocide Studies and Prevention: An International Journal*, Vol. 1(3): 210–11.
11. See Chapter 16, Holslag, on the destruction of identity.
12. K. D. Watenpaugh (2010) 'The League of Nations' Rescue of Armenian Genocide Survivors and the Making of Modern Humanitarianism, 1920–1927', *American Historical Review*, Vol. 115(5): 1315–39 (1324).
13. C. A. Macartney (1930), p. 53.
14. *Ibid.*
15. J. L. Barton (1930) *Story of Near East Relief (1915–1930: An Interpretation)* (New York: The Macmillan Company), pp. 4–6.
16. Quoted in J. L. Barton (1930), p. 75.
17. *Ibid.*, pp. 123–4.
18. Barton (1930), p. 148.
19. Sir J. H. Simpson (1939) *The Refugee Problem: Report of a Survey* (London: Oxford University Press), pp. 34–5.
20. See Barton (1930), p. 193, note 1.
21. *Ibid.*, pp. 193–4.
22. Additional information on the Harpoot orphanages from this same period can be seen in G. L. Richards (ed.) (1923) *The Medical Work of the Near East Relief* (New York: Near East Relief), pp. 17–18.
23. Barton (1930), pp. 235–6.
24. Watenpaugh (2010), p. 1339.
25. A. Zaroukian (1985) *Men without Childhood* (New York: Ashod Press), p. 3.
26. League of Nations, Settlement of Armenian Refugees. C.L. 101, 1927, IV. 58. Government of Canada, Sessional Papers, Annual Reports of the Department of Immigration and Colonization, 1920–31.
27. See I. Kaprielian-Churchill (1990) 'Armenian Refugees and their Entry into Canada, 1919–30', *Canadian Historical Review*, Vol. 71(1): 87; I. Kaprielian-Churchill (1994) 'Rejecting Misfits: Canada and the Nansen Passport', *International Migration Review*, Vol. 28(2): 281–306; V. Knowles (2000) *Forging our Legacy: Canadian Citizenship and Immigration, 1900–77* (Ottawa: Citizenship and Immigration Canada), p. 76, and V. Knowles (2007) *Strangers at our Gates: Canadian Immigration and Immigration Policy, 1540–2006* (Toronto: Dundurn).
28. Kaprielian-Churchill (1990), p. 87.
29. *Ibid.*
30. National Archives of Canada. Immigration, RG 76, Vol. 215, Reel C-7366, File 89616, Part 1, Armenian Relief Fund, Admission of Orphans to Canada, 1922–1926.
31. See Chapter 5, Karamanian.
32. National Archives of Canada, no pagination.
33. National Archives of Canada.
34. J. Apramian (2009) *The Georgetown Boys* (edited, revised and with an Introduction by L. Shirinian) (Toronto: The Zoryan Institute), p. 76.
35. National Archives of Canada.
36. *Ibid.*

37. *Ibid.*, p. 1.

38. *Ibid.*, p. 12.

39. Apramian (2009) *The Georgetown Boys*, p. 195.

40. See L. Shirinian (2014) 'So Far from Home', in S. High, E. Little and T. Ry Duong (eds) *Remembering Mass Violence: Oral History, New Media, and Performance* (Toronto: University of Toronto Press), pp. 49–59 for a study of how an Armenian orphan dealt with surviving the Armenian Genocide.

## **Part II**

# **What Does Law Have to Do with It? Legal Remedies and Judicial Explanations**

# 4

## Armenia and the G-word: The Law and the Politics<sup>1</sup>

*Geoffrey Robertson, QC<sup>2</sup>*

### **The law**

'Genocide' in common parlance is the word that comes to mind whenever a massive death toll results from a state-backed onslaught on people of a disliked, demeaned and different ethnic group. As a matter of international law, a state is responsible for genocide when its agents, with the intention of destroying in whole or in part a national, ethnic, racial or religious group, kill or cause serious mental or bodily harm to, or inflict destructive conditions of life on, such a group. There is never much doubt about the sufferings undergone by the group – the question of responsibility generally hinges on whether there is proof that political or military leaders intended to rid the country of the group as a social unit. It is not sufficient just to disperse its members, but it is certainly not necessary to liquidate them all. Size, in fact, does not matter – the World Court (the ICJ) held that there was genocide at Srebrenica, which involved the killing of 7,000 Muslim men and the deportation of 18,000 women and children.

The annihilation of political or social groups does not count as genocide, although it would amount to the second worst crime against humanity, namely 'extermination' or, if most of the group survived, the crime of 'persecution'. These crimes against humanity are committed when racial or religious groups are massacred but 'genocidal intent' cannot be proven.

International law has no police force or parliament. Its rules develop from treaties and the accepted practice of States, assisted by court decisions and textbook writers, so its development needs to be explained in some detail to appreciate how it applies in a specific situation. It imposes duties on states, for which they can be held to account by the ICJ (if they accept its jurisdiction)<sup>3</sup> whilst their political or military leaders may be prosecuted, in certain circumstances, before the International Criminal Court (ICC) or special UN Tribunals like those for the Balkans (the ICTY) or for Rwanda (ICTR).

In the case of genocide, the treaty which sets out the basic law is the Genocide Convention, the provisions of which have been interpreted in recent judgements delivered by these Tribunals in applying international criminal law. It is to the Convention and the case law that we must turn, therefore, to answer the question of whether the massacres and deportations of the Armenians in 1915 amounted to genocide. This depends on identifying the constituent elements of the offence, deciding how and whether 'genocidal intent' can be proved, and whether 'military necessity' avails as a defence. The answer is, in my opinion, very clear but the legal reasoning behind that opinion must be elaborated in some detail.

### **The Genocide Convention**

Article 1 of the 1948 Genocide Convention simply states that 'genocide, whether committed in time of peace or time of war, is a crime under international law'. This treaty has been ratified by so many states (146 at present count) that it is now considered *jus cogens*, a rule of modern customary international law binding on all states (whether they have ratified the Convention or not) and requiring them to prosecute acts of genocide.

As the ICJ has explained, the origins of the Convention show that it was the intention of the UN to condemn and punish genocide as 'a crime under international law ... involving a denial of the right of existence of entire human groups, a denial which shocks the conscience of mankind and results in great losses to humanity, and which is contrary to moral law and the spirit and aims of the UN'.<sup>4</sup> The objective of the drafters of the Convention was to lay down a law clear enough to deter potential *génocidaires*: that principle should guide its interpretation and has done so, apart from some confusion over the requirements of 'specific intent'.

### **Genocidal intent**

Genocide law is still in a state of development: international criminal courts have only recently handed down convictions of perpetrators of genocide in Rwanda and Srebrenica, and the ICJ, at the time of writing this chapter, is currently considering claims of state responsibility for genocide brought by Croatia against Serbia (and vice versa). The need to prove a 'specific intention' to destroy part or all of a group has been a cause of confusion, as denialists wrongly assume that this requires evidence of some formal government order to exterminate a racial group. This would be absurd, as no government or its political or military leader would be brazen or foolish enough to promulgate such an order: Hitler never did so – the case against Adolf Eichmann was based on inference, from the elliptical notes he took at the Wannsee conference. The truth is that 'specific intention', in the case of genocide, must be gathered firstly from the fact that mass murder, or mass torture, or group destruction through deportation or inadequate living conditions, has deliberately been visited upon a group selected by their race

or religion. And then the 'special' intent to destroy them can be inferred from all the circumstances – including knowledge of the likelihood that the conditions in which they had been forced to live would cause a substantial number of the group to die.

Genocide requires a finding of double intention – firstly, an intention to kill or cause some serious physical or mental harm, or to impose inhumane conditions of life, or forcibly transfer children. That is the 'intention' necessary for a crime against humanity. But if these acts are done with the object of getting rid of the group as a group, it is that objective which amounts to the specific intent that elevates the crime to genocide. It may not need to be accomplished by extermination – group members may live on after being caused serious mental harm, or having had to endure life-threatening conditions, or after being prevented from giving birth, or being forced to have children adopted. In all these situations they survive as human beings – traumatised, but alive. For the purposes of proving genocide, the actions must be done deliberately, and with an intention to destroy the group as an entity, not necessarily by killing most of its members.

The mental element (*mens rea*) is often difficult to prove against public officials (who destroy incriminating records) and against private individuals, who must be proved to have a 'discriminatory intent', that is, to be acting out of a conscious determination to participate in a programme which aims to destroy the group. Rarely will such a heinous intention be spelled out in any document: it must be inferred from circumstantial evidence. There will be little difficulty in proving mass murder, often from photographic evidence or the opening of mass graves.

The discriminatory intent to destroy can be deduced from a range of evidence that demonstrates malice aforethought towards the group – usually there will be some history of its persecution, and the persecutors will themselves be in the grip of nationalist fervour which boasts their own racial supremacy and demeans the victim group (for example, the 'Turkification' programme of the CUP which was designed to diminish rival ethnic identities, especially those of the Armenians, the Greeks and the Assyrians). Other familiar indicia of genocidal intent are attacks which single out the intelligentsia or cultural leadership of the victim group (such as the arrests and subsequent killings of hundreds of Armenian intellectuals, lawyers, writers and cultural figures in Constantinople on and immediately after 24 April 1915)<sup>5</sup> and attacks on the groups' religious and cultural symbols (for example, the destruction or expropriation of Armenian churches and monuments).<sup>6</sup>

There is ample evidence that the CUP leadership knew of the massacres. The US ambassador, Henry Morgenthau quotes Interior Minister Talaat Pasha declaring 'We have already disposed of three quarters of the Armenians; there are none left in Bitlis, Van and Erzurum. The hatred between the Turks and the Armenians is now so intense that we have got to finish with them.'

If we don't, they will plan their revenge.<sup>7</sup> In a modern war crimes trial, the ambassador's testimony would be relied upon as evidence of an admission by Talaat to the specific intention necessary for his guilt of genocide.

### **Inferring genocidal intention**

Genocidal intent may be inferred from the very scale or proportion of the casualties – 'their massive and/or systematic nature, or their atrocity'.<sup>8</sup> To kill, for example, 600,000 of an ethnic group of 1.1 million (the lowest Turkish government estimate of the scale of the Armenian Genocide) is on any view so disproportionate as to permit an inference of genocidal intent, as well as the systematic nature of the arrests and deportations across most of Anatolia, and the extreme cruelty of the massacres and the starvation and the untreated diseases, and the laws requiring expropriation of Armenian property. Notwithstanding the war, something had to be done – and the very fact that nothing was done suggests that those in a position to do something did nothing for a reason.<sup>9</sup>

In the *Karadžić & Mladić* case, the court said that intent should be inferred from 'the general political doctrine which gave rise to the acts'<sup>10</sup> and from a pattern of discriminatory conduct. The court may also infer 'specific intent' from the combined effect of political speeches or projects laying the ground for genocidal action.<sup>11</sup> The Young Turks made serious threats to the Armenians, changed the names of their towns and streets and denied the use of their language. The government religious mouthpiece, a tame Ayatollah, even issued a fatwa against Christians (Germans excepted). Perhaps the most conclusive evidence of genocidal intent comes from the laws themselves, promulgated by the CUP in late 1915 and early 1916, which permitted the state to expropriate the 'abandoned' homes and property of deportees, and which set up 'liquidation commissions' to dispose of their assets.<sup>12</sup> This is proof positive of an intention that Armenians should never return – survivors of the death marches would have nothing to return to, or for.

### **State responsibility**

The Republic of Turkey is not being accused of genocide in 1915 – it did not come into existence until 1923. But as it must carry the burden of its predecessor's duties, its 'responsibility' for the genocide is not because the Republic was guilty of the atrocities, but because they were ordered and implemented by ministers or bureaucrats of its predecessor, the Ottoman Empire, a state governed at the time by the CUP. Many members of that party re-emerged as ministers and officials in Atatürk's 1923 government, and of course the Republic to this very day defends its conduct in 1915 and refuses to accept that the massacres and deportations constituted any international crime. This is sufficient, along with other factors, to make it responsible in international law for its predecessors' actions if they did constitute such a crime.<sup>13</sup>

Turkey, however, also denies that a state, as such, can commit the crime of genocide. This was Serbia's argument before the ICJ in *Bosnia v. Serbia* and the court rejected it, firstly because all states have an obligation, under Article I of the Genocide Convention, to prevent genocide. Secondly, the prohibition on state commission of genocide logically proceeds from the state agreeing to the categorisation of genocide as 'a crime under international law' in Article I. Finally, the text of Article IX is clear that 'responsibility for genocide' is contemplated for a state, and not merely for its failure to prevent or punish the crime.

Those running the Ottoman Empire in 1915 knew what was apparent to unbiased foreign observers, and their racist intention may be inferred, not only from their reported statements, but also from their knowledge of racial and religious programmes in 1894–6 and 1909; their deliberate fanning of racial superiority theories in the Turkification programme; the deportation orders and their foresight of the consequences; their failure to protect the deportees and their laws that effected the expropriation of their homes and property. They instigated and approved the extermination of a significant part of the Armenian race – over half of those who were alive in Eastern Turkey at the beginning of 1915.

Put another way – if these same events occurred today, there can be no doubt that prosecutions before the ICC of Talaat and other CUP officials for genocide, for persecution and for other crimes against humanity would succeed. Turkey would be held responsible for genocide and for persecution by the ICJ and would be required to make reparation.<sup>14</sup> That Court would also hold Germany responsible for complicity with the genocide and persecution, since it had full knowledge of the massacres and deportations and decided not to use its power and influence over the Ottomans to stop them. But to the overarching legal question that troubles the international community today, namely whether the killings of Armenians in 1915 can properly be described as a genocide, the analysis in this chapter returns a resounding affirmative answer.

## Genocide equivocation: a case study

More influential than genocide deniers are genocide equivocators – those officials and policymakers in the West who have little knowledge about the genocide but whose overriding consideration is to avoid alienating Turkey. For that reason, the internal strategy devised by high officials at the UK's Foreign and Commonwealth Office (FCO), for deceiving their political leaders (and, through them, the British public) into thinking that the issue of whether there was ever an Armenian Genocide was open to serious dispute, is worth careful study. In 2009, through Freedom of Information Act 2000 requests, I obtained internal policy memoranda prepared within the FCO during the period of the Blair and Brown Labour governments, 1997–2009,

although the strategy had commenced under the Thatcher regime, when Turkey became important to British business and to its geopolitical strategy.

### **UK policy documents – two basic errors**

The secret documentation relating to the policy of the UK government begins with the Eastern Department of the FCO formulation on 8 March 1999 of a ministerial response to Lord Avebury, who had provided a bibliography of 400 scholarly works, which described the Armenian massacres as genocide and had asked the minister why the government had failed to recognise it.<sup>15</sup> The department privately admits that it has neither the resources nor the inclination to study these references and anyway they would not impact on present policy.

The memorandum says ‘the argument is not about what happened or what to call it’ – although that is precisely what the argument was about (that is, whether to call it ‘genocide’). The Eastern Department considers that it is not the work of Her Majesty’s Government (HMG) to decide what constitutes genocide: ‘Investigating, analysing and interpreting history is a matter for historians’.<sup>16</sup> At the outset, this basic error can be detected, namely the FCO’s belief that historians are qualified to decide a legal issue. Deciding what amounts to genocide is a matter for judgment according to law. Historians establish facts: lawyers must judge whether those facts amount to a breach of international law. It further appears from this memorandum that the Eastern Department is simply not interested, and does not want HMG to be interested, in the question of whether the massacres and deportations amount to genocide. The memorandum estimates that 600,000 Armenians were killed and ‘hundreds of thousands more died in flight’ (in fact, they were killed in the course of being deported) and ‘some historians say there is evidence that the deaths were part of a deliberate state policy, or that the Ottoman government must have given at least tacit approval to the killings. But we know of no documentary evidence to prove this.’<sup>17</sup>

Here we have another canard that appears routinely and repeatedly from the Eastern Department memoranda of the FCO: the notion that there must be some written document that records a government or leadership decision to exterminate the Armenian people. No such document, of course, exists in relation to the Rwandan Genocide (as the ICTR has pointed out).<sup>18</sup> It is obviously wrong to suggest that there must be documentary evidence of a policy decision to commit genocide before it is possible to make a finding of genocide. The memorandum goes on to consider the clout of the campaign to recognise the genocide and notes that ‘the campaign does not appear at this stage to have enough support or direction to seriously embarrass HMG’.<sup>19</sup>

### **The 1999 House of Lords debate**

The matter came to a head a few months later, with a full-scale debate in the House of Lords initiated by Baroness Cox. A note from the Eastern

Department put the matter exactly in perspective. It said, with an honesty that British diplomats only allow themselves in private:

HMG is open to criticism in terms of the ethical dimension. But given the importance of our relations (political, strategic and commercial) with Turkey, and that recognising the genocide would provide no practical benefit to the UK or the few survivors of the killings still alive today, nor would it help a rapprochement between Armenia and Turkey, the current line is the only feasible option.<sup>20</sup>

This reveals the cynical truth behind the position urged by the FCO on Labour government ministers over the next decade, and almost invariably accepted by them without demur, namely that the position they were taking was open to ethical question, but that the economic, strategic and political importance of maintaining good relations with Turkey meant that the ethical dimension should be ignored.

The FCO even sounded a note of caution about the Secretary of State's use of the word 'genocide' to describe the actions of Milošević and his Serb forces in 'ethnically cleansing' Kosovo: there was concern that this would provoke calls for the same label to be attached to the massacres of the Armenians whose 'ethnic cleansing' by way of deportation was, in fact, of a much higher level of gravity to the sufferings of the Kosovars, who were not starved and attacked and killed in their hundreds of thousands.

Attached to this note was a draft speech, which Baroness Ramsey, for the government, delivered virtually verbatim on 14 April.<sup>21</sup> As well as claiming that there was no evidence of 'a specific decision to eliminate the Armenians', the speech considered whether a tribunal like the ICTY or ICTR should be set up to resolve the issue, but pointed out that potential defendants were long since dead and that it 'had not been established ... if the genocide convention can be applied retrospectively'. This is a bad point, because nobody was suggesting that criminal charges should be brought now against long-dead individuals. The question was whether the massacre of the Armenians is correctly described as 'genocide', according to the definition adopted by the UN Convention in 1948.

The Eastern Department brief was at least read by the minister, Joyce Quin. She took exception to its extreme 'genocide denial' position. Quin privately and correctly pointed out, the day before the debate, that the question of intent had never been examined by the government or by anyone else in the FCO.<sup>22</sup> These passages were duly deleted, but it is remarkable that the FCO could inform a minister of state that there was 'no firm evidence of intent': were they unaware of Ambassador Morgenthau's conversations with Talaat, or of the Harbord Report, or of the Treaty of Sèvres, or of the Constantinople trial verdicts?

It was even more remarkable to claim that there was no first-hand evidence of why the atrocities took place – ignoring the hundreds of witness

statements from victims, missionaries, consular officials and so on, not to mention the Blue Book, HMG's own publication. This Ministerial briefing does show the extent to which genocide denial had entrenched itself in the Eastern Department by this time, to such an extent that it was briefing ministers with a bare-faced disregard for readily ascertainable facts.

### Further inquiries

In the 2004–5 memoranda, there is a 'background memo' attached, which makes some attempt to be fair:

The extent to which the killings were official government policy is a long standing dispute. But the Young Turk movement which ruled the Ottoman Empire from 1908 undoubtedly had come to believe that the Armenians posed a threat to the unity and security of the empire ... non-partisan non-specialist European historians would seem to agree that there was some official collusion. But how far did it go? One such historian, A. L. Macfie in *The End of the Ottoman Empire 1908–23* (Longman, 1998), draws the following balance, 'It is difficult if not impossible, to escape the conclusion that, once the deportations were instituted the Ottoman leadership, or at least elements in it were not averse to exploiting the opportunity to resolve a problem that had for decades caused the empire much difficulty.'<sup>23</sup>

This cautious conclusion is the only approximation to historical truth to be found in the many hundreds of pages of legally obtuse FCO briefings to British ministers about the state of the evidence. Nonetheless, in mid-2005, HMG's pro-Turkish position was revisited and confirmed. Pressed about Article 301 of the Turkish Penal Code, under which writers and intellectuals were being threatened with prosecution for mentioning the Armenian Genocide, the FCO claimed that alleging genocide was not prohibited by the Code but only by the 'explanatory note' about what it should cover.<sup>24</sup>

This was a pettifogging response to the persecution by Turkey of citizens for speaking the truth, or at least for publishing honest and well-sourced opinion, and Turkey's obvious contravention of Article 10 of the European Convention on Human Rights ('European Convention') was in due course condemned by the European Court in the Hrant Dink case.<sup>25</sup> But the FCO, reluctant as always to take up free speech issues against repressive regimes who are political allies, advised its Minister to weasel out of giving any answer.

There has been one credible international inquiry into the Armenian Genocide, and it is extraordinary that amongst the hundreds of pages of policy documents there is only one obscure and dismissive reference to it. It was directed by the UN's Economic and Social Council (at the request of

the Commission on Human Rights) and conducted by its Special Rapporteur on Genocide, Mr Ben Whittaker – a British barrister and formerly Labour MP for Hampstead. He reported in 1985 and had no hesitation in concluding that the 1915 atrocities amounted to genocide.<sup>26</sup> This was a key issue: the previous rapporteur had initially concluded that Turkey was guilty of genocide, but had removed this finding after Turkish protests in order to ‘maintain unity within the international community’.<sup>27</sup> Whittaker’s conclusion should have weighed with any British government, yet the FCO makes no reference to Whittaker or his distinguished qualifications, and suggests that ministers should speak dismissively of the ‘1985 Report’.<sup>28</sup>

### **2006 parliamentary proceedings**

In 2006 Steven Pound MP initiated an adjournment debate on the issue. The FCO briefed its minister, Geoff Hoon, that ‘HMG has long argued that there is an absence of unequivocal evidence to prove that the top level of the Ottoman Administration took a specific decision to eliminate all Armenians under their rule. There has been no reason to change that position.’<sup>29</sup> There was reason: by this stage eight EU parliaments had passed resolutions recognising the genocide: France, Italy, Poland, Greece, Cyprus, Belgium, Slovakia and the Netherlands, not to mention the Holy See, Uruguay, Argentina, Russia, Lebanon and Canada. Various parliaments, including the German Bundestag and the US House of Representatives Foreign Affairs Committee, were debating the issue.<sup>30</sup> This time the briefing went on, accurately for a change:

Turkey is neuralgic and defensive about the charge of genocide despite the fact that the events occurred at the time of the Ottoman Empire as opposed to modern day Turkey. There were many Turks who lost their lives in the war and there may also be an element of concern over compensation claims should they accept the charge of genocide. This defensiveness has meant that Turkey has historically stifled debate at home and devoted considerable diplomatic effort to dissuading any further recognition.<sup>31</sup>

The debate initiated by Steven Pound went ahead on 7 June 2006. Geoff Hoon, for the government, repeated that ‘the evidence is not sufficiently unequivocal’, and flagged up the pettifogging point about retrospective characterisation of genocide.<sup>32</sup>

There is no ‘common practice in law’ not to apply the definitions of genocide ‘intellectually’ to tragedies that occurred before the Convention was ratified. The ‘common practice in law’ applies to the rule against prosecuting for a crime that did not exist at the time it was committed, but nobody is talking about prosecution: there is no one left to prosecute. It is common practice to apply modern definitions to historical events

which satisfy them – and this practice is exemplified by the US submission to the ICJ in 1951 in the case about the interpretation of the Genocide Convention, where it claimed that ‘The practice of genocide has occurred throughout human history’, including ‘the Turkish massacres of the Armenians’.<sup>33</sup>

It was disingenuous to suggest that there was some legal inhibition in characterising pre-Convention events as genocide. As the International Centre for Transitional Justice pointed out in its 2003 opinion:

The term genocide as used in the Convention to describe the international crime of that name, may be applied to many and various events that occurred prior to the entry into force of the Convention. References to genocide as a historical fact are contained in the text of the Convention and its *travaux préparatoire*.<sup>34</sup>

In October 2006 Mr Hoon visited Armenia: the brief he took with him (heavily redacted before released to me for fear of ‘damaging international relations’ – that is, with Turkey) does end with the un-redacted sentence, ‘Turkey would react very strongly indeed to any suggestion of recognition of the genocide by the UK.’<sup>35</sup> This undoubtedly explains the real reason for the FCO advice and for the UK position from about 1990 – by which time American presidents changed their tune and ceased to use the ‘G’ word. Both nations feared alienating an ally whose geo-political importance had become apparent during the first Gulf War against Saddam Hussein.

Although the FCO accepts that Article 301 of the Turkish Penal Code<sup>36</sup> can result in charges of ‘insulting Turkishness’ made against those who allege genocide (such as Orhan Pamuk and Hrant Dink), this was not a reason for lobbying Turkey in support of free speech. The British position in 2007 hardened behind the Bush administration’s renewed support for Turkey. Fearing that a negative reaction would harm US interests, particularly its National Security Agency surveillance bases and its oil interests, President Bush took the unusual step of speaking out before the House Foreign Affairs Committee passed Resolution 106 calling upon him to ‘reflect appropriate understanding of the Armenian Genocide in US foreign policy’.<sup>37</sup> Bush said, ‘This resolution is not the right response to these historic mass killings ... its passage would do great harm to our relations with a key ally in NATO and in the global war on terror’.

On 23 October 2007 Prime Minister Blair met Prime Minister Erdoğan of Turkey who said ‘that his view remained that the “genocide” was an issue for historians’. This is the position that, as we have seen, the FCO had long promoted. There is no suggestion in the heavily redacted minutes that Mr Blair pointed out the importance of nations coming to terms with their own past. Once again, the deceptive device of ‘leave it to the historians’ was used as the excuse to avoid legal judgment.

### Carefully treading through bear traps: FCO genocide avoidance, 2010–14

I received a cache of hitherto secret documents following a Freedom of Information Act application, in March 2014, for disclosure of all recent FCO memoranda on the Armenian question since the date of my previous application in 2009. Certain lessons had clearly been learned, the first of which was to redact all names of FCO officials. Thus most of these documents are sent by 'Redacted' to 'Redacted'. Then there was a complete removal of almost all references to Turkey. Notwithstanding these excisions, I am grateful for receiving about sixty emails and policy memoranda, which do show that there has been an evolution of FCO policy thinking in the last five years, and in the right direction. The last occasion on which the wretched and wrong phrase – that the evidence was 'not sufficiently unequivocal' – was deployed was in July 2009, in opposing a Private Member's Bill that sought government support for a national day 'to learn and remember the Armenian Genocide'.<sup>38</sup>

Later in that year my opinion was published and received close scrutiny from the FCO. In December, the minister asked, 'Why do we not simply say that the Genocide Convention cannot be applied retrospectively?' This dodge was tricky, the minister was told, because it could also prevent the Holocaust being described as genocide, since that took place before the 1948 convention.<sup>39</sup> The search began for another 'line' that could answer the question, 'Will HMG recognise the Armenian Genocide?' without answering the question.

The first occasion for unveiling a new 'line' came with a debate initiated in the House of Lords by Baroness Cox on 29 March 2010. It was preceded by a 'steering briefing' from the FCO which suddenly dropped the 'not sufficiently unequivocal' language, which has never been heard again other than from the Turkish government website, which pretends it is still the current policy, and the European Court of Human Rights (in the *Perinçek* case), which was gulled into believing that it is.<sup>40</sup> The new line was a little blurred at this point. 'We believe that it is not appropriate to apply the term 'genocide' to events that predate the 1948 Convention and where no legal judgment can be made.' The briefing came with a private warning, headed 'BEAR TRAPS':

Geoffrey Robertson QC published an opinion titled 'Was there an Armenian Genocide?' He concluded that the events of 1915–16 do amount to genocide. Further, he states '[FCO] advice reflects neither the law on genocide nor the demonstrable facts of the massacres in 1915–16, and has been calculated to mislead Parliament into believing that there has been an assessment of evidence and an exercise of judgment on that evidence.'<sup>41</sup>

Baroness Kinnock, the hapless minister called upon to make the reply, duly repeated the new mantra, despite the fact that legal judgments *can* always

be made on events prior to 1948. She read a further section of the steering brief, maintaining that the government did not accept that Parliament had been misled, which of course it had been by repeated false statements that the government had considered the evidence and had made a judgment upon it. This misrepresentation was effectively acknowledged in a full brief to the new Conservative–Liberal Democrat government after its election in June 2010:

Following Mr Robertson’s report and the publicity it attracted, we have updated our public lines to make clear that HMG does not believe it is our place to make a judgment (historical or legal) on whether or not the Armenian massacres constituted genocide. Instead our lines focus on the need for the governments of Turkey and Armenia to accept some form of truce and reconciliation process.

The advent of a new government required an explanation about the recently ‘updated’ and ‘evolved’ public line:

Although the UK has consistently refused to recognise the Armenian massacres as genocide, our public lines explaining why we take this position have evolved over time. For many years we used the line that the historical evidence was not sufficiently unequivocal to persuade us that these events should be categorised as genocide. However, while some historians continue to dispute the scale of the massacres and the level of intent behind them, outside of Turkey there is increasing agreement about the extent of the deaths and suffering experienced by the Armenian community. At the same time, jurisprudence in relation to genocide, and particularly the nature and type of evidence required to prove the relevant intent, has developed significantly in the wake of events in Rwanda and the Balkans in the 1990s ... (Robertson) argues (drawing in part on case law from the genocide trials that have followed events in Rwanda and the Balkans) that there is sufficient evidence to prove both the ‘actus reus’ (physical acts) and ‘mens rea’ (mental intent) required for genocide.<sup>42</sup>

This briefing nonetheless advised against recognising the genocide because there were ‘relatively few risks’ associated with not recognising it, since ‘the Armenian diaspora in the UK is relatively small (less than 20,000), there is limited wider public interest’ (so much for the principle) and ‘the Armenian government will see continued non-recognition as confirmation that the UK prioritises relations with Turkey and Azerbaijan over relations with Armenia, but this is a view they already hold’.<sup>43</sup>

Despite this policy of genocide avoidance, there was a more upbeat tone in the FCO memoranda as the centenary approached. In September 2013 the UK ambassador to Armenia was told ‘we appreciate the sensitivities

that the centenary has for Armenia and understand the need to tread very carefully<sup>44</sup> – not on Turkish toes, presumably, but never again as a genocide denialist. ‘We believe a more forward-leaning stance that makes clear our understanding of 1915 and desire to commemorate the memory of the victims is appropriate for the centenary years<sup>45</sup>’ says the most recent background paper, and it is endorsed by a ministerial comment (by William Hague or David Lidington) to the effect that ‘we should ensure that (our approach) is not misread as a lack of recognition (in the wider sense) of the appalling events of 1915–16. It would be right to participate more actively in 2015 centenary events.’<sup>46</sup> UK policy has undoubtedly moved beyond the obeisance to Turkish neuralgia that characterised it in the Blair/Brown years (and before). That movement is recognised in the ‘2013 Background Paper’:

Geoffrey Robertson’s Opinion raised important questions about the basis on which the FCO and HMG had justified publicly the position of non-recognition (in particular suggestions that we had reached our position because of lack of sufficient evidence that the events constituted genocide) and highlighted the recent ICJ, ICTY and ICTR judgments in the aftermath of massacres in former Yugoslavia and Rwanda which had further clarified our modern understanding of genocide. This led to a change in public line which now focuses on making clear our understanding of the scale of the tragedy and affirming the role of HMG in supporting these two countries in addressing their common history.<sup>47</sup>

Well, it has led to a change in public line that now focuses on avoiding the question, but at least it has abandoned the damaging and untrue statement that the evidence is ‘not sufficiently unequivocal’. It must now go further. It should stop talking about the events of 1915 as a tragedy. It must use the correct word: it was not a tragedy, it was a crime. A crime against humanity – as Britain said in 1915, and should, in 2015, repeat.

## Notes

1. This chapter is excerpted from Geoffrey Robertson QC’s book, *An Inconvenient Genocide: Who Now Remembers The Armenians?*, published by Biteback and Random House in 2014.
2. Geoffrey Robertson QC is a barrister, founder and joint head of Doughty Street Chambers.
3. See Chapter 5, Karamanian.
4. Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, 1951, ICJ Reports 15, 23.
5. P. Balakian (2003) *The Burning Tigris: The Armenian Genocide and America’s Response* (New York: HarperCollins), pp. 212–16.
6. See generally, R. Bevan (2006) *The Destruction of Memory: Architecture at War* (London: Reaktion Books), pp. 52–9 on the destruction of Armenian monuments and buildings, especially churches.

7. Balakian (2003), p. 274 and H. Morgenthau (1918) *Ambassador Morgenthau's Story* (New York: Doubleday), pp. 333–8 and 342.
8. See Chapter 9, Travis. See also, *Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-T, Judgment, ICTR TC, 2 September 1998, para. 477.
9. See Chapter 8, Demirdjian.
10. *Prosecutor v. Karadžić & Mladić*, Rule 61 Consideration, Case No. IT95-18-R61, 2 July 1996, para. 94.
11. Rule 61 Consideration, para. 55.
12. See Chapter 6, Guibert and Kim.
13. *Lighthouse Arbitration Case* (France and Greece) (1956) 12 R.I.A.A. 155; 23 I.L.R. 659 (Permanent Court of Arbitration); See generally V. Avedian (2012) 'State Identity, Continuity and Responsibility: The Republic of Turkey, The Ottoman Empire and the Armenian Genocide', *European Journal of International Law*, Vol. 23(3): 797–820.
14. See Chapter 6, Guibert and Kim.
15. Memorandum from FCO to Minister Joyce Quin, 8 March 1999, on 'Lord Avebury Letter' ('Memorandum').
16. See Chapter 11, Elmas, on the discourse of 'leaving history to historians'.
17. Memorandum from the FCO Eastern Department to Minister Joyce Quin and others, 12 April 1999, Subject title: House of Lords un-starred question 14 April: Baroness Cox, Armenian Genocide, para. 6.
18. *Prosecutor v. Théoneste Bagosora et al.*, Case No. ICTR-98-41-T, Judgment, ICTR, 18 December 2008, para. 2088: 'With respect to the *actus reus*, the agreement can be proven by establishing the existence of planning meetings for the genocide, but it can also be inferred, based on circumstantial evidence. The concerted or coordinated action of a group of individuals can constitute evidence of an agreement.'
19. FCO Memorandum, 12 April 1999, para. 9.
20. FCO Memorandum, 12 April 1999.
21. Baroness Ramsey, House of Lords, Hansard, 14 April 1999, Column 826.
22. Letter to the Eastern Department, the name of the sender is redacted, but it is written on behalf of Joyce Quin, 13 April 1999.
23. FCO Document titled 'Background: Armenia 1915–16' (undated).
24. Parliamentary Question Background Document, relating to an oral question in the House of Lords. Answer to be given on 14 July 2005 by Lord Triesman. Question 4: What is HMG's view of the article in Turkey's Penal Code that describes affirmation of the Armenian 'genocide' as a crime against the state?
25. *Dink v. Turkey*, Applications No. 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09. Chamber Judgment, 14 September 2010. See Chapter 6, Guibert and Kim.
26. B. Whitaker (2 July 1985) *Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide*, UN Doc. E/CN.4/Sub.2/1985/6 (New York: United Nations).
27. See W. A. Schabas (2009) *Genocide in International Law* (2nd edn.) (Cambridge: Cambridge University Press), pp. 555–8.
28. An undated note of 'public lines' that the minister could take suggested that 'if pressed' he could refer to the views of three prominent historians (Lewis, Lowry and McCarthy) and if asked about the 1985 report (no mention of its author) could say 'since then we are not aware of it being mentioned in any UN document or forum'.
29. Briefing Note to Geoff Hoon from Russia, South Caucasus and Central Asia Directorate, FCO, 6 June 2006.

30. In 2007 the Committee voted 27–21 to recognise the Armenian Genocide. This Resolution 106 was not put to a vote in the House for the reason that it might imperil US national security – that is, if Turkey reacted by removing US bases and monitoring stations.
31. Briefing Note, 2006.
32. *Ibid.*
33. Geoff Hoon, House of Commons, Commons Hansard, 7 June 2006, Col 136WH.
34. International Center for Transitional Justice (2002) *The Applicability of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide to Events which Occurred During the Early Twentieth Century*, p. 4.
35. Background document for Geoff Hoon's visit to Armenia in October 2006 headed, 'Armenia: Relations with Turkey, and the 'genocide' of 1915–16 Key messages'.
36. See Chapter 5, Karamanian, on the adoption of Article 301.
37. See *Affirmation of the United States Record on the Armenian Genocide Resolution* (2007–2008) 110th Congress, 1st Session, H. Res. 106, H.RES.106.IH.
38. Memo from FCO to Foreign Secretary, 15 July 2009, re opposition to private members bill promoted by Andrew Dismore, MP.
39. Memo to Minister for Europe from South Caucasus Section, Subject: Geoffrey Robertson QC – 'Was There an Armenian Genocide?', 8 December 2009.
40. See Chapter 6, Guibert and Kim, for more details on the *Perinçek* case.
41. Briefing the Minister for Europe and Baroness Kinnock, for House of Lords debate, 29 March 2010.
42. 'Armenian Massacres 1915–1917', FCO briefing for Minister of Europe, 17 June 2010, paras. 23–4.
43. *Ibid.*, para. 9.
44. FCO, 13 September 2013, correspondence with Kathy Leach.
45. 'Background paper', appended to FCO, 8 November 2013, Centenary of Armenian Massacres 1915–16. Above, para. 15.
46. FCO, 14 November 2013, to: David Lidington, Centenary of Armenian Massacres.
47. 'Background paper', para. 6.

# 5

## The International Court of Justice and the Armenian Genocide

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### Introduction

The Ottoman Empire's massacre of Armenians in 1915–16 is one of the early genocides of the 20th century.<sup>2</sup> Suggestions about how to provide legal accountability to the Armenians range from the filing of lawsuits in municipal courts,<sup>3</sup> to the establishment of a claims process similar to that for victims of the Nazi Holocaust,<sup>4</sup> to the creation of a truth and reconciliation commission like that established in South Africa to address apartheid.<sup>5</sup>

One proposal is that a genocide claim be brought against the Republic of Turkey before the ICJ in The Hague.<sup>6</sup> This chapter analyzes the challenges to such an approach. It does not address the merits of the claim; instead it focuses on procedural and jurisdictional roadblocks. Further, proof problems would arise in establishing that genocide occurred a century ago. The Court's procedures and practices are not amenable to the full development and presentation of such evidence.<sup>7</sup>

The chapter does not accept that no genocide occurred or that Turkey bears no legal responsibility for acts of senior officials in the Ottoman Empire.<sup>8</sup> Instead, it suggests that other venues and means of reparation or prosecution should be pursued. Harm could be done if a claim were filed in the ICJ and Turkey deflected it on jurisdictional or admissibility grounds. Such a development, while not legally absolving Turkey, could mistakenly signal that international law offers nothing to the victims. Another injustice would occur if at the merits stage key evidence was not presented because the Court did not or could not force its production, or if the evidence was not given appropriate consideration as it could not be fully explained.

### Historical background

Literature and research have established the criminal enterprise of the Ottoman leadership in eliminating the Armenian population living within the Empire's borders and removing all traces of its existence.<sup>9</sup> Talaat Pasha

admitted that 'the aim of the Armenian deportations is the final solution of the Armenian Question'.<sup>10</sup> His chilling words, evidencing intent to destroy the Armenians, were uttered to Ambassador Morgenthau. As reported earlier in this book,<sup>11</sup> Talaat bragged that 'we have already disposed of three quarters of the Armenians; there are none at all left in Bitlis, Van, and Erzeroum'. Talaat stated:

I have asked you to come here so as to let you know that our Armenian policy is absolutely fixed and that nothing can change it. We will not have the Armenians anywhere in Anatolia. They can live in the desert but nowhere else.<sup>12</sup>

Armenian property was confiscated; Armenians were killed or deported; and those that survived traveled mainly by foot through the desert to Syria.<sup>13</sup> An Armenia Diaspora would make its way around the world.<sup>14</sup>

Reliable eyewitnesses, such as ambassadors, nurses, and relief-workers, documented the atrocities while observing them or shortly thereafter.<sup>15</sup> The Turkish archives hold deportation orders of Armenians and orders to confiscate their property.<sup>16</sup> In short, the state instigated the removal of the Armenians, a specific ethnic and religious group, and their property.<sup>17</sup> France, Great Britain and Russia denounced the treatment of the Armenians and declared that the Turkish Government and its agents be held responsible.<sup>18</sup>

The Treaty of Sèvres between the Allied Powers (except the United States) and Turkey, signed in 1920,<sup>19</sup> acknowledged a 'terrorist regime' in Turkey since 1 November 1914 and that massacres had been perpetrated.<sup>20</sup> Turkey agreed to hand over persons 'responsible for the massacres' for trial.<sup>21</sup> Similarly, it recognized the Allied Powers' right 'to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war'.<sup>22</sup> Finally, under the Treaty, the Turkish Government agreed to facilitate the return of Turkish subjects of non-Turkish race 'who have been forcibly driven from their homes by fear of massacre or any other form of pressure'.<sup>23</sup>

After the war, Turkey held military trials of some political leaders and activists.<sup>24</sup> The verdicts refer to acts of massacres and identify Armenians as the objects.<sup>25</sup> Coupled with evidence produced at trial are statements and accounts from Turkish officials, journalists and politicians about the events and investigations into them.<sup>26</sup>

The Treaty of Sèvres was never ratified due to political changes both within and outside of Turkey. A defeated Turkey became emboldened under Kemal Atatürk. In 1923 the Treaty of Lausanne recognized the new Republic of Turkey and established new Turkish boundaries largely in line with current 2015 borders.<sup>27</sup> That treaty makes no mention of the Armenian massacres or of Allied military trials of the perpetrators.

Modern Turkey's political and economic rise has not brought recognition of the events. External pressure to hold Turkey accountable for the

Armenian Genocide waned given Turkey's geopolitical importance to countries such as the United States<sup>28</sup> and the United Kingdom.<sup>29</sup> The silence about the Armenian Genocide at the international level contrasts with the Allied Powers' use of international law to hold Nazis accountable for the Holocaust.

Within Turkey, the Armenian Genocide is not acknowledged. Turkish historian Taner Akçam explains the silence:

The devastation that would ensue if we had to now stigmatize those whom we regarded as 'great saviours' and 'people who created a nation from nothing' as 'murderers and thieves' is palpable. It seems so much simpler to completely deny the genocide than to seize the initiative and face the obliteration of the ingrained notions about the Republic and our own national identity.<sup>30</sup>

Indeed, in 2005, 90 years after the genocide, Turkey reformed a previous law and enacted Article 301 of the Turkish Penal Code, which made it a crime to 'publicly denigrate Turkishness' and certain governmental bodies.<sup>31</sup> Individuals who have spoken about the Armenian Genocide have been prosecuted under Article 301.<sup>32</sup>

Turkey's denial of genocide, with impunity, is at odds with developments in international human rights law and international criminal law since the Second World War. In 1945 the United Nations was founded 'to reaffirm faith in fundamental human rights'.<sup>33</sup> Thereafter, treaties came into effect to identify, prevent and address gross human rights violations. Prominent among them is the 1948 Genocide Convention,<sup>34</sup> in which State Parties 'confirm' that genocide, regardless of when committed, 'is a crime under international law which they undertake to prevent and to punish'.<sup>35</sup> Turkey acceded to the Convention in 1950.<sup>36</sup> Among the many State Parties are Armenia, Argentina, Australia, France, Lebanon and the United States, all with sizable Armenian communities.

Although the Convention came into effect after the Armenian Genocide of 1915–16, it reflects a customary international law prohibition on genocide. The ICJ has noted that Convention principles 'are recognized by civilized nations as binding on States, even without any conventional obligation'.<sup>37</sup> Thus, the Convention was not needed for an international legal prohibition against genocide. According to Professor Paola Gaeta, the customary international law obligation against genocide

[E]volved from the emergence in contemporary international law of a set of international obligations of fundamental importance for the international community that constitute the so-called *jus cogens*.<sup>38</sup>

Genocide became the focus of the 1998 Rome Statute of the ICC, which led to the ICC's establishment in 2002. Genocide is one of the crimes over which it has jurisdiction.<sup>39</sup> The UN established special tribunals to try perpetrators

of genocides in the former Yugoslavia and Rwanda.<sup>40</sup> States repeatedly condemn genocide. The Stockholm Declaration on Genocide Prevention, signed in 2004, acknowledged a commitment to holding genocide perpetrators accountable and to educating<sup>41</sup> against genocidal dangers.<sup>42</sup>

Lost in the accountability groundswell is the Armenian Genocide. With the passage of time, perpetrators of the mass murders have gone to their graves. The Armenian survivors have also largely passed.

## The International Court of Justice

### Jurisdiction

The international community's failure to hold Turkey accountable for the Armenian Genocide and for its steadfast silence and ultimate denial of the genocide challenges the relevance of international law. The issue goes beyond accountability to the Armenians as the obligation not to commit genocide is *erga omnes*: 'a state committing genocide incurs responsibility to the international community as a whole and may face action from a multitude of other states'.<sup>43</sup>

What is the role of the ICJ, the UN's principal judicial organ, in bringing justice to bear?<sup>44</sup> State Parties to the UN Charter are parties also to the ICJ Statute.<sup>45</sup> The ICJ has jurisdiction when states refer a matter to it.<sup>46</sup> In exercising this contentious jurisdiction, the ICJ resolves cases only between states.<sup>47</sup> This makes the institution somewhat ill-suited to resolve a human rights dispute, like a genocide claim, as a state must espouse the individual's claim. Former ICJ Judge Bruno Simma has noted, 'the preparedness of states to bring "pure", genuine human rights scenarios before the Court has always been extremely limited, and it is fair to assume that this remains the case'.<sup>48</sup> In short, the ICJ is a court by states for states, having its roots in the Westphalian, state-centric view of international order.

There are three methods of invoking the ICJ's contentious jurisdiction. First, states can agree to refer a case to the ICJ, which is probably unlikely regarding the Armenian Genocide given Turkey's denial of the event. That said, the Turkish Foreign Ministry appears to have considered the possibility of initiating such a case.<sup>49</sup>

Second, a state can consent to the ICJ's compulsory jurisdiction over any legal dispute involving an international obligation if the other party accepts the same obligation.<sup>50</sup> Neither Turkey nor Armenia has filed the appropriate declaration; the United States, Argentina and France, with sizable Armenian communities, do not have declarations on file; but Australia and Mexico have submitted such declarations.<sup>51</sup>

Third, states may consent to have the ICJ resolve a dispute.<sup>52</sup> In fact, Article IX of the Genocide Convention states:

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those

relating to the responsibility of a State for genocide or for any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.<sup>53</sup>

Many human rights treaties do not confer upon the ICJ such power.<sup>54</sup> At least one country, the United States, has made a reservation to Article IX, by requiring consent before submitting a dispute to the ICJ.<sup>55</sup>

Contentious cases have raised claims under the Genocide Convention. In 1993 the Republic of Bosnia-Herzegovina filed a case against the Federal Republic of Yugoslavia (*Bosnia v. FRY*), which consisted of Serbia and Montenegro, due to Serbia's treatment of Bosnian Muslims.<sup>56</sup> After years of procedural wrangling, the case was decided on the merits in 2007.<sup>57</sup> In 1999 the Republic of Croatia also filed a case against the Federal Republic of Yugoslavia, again alleging genocide on the part of Serbia.<sup>58</sup> A merits decision was issued in 2015.

### ICJ genocide jurisprudence

The ICJ first addressed the Genocide Convention in its Genocide Advisory Opinion.<sup>59</sup> The Advisory Opinion's critical aspect, for purposes of the Armenian Genocide, is with reference to the Convention's object and purpose. The product of the General Assembly, the Genocide Convention does not specify a reservation process. As previously mentioned, the treaty's principles are binding on all states, the Convention aside. Although a creature of consent, the Convention has a 'purely humanitarian and civilizing purpose', which is to safeguard certain human groups, and 'to confirm and endorse the most elementary principles of morality'. State Parties have a common interest, separate from their own self-interest, in accomplishing these 'high purposes'.<sup>60</sup> Hence, a state with reservations that are incompatible with the treaty's object and purpose, if objected to by one or more State Party, is not a party to the Genocide Convention.<sup>61</sup> The Court did not delineate, however, the type of reservation fitting into this category, recognizing that it is case specific.<sup>62</sup>

In *Bosnia v. FRY*, the Court exercised jurisdiction under Article IX of the Convention over genocide-based claims against Serbia. On the merits, however, the Court ruled that Serbia did not engage in genocide; it had not conspired to commit or incite the commission of genocide, and it was not complicit in the act.<sup>63</sup> While the evidence showed massive killings and other atrocities,<sup>64</sup> it did not establish the specific intent for genocide,<sup>65</sup> except for the massacre at Srebrenica.<sup>66</sup> With regard to Srebrenica, however, the evidence did not link the State to the acts of the perpetrators.<sup>67</sup>

The Court did find that Serbia failed to prevent the Srebrenica genocide in violation of Article I of the Convention, recognizing that it could have stopped the massacre yet did not.<sup>68</sup> It also held that Serbia's failure to cooperate in transferring individuals to the ICTY violated the Convention's

Articles I and VI, requiring punishment of genocide and trial, including by an appropriate international tribunal.<sup>69</sup> Finally, the ICJ found that the Srebrenica massacre occurred after the Court had issued a provisional order that Serbia prevent the commission of genocide and thus, Serbia had violated the provisional order.<sup>70</sup>

The *Bosnian Judgment* has been heavily censured. For example, Professor José Alvarez criticized the Court for its failure to engage in 'independent fact-finding'.<sup>71</sup> The ICJ's reliance on ICTY findings and reports, given the case's novelty and the claims' seriousness, raised questions about the judgment's reliability. The process could not produce the degree of confidence 'generated either by civilian investigatory judges or common law adversarial processes, including the energetic cross-examination of witnesses'.<sup>72</sup> Lodging a related charge, Professor Marko Milanović criticized the Court for not requiring Serbia to produce un-redacted documents that 'were at least *prima facie* relevant for the issue of Serbia's knowledge of the genocidal intent of the [Bosnian Serb army]'.<sup>73</sup> More troubling is that the ICJ's pronouncement on complicity to commit genocide is muddled on the requisite *mens rea*.<sup>74</sup> Professor Gaeta challenges the Court's assumption that because the Convention obligates a State to prevent genocide and punish offenders it 'constitutes the conventional legal foundation of the responsibility of states for genocide as an international wrongful act'.<sup>75</sup>

Genocide cases are largely grounded in criminal law and likely to be factually-intensive. The ICJ resolves inter-government civil matters about state responsibility yet, in the *Bosnian Judgment*, it arguably expanded its mandate by adjudicating individual criminal accountability.<sup>76</sup>

The *Bosnian Judgment* addressed issues regarding state accountability for genocide that could be relevant to a claim against Turkey. The Genocide Convention assumes that persons, not states, commit genocide<sup>77</sup> with the earlier mentioned 'specific intent'.<sup>78</sup> Acts of genocide are defined with each act having a requisite mental component.<sup>79</sup>

It has been held that '[c]rimes against international law are committed by men, not by abstract entities'<sup>80</sup> such as the state. However, Article III of the Genocide Convention does not limit prosecution for such acts to individuals. Similarly, Article I recognizes that a Contracting State must prevent and punish genocide. According to the ICJ, 'it would be paradoxical' if states had this duty towards persons under their control but not with regard to state organs or persons under their firm control.<sup>81</sup> The state obligation depends upon the relationship between the person or group that engaged in the acts and the state:

Thus, if an organ of the State, or a person or group whose acts are legally attributable to the State, commits any of the acts proscribed by Article III of the Convention, the international responsibility of that State is incurred.<sup>82</sup>

The first issue is whether the persons or entities who committed genocide were organs of the State of the Federal Republic Yugoslavia under its law.<sup>83</sup> If not, were they under the State's 'effective control' under the standard of the ICJ's judgment in the Nicaragua case?<sup>84</sup> Under that test, the key is whether the actors are dependent upon the state and the state has control over them so 'that it would be right to equate' the former, 'for legal purposes, with an organ' of the state or acting on its behalf.<sup>85</sup> This control situation is 'exceptional', as it necessitates that the actors are dependent upon the state.<sup>86</sup>

The ICJ's analysis recognized state responsibility under the Genocide Convention and set forth a test for establishing that responsibility, based on the status of individuals as state actors or their relationship to it. Had the Court dismissed the petition, as the Convention does not establish state responsibility for criminal acts, a state would have limited ability to bring a genocide case against the offending state. Under the *Bosnian Judgment*, a state could bring a claim against Turkey if the ruling organ of Turkey engaged in genocide. The same is true for the acts of persons or groups whose conduct is legally attributable to the state.

The second key element of the *Bosnian Judgment* is that the absence of genocide verdicts against the perpetrators does not bar the ICJ from resolving claims against Turkey under the Genocide Convention.<sup>87</sup> The ICJ can assess the evidence and make findings as to specific intent and accountability of the state for the individual's acts.<sup>88</sup> As for the Armenian Genocide, none of the individual perpetrators were found guilty of genocide as the crime itself was only formulated after the Second World War.<sup>89</sup> The *Bosnian Judgment* clarifies that this fact is not relevant to the merits of a genocide claim.

The third important aspect of the *Bosnian Judgment* is the ICJ's liberal admission and assessment of evidence. The Court relied on testimony from the ICTY cases in determining the fact of killings and seriously bodily or mental harm, the religious group – Bosnian Muslims – that was targeted, the perpetrators' intent, and state accountability for acts of the individuals.<sup>90</sup> Other evidence that was considered included reports of the UN Special Rapporteur on Human Rights,<sup>91</sup> reports of the UN Commission of Experts,<sup>92</sup> and a report of the UN Secretary General.<sup>93</sup> Contemporaneous Security Council and General Assembly resolutions also featured prominently in the Court's analysis.<sup>94</sup> At times reports of NGOs were cross-referenced to support this material.<sup>95</sup>

Although the ICJ's approach to evidence in the *Bosnian Judgment* has been criticized, it opens the door for the Court in the context of the Armenian Genocide to consider a range of evidence. Due to the passage of time, such an approach would be essential. For example, the ICJ could examine the indictments and verdicts from 1919 to 1922 in the court martial cases of cabinet ministers, Central Committee members of the CUP and other responsible individuals. Some of the indictments and verdicts are set out in Vahakn Dadrian and Taner Akçam's *Judgment at Istanbul*.<sup>96</sup> Information

is available about military trials conducted by Istanbul Number One Extraordinary Court-Martial, which resulted in death sentences for a number of the accused as well as other substantial sentences.<sup>97</sup> This court was established to 'investigate the crimes that occurred during the Armenian deportations'.<sup>98</sup> Apparently other existing military courts also conducted trials, and the minutes of some were recorded in full or in part.<sup>99</sup> Professor Akçam has also documented newspaper accounts of trials.

Attached to the indictments are documents, including coded telegrams between the Interior Ministry and provincial officials, between members of the CUP's Special Organization and the CUP, and between military and civilian officials. The documents establish that 'gangs were afterward brought into service with the purpose of massacre and destruction of those groups subjected to deportation'.<sup>100</sup> The indictment further noted that '[t]hese massacres were carried out under the [express] orders and with the knowledge of Talaat, Enver and Cemal Beys'. Reference is made to the number of Armenians deported from specific areas. Massacres of Armenians had occurred as part of the CUP's annihilation or liquidation plan. A Muslim who wanted to help the Armenians was threatened with 'hanging in front of his house and the burning down of that house'.<sup>101</sup> The deputy of Trabzon described how 'Armenians were placed on caiques [rowing boats] on the coast and [then] drowned [at sea]' and while 'he informed Talaat Bey of these calamities, [the latter] took no action'.<sup>102</sup>

The Yozgat Verdict found that there was 'a deportation of all of the Armenians, even their helpless wives and children' which was ordered by provincial officials and Kemal Bey.<sup>103</sup> The verdict described in detail what had transpired: 'they bound the hands of the men, thus allowing these premeditated tragic events to take place, causing all manner of slaughter, looting, and pillaging, such are entirely unacceptable to human and civilized sensibilities'.<sup>104</sup>

In sentencing Kemal Bey to death, the verdict would dismiss Bey's defense that he was justified in massacring Armenians due to their involvement in 'revolutionary activity' as none of the Armenians in the Yozgat area had been so involved.<sup>105</sup> As discussed in Chapter 9, counter-insurgency is and was used by the Ottoman-Turkish leadership to justify military operations against Armenians. Other verdicts had similar findings on atrocities that occurred in other regions and convictions. A significant verdict is against the Cabinet Ministers and top CUP leaders, which tied their activities to the massacres and also held that they had become a fourth power in the country.<sup>106</sup> Vahakn Dadrian has described the relationship between the CUP's Special Organization and the Turkish state as follows:

[I]t is argued that the Special Organization was for Ittihad that lethal, hellish machine, through which that party succeeded in penetrating the organs of the Turkish state, transforming that government's structural

and mission-related character, and imposing on that state the adoption of Ittihad Party objectives.<sup>107</sup>

Genocidal intent can be linked to the Ottoman Empire through statements by senior officials, such as the Interior Minister Talaat. The historian Taner Akçam has uncovered numerous documents from the Interior Ministry 'that show that the actual aim of the Armenian deportations was annihilation'.<sup>108</sup>

Dadrian and Akçam have identified documents in Turkey's archives that relate to the Armenian Genocide, such as deportation orders, orders to confiscate property, and military commander files.<sup>109</sup> Official files of Germany, Austria, Great Britain and the United States contain contemporaneous accounts and diplomatic communications about these events.<sup>110</sup> Armenian survivors have provided accounts that are consistent with the official files.

Under the *Bosnian Judgment*, a state asserting a claim under the Genocide Convention bears the burden of proof. When key evidence is in the hands of the Respondent State, however, burden shifting would be logical. This is especially relevant to the Armenian Genocide as it appears that 'archival materials were purged'.<sup>111</sup> Certain cables were ordered to be destroyed after reading.<sup>112</sup> Hence, arguably, if key evidence had been destroyed or is missing, a presumption should be that it was incriminating and Turkey would be charged with rebutting that presumption.

More concerning is the Court's substantive standard. Given that the charges were of 'exceptional gravity', the Court announced that 'it be fully convinced' that 'genocide or the other acts enumerated in Article III [of the Genocide Convention] have been committed, have been clearly established'.<sup>113</sup> The test is thus two-fold: clearly established facts of genocide that fully convince the Court, and that this heightened standard applies to the issue of whether the conduct of individuals is attributable to the state.<sup>114</sup>

### **Problems with contentious jurisdiction**

A threshold issue, no doubt, is identifying the state(s) that could bring a case against Turkey under the Genocide Convention, assuming that the Convention were to apply. Two approaches could be addressed in this regard. First, a State Party to the Convention could bring a claim on behalf of its nationals who are victims of the Armenian Genocide.<sup>115</sup> Armenia is one of them, or Australia, with a sizable diaspora community, could argue that Turkey has breached the Genocide Convention, that it has failed to remedy the breach regarding Australian nationals, and Australia has a legal interest in protecting its nationals. Similar arguments could be made by the United States, Argentina, France and other State Parties with nationals who are members of the Armenian Diaspora. Some states, however, have reservations to the Genocide Convention that could complicate matters.

The second approach could be that any State Party to the Genocide Convention or a group of them brings the case on the grounds that every

State Party can enforce an *erga omnes* obligation reflected in the Convention. The reasoning, which the ICJ has embraced in analyzing the Torture Convention, is that the treaty reflects a 'common interest in compliance with the relevant obligations under the Convention against Torture' and that it 'implies the entitlement of each State Party to the Convention to make a claim concerning the cessation of an alleged breach by another Party'.<sup>116</sup>

Article IX of the Genocide Convention poses a challenge. In the *Bosnian Judgment*, the Court held that Article IX gave it power to hear claims that relate to 'the interpretation, application, or fulfillment' of the Convention.<sup>117</sup> The Court 'has no power to rule on alleged breaches of other obligations under international law' even if they are ones 'owed *erga omnes*'.<sup>118</sup> As Robert Kolb has noted: 'Thus, the Court recalled that it is not competent, under a compromissory clause, to hear claims related to human rights law or to international humanitarian law (even of *erga omnes* or *jus cogens* character), if not directly related to a provision of the Genocide Convention'.<sup>119</sup> Hence, a claim against Turkey before the ICJ must relate to the Genocide Convention and, arguably, not to customary international law, such as the prohibition against genocide.

Nevertheless, distinguishing the Genocide Convention from the customary international law standard of genocide could be hair-splitting. As the Convention reflects 'pre-existing international law' it stands to reason that a State Party's claim of genocide against another State Party, regardless of when the acts occurred, fits under the Genocide Convention.<sup>120</sup> The Convention's Preamble recognizes that 'genocide is a crime under international law', and in Article I the State Parties *confirm* that designation.<sup>121</sup> States therefore effectively acknowledge that they are not creating a new legal standard. Another way to understand the logic is to consider that the Nazi Holocaust is no less a genocide because it occurred before the Genocide Convention came into force.

Whether the ICJ can review a claim against Turkey under the Genocide Convention for events that occurred before the Convention existed is complicated. The ICJ addressed a variation of the issue in the *Bosnian* case. The FRY argued that the Court could not review acts that occurred before the Republic of Bosnia and Herzegovina indicated its intent to succeed the Social Federal Republic of Yugoslavia (SFRY) to the Convention.<sup>122</sup> The SFRY ratified the Genocide Convention in 1950.<sup>123</sup> The Convention, however, does not restrict its jurisdiction *ratione temporis* and thus could be applied retroactively.<sup>124</sup> The Court had jurisdiction over a Convention claim relating to events that arose since the conflict began, even though this was before Bosnia and Herzegovina acceded to the Convention.<sup>125</sup> The holding was noted to be consistent with the Convention's object and purpose as set forth in the Genocide Advisory Opinion.<sup>126</sup>

It would be a stretch, however, to rely on the Preliminary Objections Judgment in *Bosnia* as a broad rule applying the Genocide Convention

retroactively. The ICJ in *Bosnia v. FRY* was assessing its jurisdiction over conduct that occurred when the predecessor state, Yugoslavia, was bound by the Genocide Convention. It is arguably a different issue for the ICJ to review conduct giving rise to the claim that occurred long before the Convention even existed, as is the case with the Armenian Genocide. The difference is magnified due to Article 28 of the Vienna Convention on the Law of Treaties, which provides that, '[u]nless a different intention appears from the treaty or is otherwise established', a treaty does not bind a party to acts occurring before entry of the treaty into force as to that party.<sup>127</sup>

Since the *Bosnian Judgment*, the ICJ has considered an analogous question under Article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination, which confers jurisdiction on the ICJ over disputes 'with respect to the interpretation or application of this Convention'.<sup>128</sup> As Professor Christian Tams has noted, in *Georgia v. Russia* the ICJ rejected that it could hear a claim of racial discrimination based on events that occurred before Georgia became a party to the Convention.<sup>129</sup> Such a dispute is not one 'with respect to the interpretation or application' of the treaty.<sup>130</sup> In this light, Article IX of the Genocide Convention similarly could be read to empower the ICJ to hear cases with regard to the treaty itself and not to genocide per se.<sup>131</sup>

The ICJ's ruling in *Croatia v. Serbia* also casts doubt about a claim against Turkey under the Genocide Convention related to the Armenian Genocide. Serbia had sought to dismiss Croatia's application under the Convention with regard to acts that occurred before 27 April 1992, when the FRY came into existence and was bound under the Convention.<sup>132</sup> Serbia, which was part of FRY, argued it could not be held accountable for acts occurring before then.<sup>133</sup> Croatia argued that the acts nevertheless could be attributed to FRY as a state *in statu nascendi*.<sup>134</sup> Serbia's challenge *ratione temporis* was intertwined with merits issues and, thus, the Court reserved ruling on it.<sup>135</sup> If it were clear that the Genocide Convention applied to conduct before States became bound by the treaty, surely the Court would have so held and not have bothered with the detailed focus on when FRY and Serbia came into existence.

The merits decision in *Croatia v. Serbia* clarified that Article IX does not apply to conduct occurring before a state became a party to the Genocide Convention. Specifically, for the ICJ to hear a claim under the Genocide Convention the events must be those 'relating to the interpretation, application or fulfillment of the Convention' and not 'violations of the customary international law regarding genocide'.<sup>136</sup> It further recognized that 'the substantive provisions of the Convention do not impose upon a State obligations in relation to acts said to have occurred before that State became bound by the Convention'.<sup>137</sup>

A second argument under the Genocide Convention is that Turkey's denial of genocide is an ongoing perpetuation of it, or a failure to prevent

and punish the crime in violation of Article I of the Convention. Such an argument would be grounded in the broad purpose of the Genocide Convention as recognized in the Genocide Advisory Opinion. Further, the claiming state could rely on the ICJ's analysis in *Georgia v. Russia*, which recognized that a dispute between states can arise 'from the failure of a State to respond to a claim in circumstances where a response is called for', so at least a credible claim could be made as a dispute under the Convention.<sup>138</sup> While the Convention does not include 'denial' as a punishable act, some scholars have argued that it is part and parcel of the crime of genocide and that it is further part of the 'direct incitement' to commit the offense.<sup>139</sup> If the Court were to take this expansive view, then an additional basis for invoking Article IX of the Genocide Convention would be available.

## Conclusion

A major challenge to engaging the ICJ on the Armenian Genocide rests on whether the Court has the power to resolve the case. The Convention's object and purpose and the universal condemnation of genocide support a broad reading of Article IX, one that would allow a state to argue that a claim relating to the Armenian Genocide fits within the Convention's mandate that genocide be punished. The ICJ's judgments in the Bosnian and Croatian cases, however, suggest the opposite. Whether the Court would be persuaded that there was a continuing violation of the Convention based on genocide denial is another matter.

The threshold issue, while significant, pales in comparison to the evidentiary challenges. *Bosnia* and *Croatia* demonstrate that the legal process is slow and taxing. The initial fanfare of the claim wanes quickly. As each year passes, the cost of the case increases with little sense of clarity or resolution. If the Court follows its practice in the *Bosnian Judgment*, it could be fairly liberal as to presentation of evidence. Unless the Court adopts and enforces rules that would allow for the petitioning state to gain access to the archives of Turkey, or, regarding destroyed evidence, draw the appropriate negative inference, the evidence presentation could be incomplete or misleading. Another concern is whether the Court could interpret the evidence, particularly on specific intent. The Court set a high threshold in the *Bosnia Judgment* for state accountability, yet it lacks the tools to gauge such intent at the level needed.

This chapter has focused on the Genocide Convention and the events of 1915–16. The mistreatment of the Armenians continued in Turkey, particularly in the 1920s and 1930s. Under the Treaty of Lausanne Turkey promised to protect minorities; namely, to ensure their life and liberty without regard to 'birth, nationality, language, race, or religion'; to provide them 'the same civil and political rights as Moslems'; and to have equality before the law.<sup>140</sup> Turkish nationals who are non-Moslem minorities were

to be afforded 'the same treatment and security in law and in fact as other Turkish nationals'.<sup>141</sup> Turkey also agreed that 'any difference of opinion as to questions of law or of fact arising out of these Articles' between Turkey and State Parties 'or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations'.<sup>142</sup>

Turkey further agreed that 'any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice [PCIJ]' with the decision of that Court being 'final' and having 'the same force and effect as an award under Article 13 of the Covenant'.<sup>143</sup> The ICJ, as the PCIJ's successor, could hear claims under the Treaty of Lausanne. In short, if a state seeks legal redress at the ICJ for the Armenian issue beyond the Genocide of 1915–16, a possible avenue exists under the Treaty of Lausanne.

Finally, if the ICJ is not an appropriate venue, what is the alternative? This author has recognized the significance of the deprivation of Armenian property and has urged pursuing claims in Turkish courts to that property.<sup>144</sup> Individuals would need to locate title records and engage lawyers in Turkey to establish their property rights. Although one can expect defenses due to the passage of time, the approach would force Turkish courts to grapple with substantial claims, both in terms of volume and their merits. The process, if orchestrated and structured, could be a way for Turkey to redress, in part, the grave wrongs of the past.

## Notes

1. Associate Dean for International and Comparative Legal Studies, George Washington University Law School. Thanks to Luke Wilson for comments and suggestions.
2. Whitaker (1985).
3. For example, M. J. Bazyler (2011) 'From Lamentation and Liturgy to Litigation: The Holocaust-Era Restitution Movement as a Model for Bringing Armenian Genocide-Era Restitution Suits in American Courts', *Marquette Law Review*, Vol. 95(1): 245.
4. V. Saroyan (2011) 'A Lesson from the Holocaust Restitution Movement for Armenians: Generate Momentum to Secure Restitution', *Cardozo Journal of Conflict Resolution*, Vol. 13(1): 285. See also Chapter 6, Guibert and Kim.
5. J. Shamsey (2002) '80 Years Too Late: The International Criminal Court and the 20th-Century's First Genocide', *Journal of Transnational Law & Policy*, Vol. 11(2): 327, 378–81.
6. A. Kuyumjian (2011) 'The Armenian Genocide: International Legal and Political Avenues for Turkey's Responsibility', *Revue de Droit Université de Sherbrooke*, Vol. 41(2): 247, 280–7.
7. The ICJ is constrained as to fact-finding, particularly on the requisite intent for genocide. See D. Groome (2007) 'Adjudicating Genocide: Is the International Court of Justice Capable of Judging State Criminal Responsibility?', *Fordham International Law Journal*, Vol. 31(4): 911, 979.

8. P. Dunberry (2014) 'The Consequences of Turkey Being the "Continuing" State of the Ottoman Empire in Terms of International Responsibility for Internationally Wrongful Acts', *International Criminal Law Review*, Vol. 14(2): 261.
9. Akçam (2012), pp. 228–85; R. Kévorkian (2011) *The Armenian Genocide: A Complete History* (London: I. B. Tauris); U. Ü. Üngör and M. Polatel (2011) *Confiscation and Destruction: The Young Turk Seizure of Armenian Property* (London and New York: Continuum).
10. V. N. Dadrian and T. Akçam (2011) *Judgment at Istanbul: The Armenian Genocide Trials* (New York and Oxford: Berghahn Books), pp. 13 and 18 (quoting Interior Ministry Archives, D.H. Cipher Office, SFR File 54.426, 13 July 1915 report).
11. See Chapter 4, Robertson, 'Genocidal intent'.
12. Morgenthau (1918), pp. 337–8.
13. Akçam (2012), pp. 125–285.
14. See Chapter 16, Holslag and Chapter 17, Der Mugerdechian.
15. For example, see V. N. Dadrian (2004) 'The Armenian Genocide: An Interpretation', in J. Winter (ed.) *America and the Armenian Genocide of 1915* (Cambridge: Cambridge University Press), pp. 52–100.
16. Üngör and Polatel (2011). See also Chapter 6, Guibert and Kim.
17. Akçam (2012), pp. 175–285.
18. E. Schwelb (1946) 'Crimes against Humanity', *British Yearbook of International Law*, XXIII, pp. 178 and 181. See also Chapter 10, Chorbajian, for the Allied Powers' telegram of 29 May 1915.
19. Treaty of Peace Between the Allied Powers and Turkey (Treaty of Sèvres), 10 August 1920 (unratified), reprinted in (Supp. 1921) *American Journal of International Law*, XV, pp. 153–295.
20. Treaty of Sèvres, art. 142.
21. *Ibid.*, art. 230.
22. *Ibid.*, art. 226.
23. *Ibid.*, art. 144.
24. See Dadrian and Akçam (2011), pp. 19–77.
25. *Ibid.*, p. 293 (Kemal Bey 'was indeed the principal perpetrator' of 'the criminal acts of massacre, looting, and pillaging'); pp. 310–12 (certain individuals caused 'the murder, annihilation, plundering and seizure of goods' of Armenians); pp. 294–9 (defendants were given death sentences for implementing massacre plans).
26. *Ibid.*, pp. 154–75 and 200–50.
27. Treaty of Peace with Turkey, signed at Lausanne, 24 July 1923 (Treaty of Lausanne), reprinted in (Supp. 1924) *American Journal of International Law*, XVIII, p. 1.
28. See Chapter 10, Chorbajian, on Turkey's interference with the broadcasting of a film relating to the Armenian Genocide in the United States.
29. See Chapter 4, Robertson, on the United Kingdom's reluctance to recognize the Armenian Genocide.
30. T. Akçam (1999) 'The Genocide of the Armenians and The Silence of the Turks', in L. Chorbajian and G. Shirinian (eds), *Studies in Comparative Genocide* (New York: St Martin's Press), pp. 125 and 143.
31. B. Algan (2008) 'The Brand New Version of Article 301 of Turkish Penal Code and the Future of Freedom of Expression Cases in Turkey', *German Law Journal*, Vol. 9(12): 2237–45.
32. *Ibid.*, p. 2238, n. 11.
33. UN Charter (preamble).

34. Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, 78 UNTS 277.
35. Genocide Convention, art. I.
36. United Nations Treaty Collection, Convention on the Prevention and Punishment of the Crime of Genocide, Participation Status, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-1&chapter=4&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&lang=en).
37. Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion [1951] ICJ Reports, pp. 15 and 23 (28 May).
38. P. Gaeta (2007) 'On What Conditions Can a State Be Held Responsible for Genocide?', *European Journal of International Law*, Vol. 18(4): 631–48 (631, 642).
39. The Rome Statute of the International Criminal Court, 17 July 1998, arts. 5(1) and 6, U.N. Doc. A/Conf.183/9.
40. W. A. Schabas (2006) *The UN International Criminal Tribunals: Former Yugoslavia, Rwanda and Sierra Leone* (Cambridge: Cambridge University Press), p. 161.
41. See Chapter 20, Sahyouni, on the benefits of genocide education.
42. Stockholm Declaration on Genocide Prevention (28 January 2004), available at <http://www.preventgenocide.org/prevent/conferences/StockholmDeclaration28Jan2004.htm>.
43. C. J. Tams, L. Berster and B. Schiffbauer (2014) *Convention on the Prevention and Punishment of the Crime of Genocide: A Commentary* (Munich: C. H. Beck, Hart Publishing & Nomos), p. 56.
44. UN Charter, art. 92.
45. *Ibid.*, art. 93.
46. ICJ Statute, art. 36(1). The ICJ may issue an advisory opinion in limited circumstances. *Ibid.*, art. 65. The likelihood of such a request regarding the Armenian Genocide is remote and thus advisory opinion jurisdiction is not discussed in this chapter.
47. *Ibid.*, art. 34(1).
48. B. Simma (2013) 'Human Rights before the International Court of Justice: Community Interest Coming to Life?', in J. Sloan and C. J. Tams (eds) *The Development of International Law by the International Court of Justice* (Oxford: Oxford University Press), pp. 301 and 319.
49. *Today's Zaman*, 'Can Srebrenica Ruling Benefit Turkey on Armenian Issue?', 28 February 2007 (stating that 'the Turkish Foreign Ministry is considering taking the case to the Court of International Justice').
50. ICJ Statute, art. 36(2) (defining the disputes as concerning '(a) the interpretation of a treaty; (b) any question of international law; (c) the existence of any fact which, if established, would constitute a breach of an international obligation; and (d) the nature or extent of the reparation to be made for the breach of an international obligation').
51. ICJ, Declarations Recognizing the Jurisdiction of the Court as Compulsory, <http://www.icj-cij.org/jurisdiction/?p1=5&p2=1&p3=3>.
52. ICJ Statute, art. 36(1).
53. Genocide Convention, art. IX.
54. Tams, Berster and Schiffbauer (2014), p. 295.
55. United Nations Treaty Collection, Convention on the Prevention and Punishment of the Crime of Genocide, Declarations and Reservations, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-1&chapter=4&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&lang=en).
56. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia-Herzegovina v. Serbia & Montenegro*) 1993 ICJ 3 (Request for the Indication of Provisional Measures Order of April 8).

57. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia-Herzegovina v. Serbia & Montenegro*) (Judgment of 26 February 2007).
58. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Croatia v. Yugoslavia*) (Application of 2 July 1999).
59. Request for Advisory Opinion, Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, 1950 ICJ 15, pp. 8–9 (17 November 1950).
60. *Ibid.*, p. 23.
61. *Ibid.*, pp. 24–6 and 29.
62. *Ibid.*, p. 26. The ICJ set out additional rules concerning reservations. *Ibid.*, pp. 26–9.
63. Bosnian Judgment, para. 471 (2)–(4).
64. *Ibid.*, paras. 276, 277 and 319.
65. *Ibid.*, paras. 277, 370 and 376.
66. *Ibid.*, para. 297.
67. *Ibid.*, paras. 395, 412, 415 and 424.
68. *Ibid.*, paras. 438 and 471 (5).
69. *Ibid.*, paras. 450 and 471 (6).
70. *Ibid.*, para. 456.
71. J. Alvarez (2007) 'Burdens Of Proof – Notes from the President', *American Society of International Law Newsletter*, No. 23: 1.
72. *Ibid.*: 7.
73. M. Milanović (2007) 'State Responsibility for Genocide: A Follow-Up', *European Journal of International Law*, Vol. 17(3): 669, 678.
74. *Ibid.*: 683.
75. Gaeta (2007), p. 635.
76. Groome (2007), p. 977.
77. Genocide Convention, art. IV.
78. *Ibid.*, art. II; Bosnian Judgment, para. 187; see Chapter 4, Robertson and Chapter 9, Travis, on the issue of specific intent.
79. Bosnian Judgment, para. 186.
80. *Ibid.*, para. 172 (quoting Judgment of the International Military Tribunal, Trial of the Major War Criminals, 1947 Official Documents, Vol. 1, p. 223).
81. *Ibid.*, para. 166.
82. *Ibid.*, para. 179.
83. *Ibid.*, para. 385.
84. *Ibid.*, para. 391 (citing Military and Paramilitary Activities in and against Nicaragua (*Nicaragua v. United States of America*), Judgment (27 June 1986)).
85. *Ibid.*, para. 391 (quoting Nicaragua Judgment, para. 109).
86. *Ibid.*, para. 393.
87. *Ibid.*, paras. 180–2.
88. *Ibid.*
89. See S. Power (2002) *A Problem from Hell: America and the Age of the Genocide* (New York: Basic Books), pp. 51–65.
90. For example, Bosnian Judgment, paras. 242–319.
91. For example, *ibid.*, paras. 327, 328 and 330.
92. *Ibid.*, paras. 190, 260, 271, 305, 307, 311, 313, 314–17, 323, 331 and 337.
93. *Ibid.*, paras. 228–30 and 285.
94. *Ibid.*, para. 301.
95. *Ibid.*, para. 330.
96. Dadrian and Akçam (2011), pp. 271–332.

97. *Ibid.*, pp. 195–9. Some trials were also conducted outside Istanbul. *Ibid.*, p. 201.
98. *Ibid.*, p. 251.
99. *Ibid.*, pp. 202–3.
100. *Ibid.*, p. 277; on the release of prisoners to form these bands, see Chapter 1, Üngör and Chapter 8, Demirdjian.
101. Dadrian and Akçam (2011), p. 278.
102. *Ibid.*
103. *Ibid.*, p. 291.
104. *Ibid.*
105. *Ibid.*
106. *Ibid.*, p. 328.
107. V. N. Dadrian, ‘The Convergent Roles of the State and a Governmental Party in the Armenian Genocide’, in L. Chorbajian and G. Shirinian (eds) (1999), pp. 92 and 115.
108. Akçam (2012), pp. 201–26.
109. Dadrian and Akçam (2011), pp. 339–42.
110. *Ibid.*
111. Akçam (2012), p. 1.
112. *Ibid.*, pp. 12–16.
113. Bosnian Judgment, para. 209.
114. *Ibid.* As for the state’s obligation to prevent genocide and punish offenders, the Court announced that the standard of proof is ‘at a high level of certainty’. Bosnian Judgment, para. 210.
115. Whether for political reasons a state would elect not to file a case is beyond this chapter’s scope. In fact, non-legal considerations may be decisive.
116. Tams, Berster and Schiffbauer (2014), p. 307 (quoting Obligation to Prosecute or Extradite, Judgment of 20 July 2012, para. 69).
117. Bosnian Judgment, para. 149.
118. *Ibid.*, para. 147.
119. R. Kolb (2009) ‘The Scope *Ratione Materiae* of the Compulsory Jurisdiction of the ICJ’, in P. Gaeta (ed.) *The UN Genocide Convention: A Commentary* (Oxford: Oxford University Press), pp. 442 and 464.
120. A. de Zayas (2004) *The Genocide against the Armenians 1915–1923 and the Relevance of the 1948 Genocide Convention*, [http://alfreddezayas.com/Law\\_history/armlegopi.shtml](http://alfreddezayas.com/Law_history/armlegopi.shtml).
121. Genocide Convention (preamble); art. I.
122. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia & Herzegovina v. Serbia & Montenegro*), 11 July 1996 (P1996 Preliminary Objections Judgment) ICJ Reports, para. 15.
123. *Ibid.*, para. 17.
124. *Ibid.*, para. 34.
125. *Ibid.*
126. *Ibid.*
127. Vienna Convention on the Law of Treaties, art. 28.
128. International Convention on the Elimination of All Forms of Racial Discrimination, art. 22, opened for signature 7 March 1966, 660 UNTS 195 (entered into force 4 January 1969).
129. Tams, Berster and Schiffbauer (2014), p. 311 (quoting Application of the International Convention on the Elimination of All Forms of Racial Discrimination (*Georgia v. Russia*), Preliminary Objections, ICJ Reports 1996, 595, para. 34).

130. *Ibid.*
131. See also Schabas (2009), p. 640 (recognizing that ‘the operative clauses of the Convention, including article IX, can only apply to genocide committed subsequent to its entry into force with respect to a given State party’).
132. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Croatia v. Serbia*), Preliminary Objections, Judgment, ICJ Reports 2008, p. 412, paras. 22 and 121.
133. *Ibid.*
134. *Ibid.*, para. 125.
135. *Ibid.*, para. 129.
136. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Croatia v. Serbia*), Judgment (3 February 2015), p. 43, para. 89.
137. *Ibid.*, p. 47, para. 100.
138. Application of the International Convention on the Elimination of All Forms of Racial Discrimination (*Georgia v. Russia*), Preliminary Objections, ICJ Reports 1996, 595, para. 30.
139. C. Fournet (2007) *The Crime of Destruction and the Law of Genocide* (Aldershot, UK: Ashgate), pp. 83–4.
140. Treaty of Lausanne, arts. 38–9.
141. *Ibid.*, art. 40.
142. *Ibid.*, art. 44.
143. *Ibid.*
144. S. L. Karamanian (2013) ‘Economic-Legal Aspects of the Armenian Genocide’, *International Criminal Law Review*, Vol. 14(2): 242–60 (242 and 256–7).

# 6

## Compensation for the Armenian Genocide: A Study of Recognition and Reparations

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### Introduction

On 16 December 2005 the United Nations General Assembly adopted resolution 60/147 on the 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of Human Rights Law and Serious Violations of International Humanitarian Law' ('Resolution 60/147'), affirming the importance of addressing the question of compensating victims of such violations in a systematic and comprehensive manner at national and international levels. Referring, *inter alia*, to various forms of reparation, namely restitution, compensation and satisfaction, Resolution 60/147 makes clear that the remedies to which victims are entitled should be envisioned along two broad spectra; first in acknowledging the wrongdoing caused and second in compensating the harm suffered.

According to Resolution 60/147, the purpose of restitution is to restore the victim to the original situation before the gross violation of international human rights law or serious violation of international humanitarian law. Compensation, on the contrary, is to be provided for any economically assessable damage.<sup>2</sup> Satisfaction includes measures such as the verification of the facts and full disclosure of the truth, an official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim, a public apology, including acknowledgement of the facts and acceptance of responsibility, commemorations and tributes to the victims, and an inclusion of an accurate account of the violations that occurred in educational material at all levels.

In addition to the loss of about a million lives,<sup>3</sup> the economic consequences of the Armenian Genocide on the surviving population were no less grave.<sup>4</sup> The Genocide resulted in a near absolute mass expropriation of Armenian property, the estimated value of which amounts to trillions of dollars.<sup>5</sup> On the eve of the First World War, in addition to private property, the Armenians living in the Ottoman Empire owned 2,538 churches, 451

monasteries and 1,996 schools.<sup>6</sup> By the end of the war, only six churches remained.<sup>7</sup> In 1918 US Ambassador Morgenthau observed that '[t]he real purpose of the deportation was robbery and destruction; it really represented a new method of massacre'.<sup>8</sup>

Save for a few trials in 1919, the Armenian Genocide was kept silent until the late 1970s. Since then, redress efforts of the Armenians have focused on the measures set forth in Resolution 60/147. For many years, recognition of the Armenian Genocide by Turkey and the international community was the key goal and starting in the 1980s efforts were cast on obtaining recognition.<sup>9</sup> While Turkey has still not recognised the events as genocide,<sup>10</sup> many states and international and regional bodies have done so.

Under Resolution 60/147, this has contributed to the 'satisfaction' aspect (see the following section). Also falling under this category of reparative measures are the claims in cases of denial before domestic courts and the European Court of Human Rights (ECHR) (discussed below). Finally, and most recently, encouraged by the successes of the Holocaust survivor claims, efforts have been cast on restitution and compensation.<sup>11</sup> These efforts have taken the form of domestic claims by individuals against insurance companies and civil suits against Turkey and Turkish Banks (discussed further on in this chapter).

## **Reparation through recognition**

Public awareness of the Armenian Genocide started in the 1960s.<sup>12</sup> The first reference to the Genocide in an international document is found in the 1973 intermediary report of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities.<sup>13</sup> Due to the politically charged nature of including and later deleting a reference to the Armenian Genocide, in conjunction with the debates that resulted from the report, the UN Sub-Commission on Human Rights did not undertake another study on genocide until the 1980s.<sup>14</sup> In 1985 the UN Sub-Commission recognised the acts committed against the Armenians as genocide.<sup>15</sup>

In 1987 the European Parliament declared that Turkey could not join the European Community unless it recognised its responsibility for the genocide.<sup>16</sup> Domestic efforts started with French President François Mitterrand publicly recognising the historical fact of the Armenian Genocide in 1984. In 1999 France adopted a law recognising the acts as genocide. In the US, on the contrary, motions brought in 1989, 2000, 2004 and 2007 to recognise the Armenian Genocide and to declare 24 April as its official commemoration date were defeated in Congress.<sup>17</sup>

The Armenian Genocide has now been recognised by various parliaments around the world and in official reports by the UN and the European Parliament.<sup>18</sup> As mentioned in Chapter 4, many states have adopted legislative statements, resolutions or declarations on the Armenian Genocide.<sup>19</sup>

## Reparation through the fight against denial

In jurisdictions where the denial of genocide is criminalised, the fight against genocide denial remains one area in which courts may take an active role. In Europe, the criminalisation of genocide denial is used as a means to prohibit speech that is racist, xenophobic, or ethnically intolerant.<sup>20</sup> Furthermore, genocide denial is viewed as a form of illegitimate historical revision because it denies or grossly trivialises a serious international crime.

### Cases before the European Court of Human Rights

The ECHR has dealt with the issue of denial of the Armenian Genocide through an analysis of the right to freedom of expression pursuant to Article 10 of the European Convention.

In 2010 the ECHR ruled that Turkey had failed to protect the freedom of expression of Turkish-Armenian journalist Hrant Dink who was assassinated in Istanbul on 19 January 2007 by a nationalist extremist.<sup>21</sup> In 2003 and 2004, Dink, a prominent journalist and the editor-in-chief of *Agos*, a Turkish-Armenian weekly had published a series of articles expressing his views on the question of identity of Turks of Armenian descent. He discussed what he thought was the obsession of Armenians with securing recognition of the genocide and had difficulties reconciling the Turkish element in Armenian identity. He wrote that ‘the purified blood that will replace the blood poisoned by the “Turk” can be found in the noble vein linking Armenians to Armenia, provided that the former are aware of it’.<sup>22</sup>

In February 2004 a nationalist group lodged a criminal complaint against Dink based on Article 301 of the Turkish Criminal Code.<sup>23</sup> In October 2005 the Istanbul Criminal Court found Dink guilty of denigrating Turkish identity and sentenced him to a six-month suspended sentence.<sup>24</sup> This was upheld by the Court of Cassation in May 2006. Following Dink’s assassination on 19 January 2007 the criminal proceedings against him were dropped.<sup>25</sup>

An investigation into Dink’s death was opened, including whether the local police had been negligent or failed in their duty to prevent Dink’s killing. In February 2006 the Istanbul public prosecutor’s office confirmed that the local police possessed information that Dink would likely be the target of an assassination and had identified potential suspects. However, the police did not follow this up and thus failed to act. Proceedings instituted against certain members of the Istanbul police for negligence were later dismissed. It was only in January 2015 that two police officers of the Trabzon police department were arrested in connection with police negligence over Dink’s killing.<sup>26</sup>

In 2007 and 2008 members of Dink’s family filed applications in the ECHR alleging that Turkey had violated Article 10 (freedom of expression) of the European Convention in relation to his murder.<sup>27</sup>

The ECHR stressed that Article 10 prohibits restrictions on the freedom of expression when it concerns issues of public interest and where it is part of a political debate. It emphasised that the right of freedom of expression is greater where it involves criticism of the government and that governments have an obligation to create an environment where public debate is freely exercised without fear. The ECHR found that at the time of Dink's death he was found guilty of denigrating Turkish identity. This conviction made him the target of Turkish nationalist extremists, which led to his killing.<sup>28</sup> The ECHR found that Turkey violated Dink's right to freedom of expression, that his conviction was not necessary in a democratic society, and that his views were expressed in his capacity as a journalist writing about an issue of public concern, that is, Turkey's indifference to the needs of Armenians as victims of the Genocide. The ECHR further held that States have a positive obligation to protect freedom of expression, especially against attack by private individuals, and that Turkey failed in this respect.

In connection to the Dink lawsuit, the ECHR also pronounced a judgment in the case of Taner Akçam. Dr Akçam, a professor of history and expert on the Armenian issue, had publicly criticised Dink's prosecution in Turkey. Several complaints were filed against Akçam under the same Article 301 of the Turkish Criminal Code. However, none of the complaints were prosecuted. Akçam applied before the ECHR alleging that the wording of Article 301 led to ongoing threats of prosecution.<sup>29</sup> The ECHR stated that 'there exists a considerable risk of prosecution faced by persons who express "unfavourable" opinions on this matter and indicates that the threat hanging over the applicant is real'.<sup>30</sup> The Court ruled in Akçam's favour and found there had been an interference of his freedom of expression in contravention to Article 10 of the European Convention.

The ECHR revisited the topic of recognition in *Perinçek v. Switzerland*. In 2005 Doğu Perinçek, a Turkish national, attended conferences in Switzerland in which he publicly denied the Armenian Genocide and called it an 'international lie'.<sup>31</sup> The Switzerland-Armenia Association filed a criminal complaint against him and the Lausanne Police Court found him guilty of racial discrimination pursuant to the Swiss Criminal Code's Article 261*bis* which criminalises racial discrimination, including the denial of genocide. Perinçek appealed to the Cantonal Court, which dismissed his appeal, holding that the Armenian Genocide, like the Holocaust, was a proven historical fact recognised by the Swiss legislature in December 2003. His subsequent appeal to the Federal Court was also dismissed.<sup>32</sup>

Perinçek filed an application with the ECHR alleging that his criminal conviction in Switzerland was a violation of his right to freedom of expression pursuant to Article 10 of the European Convention. The ECHR reiterated that while it was an integral part of the freedom of expression to seek the historical truth about events, it was not the ECHR's role to settle historical issues that formed part of an ongoing debate. It stated that there was little

scope under Article 10(2) for restrictions on political speech or on debate of questions of public interest.<sup>33</sup> The ECHR reviewed its jurisprudence on Article 10 cases including the *Dink v. Turkey* case<sup>34</sup> and held that Perinçek's opinion, that the events of 1915 could not be legally characterised as genocide, was not intended to incite hatred or violence.<sup>35</sup>

The ECHR found that whether the events in 1915 could be legally characterised as genocide was a topic of public debate and that Perinçek had engaged in speech that was of a historical, legal and political nature.<sup>36</sup> It noted that there was no international consensus that the events were legally characterised as genocide and contrasted it to the Holocaust.<sup>37</sup> It found that Switzerland had failed to prove that there was a public need to criminalise the conduct of individuals who challenged the characterisation of the Armenian Genocide and that Switzerland had violated Perinçek's right to freedom of expression.

Judges Vučinić and Pinto de Albuquerque partly dissented with the majority and found that there was no violation of Article 10. These Judges concluded that the international community, including Switzerland, had recognised the Armenian Genocide. They stated that the Swiss Criminal Code provision punishing genocide denial complied with the principle of legality. They noted that Perinçek admitted that he knew Switzerland had recognised the Armenian Genocide and that its denial was punishable under Swiss law.<sup>38</sup>

The dissenting Judges found that the criminalisation of denial was both proportionate and necessary, compatible with the freedom of expression, and even required within the framework of the Convention. Genocide denial can be viewed as a form of racial discrimination, intolerance or hate speech.<sup>39</sup> States have a broad margin of appreciation where there is a social consensus regarding the acts of genocide, as Switzerland had acknowledged by passing legislation. The dissenting Judges found that criminalisation of genocide denial is on par with states' obligations under international instruments such as the Genocide Convention and UN General Assembly Resolution of 26 January 2007, which called on member states to reject Holocaust denial.<sup>40</sup> In applying this to Armenians, the Judges stated that there was an additional imperative to prevent hatred and discrimination against them.

On 28 January 2015 the Grand Chamber of the ECHR held a hearing in the Perinçek case following a request filed by Switzerland, and has now taken up the issue of whether Perinçek's statements were protected by freedom of expression.<sup>41</sup>

### **The example of France**

There have been efforts in France to expand the application of current legislation criminalising Holocaust denial to also cover Armenian Genocide denial.<sup>42</sup> In 2012 the Parliament approved a bill criminalising the denial of

genocides recognised by France, including the Armenian Genocide.<sup>43</sup> On 28 February 2012 the Constitutional Court declared that the proposed legislation was unconstitutional and held, *inter alia*, that it ignored the principle of equality by differentiating between those genocides recognised by France and other countries, and unduly violated freedom of expression.<sup>44</sup>

Despite the absence of explicit legislation to that effect, a French court 'condemned' statements denying the Armenian Genocide. In 1993 US historian Bernard Lewis stated in an interview that referring to the 1915 events as genocide was just 'the Armenian version of this history' and that Turkish documents only demonstrated intent to deport the Armenian population. An Armenian association filed a civil action against Lewis, arguing that by challenging the existence of the Armenian Genocide, Lewis had seriously infringed on the memory and respect of the survivors and their descendants. The Tribunal held that while Lewis had the right to his views, it was only by hiding elements which went against his thesis that he was able to state that there was no serious proof of the Armenian Genocide. His statements caused prejudice, and consequently he failed in his duties of objectivity and prudence by expressing himself without qualification on such a sensitive subject. He was fined one franc.<sup>45</sup> The question remains as to whether this ruling would now be upheld by the ECHR in light of the *Perinçek* case discussed above.

## Reparation through restitution and compensation

In the period leading up to and during the Armenian Genocide, the Young Turks adopted measures that deprived the Armenians of all economic power and possessions. In the words of one of the co-authors in this volume:

The expropriation of Ottoman Armenians was a functionally necessary phase linking persecution to destruction. Dispossessed and uprooted, the Ottoman Armenians' chances of survival and maintenance gradually shrunk to a minimum.<sup>46</sup>

The different rates of economic development and wealth between the Turks and the Armenians generated widespread resentment among Turks, from the political elites to the lower classes.<sup>47</sup> The interplay of economic superiority and political inferiority of the Armenians bred the perception that Armenian wealth was illegitimate and had been gathered at the Turks' expense. Talaat Pasha, the leading CUP figure, told Ambassador Morgenthau that he had decided that the Armenians should be rendered powerless before the end of the war.<sup>48</sup>

The confiscation process began right after the first waves of deportation but well before any legislation, which, when it was later enacted, merely served to render the overall policy more consistent. Thirty-three

commissions, first named 'abandoned property commissions' and later renamed 'liquidation commissions', drew up inventories, liquidated, appropriated and reallocated Armenian property. The confiscation process began by directly liquidating all property and then transferring its revenues to Ottoman Muslims.<sup>49</sup> Some properties were transferred to individuals and private entities while others remained within the control of the State and were later converted into prisons, police stations, schools and hospitals, or were assigned to the army.<sup>50</sup>

The pace of legislative activity picked up rapidly in the summer of 1915 and continued thereafter. A few days after the issuance of the 'temporary law' on the deportation of Armenians of 27 May, a retroactive law legalised it and expanded its scope. It aimed at protecting property left behind and returning its net assets to the deported Armenians. The overwhelming majority of the property was allocated to migrants who had fled from the Caucasus and the Balkans.<sup>51</sup> It also provided for the establishment of the aforementioned liquidation commissions to protect and administer the abandoned properties.<sup>52</sup>

Early in June the Ottoman government adopted a secret order to inform the local government about the management of Armenian properties. It provided for a very detailed registration of the goods 'taken under protection' and discussed the resettlement of the 'migrants'.<sup>53</sup> On 10 June instructions were passed as to how to register the property of those deported, how to safeguard it, and how to dispose of it through public auctions.<sup>54</sup> On 15 June a directive authorised the creation of local commissions to 'safeguard' abandoned property,<sup>55</sup> the revenue of which was to be held in trust for remittance to the owners upon their return after the war.<sup>56</sup> Foreign states with Armenian debtors, such as Germany, started putting pressure on the Ottoman government.<sup>57</sup> In a memorandum of 4 July, German Ambassador Baron Wangenheim warned the Young Turk government of the losses German firms would certainly incur. Very quickly, Talaat temporarily postponed the deportation of those Armenians who owed money to German firms and banks.<sup>58</sup>

On 26 September 1915 another law was promulgated, this time disposing of the property and assets of those deported and providing that in the event of legal proceedings in relation to the assets in question, the 'officials of the Land Registration Office shall assume the role of the adverse parties'.<sup>59</sup> A temporary law of 27 September 1915 created other commissions to liquidate abandoned properties and settle debts and credits of persons who 'were sent elsewhere'. Unlike previous legislation, it detailed the procedure to be followed by creditors, namely that they should apply to the commissions to claim their rights within two months for Ottomans and four months for foreigners.<sup>60</sup> It was supplemented in November 1915 by a more detailed regulation of the liquidation commissions.<sup>61</sup> At the time, commissions became responsible for selling movable property at auctions and the proceeds were transferred to the Ministry of Education.

Post-war efforts at restitution of property by Izzet Pasha's government – including the adoption of laws in 1918 and 1920 rejecting legislation adopted in 1915<sup>62</sup> – were thwarted from 1922 onwards by the Kemalist government. The newly established government in Ankara proclaimed that liquidation of properties was legal. On 12 March 1922 it passed a decree according to which proxy statements of missing non-Muslim subjects were rejected. It also adopted a law on 20 April 1922 which provided that unclaimed movable properties of a population who had escaped from places freed from enemy invasion were to be sold at auction and that the immovable properties and agricultural products were owned by the government. The immovable properties and registered income of returnees would be returned. Furthermore, if anyone denounced any previously undetermined abandoned property, they would get a denunciation bonus. A law on abandoned properties was then adopted on 15 April 1923, providing that liquidated immovable properties were to be recorded as income for the finance ministry and ministry of pious foundations in the name of the evacuated people. A time frame of four months for residents of Turkey and six months for other residents was given to file the relevant claim or notification. Additional laws were adopted in 1923 and 1924.<sup>63</sup>

As explained in Chapter 5, the Treaty of Sèvres, which contained specific provisions on minorities and foresaw restitution and compensation,<sup>64</sup> was superseded by the Treaty of Lausanne, which remained silent on the issue of property.<sup>65</sup>

After 1925 the Kemalists began to register liquidated properties as income in the national budget and migrants who had settled on abandoned properties were allowed to take the titled deeds for these properties. The laws on abandoned properties were only abolished on 11 June 1986. The General Directorate of land registry and cadastre published a circular order about the abandoned properties on 29 June 2001, according to which all of them would be transferred to the state.

This intricate framework created a system whereby Armenian property has ultimately been transferred to the State and cannot be claimed by its rightful owners or their heirs under either international or Turkish law.<sup>66</sup> Attempting to overcome this system, individual claimants have launched actions seeking redress through different legal avenues.

### **Out of court settlements in insurance cases**

By the beginning of the First World War, the New York Life Insurance Company and Union-Vie, and, to a lesser extent, the Equitable Life Assurance Society, had each sold thousands of policies to Armenians.<sup>67</sup> New York Life held a total amount of \$10 million of life insurance contracts in Turkey, the majority of which belonged to Armenians.<sup>68</sup> Some of these foreign life insurance policies were left behind prior to their beneficiaries' deportation with American missionaries.<sup>69</sup>

In 1918 Ambassador Morgenthau noted the efforts of the Turkish government to collect the benefits of the life insurance policies of deceased Armenians. He described a private meeting he had with Talaat Pasha who said: 'I wish that you would get the American life insurance companies to send a complete list of their Armenian policy holders. They are practically all dead now and have left no heirs to collect the money. It of course all escheats to the State. The Government is the beneficiary now.'<sup>70</sup> Official ministerial memos were sent to all European and American insurance companies requesting the names of all Armenians insured with them, but without any success. Ambassador Morgenthau informed the Ottoman authorities, on behalf of the insurance companies, that these requests could not be fulfilled.<sup>71</sup>

In the early 1920s the insurance companies accepted and processed a small number of claims made by heirs of deported Armenians. American diplomats assisted in this process. However, New York Life and Equitable insisted on receiving certificates of proof of death. Union-Vie opined, on the contrary, that denial of payment to the heirs of the victims 'would be unworthy of a great company, contrary to equity and strongly prejudicial to the prestige and renown of our country, to refuse the payments'.<sup>72</sup> Early on, and following the example of the 'Lusitania precedent',<sup>73</sup> these two companies undertook steps to recover the few payments already made to some of the Armenian victims' heirs as well as the financial losses incurred by the death of so many of their policy holders.<sup>74</sup>

Beginning in the 1950s West Germany paid reparations of approximately \$70 billion mostly to Israel and a small amount to Jewish victims.<sup>75</sup> Thousands of Holocaust victims held life insurance policies with European companies but over a period of 50 years, most if not all the claims were denied. After the reunification of Germany and the lifting of the London Debt Moratorium on Holocaust claims by foreign nationals, massive class action law suits against life insurance companies doing business in Germany poured into US courts. Defendant companies protested and in October 1998 an International Commission was established to prepare a complete list of all insured victims and, using a relaxed standard of proof, insure the payment of the benefits.<sup>76</sup> The State of California passed its own reporting act in 1999, forcing insurance companies doing business in California to render public certain information as to their activities between 1920 and 1945. In 2003 the US Supreme Court struck down the Californian act as unconstitutional and declared that it interfered with the President's powers over US foreign affairs and with the policy of the executive to have all matters resolved through a Holocaust victims fund agreed to between Germany and other insurance companies.<sup>77</sup>

Drawing on this experience, a claim against New York Life Insurance Company for more than 2,000 life insurance policy benefits emanating from the Armenian Genocide was made in 1998 in a district court in California.

An out of court and symbolic settlement of \$20 million was reached after six years of negotiations.<sup>78</sup> The case against AXA SA (formerly Union-Vie) was the second of its kind to be brought in a US District Court in the Central District of California and led to a \$17.5 million settlement.<sup>79</sup>

### Insurance cases litigated in the State of California

In 2000, Section 354.4 of the California Civil Procedure Code was amended to bestow California courts with jurisdiction over certain claims arising out of insurance policies held by 'Armenian Genocide victims' and to extend the statute of limitation for such claims until 31 December 2010.<sup>80</sup>

In December 2003 Vazken Movsesian filed a class action against Victoria Versicherung AG ('Victoria'), Ergo Versicherungsgruppe ('Ergo'), and Munchener Ruckversicherungs-Gesellschaft Aktiengesellschaft AG ('Munich Re').<sup>81</sup> As heirs of beneficiaries of insurance policies, the plaintiffs sought damages from all three insurance companies, *inter alia*, for breach of written contract, breach of the covenant of good faith and fair dealing, and unjust enrichment.<sup>82</sup> In response, Victoria, Ergo, and Munich Re challenged the constitutionality of Section 354.4 and argued that it was pre-empted by the executive branch's policy to prohibit governmental recognition of the phrase 'Armenian Genocide'.<sup>83</sup> According to US law, Congress has the power to pre-empt state law.<sup>84</sup> Insurance is typically a field that Congress has left to be regulated at the state level.<sup>85</sup> However, when the federal government exercises its power over foreign affairs, its actions pre-empt inconsistent state law.<sup>86</sup> Pre-emption of state law may therefore materialise through Congressional legislation, treaties and international executive agreements where the President acts within his powers.<sup>87</sup> In the 2003 decision mentioned above, the US Supreme Court held that executive policy, as expressed by international executive agreements, was sufficient to pre-empt state law.<sup>88</sup>

In support of their argument, the defendants in *Movsesian* referred to three separate occasions on which Congress' attempts to recognise the Armenian Genocide or to mention the phrase as such were met by letters from the US President, each expressing the President's concern. Three resolutions in 2000,<sup>89</sup> 2003<sup>90</sup> and 2007<sup>91</sup> all saw US Presidents voicing apprehension for the negative impact of such resolutions on US foreign policy and in each case attempts to bring them to a vote were thwarted.

The US District Court denied Munich Re's motion to dismiss the claims for breach of contract and breach of the covenant of fair dealing in 2008.<sup>92</sup> The Ninth Circuit Court of Appeals reversed and remanded the District Court's ruling by a two to one vote on 20 August 2009, holding that there existed 'an express federal policy prohibiting legislative recognition of an "Armenian Genocide"', which was entitled to pre-emptive weight.<sup>93</sup> The Court of Appeals concluded that Section 354.4 clearly contradicted the Presidential express foreign policy preference of refusing to provide official legislative recognition to the Armenian Genocide.<sup>94</sup> It concluded that '[t]he

federal government has made a conscious decision not to apply the politically charged label of “genocide” to the deaths of these Armenians during the First World War. Whether or not California agrees with this decision, it may not contradict it.<sup>95</sup> ‘By opening its doors as a forum to all “Armenian Genocide” victims and their heirs and beneficiaries, California expresses its dissatisfaction with the federal government’s chosen foreign policy path [...] [T]his is not a permissible state interest’.<sup>96</sup>

On 10 December 2010 the same panel of the Ninth Circuit Court of Appeals reversed its decision by a two to one vote, one judge switching his vote.<sup>97</sup> On 23 February 2012, on rehearing the matter *en banc*, the Ninth Circuit Court of Appeals held that Section 354.4 was pre-empted under the foreign affairs doctrine.<sup>98</sup> On 10 June 2013 the US Supreme Court refused to grant certiorari.<sup>99</sup>

### **Lawsuits against banks**

In another class action, Varoujan Deirmenjian and six other California residents filed a putative class action against Deutsche Bank AG and Dresdner Bank AG (‘Banks’), asserting that they concealed and prevented the recovery of assets that were deposited in accounts by Armenians prior to and during the Armenian Genocide. The US District Court granted the Banks’ motion for summary judgement and held that Turkey’s statute of repose governed the suit and that the plaintiff’s claims were therefore time-barred.<sup>100</sup> This decision was upheld by the Ninth Circuit Court of Appeals.<sup>101</sup>

In 2010, in yet another class action, a number of Americans of Armenian descent filed a class action against Turkey, the Central Bank of Turkey and T. C. Ziraat Bankasi (‘Turkish Banks’), *inter alia*, for unjust enrichment, human rights violations and violations of international law.<sup>102</sup> On 26 March 2010 the US District Court granted the Turkish Banks’ motion to dismiss the case. It found that Turkey and the Turkish Banks were covered by the Foreign Sovereign Immunities Act and that neither the ‘commercial activity’ nor the ‘expropriation’ exceptions therein applied.<sup>103</sup>

### **Conclusion**

This chapter has touched upon the progress made in terms of redress for the Armenian Genocide being obtained through the recognition and acknowledgement of the crimes committed. While the Armenian Genocide has been recognised by some states as well as international and regional bodies, efforts must continue to establish it as a universally accepted historical fact. In terms of compensation through restitution and reparation, all the efforts displayed by individual members of the Armenian community have yet to materialise into anything concrete.

The light shed on the events of 1915 during the centennial commemorations may prove effective in fostering further reflection on adequate

forms of redress. For instance, in advance of the centennial, a bill was presented before the US Congress that would require the US Secretary of State to provide an annual report to Congress regarding the efforts displayed by the US government to survey and secure the return, protection and restoration of stolen, confiscated, or otherwise unreturned Christian properties in Turkey.<sup>104</sup> Further, a decree promulgated in Turkey in 2011 allowed non-Muslim community foundations to apply to regain or receive compensation for property confiscated after 1936.<sup>105</sup> However, for it to be effective, the scope of its implementation would have to be extended, *inter alia*, to cover property confiscated since 1915. Recently, in April 2015, the Armenian Church launched an action before Turkey's Constitutional Court for the return of its historical headquarters.<sup>106</sup> Authors have also suggested establishing a compensation fund and claims commission available to all Armenians, regardless of their residence.<sup>107</sup>

One hundred years after the events, it is time for the families of the victims of the Armenian Genocide to be adequately compensated for the harm suffered.

## Notes

1. Nolwenn Guibert (Legal Officer) and Sun Kim (Associate Legal Officer) are in the Chambers Legal Support Section of the ICTY. The views expressed in this chapter are those of the authors alone and do not reflect those of the ICTY or the UN. The views expressed in other chapters of this book do not necessarily reflect Ms Guibert's and Ms Kim's personal views.
2. Article 34(1) of the International Law Commission's Articles on the International Responsibility of States for Internationally Wrongful Acts states, '[f]ull reparation of the injury caused by the internationally wrongful act shall take the form of restitution, compensation and satisfaction, either singly or in combination'. See A/Res/56/83, as discussed in I. Marboe (2014) 'Compensation and Damages in International Law and their Relevance for the Valuation of Expropriated Armenian Property', *International Criminal Law Review*, Vol. 14(2): 415–16.
3. See Chapter 2, Bijak and Lubman.
4. The purpose of this chapter is not to address the actual number of victims or whether the acts fulfil the requirements of the crime of genocide as defined by the 1948 Genocide Convention. However, for ease of reference the term 'genocide' will be used throughout.
5. H. C. Theriault (2014a) 'Legal Avenues for Armenian Genocide Reparations', *International Criminal Law Review*, Vol. 14(2): 219–31 (220, referring in fn. 4 to Üngör and Polatel (2011), p. 165); H. S. Karagueuzian and Y. Auron (2009) *A Perfect Injustice: Genocide and Theft of Armenian Wealth* (New Jersey: Transaction Publishers), p. 15, referring to D. Kouymjian (1998) 'Confiscation and Destruction: A Manifestation of the Genocide Process', *Armenian Forum*, Vol. 1(3): 1–12.
6. Kévorkian and Paboudjian (1992), pp. 57–60.
7. Üngör and Polatel (2011). See also Chapter 15, Kebranian, on cultural destruction.
8. Morgenthau (1918), p. 309.
9. H. C. Theriault (2014b) 'Reparations for Genocide: Group Harm and the Limits of Liberal Individualism', *International Criminal Law Review*, Vol. 14(2): 441–69 (448).

10. On 23 April 2014, Recep Tayyip Erdoğan referred to the acts of 1915 as inhumane, presented his condolences, and further reiterated Turkey's offer to a joint historical commission in which academics and researchers of Turkey and Armenia would study the events of 1915 together. See Chapter 11, Elmas, on Erdoğan's speech and Turkish press.
11. H. Theriault (2011) 'Reparations as Essential Element of any Just Resolution of Genocide', *Armenian Weekly*.
12. In a rare television interview, Raphael Lemkin acknowledged that the Armenian case was a source of inspiration in coining the term 'genocide'. *Perinçek v. Switzerland*, ECHR, Appl. No. 27510/08 (2013), Joint Partly Dissenting Opinion of Judges Vučinić and Pinto de Albuquerque ('*Perinçek Dissent*'), para. 29.
13. Special Rapporteur Rughashyankiko submitted three reports on 25 June 1973, 17 June 1974 and 25 June 1975, *Study on the Question of the Prevention and Punishment of the Crime of Genocide*, UN Doc. E/CN.4/Sub.2/416 (1975).
14. After various states disagreed on the deletion of the reference to the Armenian Genocide, the UN Commission on Human Rights decided to distribute Rughashyankiko's report with some of the amendments proposed. See Summary of the Records of the 150th Meeting, UN Commission on Human Rights, UN Doc. E/CN.4/SR.1520 (16 March 1979).
15. See Chapter 4, Robertson.
16. See Chapter 12, Bayraktar.
17. Karagueuzian and Auron (2009), p. 13.
18. See Permanent Mission of Armenia to the United Nations, [http://www.un.mfa.am/en/genocide/\\_listing](http://www.un.mfa.am/en/genocide/_listing) the states and legislative bodies that have acknowledged the Armenian Genocide. The ECHR stated that about twenty states have officially recognised the Armenian Genocide. *Perinçek v. Switzerland*, para. 115.
19. *Perinçek Dissent*, para. 10.
20. *Ibid.*, para. 16, fn. 10.
21. *Dink v. Turkey*, ECHR, Appl. No. 2668/07 (2010).
22. *Dink v. Turkey*, para. 16.
23. See Chapter 5, Karamanian, on Article 301's adoption and Chapter 11, Elmas, on media reporting of Hrant Dink's killing.
24. *Dink v. Turkey*, para. 19.
25. *Ibid.*, para. 29.
26. *Today's Zaman*, 'Two police officers arrested in Dink murder case', 13 January 2015.
27. Article 2 and 13 violations were also alleged in the application.
28. On the media campaign leading up to his killing, see Chapter 11, Elmas.
29. *Akçam v. Turkey*, paras. 3–19.
30. *Altuğ Taner Akçam v. Turkey*, ECHR, Appl. No. 27520/07, 25 October 2011, para. 82.
31. *Perinçek v. Switzerland*, para. 7.
32. See generally *Perinçek v. Switzerland*, paras. 6–39 for procedural history.
33. *Ibid.*, para. 99.
34. *Ibid.*, para. 109.
35. *Ibid.*, para. 52.
36. *Ibid.*, para. 112.
37. *Ibid.*, para. 117.
38. *Perinçek Dissent*, para. 13.
39. *Ibid.*, para. 16.

40. *Ibid.*, para. 21.
41. As of the date of publication of this chapter, the ECHR Grand Chamber's Judgement has not been issued.
42. Article 24 *bis* of the 'Law on Freedom of the Media' of 29 July 1881, as amended by Law No. 90-615 of 13 July 1990, criminalises the denial of 'crimes against humanity' as defined in Article 6 of the Statute of the Nuremberg Tribunal.
43. 'Proposition de loi portant transposition du droit communautaire sur la lutte contre le racisme et réprimant la contestation de l'existence du génocide arménien', National Assembly, No. 3842, 18 October 2011. See also 'Proposition de loi tendant à réprimer la contestation de l'existence du génocide arménien', National Assembly, No. 3030, 12 October 2006; *Le Figaro*, 'Génocide arménien: la proposition de loi enterrée', 3 December 2008.
44. Constitutional Court, Decision No. 2012-647 DC, 28 February 2012.
45. Tribunal de Grande Instance de Paris, 1ère Chambre, 1ère Section, 21 June 1995.
46. Üngör and Polatel (2011), p. 103.
47. *Ibid.*, pp. 22–5.
48. H. Morgenthau (2000) *Ambassador Morgenthau's Story* (Princeton: Gomidas Institute).
49. Üngör and Polatel (2011), p. 66.
50. *Ibid.*, p. 78.
51. A small proportion of property was sold at auction and its value was protected by revenue authorities for restitution to its owners. See BOA, Meclis-I Vükelâ Mazbatası 198/163.
52. See Takvim-i Vekâyi, No. 2189, 19 May 1915, as referred to in Üngör and Polatel (2011), p. 43.
53. *Ibid.*, p. 44.
54. Akçam (2012), p. 343.
55. Askeri Tarih Belgeleri Dergisi, No. 81 (December 1982), doc. 1832, referred to in Kévorkian (2011), p. 203.
56. FO 371/4241/170751 (Documents 76–80 (Vol. 1, 1982), referred to in V. N. Dadrian, 'The Armenian Genocide: Review of its Historical, Political, and Legal Aspects', *University of St. Thomas Journal of Law and Public Policy*, Vol. 5(1): 135, fn. 80.
57. Akçam (2012), p. 350.
58. Üngör and Polatel (2011), p. 45, referring to Armenians in Ottoman Documents (1915–1920) (Ankara: Turkish Republic Prime Ministry General Directorate of the State Archives, Directorate of Ottoman Archives, 1982, pp. 20–1).
59. Temporary Law on the property, liabilities, and debts owed deported persons, 13/26 September 1331/1915, referred to in Kévorkian (2011), p. 204. See also Akçam (2012), pp. 350–1.
60. Üngör and Polatel (2011), p. 46.
61. Regulation on the execution of the temporary law of 13 September 1331/1915 about the commissions charged with the liquidation of property left behind by the deportees, and on their competencies, 26 October/8 November 1331/1915, referred to in Kévorkian (2011), p. 204.
62. Üngör and Polatel (2011), p. 48.
63. *Ibid.*, pp. 49–52, referring to, for instance, Law No. 224, 20 April 1922; Decree No. 1483, 12 March 1922; Ordinance No. 2391, 29 March 1923; Decree No. 711, 20 July 1924.
64. Treaty of Sèvres, Article 144.
65. Treaty of Peace with Turkey, Lausanne, 14 July 1923.

66. Üngör and Polatel (2011), p. 57.
67. Karagueuzian and Auron (2009), pp. 23–6.
68. *Ibid.*, pp. 24–5, referring to Buckner to US Secretary of State Lansing, 20 November 1922, US National Archives, RG 59, 367.115N483/3.
69. Karagueuzian and Auron (2009), pp. 25–6.
70. *Ibid.*, p. 47, referring to Morgenthau (1918), p. 339.
71. Karagueuzian and Auron (2009), pp. 47–52.
72. *Ibid.*, p. 40, referring to Buckner to US Secretary of State Lansing, 20 November 1922, US National Archives, RG 59, 367.115N483/3 (enclosure). A copy of a communication addressed by the French Insurance Company, La Compagnie de l'Union, to the French Minister of Foreign Affairs, dated 11 April 1922, p. 3.
73. In 1915 the British ship *Lusitania* was deliberately hit by a German military torpedo, killing 1,198 passengers, including American passengers who held life insurance policies with New York Life and Equitable. In 1921 Germany and the USA signed a treaty holding Germany liable for the losses suffered aboard the *Lusitania*. A lengthy dispute ensued, argued by a three-party commission. The umpire found that the life insurers had suffered losses but that Germany, while obliged to compensate for damages suffered by the American surviving dependents of civilians whose deaths were caused by acts of war, was not obligated to compensate them for damages sustained by American nationals through injuries resulting in death. See 'Mixed Claims Commission. United States and Germany: Opinion and Decision in Life-Insurance Claims'. Stanford Law Library, FP, EMS, Gho., 1924, p. 103.
74. Karagueuzian and Auron (2009), pp. 55–9.
75. *Ibid.*, p. 83.
76. *Ibid.*, p. 84.
77. *American Insurance Association v. Garamendi*, 539 U.S. 396 (2003) at pp. 425 and 426.
78. Karagueuzian and Auron (2009), pp. 89–94; M. Bobelian (2006) 'Vartkes's List', *Legal Affairs* (March/April 2006): 7. This included a \$3 million contribution to Armenian civic organisations: see New York Life, Press Release, January 18 2014, 'Agreement is reached to settle Armenian insurance policies from 1915'.
79. Karagueuzian and Auron (2009), p. 94; Bobelian (2006), p. 7.
80. Cal. Civ. Proc. Code §354.4.
81. *Movsesian v. Victoria Versicherung AG (Movsesian I)*, 578 F. 3d 1052 (9th Cir. 2009). Although the statutory basis for the claim was the California statute, a class action may be brought in Federal court. See Fed. R. Civ. P. 23; 28 U.S.C. §1332.
82. *Movsesian I*, 578 F. 3d at 1055.
83. *Ibid.* at 1055, 1057.
84. US Constitution, art. VI, cl. 2, otherwise known as the 'Supremacy Clause'. See also *Crosby v. National Foreign Trade Council*, 530 U.S. 363, 372 (2000).
85. See *Cooley v. Board Of Wardens of the Port of Philadelphia*, 53 U.S. (12 How.) 299 (1851); McCarran-Ferguson Act, 15 U.S.C. §1011 (2009 & Supp. 2011)
86. See *Crosby v. National Foreign Trade Council*, 530 U.S. 363, 372 (2000).
87. C. Galway Buys and G. Gorman (2012) 'Movsesian v. Victoria Versicherung and the Scope of the President's Foreign Affairs Power to Preempt Words', *Northern Illinois University Law Review*, Vol. 32(2): 205–35.
88. *American Insurance Association v. Garamendi*, 539 U.S. 396 (2003) at 421, 427.
89. H. Res. 596, 106th Congress, (2000).
90. H. Res. 193, 108th Congress, (2003).

91. H. Res. 106, 110th Congress, (2007).
92. See *Movsesian I*, 578 F. 3d at 1052.
93. *Ibid.* See also Galway Buys and Gorman (2012), p. 8 (commenting that *Movsesian I* was quite extraordinary in that it found that ‘mere statements by past presidents discouraging the adoption of laws that use the term “Armenian Genocide” are enough to create an executive policy that is enforceable by the courts when confronted with any inconsistent laws’.)
94. *Movsesian I*, 578 F. 3d at 1052.
95. *Ibid.* at 105, referring to *Garamendi*, 539 U.S. at 427, 123 S. Ct. 2374.
96. *Ibid.* at 1052, referring to *Garamendi*, 539 U.S. at 427, 123 S. Ct. 2374; Deutsch, 324 F. 3d at 712.
97. *Movsesian v. Victoria Versicherung AG (Movsesian II)*, 629 F. 3d. 901, 907 (9th Cir. 2010).
98. *Movsesian II*, 670 F. 3d 1067.
99. *Harry Arzoumanian et al. v. Munchener Ruckversicherungs-Gesellschaft Aktiengesellschaft AG*, 133 S.Ct. 404 2795 (Mem) U.S. 2013.
100. *Deirmenjian v. Deutsche Bank, AG*, F. Supp. 2d, 2010 WL 3034060 (C.D.Cal.).
101. *Deirmenjian v. Deutsche Bank, AG*, 548 Fed. Appx. 461.
102. S. L. Karamanian (2014) ‘Economic-Legal Perspective on the Armenian Genocide’, *International Criminal Law Review*, Vol. 14(2): 249–54, fn. 102, citing a copy of the complaint that can be found at <http://online.wsj.com/public/resources/documents/072810armeniasuit.pdf>.
103. *Davoyan v. Turkey*, Case No. Cv 10-05636 DMG, Amended Order (26 March 2013).
104. H.R. 4347 – 113th Congress (2013–14). The bill was introduced on 28 March 2014 and on 26 June 2014 was adopted by the Foreign Affairs Committee. It is yet to be brought to a vote to the floor of the House of Representatives.
105. *Resmî Gazete*, ‘Decree Having the Force of Law Regarding the Organisation and Responsibilities of the Ministry of Food, Agriculture, and Stockraising’ and ‘Decree Having the Force of Law Regarding Changes to Certain Laws and Decrees Having the Force of Law’ (in Turkish), KHK/651, art. 17, 28038 *Resmî Gazete*, 27 August 2011. A number of lawsuits have already been filed in application of this decree. See, for example, *Armenian Weekly*, Harut Sassounian, ‘Zuart Sudjian Sues Turkey to Reclaim Her Family Lands, Diyarbakir Airport’, 20 January 2015.
106. <http://www.armenianorthodoxchurch.org/en/archives/11782>.
107. Karamanian (2014), p. 260, fn. 105. See also *Armenian Weekly*, A. De Zayas, ‘Armenians Have Strong, Legitimate Claim for Reparations’, 28 October 2010.

# 7

## Legacy of Impunity: Sexual Violence against Armenian Women and Girls during the Genocide

*Najwa Nabti*<sup>1</sup>

### Introduction

Sexual violence against Armenian women and girls during the Armenian Genocide a century ago has been well-documented by survivors, diplomats, missionaries and other eyewitnesses. The means used to subjugate and persecute female Armenians were as diverse and widespread as they were brutal. Unfortunately, such acts have only been repeated in subsequent conflicts, with similarly devastating consequences for the victims, their families and their entire communities. With few exceptions, such devastation has been achieved with impunity. For the past 20 years, however, increasing efforts have been made to prosecute these acts as war crimes, crimes against humanity and genocide. The plight of Armenian women and girls, whose trauma has been passed down through generations, reinforces the importance of these efforts.

Building on the factual analysis provided by genocide scholars, historians, social scientists and Turkish courts martial, this chapter provides a legal assessment of sexual violence against Armenian women and girls during the Genocide. Often absent from historical analyses of the development of international crimes involving sexual violence, these sources demonstrate that the horrors Armenian women and girls experienced were established crimes, which surfaced among the atrocities described in post-First World War trials against Ottoman Turks. While Armenian victims lacked access to developed legal tools and the political support to fully seek accountability, the criminality of their experience is now reflected in international jurisprudence, revealing striking parallels with cases that led to convictions for crimes involving sexual violence in similar contexts. Despite making great strides in solidifying definitions for international crimes based on acts of sexual violence, however, modern international criminal courts and tribunals continue to struggle to conceptualize sexual violence among other core crimes when it comes to holding perpetrators accountable. The Armenian experience is relevant here as well.

The different contexts in which sexual violence was perpetrated against Armenian women and girls – all repeated in later conflicts – strongly suggest

a pattern of sexual violence that is likely to occur in certain prevailing conditions. These conditions provide a blueprint for the commission of sexual violence in conflict: the separation of men from women and children, forced displacement without adequate protection, an overtly permissive climate for rape and abduction and the use of violence to terrorize civilians, all driven by ethnic hatred or nationalistic fervor. That these ideal conditions were replicated in later conflicts, with equal efficacy, bolsters arguments that responsible leaders and commanders who unleash violent campaigns against civilians should be held accountable for their predictable results, including sexual violence.

### **Sexual violence during the Armenian genocide**

As with most genocides, ethnically-charged nationalistic political ideology ignited the genocidal campaign against Ottoman Armenians.<sup>2</sup> Just as Bosnian Muslim and Croat enclaves would later hinder the achievement of a Greater Serbia in the former Yugoslavia, the Armenian population of eastern Asia Minor was seen as a barrier to the unification of Turkic peoples from the Balkans to Central Asia. By 1913 the Ottoman leadership had begun to implement measures targeting the Armenian population. In early 1915 Armenian Ottoman soldiers were disarmed and killed and prominent Armenian leaders were rounded up and executed, followed by coordinated mass killings and deportation. 'Deportation' meant death marches, further massacres and brutal abuse along the routes.<sup>3</sup> By 1917 more than one million Armenian men, women and children had perished through summary execution, starvation, drowning, illness, and other mistreatment, an extermination of approximately half of the Ottoman Armenian population.<sup>4</sup>

Reports of sexual violence against women and girls surfaced from the very outset of the massacres and expulsion of Armenian villages in 1915. At every stage, women and girls were targeted. Military escorts, bands of criminals, civilians and Kurdish fighters used by Ottoman authorities attacked convoys of deportees forced toward the desert.<sup>5</sup> They abducted and sexually abused women and girls before killing them or leaving them to die. The threat of rape was so pervasive that some resorted to suicide.<sup>6</sup> As in most conflict settings, sexual violence was but one of the many traumas these victims suffered: 'the girls were physically and emotionally exhausted; they had witnessed tremendous violence during the deportations, including rapes and abductions; many had lost family members; their support structures were minimal; ... they had abandoned hope of survival'.<sup>7</sup>

To avoid deportation (and almost certain death), some Armenian women and girls were converted and married off to Muslim Turks, Kurds and Arabs.<sup>8</sup> Those who refused were simply taken by the thousands from their families, convoys, orphanages and camps. While many were raped and then killed, others were sold and enslaved.<sup>9</sup> Inspected and treated as chattel, women and girls were systematically distributed to the Muslim population. In total,

an estimated 100,000–200,000 Ottoman Armenians were converted and absorbed in Muslim households throughout 1915 alone.<sup>10</sup> Highlighting the gendered nature of the genocide, these survivors were primarily women and children. Some of the Islamized Armenians or their descendants only discovered their suppressed ethnic roots years later.<sup>11</sup>

Almost as striking as the systematic and horrific nature of sexual violence against Armenians was the high visibility of these crimes. Eyewitnesses, including survivors, diplomats, missionaries, intelligence officers and even Ottoman soldiers themselves, provided detailed reports. As one missionary wrote to a US consul in August 1915:

For six weeks we have witnessed the most terrible cruelties inflicted upon the thousands of Christian exiles who have been daily passing through our city from the northern cities. All tell the same story and bear the same scars: their men were all killed on the first days march from their cities, after which the women and girls were constantly robbed of their money, bedding, clothing, and beaten, criminally abused and abducted along the way. Their guards ... were their worst abusers but also allowed the baser element in every village through which they passed to abduct the girls and women and abuse them. We not only were told these things but the same things occurred right here in our own city before our very eyes and openly on the streets.<sup>12</sup>

A German source, allied with the Ottomans, told of the ‘convoys of exiles’ that ‘[t]he girls were abducted almost without exception by the soldiers and their Arab hangers-on’.<sup>13</sup> An Ottoman soldier reported that ‘armed bands organised by the Turkish Government’ attacked and seized deported women and children and committed ‘the most dastardly outrages’ on them before murdering them.<sup>14</sup> A US consul witnessed the aftermath: a pile of naked bodies showing ‘signs of the brutal mutilation which the gendarmes inflicted upon so many of the women and girls whom they killed’.<sup>15</sup>

Survivors provided harrowing accounts of the horrors that befell them, their mothers, sisters and friends after male family members were killed:

Then the turn came for young women and girls. At midnight they would come and take some of them away. ... You know the Turks did a lot of things but you cannot even talk about them. They did everything – if they liked them they made them wives, if not they would do all of their bad acts and then kill them.<sup>16</sup>

*The New York Times* reported on the forced marriage and enslavement of Armenian girls by Ottoman officials. A September 1915 report detailed how 100 schoolgirls were selected by Turkish officers and soldiers, with the rest sold to the highest bidder.<sup>17</sup> Ottoman soldiers also profited from the sale

of Armenian women to surrounding communities, who enslaved and forcibly prostituted them.<sup>18</sup> US Ambassador Morgenthau described the carnage: '[b]ehind was left a small army of girls who had been sold as slaves ... and who, after serving the brutal purposes of their purchasers, were forced to lead lives of prostitution'.<sup>19</sup> Even former US President Theodore Roosevelt was aware of sexual violence against Armenian women. He decried the US failure to intervene to protect 'people whose little children are murdered and their women raped'.<sup>20</sup>

The full extent of the rape, forced marriage, and other sexual violence against Armenian women and girls was confirmed in the war's aftermath. The Mudros Armistice ending hostilities between the Allies and Turkey required that 'Armenian interned persons and prisoners be handed over to the Allies'.<sup>21</sup> The 1920 Treaty of Sèvres similarly required Turkish authorities to assist in searching for and delivering all persons 'who have disappeared, been carried off, interned or placed in captivity'.<sup>22</sup> Occupying British forces, the Armenian Patriarchate, Armenian organizations, Western missionaries, humanitarian relief workers, the newly-formed League of Nations and others worked aggressively to locate and free Armenians who had been taken and converted to Islam during the war.<sup>23</sup> In 1919 a British agent stressed the urgency of releasing 'the thousands of Armenian women and children living with Kurds, Turks and Arabs. There was scarcely a girl over twelve who had not been a wife to some Moslem'.<sup>24</sup>

League of Nations commissioner Karen Jeppe recalled that of the thousands of Armenian females she had encountered, all but one had been sexually abused.<sup>25</sup> Intake files of hundreds of rescued Armenian women and children<sup>26</sup> revealed stories of 'unremitting consistency', telling of 'deportations, separations, mass extrajudicial killings and repeated rapes, followed by years of unpaid servitude as agricultural workers or domestic servants, servile concubines, unconsenting wives and involuntary mothers'.<sup>27</sup> They also revealed another pattern. Following tribal custom, many Armenian women and girls were tattooed on their faces and hands, branding them 'for life, which in fact has often prevented them from getting home, they simply dare not show themselves to their countrymen'.<sup>28</sup>

While many women were rescued, countless others stayed within their Turkish, Kurdish and Arab households. Many did not want to leave their children, were pregnant, infected with sexually transmitted diseases or traumatized by physical abuse and feared stigmatization.<sup>29</sup> In post-war Turkey, they also 'faced the prospect of having to support themselves and their children in the hostile environment and broken economy of a defeated country'. While many were assimilated, some Turks turned the women onto the streets with their babies.<sup>30</sup> The enduring trauma of both escapees and 'hidden Armenians' absorbed into Muslim households has been passed down through generations,<sup>31</sup> reflected in testimonies, memoirs and literature over the past century.<sup>32</sup> While thousands suffered in silence, the perpetrators and authors of the genocide remained free.

## Legacy of impunity: from invisible to criminal

Legal responses to the Armenian Genocide confirm its place in the development of international criminal law, including the slow progression of sexual violence from historical invisibility to a core international crime. Despite the prevalence of rape, abduction and enslavement of women and girls throughout the Genocide, these acts were in fact criminal well before the first expulsions of Armenians in 1915. Ottoman law expressly prohibited rape, 'indecent offences' and the abduction of women and girls.<sup>33</sup> The customary law of armed conflict also prohibited rape, which clearly exceeded the limits of military necessity.<sup>34</sup> Although the specific elements of these offences had not been defined under international law, their criminality was well-established, even if not enforced.<sup>35</sup> However, as reports of the atrocities against Ottoman Armenians escalated, debate ensued over whether international prohibitions applied to a government's own subjects, within its own borders, outside the context of an international conflict. Rejecting this purported impunity gap, in May 1915 Allied forces accused Ottoman Turks of committing 'crimes against humanity' against Armenians.<sup>36</sup> Undeterred, the Ottoman government claimed interference with its sovereign rights over Armenian subjects and accelerated its campaign of persecution through 'wholesale expulsions and deportations from one end of the Empire to the other accompanied by frequent instances of rape, pillage, and murder'.<sup>37</sup>

After the war, British efforts to prosecute Ottoman officials for such crimes before an international tribunal failed due to lack of political will and opposition by the new Turkish leadership.<sup>38</sup> Despite this failure, several Turkish courts martial proceeded under international pressure, applying Ottoman law.<sup>39</sup> Some tribunals also invoked the principle of 'crimes against humanity' in convicting several Ottoman leaders of massacre, plunder and pillage pursuant to the Ottoman military code.<sup>40</sup> The trials have aptly been described both as 'morally momentous' and 'dismally abortive as far as justice was concerned'.<sup>41</sup> This was equally true regarding justice for sexual violence victims. Like the post-Second World War prosecutions that followed several decades later,<sup>42</sup> although sexual violence was rarely expressly charged, these crimes were so widespread that they managed to surface in several Turkish indictments and trials.<sup>43</sup> In addition to the details of massacres, Armenian survivors testified to plunder, pillage and widespread rape.<sup>44</sup>

Reflecting the role of sexual violence in the pattern of crimes against Armenians, amid mass deportations and drownings in Trabzon, the court found that

the Armenian women and young girls were ordered assembled in the [Red Crescent] hospital, which had been established for humanitarian purposes and in the abodes of religious sheikhs for the [ostensible] purpose of protecting them ... [The defendant Mehmet Alî Efendi] was responsible for violating their womanly honor by delivering and

surrendering the aforementioned women to those men desiring to take them into their houses, some with the intent of marrying [them], others with the aim of reducing them to servitude or [in some cases] for subjecting them to poverty and ruin through other forms [of abuse].<sup>45</sup>

The trials also uniquely featured the testimony of Armenian eyewitnesses,<sup>46</sup> including survivors who testified about serial rape.<sup>47</sup> In the Bayburt Verdict, the court found that the defendant Nusret Bey raped an Armenian woman and her 12-year-old sister based on the older victim's sworn testimony.<sup>48</sup> Other Armenian witnesses – including women – testified that Nusret had been present at massacres and abducted girls from the group with the help of gendarmes.<sup>49</sup> Despite finding Armenian witness evidence to be reliable, however, the judges declined to premise convictions solely on such testimony.<sup>50</sup> Nusret had also tried to abduct the daughters from an Armenian family, and threatened the male family members with deportation, causing the entire family to commit suicide out of fear.<sup>51</sup> For these crimes, Nusret was executed.<sup>52</sup> The following year, he was amnestied and declared a 'national martyr'.<sup>53</sup>

The key indictment against wartime cabinet ministers and top Ittihadists also alleged 'rape' among the 'ancillary offenses' that may have hastened death during the deportations.<sup>54</sup> '[T]hese crimes were committed "in a particularly organized way" ... when the deportee convoys were set upon and destroyed'.<sup>55</sup> Supporting evidence included a coded telegram which described a lieutenant's seizing of four Armenian daughters and 'vile deeds concerning women'.<sup>56</sup> In one of the less prominent trials, Bahçecik Township Director Ali Şuuri Bey was charged with raping an Armenian girl and wrongfully seizing Armenian property, proven through both Armenian and Turkish witness testimony.<sup>57</sup> He was convicted and sentenced to one year of hard labor, but was released with time served at the time of judgment.<sup>58</sup>

Courts martial verdicts also highlighted the liability of defendants for failing to protect deportees. In the Yozgat case, which included allegations of frequent rape in the convoys,<sup>59</sup> the court considered the separation of minors and women 'from their guardians and close relatives' as revealing the defendants' malicious intent:

Not only did they fail to adopt the necessary measures to ensure the protection of the aforementioned [deportees], so that they might reach their destination point in comfort and ease, they bound the hands of the men, thus allowing these premeditated tragic events to take place, causing all manner of slaughter, looting, and pillaging.<sup>60</sup>

The same pattern of criminality was reflected amidst the Trabzon atrocities. CUP Party Secretary Nail Bey and Trabzon Governor-General Cemal Azmi Bey

ordered the defenseless Armenians sent off for the [ostensible] purpose of deportation by means of convoy guard details which they had formed

from certain persons of corrupt morals and recidivist criminals and from gendarmes who would collaborate with them. Then, after putting some distance between [the convoys] and the city [of Trabzon], and reaching an out-of-the-way and concealed place, the men and women were separated from one another, after which the possessions that were found [on their persons] were looted and plundered by the robber brigands composed of those persons mentioned. The killing and annihilation [of the men] by all manner of atrocious and cruel means was ordered, after which the helpless women were brought to another place and, after being likewise stripped of their jewelry and money and clothing and such, a good number of them were then raped.<sup>61</sup>

Rape and other sexual violence were not entirely invisible in post-First World War criminal trials, as commonly suggested. The fact that certain Turkish courts martial accepted evidence and made findings on sexual violence, found Armenian victim testimony to be reliable, and convicted individuals responsible for these crimes, is significant. These courts took a progressive approach in acknowledging sexual violence both as individual unlawful acts and as part of a larger criminal campaign against Armenians. Ultimately, however, most defendants were never charged, were acquitted, had fled, or escaped from prison. While justice has evaded the vast majority of Armenian victims of sexual violence, the horrors of their experience may have helped pave the way for future prosecutions.

### **From crimes against humanity to genocide**

Despite the aborted attempt to try suspected individuals for crimes against humanity in an international tribunal after the First World War, the concept of accountability for 'crimes against humanity' against a state's own subjects eventually took hold. In 1919 the Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties concluded that the 'Central Empires' and their 'allies Turkey and Bulgaria' violated 'the established laws and customs of war and the elementary laws of humanity', including 'rape' and the 'abduction of girls and women for the purpose of enforced prostitution'.<sup>62</sup> Crimes against humanity ultimately formed the basis for convictions for some of the most egregious atrocities committed during the Second World War, the 1990s Balkan Wars and the Rwandan genocide. The injustice of impunity for the destruction of Armenians also motivated Raphael Lemkin to drive efforts to codify the crime of genocide.<sup>63</sup> His fears that the international community's complacency risked repeated horrors were realized when Hitler, emboldened by the lack of accountability for the Armenian massacres, invaded Poland and exterminated thousands.<sup>64</sup>

The pattern of crimes in the Balkan conflict that led to the break up of Yugoslavia in the 1990s bears a striking similarity to the Armenian

expulsions and Genocide, perpetrated under the cover of war. Women were targeted for rape and other mistreatment as a means to humiliate and degrade them and their communities, and force them out of the region. In Bosnia and Kosovo, the targeted ethnic groups were raped and sexually assaulted in their homes during 'weapons searches', in temporary or long-term detention settings, and as they fled in civilian convoys, often separated from their male family members. Gang rape was prevalent, as was the sexual torture of prisoners. Some victims were kept in private houses by soldiers for lengthy periods, used as sexual slaves and then sold, ensuring further mistreatment.<sup>65</sup>

Although Rwanda is most notoriously known for the brutal slaughter of approximately 800,000 people over the course of three months in 1994, investigations soon revealed that sexual violence formed an integral part of the genocidal attacks against Tutsi civilians. Hundreds of thousands of women and girls were raped during the Rwandan genocide. Sexual violence against Tutsi women included gang rape, rape with sticks and other objects, and other means of sexual mutilation. They were attacked throughout Rwanda during the genocide, often in the open, at roadblocks, military camps, churches, schools, hospitals, health clinics, stadiums and markets.<sup>66</sup> These crimes 'resulted in physical and psychological destruction of Tutsi women, their families and their communities'.<sup>67</sup> They were found to be genocidal acts as 'Tutsi women were subjected to sexual violence because they were Tutsi. Sexual violence was a step in the process of destruction of the Tutsi group – destruction of the spirit, of the will to live, and of life itself.'<sup>68</sup>

Decades after the Armenian Genocide, the devastating repetition of these crimes positioned international courts and tribunals to develop the legal definitions for substantive offenses and apply them in a gendered manner. For example, while the Statutes of the ICTY and ICTR expressly criminalize rape,<sup>69</sup> their Chambers interpreted other crimes including enslavement, torture, inhumane acts, cruel treatment, outrages upon personal dignity, persecution and genocide as encompassing acts of sexual violence.<sup>70</sup> In defining these crimes, as well as the applicable modes of liability, international tribunals have interpreted and applied customary international law and general principles of law.<sup>71</sup> The legal elements of crimes have been adopted and expanded upon by the ICC and the Special Court for Sierra Leone (SCSL), defining forced marriage and sexual slavery as inhumane acts. The most comprehensive list of sexual violence offences is found in the Rome Statute of the ICC, which specifically prohibits rape, sexual slavery, enforced prostitution and forced pregnancy.<sup>72</sup>

Of all these prohibitions, genocide has been the most difficult to prove. This is partly due to the misperception that genocide is equivalent to mass killing, and partly due to the rigorous specific intent requirement. From a legal perspective, however, the plain language of the genocide definition confirms that it is not limited to killing. As discussed in Chapter 4, the

Genocide Convention defines genocide as ‘any of the following acts committed with the intent to destroy, in whole or part, a national, ethnical, racial or religious group, as such:’

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting ... conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.<sup>73</sup>

International courts and tribunals have confirmed that acts of sexual violence can form the *actus reus* of genocide (the conduct described in a–e above).<sup>74</sup> The first international criminal conviction for genocide, issued by the ICTR, encompassed acts of sexual violence found to cause ‘serious bodily or mental harm to members of the group’.<sup>75</sup> Rape is now considered a ‘quintessential’ example of serious bodily harm as an underlying act of genocide.<sup>76</sup> In the first case brought before the ICJ under the Genocide Convention, the parties acknowledged that ‘rapes and sexual violence could constitute acts of genocide’.<sup>77</sup> The ICJ has since confirmed that, in addition to ‘causing serious bodily or mental harm’, ‘rapes and other acts of sexual violence’ can also constitute the *actus reus* of genocide by inflicting ‘measures intended to prevent births’ and ‘conditions of life calculated to bring about [the group’s] physical destruction in whole or in part’.<sup>78</sup>

Factually, the previously described crimes of sexual violence against Armenians meet all of these *actus reus* elements. Sexual violence featured prominently among the many forms of serious bodily and mental harm inflicted on Armenians in both sudden attacks and prolonged mistreatment throughout the death marches. Rendering procreation impossible within their ethnic group, Armenian women were separated from male family members who were often killed before their eyes. They were raped, forced into sexual slavery, prostitution and marriage with non-Armenians. They were stripped of their Armenian names, language, religion and culture, and deprived of their children who, if they survived, were also Islamized. Thousands were murdered. Individually and collectively, such acts are quintessentially genocidal.

With regard to the intent requirement, genocidal intent may be proven through direct evidence (such as perpetrators’ own statements revealing their mental state), or inferred from such circumstances as

the general context, the perpetration of other culpable acts systematically directed against the same group, the scale of atrocities committed, the systematic targeting of victims on account of their membership in a particular group, the repetition of destructive and discriminatory acts, or the existence of a plan or policy.<sup>79</sup>

In the case of Armenians, all the acts of sexual violence described provide a strong inference of genocidal intent. Beyond eviscerating the Ottoman Armenian population, these measures were *intended* to have that effect. Ottoman leaders strategically devised this plan to '[a]pply measures to exterminate all males under 50, priests and teachers, leave girls and children to be Islamized'.<sup>80</sup> Military escorts were under 'strict orders not to interfere' with the criminal bands that attacked women and girls, organized by the Turkish Government.<sup>81</sup> For survivors, 'the assimilation of female deportees into Ottoman households coincided with the Genocide's goals', resulting in the eradication of the Armenian community.<sup>82</sup>

The assimilation of Armenian women and girls – who were converted, forcibly married to Muslims, and given Muslim names – was 'rooted in the traditional perception of men as the sole bearers of ethnicity'.<sup>83</sup> From the sexual mutilation and torture of victims before killing them, to the constant rape and abductions en route to the desert, to the systematic distribution of women and girls to be enslaved and forcibly assimilated, *all* aspects of sexual violence against Armenian women and girls contributed to the process of their destruction as Armenians.

In the ethnically-driven conflicts during the First World War, and the 1990s conflicts in the Balkans and Rwanda, the goals and results of sexual violence were the same: the creation of fear and terror and destruction of the person, family, and community of the victim as a member of the targeted ethnic group.<sup>84</sup> Given the devastating impact of sexual violence in tearing apart community structures and the resulting long-term biological and psychological damage,<sup>85</sup> its use as a means of genocide is unsurprising. This is even more so when no one is held to account for these crimes.

## **Accountability**

Despite the successes in more precisely defining the international crimes involving sexual violence, relatively few political and military leaders have been convicted of them.<sup>86</sup> This is largely due to the fact that such leaders will rarely order or publicly direct sexual violence, or even expressly contemplate it in formulating their criminal plans. However, there is some precedent for holding leaders accountable for allowing sexual violence to occur in pursuing the goals of persecution and genocide, even where the sexual violence was not planned or intended. Despite significant strides, recent acquittals at the ICC highlight the depth of this challenge.<sup>87</sup>

Criminal law, both domestic and international, incorporates various modes of liability for holding persons responsible for crimes beyond the physical perpetrators. Under the ICTY and ICTR Statutes, perpetrators can be convicted for committing, planning, ordering, instigating, aiding and abetting,<sup>88</sup> as well as superior responsibility.<sup>89</sup> 'Committing' encompasses various forms of co-perpetration, including 'joint criminal enterprise' liability (JCE),

which aims to punish individuals who participate in a common plan to commit crimes.<sup>90</sup> The ICC likewise provides for a range of forms of commission including co-perpetration and common purpose liability (albeit with varying elements), ordering, soliciting, inducing, aiding and abetting, incitement, attempting and superior/command responsibility.<sup>91</sup>

A common thread of all these modes of liability is the competence to hold persons responsible for crimes resulting from violently attacking civilians, even where they may have not intended a specific crime to result. The crime must be a foreseeable consequence, or a crime occurring in the ordinary course of events, of implementing the planned crimes. In making such arguments, prosecutors have highlighted particular indicators that render sexual violence predictable (and even probable) in certain contexts. Comparing these circumstances to the context of sexual violence against Armenians further reinforces these arguments.

For example, a Bosnian Serb commander was convicted of the rape of Bosnian Muslim refugees fleeing Srebrenica as a natural and foreseeable consequence of the ethnic cleansing campaign. The court found that he knew that the rape, murder and other mistreatment of Bosnian Muslim refugees would be inevitable given the lack of shelter, the density of the crowds, the vulnerable condition of the refugees, the presence of many military and paramilitary units, and the lack of sufficient protection.<sup>92</sup> Another Trial Chamber analyzed factors that made the rape of Bosnian Muslim women foreseeable while being detained by Serb forces, considering their vulnerability and the means of implementing the common plan through violence and humiliation. That the women were detained, guarded by men who were physically and mentally abusive and allowed to act with impunity made it 'unrealistic and contrary to all rational logic' to expect that women would not be subjected to sexual violence.<sup>93</sup> The ICTR has recognized sexual violence as a foreseeable consequence of a genocidal campaign. It concluded that

during a campaign to destroy, in whole or in part, a national, ethnic, racial, or religious group, a natural and foreseeable consequence of that campaign will be that soldiers and militias who participate in the destruction will resort to rapes and sexual assaults unless restricted by their superiors.<sup>94</sup>

Truly mirroring circumstances and the pattern of crimes during the Armenian Genocide, the ICTY Appeals Chamber stressed factors that made sexual violence foreseeable to leaders who violently displaced civilians:

Forced from their homes and fearing for their lives and welfare, massive columns or convoys of displaced Kosovo Albanians left their towns and villages. ... Kosovo Albanians were left highly vulnerable, lacking protection, and exposed to abuse and mistreatment by members of the Serbian

forces. ... [S]eparated from their male relatives, Kosovo Albanian women were rendered especially vulnerable to being targeted and subjected to violence by Serbian forces on the basis of their ethnicity, including violence of a sexual nature as one of the most degrading and humiliating forms.<sup>95</sup>

This passage may as well have been written in 1915, reaffirming the blueprint for conditions likely to result in sexual violence. In continuing to pursue accountability for sexual violence in conflict, relying on these historical and predictive factors demonstrates that all actions must be considered in context, including those that so obviously put women and girls at risk.

## Conclusion

Sexual violence during the Armenian Genocide has been described as ‘a gender-specific way of degrading and killing’.<sup>96</sup> The Armenian experience reaffirms the effectiveness of sexual violence as a means of committing genocide, demonstrating how the resulting ‘trauma ripples from the individual victims, to their extended families, to local communities, to the nation as a whole’.<sup>97</sup> The mass sexual violence recounted by survivors and other eyewitnesses to the Armenian Genocide and reflected in the findings of Turkish courts martial is now firmly established as a war crime, a crime against humanity and genocide. Then and now, holding leaders accountable for these acts has been challenging, but recent strides made in solidifying these crimes under international law, and pursuing their perpetrators, may begin to answer the call of thousands of victims. It is hoped that impunity for crimes of sexual violence is not a lasting legacy of the Armenian Genocide.

## Notes

1. Professor of Practice, University of Arizona James E. Rogers College of Law. Thanks to Chris Robertson, Roy Spece and Darren Modzelewski for their insightful comments.
2. See Chapter 1, Üngör.
3. See M. Bjørnlund (2011) ‘A Fate Worse than Dying: Sexual Violence during the Armenian Genocide’, in D. Herzog (ed.) *Brutality and Desire: War and Sexuality in Europe’s Twentieth Century* (London: Palgrave Macmillan), pp. 19–20.
4. A. Sarafian (2001) ‘The Absorption of Armenian Women and Children into Muslim Households as a Structural Component of the Armenian Genocide’, in O. Bartov and P. Mack (eds) *In God’s Name: Genocide and Religion in the Twentieth Century* (New York: Berghahn Books), p. 211.
5. See Chapter 1, Üngör.
6. Bjørnlund (2011), pp. 27–8.
7. H. Fein (1999) ‘Genocide and Gender: The Uses of Women and Group Destiny’, *Journal of Genocide Research*, Vol. 1(1): 43–63 (51), quoting D. E. Miller and

- D. Miller and L. T. Miller (1999) *Survivors: An Oral History of the Armenian Genocide* (Berkeley: University of California Press), p. 104.
8. See Sarafian (2001).
  9. M. Bobelian (2009) *Children of Armenia: A Forgotten Genocide and the Century-Long Struggle for Justice* (New York: Simon & Schuster), p. 28.
  10. Sarafian (2001), p. 211.
  11. See Chapter 3, Shirinian, on Fethiye Çetin.
  12. Miller and Miller (1999), p. 21.
  13. Bjørnlund (2011), p. 26.
  14. *Ibid.*, p. 20.
  15. Balakian (2003), p. 246.
  16. K. Derderian (2005) 'Common Fate, Different Experience: Gender-Specific Aspects of the Armenian Genocide, 1915–1917', *Holocaust and Genocide Studies*, Vol. 19(1): 6–7.
  17. *The New York Times*, 'Armenian Women Put Up at Auction', 29 September 1915; *The New York Times*, 'Tell of Horrors Done in Armenia: ... Men and Boys Massacred, Women and Girls Sold as Slaves and Distributed Among Moslems', 4 October 1915.
  18. Derderian (2005), pp. 11–12.
  19. Morgenthau (1918), Chapter 24.
  20. S. Power (2002) *A Problem from Hell: America and the Age of Genocide* (New York: Basic Books), p. 11.
  21. The Mudros Agreement: Armistice with Turkey, 30 October 1918, para. IV.
  22. See Chapter 5, Karamanian; Treaty of Sèvres, Article 142.
  23. See L. Ekmekçioğlu (2013) 'A Climate for Abduction, a Climate for Redemption: The Politics of Inclusion during and after the Armenian Genocide', *Comparative Studies in Society and History*, Vol. 55(3): 522–53 (534–5); Watenpaugh (2010).
  24. U. Ü. Üngör (2012) 'Orphans, Converts, and Prostitutes: Social Consequences of War and Persecution in the Ottoman Empire, 1914–1923', *War in History*, Vol. 19(2): 184, quoting E. H. Keeling (1924) *Adventures in Turkey and Russia* (London: John Murray), pp. 213 and 225.
  25. Bjørnlund (2011), p. 24.
  26. Many archived files are now available online: D. A. Bilgin, M. Bjørnlund and T. Akçam (eds) (2014) 'The League of Nations in Aleppo: Armenian Women and Children Survivors 1921–1927', available at: <http://www.armenocide.net/>. Photographs of survivors from some of these files can be viewed through the Armenian Genocide Museum-Institute: [http://www.genocide-museum.am/eng/online\\_exhibition\\_2.php](http://www.genocide-museum.am/eng/online_exhibition_2.php).
  27. Watenpaugh (2010), p. 1316.
  28. E. Lous (2003) 'Karen Jeppé: Denmark's First Peace Philosopher', The Danish Peace Academy Online Library, available at: <http://www.fredsakademiet.dk/library/ukjeppé.htm>.
  29. Derderian (2005), p. 13; Ekmekçioğlu (2013), pp. 542–50.
  30. Derderian (2005), p. 12.
  31. S. Khardalian (2011) 'Grandma's Tattoos' (film directed by PeÅ Holmquist). The director only learned after her grandmother's death that she had been raped and enslaved as a child during the genocide.
  32. See R. Peroomian (2008) *And Those Who Continued Living in Turkey after 1915* (Yerevan: Armenian Genocide Museum-Institute).

33. J. A. S. Bucknill and H. A. S. Utidjian (1913) *The Imperial Ottoman Penal Code. A Translation from the Turkish Text* (London: Oxford University Press), Book I, Chapter III ('Outrages on Morals', Arts. 197–200, prohibiting 'indecent offences' and rape); Chapter IV (Art. 206, prohibiting the abduction of children, girls and indecent offences against abducted girls).
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45. Dadrian and Akçam (2011), p. 295 (Trabzon Verdict). Mehmet Ali was convicted and sentenced to 10 years' hard labor.
46. *Ibid.*, p. 217 (Township Directors Trial); *ibid.*, p. 308 (Bayburt Verdict).
47. Hoss (1992), pp. 214 and 217.
48. Dadrian and Akçam (2011), p. 309.
49. *Ibid.*, pp. 306–7.
50. Hoss (1992), p. 220 (despite the consistency of Armenian survivor testimony, prosecutors declined to rely on evidence supplied by Armenian witnesses in order to placate partisan Turks who questioned the objectivity of the testimony); Dadrian and Akçam (2011), p. 309 (despite finding the defendant guilty of rape based on victim's testimony, the court noted that eliminating Armenian witness testimony would not 'render invalid the underlying cause of action'); Dadrian (1994), pp. 110–11.
51. Dadrian and Akçam (2011), pp. 308–9.
52. *Ibid.*, pp. 309–10.
53. *Ibid.*, pp. 104–5.
54. Dadrian (1994), pp. 108–9.
55. *Ibid.*

56. Dadrian and Akçam (2011), pp. 275–6.
57. *Ibid.*, p. 216.
58. *Ibid.*, pp. 216–18. It is not clear whether the conviction encompassed the rape charge.
59. Hoss (1992), pp. 213 and 217.
60. Dadrian and Akçam (2011), p. 291.
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64. Power (2002), p. 23; Jacobs (2003), p. 126.
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77. ICJ, *Genocide Case*, Judgment, 26 February 2007, para. 300.
78. ICJ, *Croatia v. Serbia*, Judgment, 3 February 2015, paras. 158 and 166. However, it did not find that the latter two categories were met on the evidence. *Ibid.*, paras. 360, 364 and 399–400.
79. *Karadžić*, Rule 98 bis, Appeal Judgement, para. 80.
80. Dadrian (1994), p. 174.
81. Bjørnlund (2011), p. 20.
82. Derderian (2005), p. 10.
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84. Bianchi (2013); T. Mazowiecki (1993) *Report on the Situation of Human Rights in the Territory of the Former Yugoslavia*, UN Document E/CN.4/1993/50, para. 85.
85. B. Apple (1998) 'School for Rape, The Burmese Military and Sexual Violence', An EarthRights International Report, pp. 24–5.

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88. ICTY Statute, Article 7(1); ICTR Statute, Article 6(1).
89. ICTY Statute, Article 7(3); ICTR Statute, Article 6(3).
90. JCE has been applied as a mode of liability before the ICTY, ICTR, SCSL, and some domestic courts.
91. ICC Statute, Articles 25 and 28. See generally Goy (2012). Reflecting the terms of the Genocide Convention, these statutes also include specific modes that may apply in genocide cases.
92. *Prosecutor v. Radislav Krstić*, Case No. IT-98-33-T, Judgment, 2 August 2001, para. 616.
93. *Prosecutor v. Miroslav Kvočka et al.*, Case No. IT-98-30/1-T, Judgment, 2 November 2001, para. 327.
94. *Prosecutor v. Édouard Karemera and Matthieu Ngirumpatse*, Case No. ICTR-98-44-T, Judgment and Sentence, 2 February 2012, paras 1476–7.
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# 8

## The Failure of Judicial Systems during Armed Conflicts<sup>1</sup>

*Alexis Demirdjian*<sup>2</sup>

### Introduction

On 3 June 1992, in the third month of the conflict in Bosnia-Herzegovina, a group of 30 men of Serb ethnic background stormed the Northern Bosnian town of Teslić which was under Bosnian Serb control. This paramilitary group nicknamed the Miće Group<sup>3</sup> managed to arrest hundreds of Bosnian Muslim and Croat civilians in less than three weeks, detained them in inhumane conditions, and repeatedly beat them, some succumbing to the beatings. On 30 June 1992, 16 members of the Miće were arrested when Serb authorities learned that they were persecuting Serb citizens, their 'own people'. It was only then that Serb authorities acted and investigations began shortly thereafter.<sup>4</sup> However, both the military and civilian police leadership quickly lodged protests with the prosecutor's office, requesting the Miće's release. The men were released one by one under threats and pressure and, by early August, they had reintegrated into their respective units. Meanwhile, thousands of Muslims and Croats had fled Teslić. This once multi-ethnic community had turned into a mono-ethnic municipality, crippled by terror and criminality. The ICTY deals mainly with leadership cases and six separate trials have addressed these atrocities in Teslić. The actual perpetrators, the members of the Miće Group, were arrested only in November 2014.

Even the most sophisticated and organised societies face circumstances in which they must choose between sacrificing civil liberties and safeguarding state security. During such periods, these societies toggle between defending the integrity of the judicial system or caving in by submitting to political expectations. The test rests in the capacity of judges and prosecutors to evaluate a crime based on evidence; not on ethnic, religious or political party lines. Many factors enable judges and prosecutors to perform their work: availability of evidence through honest police investigation, lack of interference from perpetrator groups, support from the executive or government, and access to victims and documentary evidence to build a criminal

case. This in the midst of bitter conflicts between (typically) long-time neighbours of different ethnic backgrounds, divided by banners branded with superficial religious, political, fanatic or ethnic slogans.

A difficult choice arises for lawyers and judges when the judicial system is used to legitimise political and military interests. While courts continue to operate, key components are removed to fit policies of the moment. As reported by Meinecke:

Alongside the arbitrary power of Hitler and the police, the judicial system continued to function, at least at first, as it had in the Weimar Republic. Yet, like most areas of public life after the Nazi rise to power in 1933, the German system of justice underwent an alignment with Nazi goals. All professional associations involved with the administration of justice were merged into the National Socialist League of Law Guardians. Nazi discipline and indoctrination soon became part and parcel of a legal career.<sup>5</sup>

Post-conflict assessments of a State's misdeeds are often overlooked and, as Wilson observes, 'domestic trials often become a battlefield over the past and the future identity of the country'.<sup>6</sup> Introspection diminishes as patterns show that commitment to one's own reference group (ethnic, political, religious or other) supersedes professional integrity. Acts crossing the boundaries of legality remain unpunished when they fit within the group's general objectives. Consequently, leaders are ready to turn a blind eye; as Karadžić would say during the Bosnian war, 'there should be no arrests of Serbs or conflicts between them'.<sup>7</sup>

The context of the First World War provided no fertile ground for unbiased investigations into crimes of atrocity. Fast-forward a century and the murder of Hrant Dink in 2007 offers an interesting opportunity to connect the dots between the Armenian Genocide and the current situation for Armenians in Turkey. Given the Turkish government's denialist stance and the ECHR finding that Turkey failed to protect Dink's life,<sup>8</sup> it is not unreasonable to ask whether we witnessed in 2007 the remnants of 1915's mindset.<sup>9</sup>

This chapter will be dealing with the functioning of judicial systems and their accessibility by victim groups during armed conflicts, focusing on non-Serbs during the early 1990s war in the former Yugoslavia, the Jewish population and German citizens labelled as disloyal in the Nazi era, and the case of Armenians in the Ottoman Empire during the First World War. While some factors for comparison were identified, they were not applied uniformly due to the diversity and quality of the documentation. Primary sources were used in analysing the Yugoslav conflict, while mostly secondary sources were used for the Ottoman and Nazi eras. Further research is needed to enable a full comparison between the three conflicts.

The comparison factors include (1) the existence of a functioning judicial system during the conflict; (2) the purge or replacement of judges and

prosecutors, based on ethnic affiliation; (3) the type of cases tried during the armed conflicts under national or international law; (4) the genuineness of investigations in cases where the victim is a member of a minority group, and (5) the involvement of members of the judicial system in the persecution campaign.

## **The judicial system in the Nazi era**

Distant observers may swiftly dismiss the entire Nazi era as a period of absolute lawlessness, devoid of a judicial system to keep criminality in check, but close scrutiny demonstrates that courts operated and crimes were prosecuted. However, the approach and bias of the judicial system converted this State pillar into a persecutory tool.

The German judiciary underwent constant transformation in the late 19th century, notably during the conservative regime established under Bismarck's rule. Liberal jurists were eliminated from the bench and generations of judges with right-wing tendencies presided over courts.<sup>10</sup> The tumultuous interwar period was marked by not so latent expressions of anti-Semitism and such expressions found their way into judicial decisions. Despite growing numbers of cases of Nazi violence, the courts refused to recognise the patently visible agenda behind the Nazi movement, thus encouraging the radical right.<sup>11</sup>

### **Controlling the legislation**

The Nazis hardly tried to give a semblance of independence to their judiciary, adopting laws overtly discriminatory towards targeted groups. As a starting point the Third Reich suspended several constitutional rights in February 1933,<sup>12</sup> by a decree which served as a basis for several restrictions on individual freedoms during the Nazi era.<sup>13</sup>

The so-called 'Enabling Act'<sup>14</sup> allowed the Reich to adopt laws deviating from the constitution, leaving the door open for pretty much every possible human rights violation. The Nazi leadership took great pains at modifying laws to give a semblance of legitimacy to their otherwise brutal operations. By February 1934 the administration of justice was under the control of central authorities.<sup>15</sup>

April 1934 saw the establishment of the People's Court,<sup>16</sup> which mainly dealt with cases of treason.<sup>17</sup> During a span of 11 years, the Court – whose members were appointed by the Chancellor – issued 5,266 death sentences in a climate where court procedures 'were calculated to afford the accused no realistic opportunity of defense'.<sup>18</sup> Roland Freisler, an extremist and enthusiastic Hitler supporter, presided over the People's Court with a 'savagery that actually embarrassed some of the Nazi leadership'.<sup>19</sup>

One example of a blatantly discriminatory law was the 15 September 1935 Citizenship Law, defining a citizen as a subject of the State of Germany or

related blood who proves by his conduct that he is willing and fit to faithfully serve the German people and Reich.<sup>20</sup> On the same day, the Law for the Protection of German Blood and German Honour was adopted, prohibiting amongst other things marriages between Jews and subjects of the State of Germany or related blood.<sup>21</sup> While most jurists were not Nazis, they continued judging cases on the actual merits, applying these newly adopted laws and 'paying lip service to Nazi demands for loyalty'.<sup>22</sup>

### **Influencing and purging judges in Nazi-era Germany**

Before the beginning of the Second World War, judges were gradually influenced and started receiving strict guidelines from their Ministry to ensure the application of Nazi values in courtrooms.<sup>23</sup> Experts disagree as to whether the interests of German judges coincided with those of the Nazi leadership and whether they resisted in applying the law as desired by the Nazi regime.<sup>24</sup>

The political leanings of this large pool of conservative judges did not necessarily translate into the rubber-stamping of Nazi ideology. To counter this, on 7 April 1933, the Third Reich adopted the Law Concerning Admission to the Bar that allowed revoking Bar admission to attorneys of non-Aryan descent and persons who had undertaken Communist activities.<sup>25</sup> On the same day, the Law on the Restoration of the Professional Civil Service forced Jewish judges to retire.<sup>26</sup> Jewish lawyers were actively hounded out of office in 1933 by members of the *Sturmabteilung* (Storm Assault Detachment) who attacked courtrooms in broad daylight, searched for Jews and chased them out of courthouses, yelling 'Jews out'.<sup>27</sup>

The Nazi leaders did not stop there. On 26 April 1942, Hitler stated that he would remove from office 'those judges who evidently do not understand the demand of the hour'. A document was found listing proposed staff reductions amongst seventy-five judges and prosecutors, which included persons of Jewish ancestry, persons having a Jewish wife, and pro-Jewish or pro-Pole lawyers.<sup>28</sup>

A letter to the judges on 1 October 1942 discussed a case decided in a district court that had ruled in favour of Jewish citizens in Germany. The Reich Minister of Justice had this to say concerning the manner in which the case was decided:

The ruling of the district court [...] borders on embarrassing a German administrative authority to the advantage of Jewry. The judge should have asked himself the question: What is the reaction of the Jew to this 20-page-long ruling, which certifies that he and the 500 other Jews are right and that he won over a German authority [...]. Even if the judge was convinced that the food office had arrived at a wrong judgment of the legal position, [...] he should have chosen a form for his ruling which under any circumstances avoided harming the prestige of the food office and thus putting the Jew expressly in the right toward it.<sup>29</sup>

Discussing Nazi interference with the administration of justice, Nuremberg defendant Rothenberger described during the post-war trials the manner in which the 'administration of justice was burdened by the Party and by the SS', and referred in his testimony to the 'thousand little Hitlers who every day jeopardized the independence of the individual judge'.<sup>30</sup>

As evidenced by the above-cited material, the German judicial system did not judge cases based on principles of legality or impartiality. It was manufactured for years before the war to follow and approve the policies of the Nazi party. The circumstances were different during the 1990s war in the Balkans. However, the Yugoslav judiciary equally appears to have been influenced in conducting its functions.

### **Courts of the former Yugoslavia during the 1990s' wars**

This section will be focusing on the example of courts in the Serbian Republic of Bosnia-Herzegovina ('the RS') during the 1990s conflict in the former Yugoslavia. Circumstances within the judiciary were not as extreme as those found in the Nazi regime in that local RS courts did not operate within the framework of such overtly racist laws. Nonetheless, access to justice for non-Serb victims was from limited to non-existent.

Following the first multiparty elections in the former Yugoslav republics, weak coalitions between nationalist political parties were marred by distrust and dishonesty, precipitated by the unskilled and quick attempts by politicians to gain independence for their individual republics, notably in Croatia and Bosnia-Herzegovina. Belgrade's reaction was to clamp down on what it labelled paramilitary activity and armed rebellion. Backed by the powerful Yugoslav Army, Belgrade's leadership – crowned by Serbia's Slobodan Milošević and his army chief Veljko Kadijević – set in motion military operations leading to mass atrocities.<sup>31</sup>

The armed conflicts in Croatia (July to November 1991) and Bosnia-Herzegovina (April 1992 to December 1995) offer a different model for warped investigations and prosecutions of war crimes. While the judiciary carried out its work, its ranks were depleted due to dismissals of judges and prosecutors of the 'wrong' ethnic background and the system moved slowly. The laws adopted during these conflicts remained loyal to the wording used in pre-war texts. It is within State and municipal decisions and decrees where one finds ethnically motivated and discriminatory regulations, such as the prohibition against the public gathering of more than three non-Serbs.

#### **The RS judicial system in 1992**

The conflict erupted in Bosnia-Herzegovina in April 1992 and saw the beginning of the division of the country between the Federation on the one hand, and the breakaway Serb Republic on the other. The trial of the former Minister of Interior, Mićo Stanišić, offered a unique opportunity to probe

the functioning of the RS judicial system as it was important, in that trial, to demonstrate the failure of the civilian police to report crimes committed against the non-Serb civilian population. Stanišić was the first Minister of Interior in Radovan Karadžić's republic; Stanišić's police helped further Karadžić's plans by carving out nearly half of Bosnia-Herzegovina's territory within a span of two and a half months.

The RS leadership had established its own civilian judicial system<sup>32</sup> and officially appointed all judges and prosecutors.<sup>33</sup> The pre-war criminal code was still in force on RS territory and its Chapter 16 dealt with war crimes committed by civilian perpetrators.

In 2009 the ICTY opened the case against Mićo Stanišić. During the trial, former Serb judges and prosecutors provided evidence on the functioning of RS courts in Serb-held regions of Bosnia-Herzegovina. They analysed court and police registers to assess the level and quality of reporting.

### **Procedure and under-reporting**

On RS territory, pre-war criminal procedures were applied during the war. A duty police officer would normally receive crime reports by telephone or in person, file a report and record the incident in police logbooks. He also informed the duty operations officer and sent a patrol officer to the crime scene to verify the offences claimed. The duty officer would, in turn, inform the investigative judge and the prosecutor.<sup>34</sup> The investigative judge was involved in a criminal investigation as soon as the public prosecutor ordered an investigation.<sup>35</sup>

Seven witnesses reviewed and analysed crimes registers from 1992 kept by the police and from the prosecutor offices,<sup>36</sup> and focused on crimes committed by Serb perpetrators against non-Serbs. They all came to the conclusion that the police failed to report or under-reported crimes committed by Serb perpetrators against non-Serbs during the war and especially in 1992 in order to avoid dealing with prosecution.<sup>37</sup> As an example, former prosecutor Branko Perić mentioned that in Teslić many crime perpetrators remained unidentified. He affirmed that when the victim was Serb, the perpetrator was known in almost all the cases, whereas when the victim was Muslim or Croat, the perpetrator remained unknown. Where perpetrators were unknown, judicial proceedings were suspended until identification and arrest.<sup>38</sup> Sanski Most's public prosecutor Milenko Delić stated that the police withheld the names of perpetrators.<sup>39</sup> In Višegrad, prosecutor Drasko testified how the local Serb police was not reporting crimes against non-Serbs and that he never received any report on the destruction of a mosque in the municipality.<sup>40</sup>

The analysis and presentation of this type of evidence required detailed reviewing of lengthy logbooks and though the administrative facet of scanning through logbooks may be unappealing, it is the shocking absence of investigation and lack of criminal reporting that jumps out of each page.

Where thousands of Bosniaks and Bosnian Croats were arrested, detained, beaten, tortured, killed or dispossessed of their belongings, one would be hard put to find a proportionate number of criminal reports to match the enormity of the crimes. The most striking incident was the killing of over 150 non-Serb prisoners on Mount Vlasici at a location known as Koricani Cliffs. Prosecutor Kovačević testified that although it was known that civilian police members had committed the killings, their superiors were unwilling to disclose their identity and did not submit information about the perpetrators.<sup>41</sup>

### **Influence on the judicial system**

The interference by political and military authorities explains the under-reporting of crimes committed against non-Serbs. Political authorities influenced the police to perform tasks that were not part of their usual functions and to not report some incidents.<sup>42</sup>

The Miće Group's release, described at the beginning of this chapter, was symptomatic of political interference. In Teslić, the SDS was the authority on appointments to the executive committee and influenced the selection of members of the police. The appointed persons had to be *'morally and politically appropriate for the job'*, that is they had to conform to SDS ideology and be of Serb ethnicity.<sup>43</sup>

### **Dismissals**

Similarly to Germany's Nazi era, the RS judicial system underwent a purge of 'undesirable' law practitioners. From April 1992 onwards Serb authorities dismissed Muslims and Croats from their positions in the education sector, factories, banks, hospitals, the media and the judiciary.<sup>44</sup> At the beginning of the conflict, RS authorities dismissed Muslim and Croat judges and prosecutors and replaced them with Serbs.<sup>45</sup>

RS authorities adopted a number of decisions during spring 1992 reiterating the need for 'standardisation' and 'loyalty to the Serbian people' when appointing personnel to key positions in each municipality.<sup>46</sup> During a meeting in May 1992 with all judges and prosecutors of the Court in Sanski Most, the president of this municipality's Serbian Democratic Party (SDS) branch affirmed that persons of Muslim and Croat ethnicity could no longer work in the Sanski Most Court.<sup>47</sup>

### **Judicial failures**

Instead of reporting crimes committed by Serbs against non-Serbs, the RS police focused on the arrest, detention and interrogation of non-Serbs in order to intimidate and force them to leave RS municipalities. Perić testified that in 1992 the majority of the detainees in RS were non-Serbs, especially Muslims. He claimed that police officers were more involved in the expulsion, arrest and intimidation of non-Serbs in his municipality than in processing criminal cases with non-Serb victims.<sup>48</sup> Muslims and Croats were arrested and

charged for the crime of armed rebellion. In these cases the only evidence the police had against them was a certificate on the seizure of the weapons.<sup>49</sup> The Trial Chamber in the Stanišić-Župljanin case found that:

[T]he civilian law enforcement apparatus failed to function in an impartial manner. Between April and December 1992, the police and civilian prosecutors failed to report or under-reported serious crimes committed by Serb perpetrators against Non-Serbs. When, in fact, such reports were filed with the civilian criminal courts, prosecution rarely ensued. In many instances, no reports of such crimes were recorded. Instead substantial police resources were directed towards the arrest, detention, and interrogation of thousands of non-Serbs.<sup>50</sup>

The Chamber also found that when faced with crimes committed against Muslim property and the theft of *Golf* cars from a Volkswagen factory, Minister Stanišić gave more importance to the latter – discussing the issue during numerous cabinet meetings<sup>51</sup> – and commented that the former was inevitable during war.<sup>52</sup> When he ordered the arrest of a paramilitary group known to have killed and tortured Bosnian Muslims, the group was charged with the theft of the *Golfs*.<sup>53</sup> The Trial Chamber concluded that the primary motivation behind the arrest of paramilitary units ‘was the theft of Golf vehicles and harassment of the Serbs, an issue that concerned the RS authorities since the start of hostilities’.<sup>54</sup>

The failures of the judiciary exposed above were not unique to the RS in 1992. These circumstances went on throughout the war in Bosnia-Herzegovina, and similar symptoms appeared earlier in Croatia (1991)<sup>55</sup> and later during the Kosovo conflict (1998–9).<sup>56</sup>

## **The Ottoman judicial system during the Armenian genocide**

As discussed in Chapters 5 and 9, the post-war Turkish authorities attempted to punish those responsible for the Armenian massacres and, despite a mitigated legacy by the nationalist fervour of the Kemalists, the Istanbul judgments led to several and severe punishments, including the death penalty. However, these trials were only held after the war.

In this section, I will survey the state of affairs in the field of research relating to court proceedings during the First World War in the Ottoman Empire and propose a course of action that would enable an adequate comparison with the case studies presented in relation to the judicial system in Nazi Germany and the RS.

### **Ottoman criminal justice system**

The Ottoman judicial system was modernised in the 19th century through judicial reforms, allowing it to shift from the traditional Sharia courts to the *nizamiye* (regular) courts inspired by French law and designed to address

criminal and civil cases. Although the Ottoman legal system had a long-standing reliance on Sharia and *urfi* (customary) law, it adopted a penal code modelled on the French Penal Code of 1810.<sup>57</sup> The code was adopted in 1858 and consisted of 265 detailed articles. A criminal code was not a foreign concept in the Ottoman Empire; early codes were traced as far back as the 15th century.<sup>58</sup>

Prior to the adoption of the 19th-century criminal codes, it was in the interest of the community to arrest an offender, as collective punishment was possible against the community or neighbourhood of the perpetrator. A new Code of Criminal Procedure (1879) created a public prosecution's office and punishing offences became the responsibility of the State and was not left to the victims.<sup>59</sup> Other amendments in criminal law at the time included the prohibition against torture, the use of which up until then was permitted to obtain a confession.<sup>60</sup> The principle of legality was also introduced during this period.<sup>61</sup>

In examining the Ottoman criminal system, the relationship between Muslim citizens and non-Muslim subjects in the Empire cannot be ignored. Amongst others, the inadmissibility of non-Muslim witness testimony against Muslim defendants is, by modern standards, a divisive and discriminatory procedure.<sup>62</sup>

### **Ministry of Justice of the Ottoman Empire during the First World War**

The Minister of Justice, Pirizade Ibrahim Bey, appointed during the January 1913 coup d'état,<sup>63</sup> was still in power in spring 1915 when the Genocide against Armenians commenced.<sup>64</sup> Following the war, he was arrested on 9 March 1919 in a wave of detentions of several CUP cabinet ministers.<sup>65</sup>

Ibrahim Bey had been accused by the media of releasing convicts as part of a CUP-sponsored practice.<sup>66</sup> Bey was tried in Istanbul after the war and during his interrogation he claimed he had been forced by Enver Pasha to 'order, against the law, the release of thousands of convicts'.<sup>67</sup> This order was only enacted once the convicts had completed their operations against the Armenian population.<sup>68</sup>

During the investigation phase, Ibrahim Bey's interrogation provided some insight into the functioning of the Ministry of Justice. In addition to conceding, reluctantly, to being fully apprised of the deportation and wholesale killing of Armenians, he more importantly highlighted the fact that the deputies of the Chamber did not lift a finger to prevent it, nor did they alert the Justice Ministry with a sense of urgency. Ibrahim Bey would have added that there were no official complaints or requests to investigate. Therefore, similar to the RS leadership, knowledge of criminal conduct was coupled with inaction.

### **Policy with respect to investigating crimes against Armenians**

Prior to the beginning of the deportations in May 1915, several events indicated that nefarious policies were in the making by the Ottoman leadership,

one of them being the absence of investigations in crimes committed against Armenians.

Following the Ottoman Empire's entry into the war on Germany's side, various exactions against Armenians were committed, starting with the removal of Armenian soldiers from the Ottoman military forces and their placement in labour battalions. In December 1914 the Reverend Sahag Odabashian, who had recently been appointed as Prelate of Erzinjan, was killed while travelling from Constantinople; the perpetrators were *chete* horsemen acting under the guidance of the Special Organization.<sup>69</sup> It is alleged that Talaat Pasha had his hand in this killing as well.<sup>70</sup> There is no evidence of a serious inquiry into this murder.

In a secret report to the German Military Mission in Constantinople, Col. Stange makes reference to two murders: the shooting of the second director of the Ottoman bank in Erzeroum (an Armenian) on 10 February 1915 and the murder of the Armenian Bishop of Erzindjan around the same time. Stange reports that '[d]espite the alleged attempts by the government, the murderer was never apprehended'.<sup>71</sup>

Nonetheless, an interesting scenario arose out of the Adana massacre of 1909, which saw the killing of 30,000 Armenians, including 21 priests.<sup>72</sup> A joint Turkish-Armenian commission was established following the massacre.<sup>73</sup> It is said that the commission exonerated the state and, according to the Armenian leadership, the CUP 'began dragging its heels on the joint commissions'.<sup>74</sup> However, the contention that no one was prosecuted for this large-scale massacre<sup>75</sup> is inaccurate. The Adana massacre and its aftermath cannot be painted with a broad brush. Killings, rape, looting and destruction ravaged many villages between Adana and Aintep within a matter of weeks, but these atrocities were not unchallenged by well-meaning and noble local Ottoman leaders.

In fact, courts martial were established and investigating committees met, as reported by Dr Shepard, in villages such as Baghche and Haroni, with a central court with its seat in Erzin issuing death sentences to approximately 70 perpetrators.<sup>76</sup> Dr Shepard's account demonstrates that, despite the different levels of impartiality of these investigative committees, measures were available and enforced. It is probably the lack of dissemination of these sentences and the overarching policies of the Ottoman leadership that annulled the deterrent effect of such otherwise important judicial precedents.

The political climate described by public prosecutor Perić in the RS section above equally applied during the First World War when it came to the treatment of Armenians. As one journalist stated after the war: 'It was impossible to criticize the war-oriented policy ... we couldn't in any conceivable way utter a word on such matters as the Armenian deportations. Nobody dared oppose the modus operandi of CUP.'<sup>77</sup> After the conflict had ended, public opinion and newspaper agencies voiced their condemnation of the CUP leadership's misdeeds, in contrast with their wartime stance 'which at best

may be termed as deafening silence and at worst, endorsement'.<sup>78</sup> Ibrahim Bey most tellingly conceded that the Justice Ministry was investigating the Armenian massacres, but that members of the Ministry 'felt constrained to maintain silence on certain matters – because of the war'.<sup>79</sup>

The CUP policy appears to have been to ignore crimes committed against Armenians. In one account, Talaat Pasha received information about the manner in which Armenians from Trabzon were placed on *caïques* on the coast then drowned at sea and decided to take no action in the matter.<sup>80</sup> In another document, 'Talaat shelves a report informing him of the massacres, and in another piece of evidence, his ministry is depicted as having hidden a notorious massacre through administrative fiat'.<sup>81</sup> Two governors, General Huseyin Celal from Aleppo province and Mazhar from Ankara province, were dismissed for objecting to the massacres.<sup>82</sup>

### **Obstruction in the investigation of crimes against Armenians**

Several situations during the Armenian Genocide demonstrate that investigations were subject to interference. For example, in the case of Kemal Bey, district official of Boghazliyan, central authorities received cables to the effect that by August 1915 he was responsible for the killing of 3,160 Armenians.<sup>83</sup> No investigations were opened despite the wealth of information available at the time. Instead, he was promoted to acting district governor of Yozgat for having slaughtered Armenians.<sup>84</sup> Under the protection of the CUP party, Kemal Bey remained unpunished. It was only following the war that he was tried and hanged in a public square in April 1919.<sup>85</sup> Regrettably, the trial had no deterrent effect in a Turkish society that considered him a martyr.<sup>86</sup> During the conflict, he had been investigated for unlawful appropriation of property and abuse of office, was removed from his position in 1917, and reinstated after a superior court quashed the first instance decision.<sup>87</sup> A similar outcome emerges in the case of Reşid Bey, Diyarbekir's governor.<sup>88</sup>

Akçam refutes allegations that the Ottoman government investigated crimes committed during Armenian deportations.<sup>89</sup> In his view, 'a researcher will look in vain for documents attesting to investigations being initiated against state officials accused of committing murders and other serious crimes against Armenians deportees'.<sup>90</sup>

Measures were taken against state officials for abuse of power in appropriating Armenian property when such property was not turned over to central authorities; hence, state officials were tried for embezzlement. Central authorities dispatched commissions to investigate reports of looting and abuse by provincial officials. Although these commissions found evidence of abuses during the deportation of Armenians, they did not have the authority to investigate these; their mandate was to look into economic irregularities.<sup>91</sup>

One member of such a commission complained that even within the limited scope of their investigation, the authorities ignored their reports.

Moreover, investigators could not submit a report to courts martial before it was reviewed and approved by the Ministry of Interior.<sup>92</sup> The Sublime Porte had the authority and capacity to investigate crimes committed against Armenians, as demonstrated by the investigation of state officials suspected of rescuing Armenians from deportations.<sup>93</sup> All these factors lead to a resounding conclusion that crimes committed against Armenians during the genocide were simply not investigated, which reinforces the central authorities' involvement in the offenses.

## Conclusion

The scenarios above show that biases surface during armed conflicts and operate within the framework of the political will of civilian and military leaders. Such laxity in investigating and punishing perpetrators of crimes of atrocity constitutes a crime in and of itself, and only serves ephemeral purposes. Failing to punish crimes of atrocity leads to cover-ups and is indicative of government policy.

Post-war trials in Istanbul were too little too late, but these could have provided an opportunity for acknowledging the crimes committed against Armenians and other minorities. Many have discounted the Istanbul Judgments as a failure, mainly because of the political contexts in which they evolved, the complete lack of impact in Turkish society and their buried and forgotten legacy<sup>94</sup> – which was unearthed only seven decades later by historians such as Vahakn Dadrian and Taner Akçam. The trials 'accomplished very little' as demonstrated by the fact that the 'Three Pashas' (Talaat, Enver and Djemal) had escaped justice by finding refuge in Germany.<sup>95</sup>

For the purposes of furthering knowledge on such comparative analysis, it would be advisable to review documentation of the Ministry of Justice of the Ottoman Empire during the First World War to assess whether logbooks, registers and crime reports contain relevant information relating to investigation attempts for serious crimes committed against members of minority groups. Equally, the Turkish armed forces' archives inevitably contain a large collection of documentation relating to trials held by military tribunals. These primary sources would help establish the quality of access to justice for non-Turk minorities during the Great War.

## Notes

1. The author thanks Evelyn Anoya for reviewing and editing this chapter. The author also thanks Maud Marchand for her assistance in reviewing the colossal amount of ICTY evidence relating to the judicial system in the former Yugoslavia.
2. Member of the Quebec Bar (Montreal); Trial Lawyer, Office of the Prosecutor, International Criminal Court; LL.M. International Law. The views expressed in this chapter are those of the author alone and do not necessarily reflect those of the International Criminal Court.

3. See Chapter 1, Üngör, on paramilitary activity during the Armenian Genocide.
4. See Chapter 1, Üngör, on the disposing of paramilitary units once they have served their purpose.
5. United States Holocaust Memorial Museum (USHMM), 'Law and the Holocaust', <http://www.ruleoflawus.info/Nazi/Law%20and%20the%20Holocaust.pdf>, p. 1; see also W. F. Meinecke, Jr. (1998) *Conflicting Loyalties: The Supreme Court in Weimar and Nazi Germany, 1918–1945*, Dissertation, University of Maryland at College Park.
6. R. A. Wilson (2011) *Writing History in International Criminal Trials* (Cambridge: Cambridge University Press), p. 33.
7. *Prosecutor v. Karadžić*, Case No. IT-95-18-T, Testimony of Mićo Davidović, 29 June 2011, p. 15636.
8. See Chapter 6, Guibert and Kim.
9. The initial failure to properly investigate Dink's murder took a different turn in January 2015 with the arrest of two police officers for criminal negligence, 8 years after the incident; *Anadolu Agency*, 'Two Police Officers Arrested Over Dink Murder', 13 January 2015.
10. I. Müller (1991) *Hitler's Justice, The Courts of the Third Reich* (Cambridge, MA: Harvard University Press), pp. 3–9.
11. Müller (1991), p. 21, quoting a 1931 memorandum reporting 62 persons killed, 3,209 injured, 42 disrupted meetings and 26 attacks on trade union headquarters.
12. Decree Suspending Constitutional Rights and Instituting Other Measures, reproduced in Nuremberg Military Tribunals (1951) *Trials of War Criminals, Volume III, 'The Justice Case'*, (Washington, DC: United States Government Printing Office), pp. 160–3.
13. Müller (1991), pp. 27–35.
14. Law for the Solution of the Emergency of People and Reich, 24 March 1933, reproduced in *Justice Case* (1951), pp. 163–4.
15. Law for the Transfer of the Administration of Justice to the Reich, 16 February 1934, reproduced in *Justice Case* (1951), pp. 167–8.
16. Law of 24 April 1934 Amending Regulations of Penal Law and Criminal Procedure, Chapter III. People's Court, reproduced in *Justice Case* (1951), p. 231.
17. *Justice Case* (1951), p. 215.
18. R. D. Rachlin (2013) 'Roland Freisler and the Volksgerichtshof: The Court as an Instrument of Terror', in A. E. Steinweis and R. D. Rachlin (eds) *The Law In Nazi Germany* (New York: Berghahn Books), p. 65.
19. Rachlin (2013), p. 63.
20. The Reich Citizenship Law, 1935 Reichsgesetzblatt, Part 1, p. 1146, 15 September 1935.
21. *Justice Case* (1951), p. 180.
22. USHMM, p. 2.
23. *Justice Case* (1951), pp. 1017–18.
24. Meinecke (1998), p. ix.
25. Reproduced in *Justice Case* (1951), pp. 164–5.
26. D. G. Morris (2013) 'Discrimination, Degradation, Defiance: Jewish Lawyers under Nazism', in Steinweis and Rachlin (2013), p. 111.
27. Morris (2013), p. 109.
28. *Justice Case* (1951), pp. 1020–1.
29. Prosecution Exhibit 81 in *Justice Case* (1951).
30. *Justice Case* (1951), p. 1023.
31. *Prosecutor v. Milan Martić*, Case No. IT-95-11-T, Judgement, 12 June 2007, paras. 330–1.

32. *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, Case No. IT-08-91-T, Trial Judgement, 27 March 2013, Vol. II, para. 86.
33. Branko Perić interview, 13 December 2001, admitted *Stanišić–Župljanin*, Exhibit P1361.1, pp. 15–16.
34. Gojko Vasić Statement, admitted in *Stanišić–Župljanin*, Exhibit P1558.1, paras. 9–11.
35. Staka Gojković Testimony, *Stanišić–Župljanin*, 15 June 2010, p. 11744.
36. The witnesses were Gojko Vasić (in 1992, he was the police investigator in Laktaši), Branko Perić (public prosecutor in Teslić), Staka Gojković (Judge of the Basic court in Sarajevo), Milenko Delić (public prosecutor in Sanski Most), Lazar Drasko (public prosecutor in Višegrad), Marinko Kovačević (deputy prosecutor in Banja Luka) and Slobodanka Gačinović (high prosecutor in Trebinje).
37. Vasić did not find any of the crimes listed in the indictment in the crime registers (KU logbooks) of 21 municipalities, dated 1992; these crimes were not reported by police officers during the war (Vasić Statement, pp. 5–6). Gojković underlined that no criminal reports for crimes committed by Serb perpetrators against non-Serb victims were found in the logbooks she had to review (Gojković Testimony, pp. 11753–69).
38. *Stanišić–Župljanin* Testimony, 19 May 2010, p. 10487.
39. *Ibid.*, 15 October 2009, p. 1532.
40. *Ibid.*, 28 June 2010, p. 12297.
41. *Ibid.*, 2 and 3 September 2010, pp. 14142–8 and 14159–68.
42. Branko Perić Interview 2001, p. 18.
43. Branko Perić Interview, 10 January 2002, admitted in *Stanišić–Župljanin*, Exhibit P1361.2, pp. 15–16.
44. *Stanišić–Župljanin* Judgement, Vol. I, para. 154.
45. Gojković confirms that all the judges and prosecutors appointed in June 1992 in her municipality were Serbs. *Stanišić–Župljanin* Testimony, 15 June 2010, p. 11742.
46. *Stanišić–Župljanin* Judgement, Vol. II, para. 281.
47. Milenko Delić, *Stanišić–Župljanin* Testimony, 15 October 2009, pp. 1528–31.
48. Branko Perić Interview 2001, p. 14.
49. Branko Perić, *Stanišić–Župljanin* Testimony, 19 May 2010, pp. 10535–6.
50. *Stanišić–Župljanin* Judgement, Vol. II, para. 745.
51. *Ibid.*, Vol. II, para. 708.
52. *Ibid.*, Vol. II, para. 603.
53. *Ibid.*, Vol. II, paras. 714–15.
54. *Ibid.*, Vol. II, para. 756.
55. *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69, Exhibit P1046, showing that the JNA ‘unjustifiably tolerated’ atrocities committed by paramilitary units.
56. *Prosecutor v. Milan Milutinović et al.*, Case No. IT-05-87-T, Judgement, Vol. III, paras. 627 and 748.
57. A. Uysal and N. Bozkurt (2008) ‘Crime in the Late Ottoman Empire, 1910–1911’, *Research Journal of Social Sciences*, Vol. III: 49–59 (50); Bucknill and Utidjian (1913).
58. U. Heyd (1973) *Studies in Old Ottoman Criminal Law*, V. L. Ménage (ed.) (Oxford: Oxford University Press), p. 7.
59. R. Peters (2005) *Crime and Punishment in Islamic Law* (Cambridge: Cambridge University Press), p. 129.
60. Peters (2005), p. 127; Heyd (1973), p. 252.
61. Peters (2005), p. 127.
62. A. Anastasopoulos (2013) ‘Non-Muslims and Ottoman Justice(s)?’, in J. Duindam, J. Harries, C. Humfress and N. Hurvitz (eds) *Law and Empire: Ideas, Practices, Actors* (Leiden and Boston: Brill), p. 277; see also T. Kuran and S. Lustig (2012) ‘Judicial

- Biases in Ottoman Istanbul: Islamic Justice and its Compatibility with Modern Economic Life', *Journal of Law and Economics*, Vol. 55(3): 631–66.
63. *The New York Times*, 'Three Were Slain With Nazim', 25 January 1913.
  64. Der Yeghiayan (2002), p. 8.
  65. Dadrian and Akçam (2011), p. 66, citing T. Akçam, 'Divan-ı Harbi Orfi'lerin Kurulması: İstanbul Yargılamaları', *Tarih ve Toplum*, No. 137, May 1995, 303/47–307/51.
  66. Open letter published on 18 November 1918, quoted in Dadrian and Akçam (2011), p. 29.
  67. Dadrian and Akçam (2011), p. 127.
  68. *Ibid.*
  69. See Chapter 1, Üngör, on paramilitary units.
  70. G. Balakian (2009) *Armenian Golgotha* (New York: Vintage Books), p. 38.
  71. 1915-08-23-DE-013, Col. Stange, Secret! Report on the Deportation of the Armenians (23 August 1915), Military Mission J.No. 3841, reprinted in W. Gust (2013) *The Armenian Genocide: Evidence from the German Foreign Office Archives, 1915–1916* (New York: Berghahn Books), p. 327.
  72. *The New York Times*, '30,000 Killed in Massacres, Conservative Estimates of Victims of Turkish Fanaticism in Adana Vilayet', 25 April 1909.
  73. Balakian (2009), p. 40.
  74. Levene (2013a), p. 129.
  75. I. Charny (1999) *Encyclopedia of Genocide: Volume I* (Santa Barbara: ABC-CLIO), p. 47.
  76. F. D. Shepard (1911) 'Personal Experience in Turkish Massacres and Relief Work', *The Journal of Race Development*, Vol. 1(3): 338–9.
  77. A. E. Yalman (1970) *Yakın Tarihte Gördüklerim ve Geçirdiklerim, Volume I: 1888–1918* (İstanbul: Yenilik), p. 266, cited in Dadrian and Akçam (2011), p. 25.
  78. Dadrian and Akçam (2011), p. 25; See Chapter 11, Elmas, on the media's position from 1965 onward.
  79. Interrogation of Justice Minister, Ibrahim Bey, cited in Dadrian and Akçam (2011), p. 55.
  80. Key Indictment, cited in Dadrian and Akçam (2011), p. 278.
  81. *Ibid.*, p. 86.
  82. *Ibid.*, p. 88.
  83. Akçam (2012), p. 213.
  84. *Ibid.*, p. 214.
  85. *The New York Times*, 'Turks Hang Kemal Bey for Armenian Massacres', 14 April 1919.
  86. J. Willis (1982) *Prologue to Nuremberg* (Westport: Greenwood Press), p. 155.
  87. Akçam (2012), pp. 215–16.
  88. *Ibid.*, pp. 208–12.
  89. *Ibid.*, p. 383.
  90. *Ibid.*, p. 384.
  91. *Ibid.*, p. 388.
  92. *Ibid.*, p. 389.
  93. *Ibid.*, p. 394.
  94. Willis (1982), p. 155; G. Bass (2000) *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton, NJ: Princeton University Press), pp. 106–46.
  95. *Ibid.*, p. 156.

# 9

## Counterinsurgency as Genocidal Intent: From the Ottoman Christians to the Bosnian Muslims

*Hannibal Travis*<sup>1</sup>

According to publications and statements by the Turkish government, the question of genocide in the late Ottoman Empire is ultimately a question of intent. The Turkish Foreign Ministry, as well as many contemporary Turkish and US-based scholars, argues that Ottoman imperial leaders lacked genocidal intent during the First World War and its aftermath because Armenians, Assyrians and Greeks rebelled against the government, killed Turkish and Kurdish civilians, and survived in some areas of the empire, including Constantinople, Smyrna, Aleppo and Mosul. These factors allegedly indicate an intention on the part of Ottoman officials to engage in military operations rather than to target civilian communities for destruction.

Surveying the reports of the German and Austro-Hungarian allies of the Ottomans during the war, this chapter points out that genocidal intent on the part of imperial leaders preceded the larger-scale outbreak of Armenian rebellions in the eastern Ottoman Empire. Genocidal intent, according to the ICTY's jurisprudence, is consistent with war and rebellion, and may be inferred from repeated or systematic atrocities, and expressions of a desire to seek vengeance, prior to or during a war. On the whole, the German and Austro-Hungarian diplomatic traffic, as previously argued by Vahakn Dadrian and other scholars, supports the conclusion that the Ottoman policy was disconnected from rebellious activity, disproportionate in the historical context of warfare, and uniquely religious and sectarian in its motivation and execution. The chapter concludes that denialist arguments misunderstand the nature of genocide, which does not necessarily refer to the complete destruction of a group or a totally one-sided slaughter.

### **How genocidal intent is central to Armenian genocide recognition debates**

Since 1915 (or even 1895), Turkish ultranationalists and their defenders have responded with the cry of 'Insurgency!' to reports of anti-Christian

massacres by Turkish troops and allied Kurdish and Circassian tribes.<sup>2</sup> This section surveys responses by Turkish diplomats or pro-Turkish writers to (inter)governmental attempts to memorialize the Armenian Genocide.

### **The UN recognition debate in 1985**

As stated earlier in Chapters 4 and 5, the UN Economic and Social Council provided some support for a finding of genocidal intent in the case of the Armenian Genocide. In 1985 UN special rapporteur Benjamin Whitaker referred to the ‘massacre of Armenians’ as an example of genocide.<sup>3</sup> The ‘Turkish delegate ... rejected the report, asserting that the Ottoman authorities had acted legitimately to suppress an armed rebellion by Armenians’.<sup>4</sup>

### **The EU recognition debate of 2006–2010**

Turkey repeated its line in response to a European Union (EU) investigation. In Chapter 12, we develop on the Turkey–EU relationship since 1987. Suffice it to say for the purposes of this chapter that, in 2006, the European Parliament enacted a resolution on Turkey’s progress towards accession, which ‘stresses that although recognition of the Armenian Genocide as such is formally not one of the Copenhagen criteria, it is indispensable for a country on the road to membership’ for Turkey to ‘recognise its past [...] [and] facilitate the work of researchers’ with respect to both the Turkish Armenians and ‘other minorities (that is, the Greeks of Pontos and the Assyrians)’.<sup>5</sup> Bulent Özdemir, who later published a book on the topic with the Turkish Historical Society, responded: ‘[The Assyrians] chose a side in the war and combat occurred under the rules of war’.<sup>6</sup>

### **The US congressional recognition debates of 2007 and 2010**

In 2010 the House Committee on Foreign Affairs adopted resolution 252 to recognize the Armenian Genocide using the UN definition. The Ankara-based Center for Eurasian Studies (Avsraya Incelemeleri Merkezi), run by a former Turkish ambassador, issued a lengthy response written by Jeremy Salt, which said that the number of Armenian victims of ‘combat, exposure, malnutrition and disease’ was as low as 300,000, while ‘between two and 2.5 million Ottoman Muslim civilians died in this war from the same range of causes’.<sup>7</sup>

### **Genocidal intent at the ICTY**

The ICTY’s indictments contain the first genocide charges heard by an international tribunal in Europe.<sup>8</sup> Established in 1993, in approximately two decades it indicted 161 suspects and convicted 74 persons of genocide and other crimes.<sup>9</sup> While motive is not determinative of intent, the ICTY has found that revenge was a motive behind the primary genocidal episode of the Bosnian war, namely Srebrenica. The tribunal found that Srebrenica

was a planned killing operation. However, this does not exclude the fact that revenge was part of the equation in the decision-making of the perpetrators.<sup>10</sup> The ICTY's public education materials state that revenge 'is a barbaric concept, and the law exists precisely to prevent it'.<sup>11</sup>

Genocidal intent is the 'intent to destroy' required by Article II of the Genocide Convention. It does not mean a plan or policy to destroy all members of a group.<sup>12</sup> Nor does it require an intent to physically or biologically eliminate the group.<sup>13</sup> While mere displacement due to fighting does not constitute genocidal intent, forcible transfer to prevent a group from staying together might.<sup>14</sup> An intent to commit acts not causing death but great damage to psyche or spirit may qualify.<sup>15</sup> This is because, among other reasons, the text of the convention does not require extermination as a qualification of genocidal intent.<sup>16</sup>

### **The decision of the appeals chamber in *Prosecutor v. Karadžić***

The ICTY has endorsed a view of genocide that has important implications for the characterization of the Ottoman massacres of Christians in present-day Turkey, Armenia, and Iran from 1914 to 1924. Its Trial Chamber had dismissed genocide charges against Karadžić to the extent that they were based on partial destruction of the relevant population in Bosnian Serb detention camps and during military operations in Foča, Prijedor and other cities.<sup>17</sup> Alan Tieger of the Office of the Prosecutor had argued that anti-Croat and anti-Muslim 'animus' had revived in 1991–2 against the 'villains of World War II'.<sup>18</sup>

Defense adviser Peter Robinson replied that, as a prior decision had found, there had not been a total eradication of Bosnian Muslims: 'in village after village, town after town, [and] in these detention facilities, Bosnian Serbs would have tens of thousands of Bosnian Muslims in their custody and control', but allowed 'the overwhelming majority' to survive.<sup>19</sup> The Appeals Chamber disagreed, and concluded that if Karadžić had planned to kill one third of the Bosnian Muslims and get rid of the rest by deportation or military defeat, then that would qualify as genocidal intent.<sup>20</sup> The Appeals Chamber was satisfied on this question because some evidence supported the presence of such a plan or desire, and because Karadžić's legal advisor had conceded that taking all inferences in favor of the prosecution, this kind of plan or desire could be genocidal intent.<sup>21</sup>

In October 2012 the Karadžić trial resumed with the opening of the Defense case on charges of using artillery, mortars and snipers in the Sarajevo region in campaigns that left an estimated 12,000 people dead, including two mortar strikes that killed 100 persons between them.<sup>22</sup> Technically, the charges on the Sarajevo facts were extermination and persecution as crimes against humanity, although some violence against detainees in Novo Sarajevo – the new city – was charged as genocide.<sup>23</sup> The 12,000 people killed in the siege of Sarajevo and the (up to) 8,021 killed in the Srebrenica and Žepa massacres accounted for about 4 percent of the 481,109 Muslims living in the

municipalities covered by the ICTY's indictment against Karadžić, according to the 1991 census.<sup>24</sup> The Bosnian Serb forces under Karadžić and Mladić transported most of the 25,000 to 30,000 Bosnian Muslims in buses rather than on foot, with the ICTY estimating in 2012 that 4,970 to 6,000 men and boys died in a series of massacres.<sup>25</sup>

In the *Karadžić* case, the ICTY Appeals Chamber concluded that genocidal intent could be 'inferred' from 'indirect' evidence of killings, detentions, rapes, beatings, derogatory language, forced labor, poor living conditions, and destruction of mosques which claimed 664 lives and revealed 'religious and racial animus' against Bosnian Muslims.<sup>26</sup> Moreover, the judges referred to 'sub-standard living conditions', including 'cruel and inhumane treatment, torture, physical and psychological abuse, rape and sexual violence, inhumane living conditions, forced labour, [and] failure to provide adequate accommodation, shelter, food, water, medical care or hygienic facilities'.<sup>27</sup> The judges did not require or cite firm statistics as to the number of rapes or abuses in detention.<sup>28</sup> They ruled that genocidal intent could be inferred from this evidence.<sup>29</sup> Similarly, the *Milošević* decision had declared that the actual destruction of a group is not necessary for genocide.<sup>30</sup> Two other ICTY judgments have stated that a low number of victims is not inconsistent with genocidal intent.<sup>31</sup>

The Appeals Chamber concluded that 'calls for ethnic cleansing might reasonably be understood' as expressing 'genocidal intent'.<sup>32</sup> It noted that even if substantial numbers of Muslim villages and religious sites in the accused's area had not been attacked, genocidal intent could be inferred from a combination of religious slurs, killings, assaults, other atrocities, systematic rape and denial of livelihoods.<sup>33</sup>

### **The decision of the trial chamber in *Prosecutor v. Mladić***

The ICTY has concluded, at least as a preliminary matter, that genocide may be a legitimate conclusion or inference from evidence of the partial ethnic cleansing of the victim group from the areas it customarily inhabited. The Tribunal declined to dismiss genocide charges against the Bosnian Serb military leader, Ratko Mladić.<sup>34</sup> It found that in video footage from the Srebrenica area, Mladić had declared that the 'time ha[d] come to take revenge on the Turks'.<sup>35</sup> Hence, it concluded that there was sufficient evidence for a trier of fact to enter a guilty verdict on a genocide count, after completion of the trial.

The ICTY held that the killing or deportation of Bosnian Muslims by the Bosnian Serb army could qualify as indicia of genocidal intent.<sup>36</sup> Its decision focused on a massacre of up to 200 inmates at the Keraterm detention camp in 1992, the beating and rape of an unknown number of Bosnian Muslim girls and women at a house in or near Foča in 1992, and a telephone conversation in 1992 in which Mladić said 'the whole of Bosnia will burn if I start to speak [sic], ... not just Sarajevo'.<sup>37</sup> The motive of vengeance, while not necessary for a finding of genocidal intent, was used to find it alongside rape, abuse and selective killings.

## **German and other diplomatic confirmation of intent to destroy Ottoman Christians**

### **The judgment at Istanbul**

As mentioned in earlier chapters, post-war trials were held in Istanbul between 1918 and 1920 against the CUP leadership. The Ottoman genocide of Christians represented an intensification of a long-term process of conquest and expropriation of Armenians, Assyrians, Greeks, Slavs, Shi'a Arabs and Yezidis. The military coup of the Young Turks, the excuse provided by the war, and the influx of Muslim refugees from the Balkans and the Russian Empire sped up the process of mass removal of Anatolian and Caucasian Christian populations. Scholars have drawn an analogy to the Nazi seizure of power, the pretext provided to the Nazis by war with the Soviet Union, the British Empire, and others, and the economic needs of the impoverished German masses, especially veterans and refugees from the Soviet Union and the Sudetenland.<sup>38</sup>

The Yozgat verdict against Kemal and Tevfik Beys found these men guilty of a 'retaliatory massacre'.<sup>39</sup> This extraordinary military tribunal concluded that the treason of some Armenians could not justify crimes against the remaining members of the Armenian population.<sup>40</sup> It characterized the men's motives as 'feelings of revenge', a 'personal vendetta', and 'personal rancor'.<sup>41</sup>

### **The German and Austro-Hungarian diplomatic reports**

The German ambassador Wangenheim observed to the American ambassador Morgenthau that if the British opened a second front against Ottomans along the Anatolian coast, there would be a new massacre of Ottoman Armenians.<sup>42</sup> An Austrian military attaché wrote that a 'great number of Turkish intellectuals' believed that losses in past wars necessitated the 'utter and total extirpation' of Christians.<sup>43</sup> The Austrian consul at Adrianople (now Edirne) wrote to his colleagues that the Ottomans were 'serious about exterminating the Armenian element', after the Ottoman Grand Vizier referred to the Armenians as being allies of the Ottomans' foes, including Russia.<sup>44</sup>

In July Ambassador Wangenheim reported to Berlin that the Christians of Diyarbakir were being exterminated.<sup>45</sup> He concluded: the 'government is resolved ... to eliminate the indigenous Christians'.<sup>46</sup> In December 1915 the new ambassador wrote of 30,000 Armenians having been deported from Istanbul.<sup>47</sup> In January 1916 he wrote to the German chancellor that 'Turkish police, gendarmes and soldiers were involved in killing those who were resettled, partly upon the orders of their superiors and partly without any authorisation'.<sup>48</sup> He unwittingly employed the term that would later be used within the context of the Holocaust when, in a later 1916 report to Berlin, he referred to 'concentration camps' where officials were 'destroying the Armenian race'.<sup>49</sup>

The German chief of staff to an Ottoman general wrote that 'The Armenian question was solved through annihilation'.<sup>50</sup> In 1917 the German Secretary of State blamed the 'Young Turk' rulers for destroying the Armenians after the latter had 'provided an opportunity' by provoking the 'not justified anger of the Muslim population'.<sup>51</sup>

In August the consul in Erzerum, Max Erwin von Scheubner-Richter, remarked on 'how unwilling these people [the Armenians] are to fight and to act as revolutionaries'.<sup>52</sup> He wrote to the ambassador that most Armenian men were traders rather than rebels, and the 'fact that this extermination is possible, that tens of thousands of Armenians allow themselves to be slaughtered by a small number of Kurds and irregulars without defending themselves (as happened here), seems to be proof of a lack of revolutionary activity'.<sup>53</sup> The German vice-consul in Mosul, Walter Holstein, wrote to the embassy that an Ottoman colonel had told him 'that the Armenians in Mosul must also be massacred and it is his intention to do so'.<sup>54</sup> The German consul in Aleppo stated that the Ottoman anti-Armenian policy of deportation 'dates back to ancient times and [that it] aim[s] at the destruction of as many segments of the Armenian people as possible'.<sup>55</sup>

The Austro-Hungarian ambassador Pallavicini, in late June and early July 1915, warned of a 'death verdict' for the affected Armenians, and of a 'total extermination' of the Armenians.<sup>56</sup> His successor, one Graf von Trauttmansdorff, wrote on 30 September that 'nobody can deny that the Turks have used the accusations in treachery as a pretext for the extermination of the Armenian race and have chiefly succeeded in doing this'.<sup>57</sup> He described a process of extermination that had 'largely succeeded'.<sup>58</sup> By 1918 the Austro-Hungarian consul in Trabzon wrote of 'the near complete extermination of the Armenians'.<sup>59</sup> Similarly, the Italian consul there wrote of the 'wholesale execution' of 'defenceless' persons, and of 'hundreds of corpses found every day along the exile road'.<sup>60</sup>

### **Massacres of other Ottoman Christians as evidence of genocidal intent**

The extermination and anguish of the Ottoman Armenians are sufficient to call the notion of genocide into play. The annihilation of other Christian communities, and the extreme devastation of the lives of Christian women and children provide further confirmation of specific intent on the part of Ottoman officials. Courts, tribunals, legal analysts and historians infer specific intent, or *dolus specialis*, from repetition, systematic planning, or scale of atrocities committed by the perpetrator(s), such as murder, rape, pillaging and deportation.<sup>61</sup> While direct evidence of an accused's mental state is helpful, it is usually not available, so it is not needed.<sup>62</sup> The fact that non-combatants were slain is an indicator of excessive, genocidal killing. As the Appeals Chamber in *Prosecutor v. Radislav Krstić* concluded, killing civilians who are 'unlikely to have been combatants' supports an inference of

'intent to destroy'.<sup>63</sup> In the Ottoman case, the victims extended temporally and geographically far beyond the Russian front, the 'Armenian rebellion' at Van, or the events at Zeitoun, which Talaat and his defenders cite.<sup>64</sup>

The massacres of the Ottoman Assyrians and Greeks provide evidence of repetition that extends beyond the wartime period of 1914–18, and that magnifies the scale of the persecutions. Raphael Lemkin traced the Armenian Genocide to the mid-19th-century massacres and deliberate impoverishment of Assyrians (Nestorians) in upper Assyria (Western Armenia/'Kurdistan').<sup>65</sup> The massacres resumed in 1894 in the aftermath of seditious Armenian political activity and the training of pro-Ottoman Kurdish military cavalry.<sup>66</sup> This series of massacres was centered in Âmid/Diyarbakır but extended into the villages and the mountains. Due to the absence of a reliable census between 1890 and 1900, it may never be possible to estimate the death toll with precision, but some writers put it in the tens of thousands for Assyrians.<sup>67</sup> *The New York Times* revealed that an anti-Christian cabal of Ottoman officials had formed in response to European calls to reform laws that had led to repeated massacres of Armenians and Assyrians, and that this organization would 'slaughter Christians if the Porte accepts the ... reforms'.<sup>68</sup>

The next key moment came in the historically Greek western coast of what is now Turkey, and the Thracian peninsula of what is now Greece. In this area along the Aegean Sea and the Sea of Marmara, Talaat 'suggested that the country be cleansed of those elements that were seen as capable of betraying the state'.<sup>69</sup> The anti-Christian clique of 1895 became known as the 'Special Organization', and one of its members confirmed this cleansing policy in his memoirs. A German diplomat in Constantinople heard of the policy in June 1915 and promptly relayed it to the German embassy. The Special Organization began its work by cleansing Greek villages in 1913.<sup>70</sup>

Massacres of Greek Christians became widespread throughout 1914, and the Ottomans tried to conceal them while inquiring anxiously about how many fields, dwellings and industries had been vacated.<sup>71</sup> The Ottoman internal discussions about the Armenians and Assyrians in 1915–16 were similar.<sup>72</sup> Members of the anti-Christian cabal such as Dr Mehmet Nâzim and Dr Mehmet Reşit led the persecution of the Greek population of the western coast through 1914.<sup>73</sup>

On 14 November 1914 Dr Nâzim played a prominent role in the declaration of *jihad* by the Sultan against the non-German Christian powers.<sup>74</sup> The Imperial Ottoman tribunal on massacres and corruption during the war regarded him as a principal member, along with Talaat and other Ottoman officials, of a higher government that controlled the 'machinery' of state.<sup>75</sup> A German diplomat reported, after two years of the *jihad*, that '[a] large part of the Young Turk Committee maintains the viewpoint that the Turkish empire should be developed on a purely Muslim, pan-Turkic basis. The non-Muslim ... inhabitants must be forcibly Islamicized and Turkified'.<sup>76</sup>

The Ottomans also massacred men and boys who had shown up for conscription into the Ottoman military's labor battalions. These Christians were not Armenian revolutionaries, but built military bases, roads, bath houses and other public works for the Ottoman state.<sup>77</sup> Christians conscripted into the labor battalions reported being denied water on death marches and seeing their colleagues drink fetid water and die in droves of dysentery shortly thereafter.<sup>78</sup> The Ottomans described killing 10,000 Christians conscripted into labor battalions in just one military zone.<sup>79</sup> The general in charge of them announced publicly that he had massacred Armenians regardless of their age and sex during the Ottoman invasion of Persian Azerbaijan in 1918, and particularly in Khoi.<sup>80</sup> Another general not only ordered massacres of the Armenians of Mosul and Van but also murdered the Armenians and Syrians (Assyrians) of his own labor battalions.<sup>81</sup>

The massacres of other Christians in what is now Turkey or eastern Greece in 1914–18 revealed a plan, policy and systematic effort to destroy the vestiges of Christian life, and not only rebellious Armenian cities and towns, in the Ottoman Empire. The killing extended to persons who posed no threat to the Ottoman state, and who indeed had assisted in its war aims.

## **Observations on the evolution of international law between 1914 and 2014**

### **On the relevance of Turkish losses**

Guenter Lewy and others have argued that the Ottoman government must not have intended the massive loss of life among Armenians (he scarcely mentions Assyrians or Greeks) because there was also a substantial death rate among Turkish civilians, soldiers and prisoners of war. He argues that the tragedy basically boiled down to wartime disease, hunger, and 'sheer incompetence' or benign 'neglect'.<sup>82</sup> Similarly Stanford and Ezel Shaw, who wrote a history of the Ottoman Empire and Turkey, 'in the three pages they devote to the Armenians allege that only 200,000 of them died, and these from war, famine, and disease in spite of the attempts by Turkish authorities to protect them'.<sup>83</sup> Justin McCarthy likewise emphasizes civil and international war rather than one-sided state violence.<sup>84</sup>

Some scholars conflate whether Turkish losses occurred in battle with the powerful British or Russian empires, or due to massacres of Turks by Armenians. Bruce Clark, for example, wrote that '800,000 Armenians, 300,000 Greeks, and 2.5 million Muslims' perished in a 'mutual slaughter'.<sup>85</sup> These discussions suggest that there were no Englishmen, Frenchmen, Indians, Moroccans, Algerians, Arabians, Russians, or Anzacs who participated in the war against Ottoman world domination, and that no combat took place in Africa, Arabia, Mesopotamia, or Russia, but merely fierce fighting in Armenia and Pontus.

While there is a distinction between genocide and war, there is little authority for saying, like Lewy or McCarthy, that there cannot be genocide

when mass killings of a national, racial, or religious group occur alongside a war, or when civilians or soldiers on the government's side die as a result of the war. Although the German side suffered 'ruthless' aerial bombing by the Allies during the Second World War, the Nuremberg tribunal did not use it to excuse all Nazi crimes under the maxim of justice *tu quoque* (you [did it] too);<sup>86</sup> indeed, the tribunal did not even analyze the legality of bombing cities as a tactic.<sup>87</sup>

Commenting on this aspect of the Nuremberg tribunal, Eric Markusen and David Kopf write that the bombardment may have comprised genocidal acts.<sup>88</sup> About 100,000 children and 500,000 adults may have died in the bombing.<sup>89</sup> In all, 5.2 million Germans may have fallen as a result of Nazi conspiracy and the Allied response.<sup>90</sup> After the war, communist bloc soldiers deported millions of Germans from their homes, with thousands dying as a result.<sup>91</sup> Still, courts and international tribunals have repeatedly reaffirmed the charge of genocide at Nuremberg, despite the large-scale German military and civilian losses.<sup>92</sup> While the term 'extermination' rather than 'genocide' was often charged at Nuremberg, the latter term was employed at the successor trials there. The intent of the major war criminals was characterized as genocidal and the characteristics of the extermination process were used to help draft the Genocide Convention.<sup>93</sup> Modern-day tribunals have unequivocally rejected the *tu quoque* defense argument.<sup>94</sup>

### **On the alleged one-sided character of genocidal killings**

Other arguments used by similar authors to distinguish the Armenian case from what they consider a 'true' genocide such as the Holocaust are that (1) there was no good reason for the Germans to attack the Jews, while the Turks had good reasons; (2) the European Jews were completely helpless, unlike Armenians; and (3) the entire German state was mobilized to ensure that every Jew in the world was killed, while huge numbers of Armenians survived (non-Armenian Christians typically being ignored).<sup>95</sup>

Contrary to such claims from Bernard Lewis and other scholars, it is not exactly true that in Germany and 'German-occupied Europe', there 'was no rebellion, armed or otherwise'.<sup>96</sup> The Nazis claimed, and scholars subsequently documented, that Jews fought on the side of communist partisans and governments, and their allies.<sup>97</sup>

Over the past decade scholars have begun to question whether war and genocide are incompatible in the conceptual sense seemingly assumed by Lewy and McCarthy.<sup>98</sup> Adam Jones, for example, has surveyed a variety of works that describe colonization, strategic bombardment of cities, use of nuclear weapons, and indiscriminate violence in military operations as resembling genocide in actualizing an intention to destroy a specific group in substantial part.<sup>99</sup> Martin Shaw, more recently, has written of war and genocide permeating each other, and perhaps triggering each other.<sup>100</sup> Shaw notes that most, if not all, of the acts defined as genocidal have occurred in regular warfare.<sup>101</sup>

Not only are war and genocide consistent in principle, but war actually creates the temptation to engage in these potentially genocidal tactics. As genocide scholar René Lemarchand writes, ‘war becomes a pretext for eradicating a community that had already been identified as a potential target for elimination’.<sup>102</sup> Paul Bartrop observes that it is but a step to ‘the transfer of the idea of massive military death to the possibility of massive political or ideological death’.<sup>103</sup>

There is significant overlap between war crimes and acts that may constitute genocide, depending on intention. Article II of the Genocide Convention evokes the war crimes of murder (subsection (a)), rape or other abuse (subsection (b)), and deportation or plunder (subsection (c)).<sup>104</sup> All subsections reflect the Genocide Convention’s coverage of episodes of persecution and ‘inhuman treatment’, according to the intentions of the drafters.<sup>105</sup> Raphael Lemkin tried to explain that Article II(b) applies to ‘mental disintegration’ among other things, and that Article II(c) applies to ‘deportation procedures when people were transported in cold winter in unheated cattle cars and died or were mutilated on the way’, among other things.<sup>106</sup> As Trial Chambers of the ICTY have repeatedly stated, following similar rulings in connection with the Rwandan Genocide, ‘deportation’ accompanied by ‘inhuman treatment’ qualifies as infliction of serious mental injury under Article II(b) and may be used to infer genocidal intent.<sup>107</sup> Forcible transfer is itself inhuman treatment from which genocidal intent may be inferred when group members are separated en route to their destination, as usually occurs.<sup>108</sup>

Moreover, an ICTY Trial Chamber, along with prior decisions following the Rwandan Genocide, has ruled that ‘systematic expulsion from homes’ of the victim group qualifies as the ‘deliberate inflicting on the group of conditions of life calculated to bring about its physical destruction, in whole or part’ under Article II(c).<sup>109</sup> Furthermore, many of the destructive techniques of genocide do not kill their victims immediately, but assume some degree of survival – of a marginalized, poor, or changed population subjected to occupation or denationalization (that is, subsections (c) to (e)). The International Criminal Court’s Elements of Crimes for Article 6 of the Rome Statute of the International Court, governing genocide, incorporates this approach to Article II(c).<sup>110</sup>

## Conclusion

Judged according to the definition of genocide employed by Raphael Lemkin and international criminal judges, the late Ottoman leadership harbored genocidal intent. Not only did it desire to forge a unitary Turkified nation out of a mosaic of peoples occupied by the Ottoman armies, but they also wanted revenge for the suffering of Turks and other Muslims at the hands of the Ottoman Christians’ co-religionists in Europe. This revenge materialized

in the forms of mass killing and religious cleansing. The existence of an insurgency, or an effort to combat it, does not necessarily preclude a finding of genocidal intent; to the contrary, revenge against the insurgents' communities could be part of a genocidal plan. As the ICTY has recognized, there is no 'reason' or 'personal motive' for an accused's acts which will prevent an inference of genocidal intent.<sup>111</sup>

This chapter has attempted to explain the intricacies of genocidal intent and the contemporary jurisprudence of modern-day international tribunals. It has shown that judicial decisions relating to the presence of genocidal intent on the part of the Yugoslav leadership have embraced a broad and flexible definition of 'intent to destroy', which includes ethnic cleansing and the loss of homes and wealth as well as killing, rape and abuse. As other scholars have noted, at the ICTY 'both genocide and persecution allow for inferred intent from the alleged acts' covered by Article II of the Genocide Convention.<sup>112</sup> The ICTY has found instances in which revenge served as the impetus or motive behind acts of genocide; there is ample evidence of both genocidal acts and a motive of destructive revenge in the Ottoman case.

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3. See Chapter 4, Robertson.
4. *The Los Angeles Times*, 'UN Body OKs Report on Armenian Massacres', 31 August 1985.
5. European Parliament, Resolution on Turkey's Progress Towards Accession, A6-0269/2006, P6\_TA(2006)0381, 27 September 2006, para. 56.
6. *The New Anatolian*, 'Assyrian Genocide Claims "Bogus", Says Turkish Historian', 27 December 2006.
7. J. Salt (2014) 'Armenians and Syria: 1915 and 2013', *AVIM Report* No. 1, p. 6.
8. *The New York Times*, 'A Bosnian Serb Denies Genocide Charge', 31 July 1997; the Nuremberg tribunal's indictments, although they also used 'genocide' to describe Nazi policies against Jews, Gypsies, Slavs and other non-Aryans, were technically for crimes against humanity. The Polish initial indictments for genocide proper were not technically issued by an international tribunal.

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10. *Prosecutor v. Popović*, Case No. IT-02-57-I, Indictment, 26 March 2002, para. 23; *Prosecutor v. Tolimir*, Case No. IT-04-80-I, Indictment, 8 February 2005, para. 8; ICTY Media Office/Judge Flügge, Judgement Summary for Zdravko Tolimir (12 December 2012).
11. ICTY Outreach, *The Facts about Srebrenica*, [http://www.icty.org/x/file/Outreach/view\\_from\\_hague/jit\\_srebrenica\\_en.pdf](http://www.icty.org/x/file/Outreach/view_from_hague/jit_srebrenica_en.pdf), p. 6.
12. *Prosecutor v. Blagojević & Jokić*, Case No. IT-02-60-A, Appeals Chamber, Judgement (9 May 2007), para. 123; *Prosecutor v. Radislav Krstić*, Case No. IT-98-33-A, Appeals Chamber, Judgement (April 2004), paras. 33 and 35; *Prosecutor v. Popović*, Case No. IT-05-88-T, Trial Chamber, Judgement (10 June 2010), para. 830 (plan or policy not an element); *Prosecutor v. Blagojević & Jokić*, Case No. IT-02-60-T, Trial Chamber, Judgement (17 January 2005), para. 656 (same).
13. *Prosecutor v. Popović*, Trial Judgement, para. 832 (large number not required); Blagojević Trial Judgement, para. 659.
14. Popović Trial Judgement, paras. 813 and 823; Blagojević Trial Judgement, paras. 660–2 (similar).
15. Popović Trial Judgement, paras. 813 and 823; Blagojević Trial Judgement, para. 662.
16. Popović Trial Judgement, paras. 865–6; Blagojević Trial Judgement, para. 664.
17. *Prosecutor v. Karadžić*, Case No. IT-95-5/18-I, Trial Chamber (hereafter Karadžić Trial), Transcript of Hearing on 28 June 28 2012, p. 28769; *Prosecutor v. Karadžić*, Case No. IT-95-5/18-I, Appeals Chamber (hereafter Karadžić Appeal), Judgment (Rule 98 bis), para. 96; see also Karadžić Trial, 98 bis Hearing (29 June 2012).
18. Karadžić Appeal, Hearing, 17 April 2013, <http://www.ictytranscripts.org/trials/karadzic/1304171T.htm>.
19. *Ibid.*, 17 April 2013, p. 41.
20. Karadžić Appeal Judgement (Rule 98 bis) (11 July 2013), para. 97.
21. *Ibid.*
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23. Karadžić Trial, Third Amendment Indictment, Prosecutor's Marked Up Indictment (19 October 2009), paras. 40, 53–60, 62 and 88.
24. Karadžić Trial, Transcript of Hearing on 16 October 2012, p. 28849.
25. ICTY Media Office/Judge Flügge, Judgement Summary for Tolimir, pp. 4–6 and 9.
26. Karadžić Appeal, Judgement, para. 99 and n. 277.
27. *Ibid.*, para. 99.
28. *Ibid.*, para. 99, n. 277.
29. ICTY Media Office/Judge Flügge, para. 99 (quoting *Prosecutor v. Jelisić*, Case No. IT-95-10-A, Appeals Chamber, Judgement (5 July 2001), para. 47).
30. *Prosecutor v. Slobodan Milošević*, Decision on Motion for Judgment of Acquittal Pursuant to Rule 98 bis, Trial Chamber (16 June 2004), para. 125.
31. *Prosecutor v. Brđjanin*, Case No. IT-99-36-T, Decision on Motion for Judgment of Acquittal Pursuant to Rule 9 bis, Trial Chamber (28 November 2003), para. 974; *Prosecutor v. Sikirica*, Case No. IT-95-8-T, Judgement on Defense Motions to Acquit, Trial Chamber (3 September 2001), para. 75.
32. *Prosecutor v. Stakić*, Case No. IT-97-24-A, Appeals Judgement (22 March 2006), para. 52.
33. *Ibid.*, paras. 53–6.
34. *Prosecutor v. Mladić*, Case No. IT-09-92, Trial Chamber, Rule 98 bis, Judgement Summary in the Case of Ratko Mladić (15 April 2014), p. 26.

35. *Prosecutor v. Mladić*, Rule 98 bis Judgement Summary, p. 29.
36. *Ibid.*, pp. 25–8 and 41–2.
37. *Ibid.*, pp. 27 and 42; see also transcript of hearing on 15 April 2014, p. 20955.
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41. *Ibid.*
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80. *Ibid.*, p. 353.
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90. R. J. Rummel (1994) *Death by Government* (New Brunswick, NJ: Transaction Publishers), p. 114.
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92. See, for example, *Rwamakuba v. Prosecutor*, Case No. ICTR-98-44-AR72.4, Appeals Chamber, Decision on Interlocutory Appeal Regarding Application of Joint Criminal Enterprise to the Crime of Genocide (22 October 2004), para. 15.
93. United Nations War Crimes Commission (1948), *Law Reports of Trials of War Criminals: Four Genocide Trials* (New York: Howard Fertig Publications), pp. 21–39, 62–3, 90–1 and 125–37; H. Travis (2012) 'On the Original Understanding of the Crime of Genocide', *Genocide Studies and Prevention: An International Journal*, Vol. 7(1): 30–52 (31 and 36). See also, W. A. Schabas (2009), *Genocide in International Law: The Crime of Crimes* (Oxford: Oxford University Press), pp. 159–66 and 388.
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**Part III**  
**A Century of Denial**

# 10

## ‘They Brought It on Themselves and It Never Happened’: Denial to 1939

Levon Chorbajian<sup>1</sup>

### Introduction

In Western societies with established democratic traditions, citizens above a certain social class can count on their rights to personal safety and the safety of their property. Social institutions such as the police and the courts are empowered to enforce these rights. Often, however, people are unmindful of how recently established these rights are. Up until the late 18th century it is fair to say that most people had few codified rights. They lived at the will of their rulers, who could do with them largely as they wished. Choices were limited. Those who had some influence with the powers that be would use it while the rest were left to lie low and hope for the best. Or they could flee. Or, if conditions were propitious or sufficiently desperate, they could rebel.

Historians, sociologists and other scholars as well as human rights activists who define the fate of the Armenians as genocide stress the lying low and hoping for the best side of the equation while Turkey and its apologists emphasize Armenian disloyalty and treason. The latter allegations run through the Turkish denial literature and serve as a rationale and legitimation for violent repression. As the denialist argument goes, Armenian treachery provoked a Turkish response in defense of the state under dire wartime, siege conditions.<sup>2</sup> Deniers add to their claims of Armenian disloyalty the assertion that Armenian life and property were protected by the authorities and the unfortunate loss of Armenian life was caused either by wartime conditions that claimed the lives of many people of all religions and ethnicities, including Turks, or resulted from a civil war between Armenian and Turkish forces. Denial of the Armenian Genocide, therefore, consists of a two-pronged complementary, yet also contradictory, argument we can call ‘They Brought It on Themselves and It Never Happened’.

International criminal tribunals rejected this *tu quoque* argument as a defence to justify or mitigate acts and conducts of a suspect.<sup>3</sup> Given the overwhelming one-sidedness of the killing, the cruelty with which it was carried out, and the documentation of the events at the time and since,

it is a curious state of affairs that denial of the Armenian Genocide is now pervasive within Western political, cultural, academic, and educational discourse. The transformation of the Armenian Genocide, from a documented and incontrovertible fact at the time that it occurred to a controversial issue with sides and a legitimate topic of debate with pros and cons, is not recent. The forms and techniques have changed, but secrecy and denial have been at the core of Turkish practice since the world war and its aftermath. Documentation of that denial through the 1930s is the subject of this chapter.

The Armenian Genocide began in the spring of 1915 as an orchestrated, centrally planned, murderous attack by the Ottoman Turkish state against millennia-old Armenian communities in the Ottoman Empire. There are many sources of documentation including *Ambassador Morgenthau's Story*;<sup>4</sup> reports by US consular officials;<sup>5</sup> US, British, German, and Ottoman archival materials;<sup>6</sup> records of the post-First World War trials of Ottoman leaders and genocide perpetrators;<sup>7</sup> thousands of survivor accounts;<sup>8</sup> eyewitness accounts by Western missionaries;<sup>9</sup> extensive media coverage;<sup>10</sup> and many reputable later generation historical studies.<sup>11</sup> Overall, between 1 million and 1.5 million Armenians were killed directly or perished miserably in forced deportation convoys.<sup>12</sup> In these slowly moving death camps the deportees were denied food and water and regularly preyed upon by robbing, raping, and killing bands set loose upon them.

Countless other Armenians were absorbed into Muslim communities. Some were orphaned children taken in by Muslim families. Other Armenians converted to Islam to save their lives, and unknown numbers of young Armenian women were married into Muslim families, in both cases under conditions of extreme duress. In these instances the orphans, the converts, and the young women were lost as Armenians, that is, as the speakers of a language and the bearers of a culture.<sup>13</sup> With the single exception of the post-First World War Ottoman government, every Turkish government from 1915 to the present has denied that a genocide was committed against the Armenian people.<sup>14</sup>

## **The Genocide and its immediate aftermath**

### **Continuities and discontinuities in Ottoman Turkish and Turkish history**

Turkey is a relatively new country. It was officially proclaimed on 29 October 1923 as the Republic of Turkey, successor state to the Ottoman Empire. With new countries come new institutional structures and new histories.<sup>15</sup> Turkey is no exception to this process of redefinition. Indeed, one might say that Turkey is its exemplar because Turkish leaders had a great deal they wished to shed. Their unwelcome legacy included defeat in the First World War, the loss of Empire, the occupation of parts of Asia Minor by the Allied

powers, and perceived backwardness in national culture and social institutions. To this was added the disappearance of Asia Minor's Armenians under circumstances widely publicized at the time.

The Republic of Turkey was founded and led by Turkish nationalists headed by Atatürk. They were modernizers alienated from Ottomanism and directed by their own particular interpretation of the European Enlightenment fused with the philosophy of positivism. Under Atatürk's direction the founders of the Turkish Republic carried out a series of rapid-fire and far-reaching reforms. The Sultanate and Caliphate were abolished, and Turkey was declared a secular state. At a slower pace rights and opportunities were accorded to women. Turkish leaders also, and this is central to the denial issue, paid a great deal of attention to language, literacy and education.

An abbreviated version of Turkey's official origin script would read as follows. Turkey was occupied by Allied military forces after the end of the world war; and Britain, France, and Italy tried and nearly succeeded in imposing on the last decrepit and compliant Ottoman rulers a peace treaty that would have carved up much of Asia Minor into Western-dominated satellite states. Atatürk was able to organize an armed resistance movement, and he led a bitter, courageous, and successful war to expel the occupation forces and Greek invaders. The result was a new nation state, modernizing and westernizing yet independent of Western control. Above all else, this state was to be a Turkish state.

Integral to this official story is the idea of radical discontinuity, a clean break with the Ottoman Empire. A weak, bungling, compromised, and corrupt Ottoman Turkey was replaced with a Turkey that would be strong, united, and forward looking. Most Western journalistic and scholarly accounts of the birth of Turkey have accepted some version of this official foundational myth despite its shortcomings.<sup>16</sup> The most important of these blind spots concerns the fate of Ottoman minorities in the transition from Ottomanism to Turkish nationalism. On this issue, we find a continuation of past policy dating back to the eve of the First World War, and it is within this blind spot that the causes of the Armenian Genocide and its denial are to be found.<sup>17</sup>

The official story ignores the presence of non-Turks, and especially Christians, in the Ottoman Empire, expunging their presence, contributions, struggles, and fates from the history of Turkey. As this applies to the Armenians, their physical extermination, violent assimilation, and erasure from memory represent a significant continuity in the transition from the Ottoman Empire to the Republic of Turkey. The planning and implementation of the Armenian Genocide as an act of commission (1915–22) and omission (1923–present) constitute the final act of the Ottoman Empire and the start of a process of Turkification that defines the Turkish Republic a century later. Steadfast denial has persisted throughout the entire period

from 1915 to the 1950 elections, when Atatürk's Republican People's Party was voted out of office, and it has continued as a policy under all post-1950 Turkish governments. Denial of the Armenian Genocide, as well as of massacre and forced assimilation policies directed at the Kurds, are the centerpieces of these ongoing Turkification policies and collectively represent a single continuous thread beginning in 1913.

### **The Genocide**

By 1914 all the groundwork for the Armenian Genocide had been laid. The CUP had taken control of the state in 1908, and the ultranationalist faction of the party had taken control in an intraparty coup in 1913. The party's provincial cadres, the gendarmerie and Special Organization were all in place. This larger structure was governed by an ideology of Turkish exclusivism that scapegoated minorities, especially the Armenians. War to provide the necessary cover for genocide was the only missing ingredient, and that would soon take care of itself when Turkey entered the First World War in early November of 1914 as an ally of Germany and Austria-Hungary. Sporadic killings of Armenians had been going on since the late summer of 1914, and these killings accelerated after Turkey's entry into the war and increased again in early 1915. This developed into full-fledged genocide by late April. By the end of 1916 the Ottoman Armenian community of over two million people was either dead or in tatters, though the active killing, expulsion, and forced assimilation of Armenians continued into the post-war period.

### **Prototypical denial**

In May 1915 the governments of Russia, Britain, and France sent a letter to the Sublime Porte protesting the mass deportations and killings of the Armenians. The Allied letter read:

For approximately one month, the Kurdish and Turkish population of Armenia has acted in collusion, often with the support of the Ottoman Authorities, to massacre the Armenians. Such massacres have taken place towards mid-April in Erzurum, Dertshun, Egin, Bitlis, Mush, Sasun, Zeytun, and throughout Cilicia; the inhabitants of some hundred villages in the district of Van have all been murdered, and the Armenian quarter is under siege by the Kurds. At the same time the Ottoman government in Constantinople has dealt severely with a harmless Armenian population. In the face of these new crimes of Turkey against humanity and civilization the Allied governments are letting the Sublime Porte know publicly that they will hold personally responsible for those crimes all members of the Ottoman government, as well as those of its agents who will be found implicated in similar massacres.<sup>18</sup>

In their lengthy response to the Allied letter, the Turkish leadership dismiss the charges as lies. They accuse the Armenians of treasonous activities in

collusion with the Allied powers. They accuse the Armenians of massacring Muslims. They admit that Armenians were being deported but claim that the deportations were mandated by national security issues and limited to war zones on the Turkish-Russian front. Here is a breakdown of denial by type and an example of each.

#### *Outright denial of the massacres*

It is completely false that there have been massacres of Armenians in the Empire.<sup>19</sup>

#### *Allegations of Armenian collusion with the enemy*

[T]he commanders of the Anglo-French naval forces began corresponding with the Armenians in the region of Adana, Dort-Yol, Youmourtalik, Alexandretta, and other areas of the littoral and have instigated them to revolt.<sup>20</sup>

#### *Allegations of Armenian treason and Armenian massacres of Muslims*

Those who are current with matters of the Orient know perfectly well that it is the agents of the Triple Entente, particularly those of Russia and England, who, taking advantage of every opportunity, excite the Armenian population to revolt against the Imperial Government. These continual goings on have been aggravated since the start of hostilities between the Ottoman Empire and the aforementioned governments. Thus, their consuls and other agents in Bulgaria and Romania have sent bands of young Ottoman Armenians to the Caucasus. ... The Russian Government has failed neither to enlist these young Ottoman Armenians in its army, nor to introduce them in the Armenian centres of the Empire, after having provided them with arms and bombs and having furnished them with proclamations and revolutionary programs. Their mission was to create in these centres a secret revolutionary organization and to lead the Armenians in these regions, and particularly those of Van, Shatak, Havassur, Kevash, and Timar to rise up against the Imperial Government. They pushed them, at the same time, to massacre the Turks and the Kurds.<sup>21</sup>

#### *National security and national sovereignty arguments*

The right of the Imperial government to take all measures necessary to suppress such a revolutionary and separatist movement flows directly from the right of sovereignty, with which no one can argue. Besides, these measures in this case assume a character of particular urgency and importance in time of war.<sup>22</sup>

#### *Counter-allegations against Britain, France, and Russia*

The English, French, and Russian Governments which, after uprisings and agitations in the Caucasus, Morocco, Egypt, India, etc., had them

suppressed in the most violent manner and by absolutely inhuman acts, have the nerve to reproach the Ottoman Government for repressive measures which it found itself forced to take and which it applied generally with the greatest moderation and fairness.<sup>23</sup>

As the Turkish leaders summarized it, '[t]hanks, therefore, to measures for public order taken by the Imperial Government in the fullness of its rights, the revolutionary movement of the Armenians was able to be suppressed without any massacre taking place'.<sup>24</sup> Their rebuttal also conceals a vast structure of the unsaid. These omissions include the pre-genocide history of Armenian persecutions including deadly anti-Armenian pogroms, an ideology of extermination, the mobilization of killing units, and a scale of mass death that totally dwarfed the scale of heroic but scattered acts of Armenian resistance and sporadic instances of Armenian retaliation.<sup>25</sup>

## The interwar period I: Turkish tactics

### İsmet Pasha at Lausanne

At the Lausanne Conference in 1922–3 the Allies negotiated their final First World War peace treaty with Turkey. At this point the Turkish nationalists had vanquished their opponents, de facto established their Republic, and now bargained from a position of strength. In his speech Lord Curzon, head of the British delegation, argued passionately for provisions to protect Armenian and Greek survivors still living in Turkey.<sup>26</sup> He was followed by İsmet Pasha, the head of the Turkish delegation,<sup>27</sup> whose speech broadly followed the initial Ottoman denial of May 1915.<sup>28</sup> He began with the Ottoman conquest of Constantinople in 1453 and then followed with what has today become the standard Turkish denial script in one iteration or another. İsmet Pasha provided a romanticized account of the millet system and traced the breakdown of this system to foreign, and especially Russian, interference in the internal affairs of the Ottoman Empire.<sup>29</sup> He continued in this vein in his discussion of the Armenians whose fate he described as 'regrettable'.

All causes for Armenian discontent including land seizure, confiscatory taxation, forced conversion to Islam, kidnapping, rape, and forced marriages are altogether absent in his discussion. As long as the minorities accepted Ottoman conditions of life, İsmet Pasha argued, there was no issue regarding their physical well-being or the safety of their property. Not only did he claim that this had been the case in the past, but this was also his prescription for the new Turkish Republic as he made clear in his chilling last sentence: '[T]he best guarantee for the security and full development of minorities ... would be those furnished by the laws of the country, as well as by the liberal policy of Turkey toward all communities *whose members do not swerve from their duties as Turkish citizens*'.<sup>30</sup>

## Turkification

This speech was not a singular, one-time event, but served as the soon-to-be proclaimed Republic of Turkey's opening salvo in a much broader, totalitarian program of nationalist memory erasure and manufacture. Indeed, the most significant event between the world wars is the conscious effort on the part of the Kemalists to rewrite history as primordially Turkish and to establish an institutional structure that would socialize successive generations of Turkish people to view their history and their lives through the prism of official history. Long periods of authoritarianism, including Atatürk's entire reign from 1923 until his death in 1938, lent free rein to these efforts, which in some cases were continuations of policies initiated under the CUP.

Once the majority of Armenians had been killed off, driven into exile, forcibly assimilated, or reduced to small, isolated pockets, the state turned its attention to eradicating the very memory of their presence. This was a mission that crossed generations. Talaat had decreed that 'everything must be done to abolish even the word "Armenia" in Turkey'.<sup>31</sup> İsmet İnönü later noted that 'it was not only necessary to eradicate centuries-old traditions, beliefs, and customs, but to efface the memory as well'.<sup>32</sup>

One effective way to accomplish eradication and effacement is through the physical destruction of markers that point to alternative histories. During the Armenian Genocide over 1,700 Armenian churches and monasteries were severely to totally destroyed.<sup>33</sup> Over the course of decades remaining structures have been ravaged by neglect and various assaults on their physical and cultural integrity. These assaults include detonation, vandalism, abrasion of Armenian inscriptions, dismemberment for building materials, redefinition as examples of Seljuk architecture, and conversion into mosques, stables, granaries, warehouses, jails, and museums.<sup>34</sup>

Another method of destroying the Ottoman past was the adoption of the 1928 language law, which abruptly changed the text for written Turkish from Arabic to Latin script.<sup>35</sup> Within a very short period of time a new generation of schoolchildren was unable to read the old Arabic script, and as the decades passed fewer and fewer Turks could read any works produced before the late 1920s. People were effectively cut off from any earlier Arabic-scripted resource materials covering the early years of the Republic and the Ottoman past.<sup>36</sup> Confiscating and destroying all books written in Armenian and other non-Turkish languages was another form of cultural eradication. This included substantial Armenian libraries that had survived the genocide.<sup>37</sup> The same fate met early Genocide survivor memoirs and village histories, which had been sent to Turkey from abroad.<sup>38</sup>

At the same time that the past was being rendered nonexistent, a new officially approved past was being created to replace it. Atatürk laid the foundation for this new history in 1930 by creating the Association for the Study of Turkish History, which would become the Turkish Historical Society. This organization was ordered to produce new histories that would

fit the nationalist model. The first of many of these books was the 600-page volume *Outlines of Turkish History*.<sup>39</sup> In all, between 1.5 million and 3 million books were published during the Kemalist period. These volumes presented history, literature, architectural studies, indeed all areas of scholarly and popular writing in the social sciences and humanities, from a nationalistic, primordial Turkish perspective and have been described collectively as ‘the backbone of the Turkish national narrative’.<sup>40</sup> These books were introduced into libraries and community centers and people were actively encouraged to read them. This entire published corpus is one dimension of a larger hegemonic structure that includes public sculpture, holiday celebrations, museum exhibits, and other cultural expressions of Turkification.<sup>41</sup>

Another dimension of this process is found in the 1934 surname law that stripped surviving Armenians and other minorities of their ethnic identities by forcing them to assume Turkified names. In one commonly used method, the Armenian suffix ‘ian’ or ‘yan’, signifying son of, was replaced by its Turkish equivalent ‘oğlu’.<sup>42</sup>

In their campaign to redefine Turkish society as exclusively Turkish, state authorities continued a policy initiated by the CUP, which was to change toponyms. In areas where Armenians, Kurds, and Greeks constituted significant percentages of the population it was not uncommon for communities and such geographic formations as rivers, forests, valleys and peaks to have non-Turkish names. The state systematically catalogued these names, determined their ethnic origins, and where they were found to be Armenian or otherwise non-Turkish, were given new Turkish names.<sup>43</sup> In twenty Eastern provinces it was found that between 44 percent and 91 percent of village names had been changed by 1967.<sup>44</sup> In the end thousands of names were changed in a process that continued into the 1980s. The state also sought out, confiscated, and destroyed German and French atlases and maps, and banned their further import if they designated certain areas as Armenia or Kurdistan.<sup>45</sup>

What was created in the 1920s and 1930s largely prevails in 2015. Few Turks have access to alternative interpretations of their history that reveal a diverse past, and they also have few incentives to seek out such materials. The result is a closed loop in which people are exposed to official doctrine at an early age with few or no accessible alternative sources of information.<sup>46</sup>

## **The interwar period II: International response and collusion**

### **The Chesters**

It is also in the interwar period that we encounter what is now the common practice of recruiting Westerners to participate in Armenian Genocide denial. In 1923, Adm. Colby Chester, US Navy (ret.), arrived in Turkey as the lead figure in an investment combine, the Ottoman American Development Company. Chester and his fellow investors were granted what was known

as the Chester Concession, which would allow them to construct railroads in Asia Minor. In addition the investors were granted mineral rights along the railroad right of way. The even bigger prize was access to the oil fields in and around Mosul, which were part of the Ottoman Empire prior to the First World War.<sup>47</sup>

Turkish leaders of the new Republic were suspicious of foreign concessions but at the same time mindful of mending Turkey's tarnished image as a murderous state. They were willing to work with Chester to derive whatever benefit they could, and in return Chester was expected to promote a less sanguine image of the Turks and Turkey in the West.

In the September 1922 issue of the *New York Times Current History*, Chester published the article 'Turkey Reinterpreted'. He wrote: 'There are no prejudices against Christians in Turkey, let alone killings of Christians. Massacres of the past were enormously exaggerated by prejudiced writers and speakers.'<sup>48</sup>

Chester argued that there was a Western media bias against the Turks, a bias rooted in religious bigotry. In Chester's view Turks were impeccably honest in business, trustworthy in their interpersonal relations, and morally upstanding. It was not their actions that had caused them to be criticized in the Western media but prejudice against Muslims. Chester provided no evidence for this claim, and at the same time that he dismissed Turkish culpability, he painted the Armenians with a broad negative brush: 'The Armenians were hated alike by Kurds, Christian Georgians, and Moslem Azerbaijanis, because of their grasping propensities – their tendency to live by the sweat of their neighbors' brows.'<sup>49</sup> Chester followed his unflattering characterization of Armenians with his description of the events of 1915:

The worst 'outrage' ever perpetrated by the Turks on the Armenians occurred in 1915. The wholesale deportations of that period were brought about by Turkish fear that the procedure of this alien population, if left to continue without interruption, would get the agitators into real trouble; the Turks wish no such episode, though, naturally, they disliked Armenian interference with Turkey's operation of her own affairs, political, religious and domestic. So the Armenians were moved from the inhospitable regions where they were not welcome and could not actually prosper, to the most delightful and fertile part of Syria. Those from the mountains were taken into Mesopotamia, where the climate is as benign as in Florida and California, whither New York millionaires journey every year for health and recreation. All this was done at great expense of money and effort, and the general outside report was that all, or at least many, had been murdered.<sup>50</sup>

Adm. Chester's son, Lt. Cmdr. Arthur Tremaine Chester, also traveled to Turkey after the First World War, and he also participated in cleansing

Turkey's postwar image. He claims that Armenians on the border with Russia sided with the Russians and deserted the Turkish Army 'in droves'.<sup>51</sup> Rebellious Armenians living in the border areas cut the Turkish Army off from its supply lines, alleged Chester. Therefore the state had to act decisively to protect itself from the Armenian threat.<sup>52</sup> Chester echoed Turkey's own response of May 1915 by framing the deportations of Armenians as a national security issue brought on by Armenian treachery. Chester wrote, 'It is safe to say that no massacre of any importance has occurred that was not the direct result of traitorous or threatening acts by the victims.'<sup>53</sup>

In the end the oilfields went to Britain as part of its new mandate over Iraq and were no longer Turkey's to bargain with in return for foreign investment. Nevertheless the Chesters' writings represent an early attempt by Westerners to burnish Turkey's tarnished image. This would become a much more common practice decades later, beginning in the 1970s.

### **The Forty Days of Musa Dagh**

Another major event in the interwar period involves Metro-Goldwyn-Mayer's attempt to film Franz Werfel's best-selling novel *The Forty Days of Musa Dagh*.<sup>54</sup> On 13 July 1915, 6,000 Armenians in several villages in the vicinity of Musa Dagh on the northeastern Mediterranean coast were told by Turkish authorities that they would soon be deported. The Armenians met and quickly split into two groups, those who agreed to abide by the deportation order and a larger group that wanted to resist. Over 4,000 people opted to take their chances and fight, and they climbed the mountain with clothing, bedding, utensils, and food along with their livestock and whatever weapons they had, and established four encampments.<sup>55</sup> From there the Armenians took advantage of their knowledge of the terrain and the higher ground they occupied and successfully repulsed repeated Turkish attacks. Eventually the Armenians were rescued by French warships and taken to safety in Egypt.

Werfel traveled to the Middle East in the late 1920s, and in Damascus he came across a group of emaciated Armenian children who were damaged by the horrors of the Genocide to the point that they could not work. Werfel was so unnerved by the sight of these children that he investigated the history that had brought them to their wretched condition. Werfel read French documents on the Genocide as well as French accounts of the rescue of the Musa Dagh survivors. He spent two years in Vienna, where the Armenian Mekitarist monks gave him access to their vast library holdings. There, Werfel read widely on Armenian topics, and he also had access to primary source materials on the Musa Dagh defense.

By the time Werfel decided that the heroic Armenian resistance would be the subject for his next novel, he was well informed on his topic. His masterpiece, *The Forty Days of Musa Dagh*, was published in German in 1933 and became an immediate bestseller. The next year, the novel appeared in English translation and received rave reviews and again went to the top of

the bestseller list. That same year, Hollywood's largest studio, MGM, purchased the rights to Werfel's novel with the intent of producing a blockbuster movie.<sup>56</sup>

On the basis of a newspaper report confirming this decision, the Turkish ambassador to the United States, Mehmet Munir Ertegun, met with Wallace Murray, who was the Chief of Near East Affairs at the US State Department. Ertegun told Murray that the movie 'could only give a distorted version of the alleged massacres'.<sup>57</sup> Murray relayed the conversation to Will Hays, head of the Motion Picture Producers and Distributors of America, who forwarded Murray's communication to Frederick Herron, manager of the Hays foreign office in New York.<sup>58</sup> On the basis of another news report Ambassador Ertegun wrote to Murray and noted that the film referred to the Turkish massacres of Armenians, and he ended with 'I am sure you will appreciate how much importance I place on preventing the misleading of public opinion in America through erroneous features concerning the history of my country.'<sup>59</sup>

Murray forwarded Ertegun's communication to Herron who then reassured the ambassador.<sup>60</sup> Meanwhile, the issue continued to smolder as communications escalated between Ankara, the Turkish Embassy, the US State Department, the Hays offices in Hollywood and New York, and MGM.<sup>61</sup> The Turkish press soon entered the fray and launched a series of blistering attacks on MGM, the US State Department, the Armenian Diaspora, and the US press.<sup>62</sup> The attacks on MGM and its executives were replete with anti-Semitic commentary.<sup>63</sup> Especially targeted was the *New York Herald Tribune* which had dared to ask its readers, 'What right has the Turkish government to concern itself with our films?' And 'Is it for the Turks to say what Americans should see?'<sup>64</sup>

What was ultimately most damaging were two other developments. In an effort to placate the Turkish government arguments, Herron offered Ambassador Ertegun the opportunity to review the script, and two complete screenplays were delivered to the Turkish Embassy in Washington, one for the Embassy and one for the Turkish Foreign Ministry.<sup>65</sup> Not surprisingly, the Embassy and the Turkish Foreign Ministry came back with uncompromising rejections of the project.<sup>66</sup>

The final nail in the coffin was that Turkey did organize, if not a worldwide campaign, a successful international boycott. Germany, now ruled by the Nazis, banned Werfel's book and would not allow film showings in the event the movie was made.<sup>67</sup> The Turkish government further convinced France not to show the film and indeed to ban all MGM films. In addition, the French threatened to boycott all Hollywood movies regardless of the production studio.<sup>68</sup> Commenting on such a broad French boycott, Irving Thalberg, MGM's leading producer and strongest advocate for the Musa Dagh project, said 'I can't fight that', and the film was never made.<sup>69</sup>

The Musa Dagh case is significant in several respects. First, there is the boldness with which Turkey acted. The Turkish state presumed the right

to dictate policy to MGM even though it was a foreign privately owned corporation over which Turkey had no legal authority. Turkey also felt quite comfortable appealing to the United States government initially and later threatening both it and MGM with sanctions. Secondly, Turkey quickly assumed a maximalist position and offered no compromise. Within a short timeframe Ambassador Ertegun, for example, moved from seeking 'assurances' to insisting that the film project be terminated. A third striking feature is the lack of strong resistance to Turkish demands. Both the State Department and the Hays office bent over backwards to appease Turkey and to kill the project.

The only strong defense came from MGM and especially from Thalberg. Because MGM's stand was primarily commercial, however, the threat of Turkish-organized European boycotts of all MGM films caused the studio's heads to rethink their commitment to the movie and eventually to shelve it. MGM had seen *Musa Dagh* as a heroic adventure story that would draw throngs of enthusiastic moviegoers to theaters. However, when the economics of the movie were jeopardized by Turkish government threats, the studio heads faced powerful obstacles that could not be overcome without strong support from the State Department, and that support neither existed, nor could it be organized.

Finally, Turkey exhibited persistence over a long period of time. When there were proposals to revive the *Musa Dagh* project in the early 1950s and again in the 1960s, the Turkish denial apparatus swung into action and the proposals were once again killed.<sup>70</sup> The 1953 statement by State Department official Arthur Richards is reflective of the department's attitudes. In his unusually candid communication with MGM Richards says that the Department's policies regarding the film had not changed, and he conveyed his hope 'that the book would never be made into a play or a movie because the Turkish people are particularly sensitive to this period of their history and are trying desperately to cover it up'.<sup>71</sup>

The *Musa Dagh* case is an early instance of direct Turkish intervention in US commercial and government decision-making. This would become a much more common practice after the Second World War and especially from the 1970s onwards. The Turkish *modus operandi* remains consistent throughout and seeks maximalist positions, offers no compromise though sometimes hints at it, and employs intimidation and threats. These are now supplemented with the active courtship of US policymakers and the engagement of skilled public relations firms along with growing investments and influence in American universities and publishing houses.<sup>72</sup>

## Conclusion

Turkish denial of the Armenian Genocide is nearly as old as the Genocide itself. Only a few weeks in the spring of 1915 separate them. A century

later the Armenian Genocide stands as a profound contradiction within Turkish society, deeply embedded in Turkey's social structure; its history, politics, international relations, and its educational systems, mass media, and popular culture. It remains the case today that Turks are born into an invisible totalitarian culture which renders Armenians either nonexistent or a once upon a time subversive presence that had to be and was successfully neutered. Few Turks manage to escape this dominant paradigm though their numbers are slowly growing. Change is in the air, but where it will lead is unclear. In 1915 Turkey committed a physical and a moral abomination. For there to be justice for the Armenians, and for the Turkish nation to extricate itself from its weighty national lie, the truth needs to be acknowledged. Yet any knowledgeable person who looks at this question knows that powerful cultural, political-economic, and military forces stand in the way of such an acknowledgment.

## Notes

1. Professor of Sociology, University of Massachusetts Lowell. Contact: Levon\_Chorbajian@uml.edu.
2. See Chapter 9, Travis, on the 'counterinsurgency' argument.
3. See Chapter 9, Travis, on *tu quoque*.
4. Morgenthau (1918).
5. L. A. Davis (1989) *The Slaughterhouse Province: An American Diplomat's Report on the Armenian Genocide* (New Rochelle, NY: Aristide D. Caratzas).
6. R. Adalian (1991–3) *Guide to the Armenian Genocide in the U.S. Archives, 1915–1918* (Alexandria, VA: Chadwick-Healey); Gust (2013); A. Ohandjanian (2004) *1915 Irrefutable Evidence: The Austrian Documents on the Armenian Genocide* (Yerevan: National Academy of Sciences, Museum-Institute of the Armenian Genocide); A. Sarafian (1994–2002) *United States Official Documents on the Armenian Genocide, Volumes 1–4* (Watertown, MA: The Armenian Review); Anon. (1917) *Germany, Turkey and Armenia: A Selection of Documentary Evidence Relating to the Armenian Atrocities from German and Other Sources* (London: J. J. Keliher & Co., Ltd).
7. Dadrian and Akçam (2011).
8. Bryce and Toynbee [1916] (2005); Miller and Miller (1999); V. Svazlian (2011) *The Armenian Genocide: Testimonies of the Eyewitness Survivors* (Yerevan: Gitoutyoung Publishing House of the National Academy of Sciences).
9. T. Atkinson (2000) *'The German, The Turk, and the Devil Made a Triple Alliance': Harpoot Diaries, 1908–1917* (Reading, UK: Taderon Press); Bryce and Toynbee (2000); M. Jacobsen (2001) *Diaries of a Danish Missionary: Harpoot, 1907–1919* (Reading, UK: Taderon Press); B. Morley (2000) *Marsovan, 1915: The Diaries of Bertha Morley* (Reading, UK: Taderon Press); H. Riggs (1997) *Days of Tragedy in Armenia: Personal Experiences in Harpoot, 1915–1917* (Ann Arbor, MI: Gomidas Institute).
10. R. Kloian (1985) *The Armenian Genocide: News Accounts from the American Press, 1915–1922* (Richmond, CA: ACC Books).
11. Akçam (2004) *From Empire to Republic: Turkish Nationalism and the Armenian Genocide* (London: Zed Books); Akçam (2007); Akçam (2012); D. Bloxham (2007) *The Great Game of Genocide: Imperialism, Nationalism, and the Destruction*

- of the Ottoman Armenians* (Oxford: Oxford University Press); Dadrian (1995); V. Dadrian (1999) *Warrant for Genocide: Key Elements of Turco-Armenian Conflict* (New Brunswick, NJ: Transaction Publishers); B. Der Matossian (2014) *Shattered Dreams of Revolution: From Liberty to Violence in the Late Ottoman Empire* (Stanford, CA: Stanford University Press); F. M. Göçek (2014) *Denial of Violence: Ottoman Past, Turkish Present, and Collective Violence against the Armenians, 1789–2009* (Oxford: Oxford University Press); Kévorkian (2011); Robertson (2014); R. Suny (2015) *They Can Live in the Desert but Nowhere Else: A History of the Armenian Genocide* (Princeton, NJ: Princeton University Press); Üngör (2011); C. Walker (1980) *Armenia: Survival of a Nation* (London: Croom Helm); Winter (ed.) (2004).
12. See Chapter 2, Bijak and Lubman, in relation to the death toll.
  13. Akçam (2012), Chapter 9.
  14. There is a growing volume of literature on Turkish denial of the Armenian Genocide. See Akçam (2012), Chapter 11 and Göçek (2014).
  15. On the issue of identity and origin myths, see Chapter 12, Bayraktar and Chapter 11, Elmas.
  16. Examples include B. Lewis (1961) *The Emergence of Modern Turkey* (Oxford: Oxford University Press); S. Kinzer (2001) *Crescent & Star* (New York: Farrar, Straus and Giroux); A. Mango (1999) *Atatürk* (New York: The Overlook Press); and E. J. Zürcher (1993) *Turkey: A Modern History* (London: I. B. Tauris).
  17. Continuity of policy dating back to 1913 and the physical and symbolic erasure of Armenians are central themes in Akçam (2012); Göçek (2014); and Üngör (2011).
  18. Gust (2013), p. 199. This is one of the first recorded uses of the term ‘crimes against humanity’ which would later become the defining standard for mass murders, ethnic cleansings, and genocide in the evolving body of international law.
  19. *Ibid.*; see also pp. 199–202 for additional examples of denial.
  20. *Ibid.*, p. 200.
  21. *Ibid.*, pp. 199–200.
  22. *Ibid.*, pp. 200–1.
  23. *Ibid.*, p. 202. Allied imperialist crimes are a significant issue with implications for the lives of hundreds of millions of people worldwide. As Karl Marx famously put it with melodramatic flourish: ‘If money comes into the world with a congenital blood stain on one cheek, capital comes into the world dripping from head to foot, from every pore, with blood and dirt.’ *Capital, Vol. I* (1867) (Harmondsworth, UK: Penguin), p. 926. The interest of Ottoman Turkey in this instance was not justice for colonized people but the diversion of attention from state-sponsored mass killings of the Armenians.
  24. Gust (2013), p. 201.
  25. Retaliation killings of perpetrator groups are an understudied aspect of Genocide Studies; nevertheless, there are known documented instances. The best known case involves the millions of Germans who lived in German-occupied Eastern Europe during the Second World War. See E. Langenbacher (2009) ‘Ethical Cleansing?: The Expulsion of Germans from Central and Eastern Europe’, in N. A. Robins and A. Jones (eds) *Genocides by the Oppressed: Subaltern Genocide in Theory and Practice* (Bloomington: Indiana University Press), pp. 61–2. See also A. Jones (2009) ‘When the Rabbit’s Got the Gun: Subaltern Genocide and the Genocidal Continuum’, in Robins and Jones (eds) (2009), pp. 191–3.
  26. The final Treaty of Lausanne contained only a vague provision for minority rights and made no mention of Armenians by name.
  27. İsmet Pasha would later be known as İsmet İnönü and rule Turkey as its second president from 1938 to 1950.

28. His speech was reprinted as İsmet Pasha (1923) 'Turkey Denounces Five Centuries of Calumny', *New York Times Current History*, Vol. 17(5): 749–57.
29. *Ibid.*: 750–3.
30. *Ibid.*: 757 [emphasis added]. On Armenians, see Akçam (2004), Akçam (2012), and Walker (1980). On Armenians and Kurds, see Üngör (2011), Chapters 1–3, *passim*. On Jews, see R. Bali (2012) *Model Citizens and the State: The Jews of Turkey during the Multi-Party Period* (Madison, NJ: Fairleigh Dickinson University Press).
31. Cited in A. Hovanissian (1999) 'Turkey: A Cultural Genocide', in Chorbajian and Shirinian (eds) (1999), p. 147.
32. Cited in Üngör (2011), p. 229.
33. D. Kouymjian (1985) 'The Destruction of Armenian Historical Monuments as a Continuation of the Turkish Policy of Genocide', in G. Libaridian (ed.) *A Crime of Silence, The Armenian Genocide: The Permanent People's Tribunal* (London: Zed Books), p. 174. Also see Chapter 6, Guibert and Kim.
34. Kouymjian (1985), pp. 174–5, Hovanissian (1999), pp. 150–1.
35. On the effects of the Alphabet Reform, see Chapter 11, Elmas.
36. Üngör (2011), pp. 224–6.
37. *Ibid.*, pp. 226–7.
38. *Ibid.*, pp. 220–1.
39. *Ibid.*, pp. 228–30.
40. *Ibid.*, p. 228.
41. *Ibid.*, pp. 238–40.
42. *Ibid.*, p. 231.
43. *Ibid.*, pp. 240–5.
44. *Ibid.*, p. 243.
45. *Ibid.*, pp. 240–5.
46. *Ibid.*, p. 255.
47. C. Chester (1922) 'Turkey Reinterpreted', *New York Times Current History*, Vol. 16(6): 941–2.
48. *Ibid.*: 939.
49. *Ibid.*: 940.
50. *Ibid.*: 944.
51. A. T. Chester (1923) 'Angora and the Turks', *New York Times Current History*, Vol. 17(5): 763.
52. *Ibid.*: 763–4.
53. *Ibid.*: 764.
54. See Chapter 14, Sensenig-Dabbous, for a recent history trail project to Musa Dagh.
55. E. Minasian (2007) *Musa Dagh* (Nashville, TN: Cold Tree Press), pp. 6–7; see also Walker (1980), pp. 223–5.
56. Minasian (2007), p. 50
57. *Ibid.*, p. 97.
58. *Ibid.*, pp. 98–9.
59. *Ibid.*, p. 100.
60. *Ibid.*
61. *Ibid.*, p. 101.
62. *Ibid.*, pp. 117–18.
63. *Ibid.*, pp. 117–18 and 123. Turkish newspapers identify MGM as Jewish and Werfel as a 'filthy Jew'. One paper says Jewish firms doing business in Turkey will 'suffer if they fail to stop this hostile propaganda'. Another refers to Werfel's book as 'A book written by a Jew and full of calumnies against us'.
64. Minasian (2007), p. 119.

65. *Ibid.*, pp. 108–9.

66. *Ibid.*, p. 124.

67. *Ibid.*

68. *Ibid.*, pp. 124 and 131.

69. *Ibid.*, p. 131.

70. *Ibid.*, Chapters 19 and 20.

71. *Ibid.*, pp. 194–5.

72. Göçek (2014), pp. 448 and 607, notes 177–80.

# 11

## Towards 2015: Media in Turkey on the Armenian Genocide

*Esra Elmas*<sup>1</sup>

### **Introduction**

This chapter will attempt to provide a descriptive picture of the position of Turkish media on the Armenian Genocide. No distinction will be made between mainstream and alternative media since categorizing sources in this way does not result in any meaningful outcome with respect to the Armenian issue. Although the distinction is hardly perceptible, it is possible to refer to a mainstream attitude embraced by small and large media. Media in Turkey is politically diversified but in terms of its mindset, an overpowering national and nationalist perspective assimilates state and society as an indivisible unit; this perspective is more or less taken for granted and establishes a pattern of thought and attitude in the sphere of media.

The Armenian Genocide is a relatively new and unsettling topic for the Turkish state and Turkish society. For a long period, the issue was marked by its absence in the public domain due to a lack of knowledge in civil society, and state politics largely based on ignorance and denial. This pervasive silence was shattered in 1965 as a result of worldwide 50th anniversary commemorations of the genocide. In the 1970s the subject of the Armenians became a notorious issue due to violent attacks by the Armenian Secret Army for the Liberation of Armenia (ASALA) against Turkish diplomats and further awareness followed in the 1990s with the establishment of the Armenian weekly *Agos*. The Armenians of Turkey and the First World War massacres had finally emerged as a real debate in the country's agenda. Unfortunately, it was the assassination of Hrant Dink in 2007 that prompted the resurfacing of historical facts of the past to the Turkish public, especially in the western part of the country.

From 1965 the media in Turkey started to deal with the Armenian issue, but covered the topic only when it emerged as a 'problem' for the state. Consequently, 2015 was a critical year, as the attention-gathering of commemorations marking the centenary of the Armenian Genocide raised again the specter of this 'problem' that refuses to vanish.

With the emergence of public awareness, Turkey can no longer bury its head in the sand. For instance, on 24 April 2014, the Turkish government presented its ‘condolences’ to Armenian descendants for the first time, for the ‘suffering’ during the ‘difficult period’ of the last years of the Ottoman Empire.<sup>2</sup> Although Turkish President Erdogan avoided using the term ‘genocide’ in his address, which Turkey has categorically denied was formative or representative of state policy, his message indicates a break with precedent, signals changing dynamics within Turkey, and moves away from the traditional position of denial and ignorance. On the other hand, genocide debate now became a ‘national issue’ for Turkey as it clearly appears in the discourse of Turkish politicians. Possible side effects of genocide recognition are considered as threats against national interest.

In this chapter, I will discuss the current (2015) predicament of the media in Turkey within the framework of this political climate. To enable understanding of the long-lasting silence, ignorance and the current situation of the media in Turkey regarding the Armenian issue, I will briefly focus on the historical and political background of media activity in the 20th century.

### **Imagining and framing the nation**

Turkey’s transition from a multi-cultural and multi-religious empire to a nation state was a traumatic and brutal process imposed ‘from above’ due to the failure of the Ottoman Empire in forging a national identity; the transition did not emerge as result of a social demands ‘from below’. The gradual loss of the Empire’s lands and the collapse of the political concepts (Ottomanism and Islamism) formulated to bind society together under the Empire’s authority, resulted in aggressive nationalism which was at certain times racist or ethnicist.

Twentieth-century Turkish nationalism was the subject of political and social engineering operating through the invention of history and was driven by the aim of saving the presence of the state within the remaining parts of the Ottoman Empire and creating a homogeneous nation and homeland. During this transitional period, the integrated process of modernization and nationalization promoted and glorified a ‘Turkishness’ that was mainly based on mono-ethnicity, comprising one language and one religion.<sup>3</sup>

According to Ziya Gökalp, perceived as the father of Turkish nationalism, ‘the modern state must become homogeneous in terms of culture, religion and national identity’.<sup>4</sup> The 1915 Genocide was the result of such modernization-minded nationalism, which saw the non-Muslim communities of the Ottoman Empire as an internal threat.<sup>5</sup> The Young Turk movement that toppled the Ottoman sultan and rose to power in 1908 began to ‘launch a series of initiatives which marginalized, isolated, incarcerated, altered borders, deported, forcefully assimilated, exchanged populations, massacred and conducted genocide against its non-Turkish minority populations’.<sup>6</sup> This

was the path to Turkification and Islamization of society and appropriation of wealth.

'Turkishness' was and is a problematic concept with respect to the ethnic orientations of the groups to which it refers. Since the term 'Turk' referred to the religious identity of communities during the Ottoman era and during the transition period from Empire to nation-state, the populations, which were ethnically diversified but religiously Muslim, constituted the Turkish nation of the new era. For instance, the term 'Greek' was used when referring to the Orthodox populations of the Empire including ethnic Turks who were Orthodox Christians. Turkishness as a constructed identity was composed of people that were non-indigenous populations of Anatolia. 'The properties were re-distributed by special state agencies to Muslim refugees from the Balkans who were resettled, or to local leading families or the *aghas* (hereditary leaders) of Kurdish tribes which the state hoped to urge to sedentariness.'<sup>7</sup>

The republican state established after the war of independence in 1923 excluded non-Turks, or at least non-Muslims, from both the material reality and the collective memory and imagination.<sup>8</sup> Notably, it was also problematic for non-Muslim Turkish groups to be accepted into this notion of Turkishness. For instance, the demands of migration from the Orthodox Gagauz Turks were not accepted during the single party regime. Hence, 'although the republic defined itself as a clear departure from the Ottoman past in terms of its traditional and religious features, the dominant nationalistic discourse was taken for granted and expanded over time'.<sup>9</sup>

To concoct this invented history, the past was firstly Turkified then mystified while the history of 'others' was devalued and submerged. There was no room for the 'others' in nationalist imagination. Indigenous communities of Anatolia<sup>10</sup> such as Armenians, Assyrians or Greeks turned into 'internal others' and were depicted as 'unreliable' or 'traitor' ethnic groups especially with reference to their behavior during the war of independence. The underlying message of the making of the Turkish Republic proclaims independence from Armenians, Greeks and other non-Muslim communities of Anatolia.

Following the steps of the othering process of indigenous minorities<sup>11</sup>, and establishing an imported Turkishness, resulted in the erasing of the traces of these groups from the land and from history. Ernest Renan noted that all nations are constructed by forgetfulness and historical error, serving to obscure brutality and make the nation a homogeneous entity.<sup>12</sup> The Wealth Tax in 1942, mainly imposed on Christians and Jews, and the deportation of 40,000 Greeks in 1955 due to the Cyprus conflict were state practices which literally attempted to erase the non-Muslim features of society.

In this respect, two doctrinal theories played an important role in terms of the Turkification of history: the 1932 'Turkish history thesis' which postulated the first indigenous people of Anatolia, the Hittites, as the ancestors of

Turks, and the 1936 ‘sun language theory’ that launched pure Turkish as the primordial language from which all other languages emerged. These theories omitted the presence and the history of non-Turkish groups. Both theses ‘conveniently reinforced Turkish claims to the land of Anatolia and made Turks the rightful inheritors of an ancient and advanced civilization’.<sup>13</sup> ‘In this project of imagination and its material practice, history plays an adamant role as a source of legitimacy as well as a strategy of mobilization.’<sup>14</sup>

This identity transformation is illustrated by the Alphabet Reform, which, as described earlier in Chapter 10, radically changed Turkish society’s relationship with its past and enabled the state to control society’s access to its past by selectively transcribing only those texts and documents that gave support to the state’s point of view.

The media of communication in the construction of a nation as an imagined community is crucial.<sup>15</sup> The independence movement, which culminated in the foundation of the republic in 1923, was based on two primary principles: Battle and Correspondence.<sup>16</sup> In the transition from a decaying empire to a modern nation state, Atatürk and his staff prioritized the print media, the only widespread medium of communication at the time, in reaching out to the masses. During the single party regime, media worked as an essential apparatus of the state in the production and dissemination of the official ideology, and was instrumentalized for the benefit of the state.

Media owners’ existing technology was made obsolete by the transition to the Latin alphabet. The state provided financial support to publishers who were forced to change their infrastructure to adjust to the new lettering system. The publishers’ financial dependence on the government created an opening for the monitoring and control of ideas.<sup>17</sup> Media in Turkey emerged as a national tool and it was both the object and the subject of the state-driven modernization and nationalization project, since it was given – and willingly accepted – the mission of modernizing society by means of propagandizing the official ideology.

As a result of this historical context, the Armenian Genocide was not up for debate for many decades. The state was monitoring and shaping the content and function of the media. Human resources in the media business consisted of people who were highly associated with the nationalist ideology of the state, canonized as Kemalism from the first years of the Turkish Republic. Even ‘the brand names of several papers are constant reminders of our nationhood, national ideals and our place in the world: “Turkey” (*Türkiye*); “Nationality” (*Milliyet*); “Freedom” (*Hürriyet*); “The Republic” (*Cumhuriyet*); “Turkish Daily News”; “The National Newspaper” (*Milli Gazete*); “Middle East” (*Ortadoğu*) and “New Asia” (*Yeni Asya*)’.<sup>18</sup>

Consequently, Turkish media in Turkey can hardly be labeled as autonomous, as it is crippled by its inability to investigate and question matters for the benefit of society. The first and essential function of Turkish media was imagining and framing the nation according to the founding principles of

the state, because identifying with officialdom ensured access to power and status in society, and a sense of belonging to a reinvented country.

### **From absolute silence to annoyance and ignorance**

Until 1965 absolute silence in Turkish media was the rule in relation to the Armenian Genocide. Discussion on the Holocaust in the 1950s had helped Armenians define the persecution that they had experienced in 1915 and on the occasion of the 50th anniversary of the massacres, commemorations started in Lebanon and spread around the world. Turkish media coverage responded cautiously to these events, and the first news appeared in the press in 1965 prior to the symbolic 24 April date of the Genocide.

While reporting about preparations for the anniversary in Egypt, France and the US, the press presented the issue as an 'attack coming from external centers' against Turkey and Turkishness. The suspects of the time were mainly Greece, Israel and imperialist powers, chiefly Britain and the United States.

Due to the conflict in Cyprus between Turkey and Greece, Turkey's media portrayed Greeks as the provocateurs behind Armenian activities. The headlines and the titles of the columns, such as 'Armenians are instrumentalized'; 'With the provocation of Greeks, Armenians will commemorate the 50th year of massacres'; 'Provocation of Armenians has started'; and 'US president encourages Armenians' venture', are examples of the dominant perception in Turkey's newspapers at the time.<sup>19</sup>

The press treated the issue as stemming from the external Cyprus conflict, but could not evaluate it on its merits. The routinization of the founding myths of the Republic, which defined everlasting internal and external threats against Turkey, in the words of its founder Atatürk, prevented journalists from making objective assessments. Instead of questioning facts or attempting to investigate stories relating to Armenians, the preferred method championed the presentation of speculative theories with the effect of misdirecting and distracting the readership away from the essence of the issue. The press searched for a hidden agenda behind the commemorations and challenged their propriety by asking questions symptomatic of decades of official ideology indoctrination such as 'Why didn't Armenians commemorate the 25th year of the massacres?'<sup>20</sup> The question 'Why now?' became one of the most widespread clichés in Turkish media's vocabulary.

Once the media had associated the anniversary preparations with the hidden agenda of external agents, their next step was to give the floor to the Armenians of Turkey. Asking internal Armenians to speak out against the commemorations was a way to delegitimize the claims of external Armenians. Such interviews were presented as representative of the views of all Armenians in Turkey. 'Now the floor is given to Armenian Citizens'; 'The Catholic Armenian Prelate: Demonstrations are useless'; and 'The Deputy of Catholic Armenian Prelate: God forgives the Greedies'<sup>21</sup> are titles

from the print media of the time. This language also urged Armenians to display their loyalty to Turkey instead of engaging in a process to confront the past. The subtext of this dominant attitude in Turkey's media seemed to be that this was the price to be paid by Armenians for continuing to live in Turkey.

Media coverage of the reaction of Armenians in Turkey and editorials defining 'good' and 'bad' Armenians represented the bulk of news reporting on the issue in 1965. Visiting Atatürk's monument was a symbolic practice for Armenians – just as for any other group in Turkey – to prove their loyalty to the state, since Atatürk represented the 'face of state'.<sup>22</sup> 'The loyalty letter from Armenian Citizens'; 'Armenian Citizens will lay wreath at the monument of Atatürk'; 'Armenians: We are the children of Atatürk'; and 'Letters from Armenian Citizens are welcomed' are all newspaper headlines of the time.<sup>23</sup>

Furthermore, media in Turkey rearranged the common history of Armenians and Turks. The main theme in newspapers was their 'friendship' and the traditional custom of 'living together'. This selective reading of history ignored negative episodes of the past. Some columns portrayed 'Armenians as the Turks who are Christians', some defined 'Armenians as the most assimilated minority with the ruling Turkish nation' and others underlined the similarity between two nations with expressions such as 'Armenians who eat, drink and behave like Turks'.<sup>24</sup>

This 'friendship discourse' and the reinvention of the past as a nostalgic era actually invited Armenians to forget about the cruel episodes of history, softening the domination of the nationalist discourse with a friendly mask. Thus, from the beginning, the media in Turkey covered the issue as concerted external threats and avoided providing accurate information to its readership, thus staying loyal to the official ideology.

Media attempts to mask, delegitimize and rewrite the issue were based on a denial reflex. The coining of the 'so-called genocide' concept, by *Cumhuriyet* newspaper was a product of that period.<sup>25</sup> Its widespread use built a pattern in the media literature that still has currency for media organizations that maintain a denial-based policy. A similar reaction was the reversal of historical facts and blaming Armenians for committing massacres against Turks. During this time 'references were made to the "Armenian oppression", and deputies, particularly from the Republican People's Party (CHP), delivered unscheduled speeches in Parliament regarding the Armenian provocations'.<sup>26</sup>

Turkish media's coverage of the commemoration day in 1965 mostly tried to minimize the event. The papers alleged at the time that only a few people gathered to observe the anniversary and that Armenian attempts to depict Turkey in a negative fashion were a fiasco. The gatherings were defined as negative propaganda against Turkey and external influence was repeatedly denounced. Another cliché creation of that time (and still in circulation in

Turkey today, 50 years later) was the 'leaving history to historians' discourse. Turkish media's message in 1965 boiled down to 'the past was past', prompting Turks and Armenians to look forward. Stunningly, on the eve of the 100th anniversary of the genocide, the Speaker of the Turkish Parliament, Cemil Çiçek, hinted at the fact that 'leaving history to historians' was still in use and that Turkey's plan of action to tackle centennial celebrations included emphasis on church renovations.<sup>27</sup>

## **Legitimizing denial by hiding behind ASALA**

Following the first commemoration of 1965, a second wave of reporting about the Armenian issue occurred in the 1970s as a result of attacks by ASALA, a self-styled secret organization, that attempted to draw attention to the 1915 genocide through a series of assassinations of Turkish diplomats and the bombings of airports and a Turkish consulate; ASALA was at the center of media coverage from the mid-1970s until the end of the 1980s. The widespread use of the term 'Armenian Terror' in the media language during this period resulted in the flare-up of existing prejudices in Turkish society. The cultural and political heritage of the official ideology, which depicted Armenians as 'betrayers of the past', formed the basis for news reporting to process and maintain the negative image of Armenians in the collective memory of Turkishness. This was also a pre-coup d'état period in Turkey and political tensions ran high:

The attacks caused both the state and the military to intervene by fostering, organizing and institutionalising the propensity to symbolic violence against Armenians particularly in two ways. First, through the 1980s, a nationalized historiography of the Armenian issue was developed, penned mostly by retired diplomats, along the lines of mythified history taught in schools since the inception of the republic. Second, the state established a series of organizations with the overt purpose of studying and researching the Armenian issue.<sup>28</sup>

The media shared the mood of the state and the military and, although newspaper headlines were diverse, they had in common a shared animosity towards the incidents. Such headlines included: 'Slavish';<sup>29</sup> 'Be Ashamed Dogs!';<sup>30</sup> 'Still hungry for Blood';<sup>31</sup> 'Armenian Killers on Stage Again: Our 41st martyrs';<sup>32</sup> and 'Murderer maniac Armenian'.<sup>33</sup>

During the continuous ASALA action, Turkey's Armenians were forced to take the floor once again, this time to condemn these attacks. This pressure required them to display loyalty to Turkey and demonstrate that they were not 'bad' Armenians like ASALA members. It was as a result of such psycho-social pressure that Armenian Artin Penik from Turkey set himself on fire to protest against ASALA in 1982 at Taksim Square. Penik purportedly

held the view that such an extreme act, resulting in his death, was the sole proof of his loyalty to Turkey.

During this period, Turkey's media mirrored the statist-militarist stance, judging by the language used and the news clippings that mostly referred to the bulletins of state institutions. Operating with nationalist motives against ASALA left little space for the media to analyze the facts. Once more, external influences and the alleged financial backing of ASALA by Cyprus, Greece, Lebanon and Soviet Russia was the media's main focus.

ASALA violence was also an opportunity for the Turkish state to maintain its official ideology and counter-narrative. Media in Turkey did not make any attempt to challenge this ideological standpoint. In a society marked by a lack of accurate historical education and by a lack of interest, ASALA attacks were used to clean Turkey's past and were presented as proof of the non-existence of any genocide in this context of a glorified history. The reporting's impact on ASALA in shaping public opinion and journalism was best exemplified on the occasion of the death of the group's lawyer Jacques Verges in 2013, some 30 years after the last ASALA conflicts, which was described as 'The Lawyer of Evil Dies'.<sup>34</sup>

### **Overcoming the spiral of silence**

The advent of globalization in the 1990s was an important period for Turkey's political transformation. The official history, based on the above-mentioned historiographical creations, taboos and restrictions, started to lessen its grip on society, in particular thanks to the democratization of politics and the media. The launch of private TV channels and radio stations created a dynamic atmosphere with multiple actors. Consequently, many issues previously considered taboo became open to debate. After years under monolithic surveillance, hitherto repressed and silenced groups in society emerged in Turkey's public sphere. The Kurdish issue, political Islam, and the problems of minorities in the country became visible. It was a period labeled as the 'return of the repressed' in which previously subjugated groups became politicized.<sup>35</sup> Additionally, the 1990s saw the International Association of Genocide Scholars (IAGS) recognizing the Armenian Genocide, sending shockwaves through the Turkish political elite.

Hrant Dink was the first person to promote the Armenian question as a reality. The publication of weekly Armenian newspaper *Agos* began in the 1990s with the goal of breaking down barriers between Armenians and Turks, representing a chance for ordinary people to hear the voices of Armenians directly, without a political mediator. Stereotypes were broken by Dink and *Agos* as Armenians were no longer depicted only as 'good merchants' or 'enemies from the past'. They were now people who needed to share their painful experiences in order to transition to a common peaceful future.

With the foundation of *Agos*, a real in-depth debate on the issue began in Turkey. Hrant Dink raised public awareness on the topic with careful and small steps. He started discussing the issue with a reverse positioning, by stating that he understood Turks who did not want to accept the Armenian Genocide, since no one wished to be identified with the crime of all crimes.

In actual fact, he opened a path for Turks to save face and to talk about the past by beginning to question the state's dominant thesis. For people who had consumed national media content for years and had learned from school books that the Malta exiles were simply brilliant Ottoman politicians, high-ranking soldiers, administrators and intellectuals, banished by the Allied forces, it was hard to face the newly disclosed historical facts. The process had two streams: some continued accepting the state narratives, while others began to seek out this hidden history. Certainly Dink and *Agos* both played significant roles in reaching broader segments of society as the voice of Turkey's Armenians.

By any measure, it was a shock, but no surprise when, in 2007, a long media campaign against Dink ended with his assassination on the street outside *Agos'* Istanbul office. The process leading to his murder actually began with an article published in *Agos* in 2004 under his name, claiming that Sabiha Gökçen, Atatürk's adopted daughter and Turkey's first female fighter pilot, was of Armenian origin. On 21 February of that year, *Hurriyet*, the biggest daily paper in Turkey, carried the story in its headline: 'Is she Sabiha Gökçen or Hatun Sebilciyan?'<sup>36</sup> The next day, the Turkish military Chief of Staff's office issued a strongly worded statement. Since Gökçen was a national figure and a 'holy' member of the Turkish Air Force, the claims were strongly denied and condemned by Turkey's powerful and influential military. According to the army, opening such a figure to debate, for whatever purpose, made no contribution to national integrity and social peace.<sup>37</sup> Furthermore, claims about Gökçen's origin were labeled as completely fabricated and constituted an insult not only to Gökçen but also to Atatürk. The statement concluded as follows: 'These days, when we are in need of a very strong national solidarity, the majority of our people understand the purpose of such news stories that are against our national integrity, solidarity and national values and follow these publications with concern.'<sup>38</sup>

Dink had stepped into a forbidden zone by questioning the Turkishness of Sabiha Gökçen, resulting in an immediate uprising in Turkey's ultra-nationalist right-wing media. The headlines and titles of the newspapers columns were diverse: 'Where did Sabiha Gökçen's Armenian Origin Come From?' (*Milliyet*); 'Look at that Armenian!' (*Yeniçağ*); 'Expel them' (*Ortadoğu*); 'Hrant scratches' (*Yeniçağ*); 'Agos cannot destroy our order' (*Yeniçağ*); 'Love it or leave it' (*Ortadoğu*); and 'Hrant Dink take your luggage and leave' (*Yeniçağ*).<sup>39</sup> These quarrels, spreading in the public through the mainstream media, found more coverage in those days in newspapers that had relatively small circulation numbers but that adopted a nationalistic and conservative

approach; after that, Dink's name started to be used with adjectives such as "separatist, devastator, enemy" in news and columns.' <sup>40</sup>

In the days following the publication of his article relating to Gökçen's Armenian origin, many articles penned by Dink became the subject of misinterpretation and exaggeration. In one case, a single sentence from Dink's eight-week serial column (dated 13 February 2004) on Armenian identity was taken out of context;<sup>41</sup> in another case, his critical approach towards the attitude of Diaspora Armenians about their relations with Turkey was distorted and dismissed. This was introduced in a hostile manner as 'Hrant Dink insults Turkish identity'.<sup>42</sup>

Court cases and protests against Dink by aggressive nationalist groups ensued. As mentioned in Chapter 6, Dink was sentenced to six months in jail under Article 301 of the Turkish Criminal Code. The 17-year-old triggerman who assassinated Dink was reported to have yelled, 'I shot the Armenian!' 'When asked, "Why did you kill?" he responded that he had learned from newspapers that Hrant was a traitor.'<sup>43</sup> On the night of his arrest, a photograph of the murderer holding a Turkish flag while a smiling gendarme and police officers posed next to him was engraved in public memory as it spread through visual and print media. The photo and the camera recordings leaked into the media and showed that police and gendarmerie officers treated the killer as a 'hero'.

The public strongly reacted to this and it was reported that four police officers of the station where the photographs were taken had been dismissed and four military police officers had been moved to other assignments. Unsurprisingly, the Turkish Armed Forces (TAF) issued a statement relating to the leaked images, stating that they were 'attempts aimed at framing the TAF and urging the media to be cautious in publicizing these attempts'.<sup>44</sup>

The day after Hrant Dink's murder, the headlines of most newspapers reported a 'national mourning': 'Bloody Hands are in charge';<sup>45</sup> 'Those Bullets are against Turkey';<sup>46</sup> 'Killer is a traitor';<sup>47</sup> 'Again Bloody Scenario'; 'There is no biggest evil than this against Turkey';<sup>48</sup> 'The Biggest Betrayal';<sup>49</sup> and so on. It can be said that 'the rhetoric of the news were [*sic*] based on a "game theory" against Turkey'.<sup>50</sup> The media generally painted Dink's murder as a 'betrayal against the country' since the timing of the murder was sensitive. Dink was killed in a period during which Armenian Genocide recognition claims were rising rapidly. This murder reflected badly on Turkey and on the stability of the country.<sup>51</sup> Moreover, Dink had defined himself as a 'Turkish Citizen'. Thus the murder was portrayed as the work of enemies of Turkey. The killer was also claimed to be an Armenian, resulting in the assassination being presented as a conflict simply between the murderer and Dink.<sup>52</sup>

The scenario that followed was similar to that of the previous periods dealing with the Armenian issue. Media in Turkey largely perceived and presented the murder of Hrant Dink in a national context and firstly defined

it as an attack against national unity or national peace. The incident was largely connected with internal or external hidden actors, which were described as enemies of Turkey. According to this dominant perspective, the 'national loss' that emerged as a result of Dink's murder appeared to be more important than Dink's loss itself. The underlying message amounted to the idea that the death of one Armenian did not mean that much, except when it painted the state in a negative light.

Despite this, the slogan chanted by the masses, 'We are all Armenians, We are all Hrant Dink', on the day of Dink's funeral caused another debate to flare into life within Turkey's media. In Turkey's cultural coding system, fed by state-sponsored narratives, the word 'Armenian' was mainly used as an insult. With crowds chanting 'We are all Armenians', Turkish media found itself in a thorny situation. While some news outlets defined the masses as 'Crypto Armenians',<sup>53</sup> some media responded to the slogan with 'We are all Turks'<sup>54</sup> or 'Traitor inside us'.<sup>55</sup> Because of their slogan, the masses and the protest were identified as 'Demonstration of illegal organizations'<sup>56</sup> or 'Exceeding the limit'.<sup>57</sup>

## Conclusion

Since 1965 no significant changes have occurred in Turkish state media's reporting style regarding the Armenian issue. However, with the advent of a small number of effective alternative media outlets in recent years, the stranglehold of the mainstream media in Turkey has been shattered. With the emergence of *Agos*, tragically and paradoxically especially after the murder of Hrant Dink, Turkey's media, like the other components of its society, has become more critical about the dominant state narratives regarding the Armenian issue. The works of scholars like Uğur Ümit Üngör and Taner Akçam over the past several decades, recently published memoirs like Fethiye Çetin's 'My Grandmother' and 'Grandchildren', and oral history projects like the Hrant Dink Foundation's series entitled 'Turkey's Armenian Speak' are prominent contributions in terms of recovering and speaking out loud the lost and silenced history of the Armenians who lived and continue to live in Turkey.

However, the dominant picture of the Turkish media landscape manifestly shows that there remains a lot of work ahead. There is a crucial need for Turkey's media to break its traditional ties with the state. This is not to exaggerate or reduce the role and impact of the media on the masses. Media messages have an effect on public opinion, but at the same time, the masses are not passive receivers and have a say on the product they consume as news. Besides, media is constructed within and functions as part of a cumulative political and historical context. All the problems faced by Turkey's media are implicit to Turkish society and vice versa, since this is a two-way relationship. Nevertheless, media still has the power of collecting, framing

and presenting information for the masses, with the legitimacy carried by playing this role for the benefit of the public. Making accurate information and facts available to the masses is crucial in strengthening civil politics and civil initiatives to combat the top-down narrative and fact-engineering politics of the state. This may offer a path to confront the past and foster reconciliation.

As examined in this chapter, although ‘Turkey’s newspapers offer a variety of opinions, however they act in a concerted effort when it comes to “national interests”’; here, we find a total consensus. It is precisely at this point that freedom of press and freedom of expression suffer a defeat against the myth of national interest. The main victims of this predicament are the facts, as they remain hidden to the public.’<sup>58</sup> Unless the media breaks free from its alliance with and reliance on the state, news reporting will hardly remain loyal to the facts. This results in a vicious circle where the media sacrifices the possibility of a liberated society ready to confront its past for the sake of Turkishness.

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# 12

## The Politics of Denial and Recognition: Turkey, Armenia and the EU

*Seyhan Bayraktar*<sup>1</sup>

### Introduction

A century has passed since the annihilation of the Ottoman Armenians by the Young Turk regime, without the Turkish Republic having shown any signs of self-critically facing its genocidal past. In the last hundred years we have witnessed how Turkey not only tried to annihilate the Armenians physically but erase them from memory by means of political power, suppression or outright violence. After being present in Anatolia for centuries, Armenians are decimated into a tiny minority in Turkey, where being Armenian – or anything associated with Armenians for that matter – is perceived as derogatory. In 2008, for instance, Turkish President Abdullah Gul felt compelled to publicize his family tree showing his Turkish and Muslim lineage as far back as six centuries into history following claims that his mother had Armenian origins. The President also filed a lawsuit against the claimer for assault on his ‘personal and family values, honour and reputation’.<sup>2</sup> The claimer in turn insisted on a DNA test, since according to her, this was the only reliable way to prove one’s ethnic origins.<sup>3</sup>

Notwithstanding this deep-seated socio-political and institutional racism against Armenians, Turkey has come under increasing international pressure over time to revise its rigid denialist politics and recognize the genocidal character of the forced deportation policies in 1915. Beginning in the 1970s, the recognition politics of Armenian Diaspora communities, particularly in the US, have raised international awareness about the Genocide over the years. In the 1980s, for example, the topic of genocide recognition was frequently on the US Congress agenda.<sup>4</sup> These moves resonated strongly in Turkey, which for its part played its role as a key NATO ally and blocked official recognitions.

Genocide recognition has gained momentum with Turkey’s EU candidacy since 1999 and reached a first peak in 2005, on the 90th anniversary of the massacres.<sup>5</sup> During these years, the ‘Ermeni sorunu’ (Armenian issue) – as the Armenian Genocide is referred to mostly in Turkey – became a pressing

issue on the state's political agenda, both domestically and in its foreign relations. While the issue of genocide acknowledgment turned into an 'informal precondition' of Turkey's entry into the EU,<sup>6</sup> the country faced also a growing internal civil societal pressure.

This chapter describes how 1915 has been remembered in Turkey in light of the growing momentum since 2000 and the means by which state and society coped with the need to address the destruction of the Armenians. Why did this momentum not turn into a revision of Turkey's denialist politics? What role did the recognition politics of Armenian diaspora organizations and the Armenian Republic play in this process?

In the first section I outline how the Armenian Genocide was remembered and what kind of politics of the past Turkey practiced during the 1970s and 1980s. In the second section I focus on recognition politics of the Armenian Republic and Turkey's accession process to the EU, both challenging the Turkish nationalist thesis relating to the Genocide. Thirdly, I analyse how politics and society reacted to these structural changes. Finally, I present my argument in an attempt to explain why Turkey and the majority of Turkish society have by and large maintained a denialist stance towards the annihilation of the Armenians.

I argue that Armenian and EU recognition politics placed normative pressure on Turkey on an international scale and provided a window of opportunity for critical voices within the country at the same time. As a consequence, Turkey revised its strategies of politics of the past while the genocide discourse began to diversify on the societal level. This indicates that the international community's political will in prioritizing genocide acknowledgment plays a considerable role with respect to national 'coming to terms' processes. There is no longer any incentive for Turkey to critically rethink the genocide, given the weakened Turkish–EU relationship since 2005 (resulting in an absence of political cost of genocide denial), as well as Turkey's recent shift in foreign policy orientations.<sup>7</sup> The debate has continued at the level of civil society, however, while the drive for change in the State's politics of the past has simultaneously vanished.

## **Involuntary remembrance**

The Armenian Genocide was a non-topic in the Turkish public sphere: up until the turn of the millennium it was remembered (almost) exclusively in reaction to external triggers, first and foremost commemorative events of Armenian Diaspora communities, their recognition politics, and militant attacks on Turkish representatives by Armenian militant organizations.<sup>8</sup>

In contrast to this involuntary remembering, an unprecedented memory boom has emerged with respect to the Genocide since 2000.<sup>9</sup> A series of academic conferences and public campaigns have led to growing awareness and visibility of the Genocide in Turkish public discourse. Not least, the shocking

killing of Hrant Dink – the editor in chief of the weekly bilingual paper *Agos* – in 2007<sup>10</sup> showed that the Genocide was not a problem of the past but that Armenians and other minorities still suffer under heavy discrimination in Turkey. Thousands of people poured onto the streets of Istanbul on the occasion of Dink's funeral, showing their solidarity. The list of highly public memory activities reached a peak in April 2015, on the 100th anniversary of the Genocide. For the first time in Turkey's history, a considerable number of diaspora Armenians visited various sites to commemorate the centennial together with activists in Turkey.<sup>11</sup>

Compared to the long-time unwillingness to *actively* address the destruction of the Armenians, the memory boom in the 2000s shows that the Armenian Genocide is remembered in Turkey from within rather than being externally induced. Before elaborating on the trajectory of the genocidal past in the Turkish public sphere, I will briefly describe how the topic entered public memory in the first place and the political strategies the Turkish state used to divert attention from historical facts relating to the Genocide.

### **The 1970s and 1980s: 'Armenian terrorism' and the institutionalization of denial**

In its immediate aftermath, the perpetrators did not avoid the destruction of the Armenians. On the contrary, the topic was debated at length in the Turkish Parliament in the 1920s.<sup>12</sup> However, these vivid debates were soon to be followed by a widespread and effective public and political silence in Turkey<sup>13</sup> until survivors in the Diaspora began to mobilize, demanding justice. Thus, the first worldwide memory rallies of Armenians at the Genocide's 50th anniversary lead to a first short wave of public attention in 1965.<sup>14</sup> Turkish silence and neglect ultimately was torn by the murder of two Turkish diplomats in Los Angeles by a 77-year-old Armenian survivor of the Genocide. This time, the Turkish public and politicians were forced to deal with the 'Armenian issue' and the nation's past. Similar violent incidents against Turkish representatives led to further waves of public remembrance in the following years. In contrast to the first attack in 1973, however, the later ones – mostly on Turkish embassies throughout Europe and the Middle East – were of an organized nature connected to the Justice Commandos of the Armenian Genocide (JCAG) and the ASALA.<sup>15</sup>

As a result, Turkey introduced a series of institutional measures under the 1980s military regime,<sup>16</sup> the most important being the creation of a special agency, '*Istihbarat ve Arastırma Müdürlüğü*', founded within the Foreign Ministry.<sup>17</sup> This agency coordinated all issues related to the Armenian Genocide and played a major role in the formulation of the state's politics of the past. The agency developed two main strategies. First, as a way to counter genocide acknowledgment moves, mainly in the US, it framed the Armenian Genocide as a problem of *contemporary* terrorism. Second, it sponsored the production of scholarly work in order to confront 'Armenian

allegations'. This was not only directed towards the external audience but was also for internal use since the Foreign Ministry lacked qualified personnel with enough historical expertise.<sup>18</sup> Therefore, it is no coincidence that the heyday of Turkish academic work on the Armenian issue coincides with this phase of Turkish politics as denial was professionalized and institutionalized.

A core group of experts were trained and took part at international conferences to present the Turkish version of 1915. This group of Foreign Ministry-trained experts (such as Pulat Tacar, Ömer Engin Lütem and Gündüz Aktan) were active well into the 2000s. Turkish embassies reported back to Ankara the location of any public events or academic conferences in the country and intervened in the proceedings – be it with regard to the title of the event, the composition of the panels, or by articulating concerns about the authenticity of historical documents. These interventions would almost always lead to the changing of event titles (by either censuring the term 'genocide' or softening it by using quotation marks or other means to appease Turkish official concerns) or including participants who represented Turkey's official stance.<sup>19</sup>

### **The European Parliament's genocide resolution 1987**

On 19 June 1987 the European Parliament (EP) recognized that the deportation politics against the Ottoman Armenians in 1915 'constitute genocide within the meaning of the [Genocide] convention'. The Parliament also linked an eventual EC membership to Turkey's willingness to acknowledge the Genocide.<sup>20</sup>

The EP resolution marked a major political setback for Turkey and introduced a new phase in the Turkish–Armenian conflict over history.<sup>21</sup> To its home population the government condemned the resolution as a 'partisan and racist' decision,<sup>22</sup> and criticized the EP for acting as if it was a history court. The government also downplayed the importance of the decision by arguing that it had no material consequence for Turkey and by painting it as an anti-Turkish move.

To its external audience, however, Turkey sent a rather different message. Here, Turkey's key role as a NATO ally and its function as the guarantor of peace and safety in Europe were stressed. After the setback at the European level, Turkey concentrated on preventing similar resolutions by individual member States. The Foreign Ministry invited ambassadors of EC member States to meetings and requested that they distanced themselves from the decision of the EP. The member States, in turn, appeased Turkey by stressing that the EP was a consultative body within the EC institutions.<sup>23</sup>

In this period of Turkish memory politics, public opinion largely matched State politics on the Genocide issue and there was a widespread feeling that 'Armenian terrorism' had succeeded in raising awareness.<sup>24</sup> However, the EP decision became also a window of opportunity to point out the pervading democratic deficits and the severe human rights violations in the country. For

Hasan Cemal, the grandson of Djemal Pasha and still a key figure in Turkey's media in 2015, focusing on democracy and human rights was also of 'existential importance' in the context of the 'Armenian Genocide allegations'.<sup>25</sup>

## **Changing international context and Turkish genocide denial**

After a period of relative stagnation in international political discourse in the 1990s,<sup>26</sup> the next decade saw an increasing number of States, institutions and public figures beginning to acknowledge the genocidal character of 1915. This wave of overlapping genocide debates reified the international pressure on Turkey. Between 1998 and 2001 alone, the Armenian Genocide was debated and recognized respectively in Belgium, Italy, France, the US and Sweden.<sup>27</sup>

### **Turkey–Armenia relations**

Two developments were particularly important in increasing the normative political pressure on Turkey. Firstly, in 1991 the Armenian Republic became an independent state after the collapse of the Soviet Union. A constitutive actor of international relations was now able to put the Armenian issue onto the political agenda in international platforms. This altered the rules of the Turkish–Armenian conflict over history significantly. Armenian proponents of the conflict were no longer dependent on their 'host countries' to bring the topic of the Genocide onto the agenda of international institutions and in their foreign relations with Turkey. This was heightened by President Kocharyan's election as President of Armenia in 1998 as he made genocide recognition a government policy priority.<sup>28</sup> Armenia began to work closely with the Diaspora communities. While the latter concentrated on pressuring their own governments to acknowledge the Genocide, Armenia increased activity in its bilateral relations and the use of international institutions for its moral call to achieve a similar end.<sup>29</sup>

In addition, the topic of genocide became intertwined with other major aspects of Turkey–Armenia relations. Although Turkey was among the first states to recognize Armenia upon its independence in 1991, it has refused to establish normal relations with the Armenian Republic since then. The first reason for this is the conflict between Armenia and Azerbaijan over the region of Nagorno Karabakh, which lies in Azerbaijan but is mostly populated by Armenians. As the conflict escalated and as Armenia intervened by launching an offensive to establish a corridor between Armenia and Karabakh, Turkey sided with Azerbaijan and joined Baku's economic blockade of Armenia by sealing its borders with Armenia at Dogu Kapi and Igdirdir in April 1993, which still remain closed in 2015. The Minsk Group of the Organization for Security and Cooperation in Europe (OSCE), founded to foster a resolution of the conflict, has not yet achieved any peace breakthrough.<sup>30</sup>

Another impediment for normalizing relations with Armenia was Turkey's call on Armenia to recognize the 1921 Treaty of Kars and officially accept

Turkey's territorial integrity as a precondition for establishing diplomatic relations. Reference to eastern parts of Turkish territory as 'Western Armenia' in Armenia's 1991 Declaration of Independence is criticized by Turkey as irredentism.<sup>31</sup> Armenia, however, claims that there is no need for a formal declaration, for it endorses immutability of international borders and accepts the Treaty of Kars obligations as a member of the OSCE.<sup>32</sup>

### **Europeanization – Turkey's EU bid**

The second factor that heavily impacted the genocide discourse in Turkey was the intensification of Turkey–EU relations between 1999 and 2005. During this period, a controversial debate emerged in Europe (particularly Germany and France) about the prospect of Turkey's accession to the EU.<sup>33</sup> For the first time in the EU's history, a candidate state faced opposition on the grounds of cultural concerns.<sup>34</sup> The issue of identity had always been a latent question in the European discourse, but that it ultimately surfaced in relation to Turkey's EU candidacy was revealing in terms of how much Turkey was perceived as the Other of Europe.

For proponents who were against Turkey's membership its denialist politics of the past became a prominent example of what they described as Turkey's lack of cultural 'Europeanability'. According to these voices, Turkey had to accept the Armenian Genocide or demonstrate some form of self-critical discourse about its past in order to qualify as European.

In parallel to these debates in European publics, the EU in its turn addressed the problem of human rights and minority issues in Turkey in its accession proceedings. Subsequent to Turkey becoming a formal candidate, the EU implemented its accession mechanism, monitored Turkey's progress by means of annual reports, and defined short- and medium-term priorities for the country, notably calling into question the military's role in Turkish politics and requesting institutional changes such as reforming the National Security Council and cultural rights for minorities, particularly the Kurds.

The call for reforms in the areas of human rights and minorities was also supported by the EP's politics. More importantly in the context of the current study, the EP reaffirmed its 1987 Genocide resolution, which had made Turkey's entry into the EU dependent on genocide acknowledgment. Hence, as I also argued elsewhere, the acknowledgment of the Genocide or some form of self-critical examination of the events of 1915 became an 'informal accession criterion' for Turkey's EU quest.<sup>35</sup> The French National Assembly's genocide acknowledgment in January 2001 solidified this position, thereby ignoring the official 'Turkish' version of history.

### **Policy changes**

France's decision in 2001 to acknowledge the genocide was set within the context of a particularly tense political climate in Turkey, which it further fuelled. In the following section I outline how the Turkish government

reacted symbolically by threatening France with sanctions and other highly emotional retorts, while behind the scenes it worked on new strategies to cope with the ongoing and increasing genocide debates in other countries. In order to circumvent what was perceived as the 'all-powerful' Armenian Diaspora, the government reconsidered its approach towards the Armenian Republic.

*Politics of symbols, 2000–2001*

The government of Turkey threatened France with sanctions and warned that politico-economic relations would suffer irreparable damage if France were to acknowledge the Genocide. Former and current Turkish Presidents Demirel and Sezer contacted the French President to do anything to forestall recognition.<sup>36</sup> The French Foreign Ministry emphasized that the acknowledgment was not directed against present-day Turkey.<sup>37</sup> Turkish state officials understood the message: according to former Director of the '*Istihbarat ve Arastırma Müdürlüğü*', Ömer Engin Lütem, who was among the founders of the Ankara-based denial think-tank, the 'Armenian Studies Institute', France had done 'everything to avoid insulting Turkey. The law does neither refer to Turkey nor to the Ottomans.'<sup>38</sup>

Despite this appraisal, the political leadership adopted an unforeseen use of symbolic acts mainly directed towards the domestic audience. Prime Minister Bulent Ecevit demonstratively refused to use his Renault car anymore. The Turkish military had already declared that it would exclude French firms from public announcements. The government considered boycotting French products. Turkish media, business organizations and even universities tuned into the politics of symbols: while newspapers published lists of French products to be boycotted, university professors made public statements to cancel cultural and educational exchange with French universities.

Apart from the unity displayed in symbolic drastic reactions, the coalition government, comprising the Democratic Left Party (DSP), the rightist Nationalist Movement Party (MHP), and the center-right Motherland Party (ANAP), was heavily criticised for its lack of reaction and overall passivity. The debate was dominated by a feeling of having lost a just cause. For influential political commentator Sedat Ergin, Turkey had met its Waterloo.<sup>39</sup>

*Rapprochement to counter genocide resolutions, and TARC*

Parallel to the politics of symbols, the Turkish Foreign Ministry began exploring new means to counter future acknowledgment moves. Its conventional strategy of isolating Armenia had not resulted in the expected outcome of pressing Armenia into convincing the Diaspora communities to stop pushing for genocide recognition.

As recently as in fall 2000, Turkey had stiffened visa regulations for Armenians<sup>40</sup> as a reaction to considerations in the US Congress on whether to recognize the Armenian Genocide.<sup>41</sup> This retaliatory strategy, however, was revised in January 2001, with France's recognition of the Armenian

Genocide. The new political strategy, therefore, was rapprochement with Armenia. Ankara initiated low-profile contacts with Yerevan from 2001 onwards and supported dialogue and exchange on the level of civil society.<sup>42</sup> Visa restrictions for Armenians were finally lifted in 2002 and Turkey also opened its airspace for direct flights between Istanbul and Yerevan from 2005 onwards.<sup>43</sup> Considering Turkey's objective of preventing third-party interference in its relations with Armenia, the politics of both isolation and rapprochement had failed, while the coordinated initiatives for recognition in the Diaspora and Armenia since 1998 led to a revision of Turkey's politics relating to history.<sup>44</sup>

Turkey's changing approach was visible through the creation of the Turkish–Armenian Reconciliation Commission (TARC), a semi-official initiative strongly backed by the USA and undertaken with the consent of Turkey and Armenia.<sup>45</sup> TARC was composed of private individuals of the Armenian Diaspora and former Turkish diplomats. This composition led to debate in the Diaspora with respect to the question of representation. While the Armenian members were not afforded plenipotentiary powers, the Turkish members represented in effect the Turkish state. In the context of TARC two developments are noteworthy: a close observer of Turkey–Armenia relations, TARC approached the International Center for Transitional Justice (ICTJ) in November 2001 to 'facilitate the provision of an independent legal analysis on the applicability of the United Nations Genocide Convention to events which occurred during the early twentieth century'.<sup>46</sup> One of the main Turkish members of the group, however, Gündüz Aktan, criticized the Armenian members for doing so unilaterally.<sup>47</sup>

The ICTJ report stated that the Genocide Convention could not apply retroactively but if it were the case, the term genocide 'may be applied to many and various events that occurred prior to the entry into force of the Convention'.<sup>48</sup> The TARC initiative almost came to an end over the ICTJ incident, but the group convened further and completed its work with recommendations such as intensifying government-to-government contacts between Turkey and Armenia, opening the border, and strengthening civil society exchange and inter-religious dialogue to promote mutual understanding.<sup>49</sup> However, the recommendations were not implemented with the result that TARC is considered an 'utter failure'.<sup>50</sup> Other observers emphasize TARC's role as an initiative that 'broke the ice' between the two states and helped to lift the restrictions of the visa regime for Armenian citizens traveling to Turkey.<sup>51</sup>

## **Proactive politics of the past since 2005**

### **Signalling openness**

After the AKP government came to power in 2002, it first concentrated on consolidating its power by prioritizing economic growth and bolstering its position within EU politics. In this early stage, the AKP cultivated an image

of a conservative and democratic party similar to Christian democratic parties in European countries. The first reform package of the AKP in July 2003, in which the government curbed the role of the military by mandating a civilian head of the NSC, was applauded by the EU as being in accordance with its norms. In 2004 the EU council decided to start accession talks with Turkey in October 2005. This decision however was no automatism as 2005 also coincided with the highly symbolic 90th anniversary of the Armenian Genocide. The year was set to become most critical for Turkey's EU journey of acceptance with all eyes focusing on its conduct.

Anticipating that 2005 would lead to further international attention Turkey began to practice a proactive politics of the past. Turkey decided to actively address the genocide problem and be one step ahead of genocide resolutions instead of reacting to them in its foreign relations. Hence, Prime Minister Erdoğan contacted Armenia's President and suggested setting up a joint Armenian–Turkish history commission with third parties in order to solve the conflict over the contested history of 1915. The leader of the opposition party, Deniz Baykal, backed the initiative by arguing that 'the systematic campaign of Armenians, that they are practicing since 1975, is not based on any scholarly, juridical or historical evidence'.<sup>52</sup> This indicated already that Turkey was not interested in an open dialogue but that it had moved to a strategy of tactical concessions.<sup>53</sup> At the same time, it cultivated its long-time rhetorical statement that 1915 was the 'affair of historians' not politics. Turkey was internationally applauded: The 'Independent Commission on Turkey' for example – a group of high-ranking EU politicians – commended Turkey's openness for dialogue while criticizing Armenia for failing to respond positively to the invitation.

Another important indicator for Turkey's strategic move to proactively address the genocide problem was the idea of restoring Armenian cultural and religious artefacts. The government announced in 2005 that it would restore the Holy Cross Church in Lake Van.<sup>54</sup> The renovation project was announced as both a step to improve Armenian–Turkish relations and a move to counter international genocide acknowledgments.<sup>55</sup> This reasoning resonates with the core argument of this chapter – that Turkey shifted to a proactive strategy by making tactical concessions. Yet the process of restoration was accompanied by a series of offenses and contradictions right from the beginning. In particular the plan of the government to open the church as a museum on the symbolic date of the Genocide, 24 April, in 2007 showed a lack of sensibility in terms of genocide awareness.<sup>56</sup> The government was also against the installation of a cross on the dome. These plans met with strong criticism, not least from the Armenian weekly *Agos*. The killing of Hrant Dink in January 2007 and its wide reach internationally eventually led to a revision of this church policy of the AKP government. The Church received a cross and since 2010 a commemorative mass has been held there once a year.

## Civil society moves

### *Alternative Armenian conference (2005)*

A major controversy on the Armenian Genocide arose in 2005 as three of Turkey's leading universities announced a conference called 'Ottoman Armenians during the Decline of the Empire: Issues of Scientific Responsibility and Democracy'. It was presented explicitly as a non-government-affiliated conference that would step outside the Turkish official narrative on the Genocide. Within a few days, the organizers were put under heavy social and political pressure, leading to the most heated debates in Turkey with regard to the Armenian Genocide since the 1970s.<sup>57</sup> The Justice Minister accused the organizers of 'backstabbing the nation' and of 'treason'. The host university felt forced to postpone the conference, with significant reverberations in the international media and politics. Leading members of the ruling AKP government distanced themselves from the Justice Minister's statement. PM Erdoğan stated: 'Let's be relaxed, think and talk freely. We should not fear from people expressing their views.'<sup>58</sup>

The conference was rescheduled to take place before the critical EU summit in October 2005 during which the EU was to start formal accession talks with Turkey. However, the second attempt at realizing the conference also met with major resistance, this time by a group of ultranationalist activists who halted the proceedings by court order. The same Justice Minister whose earlier intervention had led to the postponement helped circumvent the court's decision this time: by proposing to change the venue. With a day's delay but in time before the EU summit, the conference was ultimately held at Bilgi University.

Turkey's intervention in favor of the conference indicated that this event would play in the government's interest. Turkey could now argue that the issue of the Armenian Genocide was no longer a taboo topic in Turkey and this would resonate positively in European headquarters.

The conference was indeed a major milestone in Turkey. First of all, it triggered an unforeseen debate about the Genocide and broke the previously clear-cut boundaries of ideological affiliation and genocide denial. A clear illustration of this was Kemalist writer Bekir Coskun's disclosure in *Hurriyet* that his grandmother had been an Armenian Genocide survivor. Although lawyer and human rights activist Fethiye Çetin had published a bestselling book *Anneannem* (*My Grandmother*) a year earlier, the story of her own maternal grandmother's rescue from almost certain death in 1915, the seminal moment was Bekir Coskun's announcement that not only was he a well-known public figure confessing in a Turkish mainstream daily newspaper that he had Armenian ancestry, but also that it was an outspoken Kemalist voice who had made the disclosure. These two incidents introduced a new development in the Armenian Genocide discourse in Turkey, namely a growing awareness about hidden Armenians and (re)conversions.<sup>59</sup>

In essence, the debate surrounding the 'alternative conference' mirrored a power struggle between the old socio-political cadres and the new liberal segments of Turkish society aspiring for political participation. The latter criticized the state and state actors for the cancellation of the conference since it had harmed Turkey's image internationally, particularly with regard to Turkey's critical EU bid.<sup>60</sup> This counter-discourse of Turkish liberals, however, was problematic since it did not challenge the denial of the Armenian Genocide in essence, but was itself very much built on a deeply nationalistic logic.

*The apology campaign (2008)*

Despite the opening of formal talks in 2005, Europe remained skeptical about Turkey's accession to the EU. Within a few months, the proceedings met with a major obstacle on the Cyprus question and came to a virtual halt. At the same time Turkey witnessed a major nationalistic backlash. In 2006 and 2007 dozens of public intellectuals were put on trial based on Article 301 of the criminal code. Hrant Dink's killing took place within this climate of immense nationalist fervor and polarization. In this context of Turkey's political landscape, a group of public intellectuals organized a campaign entitled 'I apologize'. Launched as an Internet campaign, it gathered around 30,000 signatures within a few days. The text read:

My conscience does not accept the insensitivity showed to and the denial of the Great Catastrophe that the Ottoman Armenians were subjected to in 1915. I reject this injustice and for my share, I empathize with the feelings and pain of my Armenian brothers and sisters. I apologize to them.<sup>61</sup>

The campaign received unprecedented publicity both in Turkey and globally. The positive international resonance partly resulted from a misunderstanding of the campaign as an apology for the Genocide.<sup>62</sup> In reality, the wording of the campaign was problematic as it allowed for several readings: the apology could be directed towards 'insensitivity', 'denial of the Great Catastrophe' or the 'pain'.<sup>63</sup> In addition, Armenian organizations had not been involved as representatives of the victims in the process at all. This neglect to listen to the victims' expectations was offensive in itself, since it meant the 're-creation of historical vertical power politics once again to the detriment' of the victims and their successors.<sup>64</sup> One of the organizers, Ahmet Insel, made it clear that they 'did not start the apology campaign to talk with the Armenian Diaspora [but] to talk to the Turkish people'.<sup>65</sup>

In sum, it seems that the organizers looked for a way to achieve two objectives: appease Turkish nationalists and appeal to Armenians. This did not work. Instead, nationalists' reactions led to counter-campaigns including demands for an apology *from* Armenians. Significantly, with the decision to employ the term Great Catastrophe instead of Genocide, the apology

statement of 2008 thwarted efforts 'by human rights activists and organizations within Turkey that [had] *already* employed the term genocide'.<sup>66</sup>

### **Football diplomacy 2008, and Turkey–Armenian protocols 2009**

On the state-to-state level of the conflict over the correct interpretation of the history of 1915, a series of highly symbolic meetings took place between the presidents of the two countries. Following the election of Serzh Sargsyan as Armenia's president in 2008, both presidents mutually invited one another, at Sargsyan's initiative, to watch two soccer games between Armenia and Turkey in 2009.<sup>67</sup> These visits ultimately paved the way for the Turkey–Armenia protocols that were signed on October 2009. The two countries agreed on the establishment of diplomatic relations, opening of the borders, regular consultations between the Foreign Ministries and the implementation of 'a dialogue on the historical dimension with the aim to restore mutual confidence between two nations, including impartial scientific examination of historical records and archives to define existing problems and formulate recommendations'.<sup>68</sup>

Several groups severely criticized the protocols, amongst them Azerbaijan and the Turkish opposition parties, as well as Armenian alliances and Diaspora organizations. The latter actors were united in their criticism of the agreement on a 'dialogue on the historical dimension' for this meant that Turkey would take this as an opportunity to advance its genocide denial. A 'dialogue' on a topic that had made significant progress in international research and international politics was considered a backward step and a danger to negotiating the factuality of the Genocide.

For the Turkish government the protocols aimed first and foremost to preempt international attempts at genocide recognition.<sup>69</sup> In the meantime, the phase of Turkey–Armenia rapprochement quickly came to an end for neither country's parliament ratified the protocols.

## **Conclusion**

The denial of the Armenian Genocide by Turkey has become such a commonplace for anybody dealing with the history of the Ottoman Armenians that analyzing it might look like an idle undertaking – particularly since the core aspect of denial has remained by and large consistent for a century now.

However, as the study has tried to show, genocide denial underwent various permutations. The momentum of international normative pressure on Turkey (such as third-party recognitions and calls on Turkey to acknowledge the Genocide) linked with material and political costs (such as opening negotiations with the EU) have led to the adoption of denialist politics, albeit not in the sense of self-criticism. The virtual halt of Turkey's EU accession process and the shift in EU politics focusing on the emergence of a strong civil society in Turkey rather than insisting on pressuring Turkey

into genocide recognition<sup>70</sup> have meant that the momentum of initiating change in Turkish discourse has not been maintained. On the contrary, the inconsistency of EU recognition politics and the debate about Turkey as Europe's 'Other' have reaffirmed for Turkish nationalists that Europeans utilize the Genocide for their 'anti-Turkish' agenda and to exclude Turkey from their ranks.

This does not absolve Turkey from its responsibility to openly address its genocidal past. However, it should be recognized that the process will probably not be undertaken voluntarily. Instead it will require an international effort of committed and sustained pressure to bring lasting change in Turkey's attitude to the Genocide, rather than commemorating it through symbolic anniversaries.

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55. B. Ayata (2012) 'Tolerance as a European Norm or an Ottoman Practice? An Analysis of the Turkish Public Debates on the (Re)Opening of an Armenian Church in the Context of Turkey's EU Candidacy and Neo-Ottoman Revival', *KFG Working Paper Series*, No. 41.
56. Ayata (2012).
57. Bayraktar (2010).
58. Quoted in Phillips (2012), p. 33.
59. F. Balançar (ed.) (2011) *Sessizliğin Sesi. Türkiyeli Ermeniler Konuşuyor* (Istanbul: Uluslararası Hrant Dink Vakfı Yayınları).
60. 'Kim Hain?', *Yeni Şafak*, A. Bayramoğlu, 26 May 2005.
61. <http://www.ozurdiliyoruz.com/foreign.aspx>.
62. A. Erbal (2012) 'Mea Culpas, Negotiations, Apologies: Revisiting the "Apology" of Turkish Intellectuals', in B. Schwelling (ed.) *Reconciliation, Civil Society, and the Politics of Memory. Transnational Initiatives in the 20th and 21st Century* (Bielefeld: Transcript, Verlag), pp. 51–95.
63. M. Mamigonian, 'Comment on the Turkish Apology Campaign', *Armenian Weekly*, 21 April 2009.
64. Erbal (2012), p. 54.
65. <http://www.birikimdergisi.com/guncel/ahmet-insel-ile-soylesi-milliyetcilik-sorunlu-bir-onurdur>.
66. Ayata (2015) [emphasis added].
67. Phillips (2012), p. 42.
68. *Ibid.*, p. 60.
69. See also *ibid.*, p. 61.
70. Dixon (2011), p. 126.

# 13

## Lost in Translation: The Monument's *Deconstruction*

*Ayda Erbal*<sup>1</sup>

The annals of Turkish-Armenian 'rapprochement', 'reconciliation', 'initiative', and 'dialogue' marked 8 January 2011 as the day when Turkish Prime Minister Recep Tayyip Erdoğan called the Monument of 'Humanity' by Mehmet Aksoy in Kars a freak, protested that it overshadowed a nearby Islamic shrine, and ordered its demolition. Foreign Minister Ahmet Davutoğlu supported this position on aesthetic grounds:

Kars has an architectural tradition inherited from the Ottomans and the Seljuks. This monument does not reflect ... these architectural aesthetics. Works in compliance with the architectural heritage of the region should be constructed.<sup>2</sup>

Sculptor Mehmet Aksoy, hailed by *Today's Zaman* columnist Yavuz Baydar as 'a very well-known and deeply respected artist in EU circles',<sup>3</sup> offered that his work 'carries anti-war and friendship messages' and added, 'I depicted the situation of a person that is divided in two. This person will be "himself" again when these two pieces are reunited. I want to express this ... You cannot immediately label this a "monstrosity". It is shameful and unjust. One should understand what it says first.' Indeed, one should have understood the monument's meaning, its history, conceptualization, and the evolution of its erection, in the context of domestic Turkish politics or the larger Turkish-Armenian relationship. This was hardly the case for either the Turkish or, for that matter, Armenian press. Even though it was at times referred to as a Monument for peace between Turkey and Armenia, by the time it was demolished during Spring 2011, Armenians at large and Armenia in particular were completely erased from the language of pro-Monument demonstration news and analysis.<sup>4</sup>

Although the discussion's parties were the 'conservative' 'nationalist hawks' (who were against the statue) and the 'non-nationalist' 'progressive' 'doves' (who wholeheartedly embraced both the statue's concept and its implementation), there was no wide-scale public deliberation either about the decision-making process, the concept itself, or about its execution. Much

like the 'apology' campaign,<sup>5</sup> neither was there any wide-scale deliberation with Diaspora Armenians, or even more ironically with Armenia whom the monument addressed. The Turkish – but not the Armenian – public was informed several times during the construction that this monument was built to counter the spatial/politico-historical arguments of both the Iğdır Monument and the Tsitsernakaberd.

What can we learn from this one particular episode of history about the limits of civil society in a setting with no normative commitment to a post-genocidal institutional order? How was Humanity positioned against genocide recognition? What do these debates tell us about the political responsibilities of the majority, not only vis-à-vis the Armenian Genocide but also in terms of its textual and spatial representations? Why can the actors in Turkish civil society not radically differentiate themselves from the State's representation of the other as those who must abide by the rules of the top-down reconciliation fantasies of the spatial colonizer?

This chapter will deal with such questions by analyzing the elements, context and symbolic grammar of both the Monument and the false dichotomies surrounding the debates. I argue that just as the representations of the victims of the Armenian Genocide have been problematic in the Turkish historiography, their artistic representations as well as discursive reframing within the contemporary Turkish 'progressive' public sphere has been determined by the same power asymmetry resulting from the Genocide.

### **The short history of the idea of a monument**

Even though the Monument of Humanity was cast at times as a pioneer dedicated to peace between Turkey and Armenia, the idea of border Monument has a longer history. The idea first emerged from the most unlikely corner of the Turkish political spectrum: the Turkish Right and its Nationalist Action Party. Avni Özgürel<sup>6</sup> quoted at length a meeting from the latter 1990s with Alparslan Türkeş, the late, unsurpassed ideological leader of the Party since 1969.<sup>7</sup> Those conversant in contemporary Turkish–Armenian relations will remember that Türkeş also met with Levon Ter-Petrosyan in Paris in 1993, on which occasion Türkeş told Özgürel:

It is an indisputable fact that the Armenians who revolted against the Ottoman Empire and joined the Russian forces in the occupation of Eastern Anatolia in the First World War have committed a war crime. But nor does this constitute a pretext to overlook or justify the pain experienced by the other, tens of thousands of Armenian civilians due to the deportation decision.<sup>8</sup>

The answer Türkeş gave to 'What must be done?' was not all that complicated: Armenia should be considered the single legitimate interlocutor;

Turkey would negotiate the matter at the highest level in Yerevan without taking offense, while Armenians would feel relief in Ankara's acceptance of painful events. He believed that the problem could be solved with agreements on a jointly prepared declaration in a style appropriate to the sensitivity of the matter, the simultaneous opening of borders, and the improvement of mutual relations in every area. For the time when his vision would be realized, he planned a '1915 Monument' in the middle of the Turkish–Armenian border with the inscription in Armenian on the one side and in Turkish on the other, 'We are sorry for the pain we have caused.'<sup>9</sup>

Türkeş's interview is proof that what some elements of the Turkish left have touted as progress on their part is not really progress, as their discourse overlaps with that of the ultra-rightist leader of a party with deep connections to the Turkish military bureaucratic apparatus. Türkeş, far from being an absolutist denialist, was as open-minded in the early 1990s as those members of the Turkish left who still refrain from the term genocide and instead call it a deportation or, more recently, opt for the conveniently hijacked and reinsitutionalized term *Medz Yeghern*.<sup>10</sup>

Thus, Türkeş (a) introduced the idea of isolating the State of Armenia as the sole political interlocutor and sidelining the Diaspora Armenians in the process, and (b) interlinked the Armenian Genocide and Karabagh issue, as they have been many times in the course of the last decade. Building a war/peace memorial was also part of the same package. For example, Dr Ömer Taşpınar of the Brookings Institution wrote the following op-ed in 2004, rehashing the very same arguments:

The Yerevan strategy should involve a formula overriding the 'genocide' thesis via a joint peace-making process that includes the Karabağ issue and culminates in the official opening ceremony, attended by the leaders of both countries, of a magnificent monument in Van (Akhtamar) dedicated to 'the memory of Armenian and Turkish citizens who lost their lives in the First World War'. The plan would not be all that utopian and in fact would resolve the Karabağ issue, improve Turkey's relations with Europe and the U.S., stall the activities of the Armenian Diaspora and do good to the Armenians of Turkey.<sup>11</sup>

In that sense the Monument of Humanity was neither a novelty as a concept nor a path-breaking 'peace' endeavor as argued by its proponents, but a simultaneously pragmatic, symbolic, and in fact somewhat *popular* notion within diverse circles, ranging from ultra-nationalists to think-tank pundits. Moreover Taşpınar seems to be convinced that Genocide claims can be countered and hearts sweetened via erecting monuments. Merely three days after Hrant Dink's assassination, Taşpınar argued in a self-quoting *Radikal* column that '[we] should use this tragedy and the subsequent wake-up call as a peace-making opportunity by building a Hrant Dink monument

to please İstanbul Armenians and to polish Turkey's image in the US and Europe'.<sup>12</sup>

Thus started the instrumentalization of Dink's assassination and legacy in order to water down Genocide recognition efforts, to the point of proposing to monumentalize him to score public relations points elsewhere. Nevertheless, the idea of building a monument, the notion of which neither takes responsibility nor seriously addresses history, should not detract us from understanding the historical context and the political implications of the entire process from conception to execution and finally to its demolishing.

## **The short-long history of the Monument of Humanity**

The Monument of Humanity bears all the signs of confusion symptomatic of Turkey's left and liberal-leaning intellectuals, especially when it comes to what to do with 1915. However, writing a straight history of the Monument is a complicated endeavor not just due to difficulties in contextualizing and conveying the monument's ideological underpinnings, but also for the lack of established fact-checking standards among Turkish journalists. From the Monument's height and weight to its cost, from its godfathers to its detractors, no information is consistent or clear.

As a case in point, despite the fact that the Monument has been widely described as a project consisting of a 'peace' monument alone designed as a solemn site of remembrance, it actually involved the construction of other adjacent structures including an amphitheater holding 50,000 spectators, a restaurant, an observation deck and a cable-lift station. Perhaps it is inevitable that commemorative sites become 'dark tourism' destinations.<sup>13</sup> Indeed, the disconcerting relationship between trauma and consumerism has been problematized elsewhere.<sup>14</sup> However, none of the monumental sites these authors discussed have been built, evolved into, nor considered as, complete sites of touristic attraction from their onset. Although this not-so-little detail became a point of contention between different political parties on the Kars Municipal Board, it was almost entirely missing from mainstream accounts of the debate.<sup>15</sup> Hence neither Diaspora Armenians nor those from Armenia knew or discussed the touristic, non-commemorative aspects of the project.

## **The Monument's beginnings**

In a *Today's Zaman* column in defense of the Monument, Joost Lagendijk, a former Green Left member of the European Parliament, tells the story of its beginnings. Following a tour Lagendijk took to explore Turkey's north-eastern region with his then parliamentary assistant Ali Yurttagül, they were joined by Osman Kavala of Anadolu Kültür.<sup>16</sup> They met with Mayor Naif Alibeyoğlu (AKP at the time) who was strongly in favor of opening the Turkish–Armenian border. During the meeting Alibeyoğlu showed them the

scale model of a monument about which all three visitors could not help but politely and firmly express their discontent because of its 'militaristic and bombastic elements'. In *Ucube*, a documentary, Yurttagül takes full credit for suggesting Aksoy as the sculptor of the new project, although Legendijk's story is slightly different.<sup>17</sup>

Thus, Aksoy became the undisputed sculptor of the new Kars Municipality Project – the third monument in the last 90 years on 1915,<sup>18</sup> but the second in the history of the Turkish Republic. This was in spring 2005. One has to bear in mind that in the five crucial years between 2005 and 2010, the discourse on things Turkish–Armenian considerably changed, especially after Hrant Dink's assassination. Hence the sculptor's views became less tenable by the time the Monument became an executive scandal, than they were in 2005. For the last time, the issue shifted from 'what kind of monument and how to commemorate 1915' – which never came into the discussion – to modernists' fight on 'how to defend a monument and "art"' against the encroachment on local politics and the arts by the top executive.

Before I proceed further I also would like to clarify what may have contextually transpired as a *'post hoc, ergo propter hoc'* fallacy in an article I wrote in April 2012:<sup>19</sup> there I referred to the sculptor Aksoy's political endorsement of Doğu Perinçek in 2011.<sup>20</sup> Aksoy called Perinçek a hero because of his pro-denialist stance in Switzerland. While it is true that Aksoy's 2011 endorsement of Perinçek does not anachronistically reflect on his artistic tenets at the onset of the project, and that the pro-monument camp may not have entirely foreseen Aksoy's outright support of Genocide-denialist and the Talat Pasha Committee Executive Board Member Perinçek, the artist's long record of romantic perception of Turkish Republican history, both before and after the Monument, should have invited inquiry into the artist's political – as well as artistic – qualifications for delivering this *particular* monument. Among other works, Aksoy is famous for his finished and unfinished projects glorifying the official narrative of the Turkish War of Independence.

In an interview for Turkish-Armenian weekly *Agos* elucidating the relationship between the Turkish Army and the monument industry, sculptor Aylin Tekiner argued that the Ministry of Culture's Directorate of Fine Arts (DFA) dominates the market in Turkey. Headed by Mehmet Özel, 'the longest-serving bureaucrat in Turkey', the DFA directs different sorts of artistic decisions made by the TAF, municipalities and governorates. 'Özel', says Tekiner, 'is still a fine arts adviser for the General Staff [and] even interferes in the way statues are shaped'.<sup>21</sup> Elsewhere, in *Today's Zaman*,<sup>22</sup> Tekiner also notes that the TAF is the most prominent commissioner of monuments in the market. Indeed, it was none other than Aksoy who would build in 2010–11 the most expensive monument in Turkish history, this time for the centennial of TAF.<sup>23</sup> In short, Mehmet Aksoy was hardly the victim of Turkish mainstream politics as anti-AKP journalists and intellectuals would have the world believe.

But how did the Monument of Humanity come to be, first institutionally legitimized, and then delegitimized, in the course of five years? What does this story tell us about the particularities of Turkish politics and its framing of the 'events of 1915'? What can we learn from this cautionary tale?

The Kars Municipality's project had a stellar start with support from many different corners of the Turkish institutional spectrum and business. Along with Mayor Naif Alibeyoğlu, Başaran Ulusoy, then head of TÜRSAB (Association of Turkish Travel Agencies), Oktay Ekinçi, then Head of the Turkish Chamber of Architects, and İsmail Aytemiz, President of the Aytemiz Group – a conglomerate of diverse companies from petroleum and gas to electrics and construction – were present at the press conference. A recipient of the Turkish Grand National Assembly's 'Excellence in Service' prize in 2007, Aytemiz has an unusual success story also surprisingly tied to Atatürk sculptures. Originally from Kars and a sculptor himself, Aytemiz manufactured 450 plaster Atatürk busts for Anatolian towns and villages between 1959 and 1962 before returning to İstanbul. The bust business gave him enough capital to shift gears to managing movie theaters and tea gardens and then to the kerosene trade in 1963, which would further boost his business to the position of the lead taxpaying oil company in Turkey.<sup>24</sup>

In addition to being an architect and a *Cumhuriyet* columnist since the 1980s, Oktay Ekinçi was also a permanent member of the Ministry of Culture's Commission for the Preservation of Cultural and Natural Resources.<sup>25</sup> Despite the fact that backing was diverse in many ways, the supporters were not divergent from the mainstream by any stretch; in fact, one made his fortune on the symbolic consolidation of Kemalism, while the other thrived on the preservation of those cultural artifacts. Mayor Alibeyoğlu would argue that '[t]his sculpture will represent the peaceful and humanist cultural inheritance of Anatolian civilizations' and Aksoy would introduce his project with some feather/heart metaphor from Egyptian illustrations, without referring to its original source:<sup>26</sup>

When placed on the scales, the heart must be lighter than a feather. I think that the heart of a child who has grown up in the middle of a war has become 'heavier'. We must purge our children's hearts from such feelings as hatred, resentment, revenge, and hostility.<sup>27</sup>

The cost of the monument, initially projected to be completed by October of 2006, was set at TRY350,000 (approximately US\$265,000) and was to be funded by sponsors. The funding was one of the points of contention among members of the municipal commission. At the time, the monument was expected to become the biggest in Turkey with a height set to 30 meters and a width of 35 meters. Moreover, Aksoy wanted to project two vertical beams of laser light four to five kilometers high that would be visible throughout the whole Caucasian region.<sup>28</sup>

During 2006, the monument (and other projects tied to the construction) enjoyed great legitimacy, as demonstrated by the Ministry of Culture's (MoC) award of US\$16,000 to filmmaker Altan Sazak to document its story; however, to date, there is no trace of this documentary. Aksoy himself was heralded a second time in 2010 in a biographical documentary, *The Sculptor of Light*,<sup>29</sup> financed again by the MoC and directed by veteran actor Tarık Akan,<sup>30</sup> and a third time in 2012, by *Ucube*, an intellectually quasi-distant documentary directed by Erol Mintaş and financed by Anadolu Kültür.<sup>31</sup> An actor politically associated with the nationalist left, Müjdat Gezen, also claimed that he documented the monument's demolition process in a film, although there is no trace of this either.

However, the event where Gezen announced his documentary remains of interest: after *several turns* regarding the concept of the Monument, Aksoy this time would say 'Kars is a city that witnessed a war every 20 years since [the] 1800s' and that he 'wanted to build a peace monument for those people, for [our] martyrs'.<sup>32</sup> *Radikal's* coverage of the event is telling as Armenians completely disappeared from the discussion.<sup>33</sup>

The evolution of the concept of the monument itself has a long history. In a 2007 news clipping, Mayor Alibeyoğlu claimed that the monument was being built *against* the Genocide monument in Armenia and would represent the fight of good versus evil, in the embrace of two individuals, Abel and Cain, one peaceful, the other belligerent:

we are building this monument in the name of the pain suffered in our country so that it may not be suffered again. We are sending a message to the world from Sarıkamış, a city that was many times occupied and that lost 90,000 martyrs to snow and blizzard ... As Atatürk said, this monument will be one of 'Peace in the homeland, Peace in the world'. From here we will send a message of humanity so that there are no more wars in the world, and so as to remember that we are all brothers and sisters.<sup>34</sup>

Alibeyoğlu added that they would build a monument cafe-restaurant and conveyed his dreams about the city's future, how the complex would be a one of a kind resting area for citizens who have always dreamt of a place like this:

there are such sites in Istanbul ... In Kayseri, there's the revolving tower. Our townspeople have been longing for such a place. Domestic and foreign tourists and all Kars residents will have meals here [...] This will be the heart of Culture Tourism in Turkey, one of the main centers.<sup>35</sup>

## From suspension to demolition

Despite the fact that the mainstream press did not pick up on the story of the Monument's demolition until early 2009, Erzurum's District Commission for

the Preservation of Cultural and Natural Resources ruled for the suspension of construction as early as November 2006 on the basis that its location needed to be historically preserved.<sup>36</sup> The Commission held that the Monument was built on a hilltop housing Timur Paşa emplacements dating from 1579 and damaged during construction. Construction had taken place despite the fact that the Commission marked this plot (790/1) for preservation.<sup>37</sup> The Municipality continued the project guaranteeing that they would *only* construct the Monument and a walking course.<sup>38</sup> Head of the Commission Ulvi Özel argued that, upon surveying the construction site, members of the Commission discovered that (a) a cafeteria was built on the State Treasury's land without permission, (b) archeological remnants were discovered, and (c) the State Treasury's land had not been allotted. Özel added that even though the Monument could stay, all other adjacent structures were to be demolished.

When PM Erdoğan took the entire country by storm, calling the Monument a monstrosity on aesthetic grounds and arguing that, by its size, it overshadowed other adjacent historical structures, especially the tomb of Hasan Harakani (one of Prophet Mohammad's grandsons and a notable Sufi of his period),<sup>39</sup> many considered his declaration a political show. Likewise the Nationalist Action Party's Kars Provincial Head Oktay Aktaş claimed that they had tried four times since 2006 to get the Monument suspended and eventually demolished. He argued that the Monument was built to counter the Turkish genocide monument (in Iğdır), in a protected zone, and had damaged the historic Timur Paşa emplacements. Aktaş added:

When we asked what is the meaning of these two people's hugging? They could not answer us, and when we asked whether the hug is between Eastern Armenia and Western Armenia, they changed the figures. We are not against the arts ... They built here a monument that is not related to Turkish history, that is a symbol of hatred for the people of Kars. This is the reason why we struggled and pushed for the demolition decision.<sup>40</sup>

This competition to get credit for the demolition was hastily interpreted by commentators as being an expected consequence of approaching elections.<sup>41</sup> However, the AKP had a comfortable hold of the electorate in the region by at least 20 percent more votes than its closest contender. The elections were hardly part of the equation.<sup>42</sup>

From a bird's-eye view of the political process from 2005 to 2010, various parties with diverse and sometimes contradictory interests, including several Diaspora Armenian and state and civil society organizations from Armenia, became part of the process, but with extremely skewed and biased narrative data distant from the complexities and issues on the ground. Many issues needed wider deliberative processes, not just with Armenians but also Turkish citizens both locally and nationally. After all, the border is not only Kars' but also Turkey's border with the Armenian state.

## Politics of memory and politics of monuments in Turkey

There is no doubt that monuments, like memorials, constitute what Eric Hobsbawm called the 'invention of tradition' or, as Ernest Renan puts it, a 'daily plebiscite'. A nation is an aggregate, not just of people but also of 'spatial and textual' national narratives and of symbols. Inasmuch as monuments belong to the domain of arts, they also inescapably belong to the domain of politics. The political history of modern, centralized states and the shift in their politics could in principle be read through their monuments too. Aylin Tekiner's book on the history of Atatürk monuments is one such attempt to read Turkish political history to the point of being able to differentiate and account for the change in the meaning of public arts.<sup>43</sup> Tekiner further traces the sudden increase in the monumental depictions of Atatürk to the years immediately after the 1980 coup d'état. The battle involving Atatürk statues further took an interesting turn with the rise of the Welfare–AKP line, first to municipalities then to the government.

To give an example, Tekiner recounts the history of Sultanbeyli, an AKP stronghold, where, in line with the end of the military tutelage regime, the former Atatürk statue in military outfit was taken down by the new AKP municipality and replaced by an alternative in civilian clothes. So, Atatürk statues and War of Independence monuments are by far the most important realms of memory in the formation of the idea of nationhood and the socialization of Turkish people through that nationhood on a daily basis. All schools, hospitals, state and municipal offices, practically all localities of state's ideological apparatus, are turned into realms of memory by the State. The history of monumentalization in Turkey is therefore deeply connected to the Republican history and to many of its ideological others, from Islamists (now in power) to its minorities (for example, the Turkish elite responsible for 1915 are memorialized at Abide-i Hürriyet Memorial). This is one of the reasons why the Monument debates took place on a calcified terrain of a *Kulturkampf* where the progressives have been the party with the power to establish the modernist (but in this context substantially empty) discourse around this Monument as well.

## Nations, monuments and politics of aesthetics

As is partially narrated above, the public debate surrounding the Monument mainly revolved around two seemingly disconnected axes: one aesthetical, and the other political, with no overlapping wide-scale debate on the political implications of this particular Monument's aesthetics. There are only two exceptions to this rule.<sup>44</sup> The limited aesthetics discussion initiated by the AKP elite (Erdoğan and Davutoğlu), on the other hand, involved three separate dimensions: the city silhouette, the relationship of the Monument to other structures surrounding it, and the actual aesthetical value of the Monument itself.

Interestingly, however, none of these discussions were initiated by the modernists who deemed it unnecessary to hold a debate on the aesthetics of the Monument at any time prior to Erdoğan's intervention. All press coverage during 2006–8 consists of news about the project often accompanied by interviews with the sculptor. Imbued with debates about the legal and political dimensions of the Monument, the period 2008–10 is also devoid of any concern about its aesthetical value or language vis-à-vis its immediate surroundings and vis-à-vis Armenians.

The first dimension of the political debate was largely Manichean in nature, and notoriously epitomized in the metaphor of the battle of enlightenment: a *Kulturkampf* emblematic of Turkish Republican history in which the pro-Monument elite represented the forces of Enlightenment and the Erdoğan government represented the forces of darkness and backwardness.<sup>45</sup> The second political dimension involved a vague debate on the powers of the executive. The executive ruled top-down to speed up the legal process initiated by MHP while the sculptor went to the courts to reverse its decision of demolition. The third political dimension concerned the possible reasons for the destruction of the Monument. As discussed earlier, parliamentary elections were cited as one of the reasons why Erdoğan interfered, though it was also argued that the Monument was destroyed because of MHP's (NAP) technical and ideological concerns, as well as Azerbaijan's anger at the Monument.<sup>46</sup>

What sort of aesthetics did the Monument represent, standalone, for Kars, and what sort of aesthetical and political statement did it symbolically pronounce towards Armenia and Armenians? To which aesthetic school did the Monument belong, especially given its magnitude and its erect posture? What sort of monument, if any, do we need to build between Turkey and Armenia? These questions were missing in discussions in Turkey but also totally absent among Armenians.

### **Fascist aesthetics?**

The characteristics and linguistic modalities of the fascist aesthetics or the relationship between totalitarian ideologies and total realism in the arts have long been debated by social scientists who have tried to understand how power worked in these settings through the spatial invasion of a particular symbolic order unique to this period.<sup>47</sup> Fascist aesthetics had its own discernible grammar that reached its apogee in the interwar years and has been tamed with the 'defeat' of German and Italian fascisms. Even though a full assessment of the politics of arts is well beyond this chapter, some elements of fascist aesthetics are pertinent when situating the artist's statement about his work in order to place the Monument in the larger context of the politics of the arts.

While debating the aesthetics of the 1996 *mise en scène* of the 1937 World Fair exhibition, Koepnick defined fascist aesthetics via stylistic criteria such

as ‘monumentalist gesture, symmetrical indulgence, heroic posture, and futuristic coolness’.<sup>48</sup> Accordingly, this post-modern exhibit captured perfectly what was perhaps not as discernible during the first *mise en scène* of the Paris World Fair: the lack of iconographic language of art in the gigantesque mixture of sculpture and architecture common to all these regimes on the path to totalitarianism. The World Fair itself and its reproduction had been venues where brute power was expressed directly without any recourse to abstraction. The only difference between the aesthetics of these two totalitarianisms was in their guardian angels: one was protected by the master class and the other by the master race.

The Monument of Humanity bears traces of the kind of aesthetic grammar thus defined, from its futuristic coolness to its gigantesque mixture of sculpture and architecture, from its brute, erect, masculine power to its total lack of abstraction.<sup>49</sup> The Monument’s totalitarian aesthetics become all the more problematic when it also develops into a gigantic and symmetrical<sup>50</sup> argument against Armenians at the other side of the border (as per the Abel-Cain metaphor discussed here). Its fascism could have been perhaps less visible to the eye on its own, but more in its dialogical nonchalance or rather its self-congratulatory mission against Tsitsernakaberd and what it represents – not to mention Aksoy’s and Alibeyoğlu’s equating Tsitsernakaberd and İğdir and positing this Monument above *both*. It could perhaps have been less violent in content had it only overwhelmingly addressed a closed national setting. But in this context its aesthetic message becomes all the more problematic, overbearing, male, and domineering. And yet, none of this was openly and widely debated.

## Conclusion

According to Pierre Nora’s concept of *lieux de mémoire* (realms of memory), a ‘residual sense of continuity remains. *Lieux de mémoire* exists because there are no longer any *milieu de mémoire*, settings in which the memory is a real part of everyday experience.’ These realms construct and reconstruct the history of the nation as much spatially as in the memory. Nora differentiates between what is historical and what is memorial, and argues that memory ‘is always a phenomenon of the present, a bond tying us to the eternal present’,<sup>51</sup> and that therefore, memorial sites are about the nation’s battle not for its past but for its present.

Perhaps it is in this context that we should understand the debates between two opposite sides of the Turkish political spectrum.<sup>52</sup> Ideas about monuments thus inescapably reflect ideas about the nation; they are part of re-imagining the nation<sup>53</sup> at a different normative equilibrium point, with a new set of symbolic content reflecting the institutional order’s normativity, depending on the content of the artifact or event that invents a new tradition. All invention happens on a political field, which is, as Bourdieu argues,

'understood both as a field of forces and as a field of struggles aimed at transforming the relations of forces which confers on this field its structure at any given moment'.<sup>54</sup>

If anything, perhaps the Monument of Humanity should have been taken down, *not* for the reasons cited by Erdoğan and Davutoğlu, or for legal issues brought forth by the local representatives of the NAP, but for an entirely different set of principles that are paramount to any deliberative democracy and vibrant civil society, deliberative due process being only one of these. Moreover, since the Monument is also ostensibly directed towards Armenians, the deliberative process should have included representative Armenian bodies. Even though this Monument cannot be compared to the Holocaust Monument in Berlin in terms of its historical or its political underpinnings, especially for the simple fact that Turkey is still not committed officially to a post-genocidal institutional framework, comparatively speaking, there is still a wide array of issues unaddressed in this debate.

There is very little difference between the construction of the Iğdır Monument built to commemorate Muslim lives taken by Armenian militias and the Monument of Humanity in terms of the deliberative quality of the political process, that is, in terms of involving the entire nation for a debate on the concept. Indeed, relatively speaking, the Iğdır Monument is a notch higher in its deliberative quality since its construction bid was a *competitive* process rather than a behind-the-doors *fait accompli*. In other words, the Monument's demolition process was marred by a different set of deliberation deficits that were omnipresent since its conception and construction.

As shown in this chapter, the Monument of Humanity and the political process accompanying its construction were problematic from inception to demolition. However, it may still signal a shift in the direction of Turkish politics at large.<sup>55</sup> Although Armenians and 1915 disappeared from the discussion, and despite the fact that the debate turned into a bitter discussion within the realm of the *Kulturkampf* in Turkey, the process is still a landmark for a much more inclusive future, and horizontal debate on commemorating and monumentalizing 1915.

Even though the Monument was not able to satisfy any of the expected process-oriented shift in the calcified positions of the Turkish political spectrum, there is still hope that those deliberative parties who are interested in a more horizontal and inclusive relationship between Turks and Armenians will learn from their mistakes.

## Notes

1. ABD, Adjunct Instructor, New York University, Department of Politics. The author wishes to thank Burcu Gürsel and Marc Mamigonian for their questions,

- comments and editing of several versions, and Anna Mathew and Alexis Demirjian for their assistance in reviewing and editing this chapter.
2. See *Today's Zaman*, 'Kars statue kicks off controversy after PM Erdoğan's "monstrosity" remarks', 11 January 2011.
  3. *Today's Zaman*, Y. Baydar, 'A "freak statue" and a hiccup of politics', 12 January 2011.
  4. This *Radikal* news is particularly interesting since it reported a pro-Monument demonstration on 23 April 2011 to protect both the Monument and the values of the Republic with CHP (Turkish acronym for Republican People's Party, Atatürk's party) politicians on National Sovereignty and Children's Day – one day before April 24, with absolutely no mention of Armenians: *Radikal*, 'Sanatçılar, İnsanlık Anıtını korumaya aldılar', 23 April 2011. The same trend can be seen here: *Radikal*, "'Ucube" İçin Panelde Tek Ses: Yıkamazlar!', 23 February 2011. Again, there is no mention of Armenians in a news item on a pro-Monument panel.
  5. See Chapter 12, Bayraktar.
  6. Veteran nationalist and lately the legitimate protagonist who went to the Qandil Mountains to 'interview' the PKK members' post-Oslo process.
  7. Formerly Republican Peasant Nation Party.
  8. 'Soykırım Bir Endüstri Oldu – Radikal Yorum', *Radikal*, A. Özgürel, 13 March 2005.
  9. Özgürel (2005).
  10. For an elaborate debate on the evolution of the state and civil societal discourse on Armenian Genocide, see Bayraktar (2010).
  11. 'Ermenistan'a Zeytin Dalı', *Radikal*, Ö. Taşpınar, 25 October 2004.
  12. 'Hrant Dink İçin Barış Anıtı Dikelim', *Radikal*, Ö. Taşpınar, 22 January 2007.
  13. S. L. McKinney (2011) 'Narrating Genocide on the Streets of Kigali', in M. Gegner and B. Ziino (eds) *The Heritage of War* (London: Routledge), pp. 160–76 (See Chapter 14, Sensenig-Dabbous on 'thanatourism').
  14. M. K. Smith (2009) *Issues in Cultural Tourism Studies* (London: Taylor & Francis); J. Struk (2004) *Photographing the Holocaust: Interpretations of the Evidence* (London and New York: I. B. Tauris); T. Cole (2000) *Selling the Holocaust: From Auschwitz to Schindler; How History is Bought, Packaged and Sold* (London: Routledge); Gegner and Ziino (2011); M. Sturken (2007) *Tourists of History: Memory, Kitsch, and Consumerism from Oklahoma City to Ground Zero* (Durham: Duke University Press).
  15. It was mentioned once in *Hürriyet* in 2009, long before PM Erdoğan's interference. See '430 yıllık tabyanın üzerine "insanlık anıtı" inşaatı', *Hürriyet*, O. Sağsöz, 14 March 2007.
  16. 'Anadolu Kültür – uniting east and west with culture', *Hürriyet*, 15 November 2008.
  17. 'Different Reasons to Visit Kars', *Today's Zaman*, J. Lagendijk, 26 January 2011.
  18. The first one was the lost April 24 Monument in Istanbul, originally located where Divan Otel is today: see 'April 24: Can We Start over Again?', *Today's Zaman*, M. Esayan, 23 April 2011. The second is the İğdir Monument commemorating Turks who were massacred by Armenians.
  19. 'A Tale of Two Monuments: An Extremely Belated Anatomy of Two Radically Understudied Makings and One Unmaking', *Armenian Weekly*, A. Erbal, 18 May 2012.
  20. See Chapter 6, Guibert and Kim, on the Perinçek case before the ECHR.
  21. Interview by Funda Tosun, *Agos*, 15 July 2011.
  22. 'Author Aylin Tekiner says TSK main buyer of Atatürk statues', *Today's Zaman*, 16 January 2011.
  23. Made of several adjacent structures and extending to approximately 25 acres, the TAF monument is also the biggest monument in the world, according to Aksoy.

24. 'Rekabete 5 Gün Kaldı, Dışinizi Sıkın', *Sabah*, ş. Kadak, 26 December 2004.
25. 'Oktaay İkinci', *Vikipedi*, 21 January 2013, [http://tr.wikipedia.org/w/index.php?title=Oktaay\\_Ekinci&oldid=10958644](http://tr.wikipedia.org/w/index.php?title=Oktaay_Ekinci&oldid=10958644).
26. Unknown Egyptian Artisan, *English: Weighing of the Heart Scene, with Ammit Sitting, from the Book of the Dead of Hunefer*. From the Source: '*The Judgement, from the Papyrus of the Scribe Hunefer*', 19th Dynasty, 21 December 2007, Jon Bodsworth (photographer).
27. 'Ermenistan'dan görünecek', *Radikal*, M. Yazıcı, 31 January 2006.
28. 'İnsanlık Abidesi 'kare kare' yükseliyor', *NTV MSNBC*, 25 June 2006.
29. There is a segment on the Monument of Humanity in this documentary.
30. It remains unclear how much the Ministry gave to the project, which was also co-financed by Nazım Hikmet Cultural Waqf. The Ministry's contribution is estimated to be around US\$35,000: see 'Mehmet Aksoy belgeseline bakanlık desteği', *Hürriyet*, S. Yaşar, 13 May 2011.
31. E. Mıntaş (2012) *Ucube*, documentary, [http://www.altinportakal.org.tr/en/film\\_detay/-149.html](http://www.altinportakal.org.tr/en/film_detay/-149.html).
32. "'Ucube" İçin Panelde Tek Ses: Yıkamazlar!', *Radikal*, 23 February 2011.
33. Thus, by February 2011 the issue morphed into a fighting terrain between secularist and religious conservatives.
34. 'Kars'a insanlık anıtı', *Yeni Şafak*, 14 July 2007.
35. *Yeni Şafak* (2007).
36. 'Kars'ta Abideye Durl!', *Haber 3*, 26 November 2006.
37. Sedat Ergin claimed the emplacements dated from 1845–55: 'Bir insanlık anıtı kadavra yapılıncı', *Hürriyet*, S. Ergin, 14 May 2011.
38. '430 yıllık tabyanın üzerine "insanlık anıtı" inşaatı', *Hürriyet*, O. Sağsöz, 14 March 2007.
39. 'Allah Dostu Harakanî Hazretleri', *Today's Zaman*, 14 October 2012.
40. 'MHP'li Başkan'dan Başbakan'a suçlama: Kars İl Başkanı Aktaş, Başbakan'ı şov yapmakla suçladı', *Doğan Haber Ajansı*, D. Aktemur, 10 January 2011.
41. Baskın Oran, cited in *Armenian Weekly*, 'Not Even a Handshake: Erdoğan Spins "Freakish" Debacle in Kars', N. Barsoumian, 27 January 2011.
42. '2007 Yılı Genel Seçim Sonuçları', [http://belgenet.net/ayrinti.php?yil\\_id=15&il\\_id=1017](http://belgenet.net/ayrinti.php?yil_id=15&il_id=1017).
43. A. Tekiner (2014) *Atatürk Heykelleri, Kült, Estetik, Siyaset* (2nd edn.) (Istanbul: İletişim Yayınları).
44. See Aylin Tekiner's post-demolition interview by Funda Tosun, *Agos*, 15 July 2011 and Sevinç Altan's critical short piece in *Soldefter*, 'Ucube', 10 February 2011, <http://www.soldefter.com/2011/02/10/ucube/>.
45. See 'Kader', *Taraf*, M. Belge, 9 December 2012, and 'Taliban Da Buda Heykellerini Sizin Gibi Yıkmişti', *Oda TV*, M. Aksoy, 10 January 2011.
46. Azerbaijan did not come into the picture during the demolition only. For example, Aksoy also claimed that an Azeri song was the inspiration for the Monument: 'Heykelin kaderi bakanın elinde', *Hürriyet*, 19 October 2009.
47. See, for example, I. Golomstock (2011) *Totalitarian Art in the Soviet Union, the Third Reich, Fascist Italy and the People's Republic of China* (London: Duckworth Overlook).
48. L. P. Koepnick (1999) *Walter Benjamin and the Aesthetics of Power* (Lincoln: University of Nebraska Press), p. 182.
49. Some of this is partially debated by both Sevinç Altan and Aylin Tekiner, albeit in different manners.

50. In this context symmetry also erodes the boundaries between victim and perpetrator, thus equating them in 'brotherhood' and 'Humanity' by bypassing entirely the issues of political responsibility and atonement.
51. P. Nora (1996) *Realms of Memory* (New York: Columbia University Press).
52. It is worth noting that, in the end, the Armenian disappears from the left's discourse altogether, while remaining as the enemy party in the right's discourse.
53. See Chapter 11, Elmas and Chapter 12, Bayraktar on nation-making.
54. P. Bourdieu (1981) 'La représentation politique. Éléments pour une théorie du champ politique', *Actes de la Recherche en Sciences Sociales*, Vols. 36–7: 3–24; P. Bourdieu (1991) *Language and Symbolic Power* (Cambridge, MA: Harvard University Press), p. 171.
55. Albeit *ex post facto* this chapter is also part of the larger political frame, which may still influence the political behavior of the actors concerned.

## **Part IV**

# **Going Back to My Roots: What is an Armenian Today?**

# 14

## The Musa Dagh History Hike: Truth-Telling, Dialogue and Thanatourism

*Eugene Sensenig-Dabbous*<sup>1</sup>

The past is often difficult to grasp, even when it is directly related to one's family history. The collective memory of historical injustices can be warped by time, overlaid by more recent events, and filtered through the lens of vested interests only too willing to expropriate the past in order to score points in the present. Cultural production, although clearly created and thus subjective by nature, offers survivor generations the opportunity to deal in an imaginative and productive manner with past suffering which has been transmitted into their lives through intergenerational dialogue, be it by intention or default.

The interwar historical novel, *The 40 Days of Musa Dagh – A Warning to Humanity*, is of almost iconic significance for Armenians around the world. First published over 80 years ago, in November 1933, the author, Viennese novelist Franz Werfel, was referring in this book as much to the rise of Nazi Germany in his day as he was attempting to preserve the legacy of a little-known example of successful armed resistance to the Ottoman Genocide against its Armenian population in 1915. The Musa Dagh History Hike (History Hike) builds on this shared experience, linking the Armenians of Anatolia and the Jews of Central Europe.

The History Hike was developed by a small core group of students and professors at two of Lebanon's prominent private universities. This hands-on historical, as well as cultural, mountaineering project combines an introduction to the Genocide with a study of Werfel's epic novel. Work on the design of the History Hike was carried out over a three-year period, using a practical, grassroots approach to the study of the extermination of an estimated 1 million to 1.5 million Armenians during and immediately after the First World War. The first hike took place during the Eastern Orthodox Easter holiday break in 2013. The second hike expanded on the positive experiences of the first and was carried out during a four-day period in early May 2014. Work on the 2015 hike began in the late summer of 2014, with a visit by the organizers to several former Armenian villages which had played a role both in the literary and historical Musa Dagh resistance.

This chapter is an attempt to assess the intentions and trajectory of the History Hike project. This author fulfils a dual role in presenting a chronology of the development and implementation of the History Hike and in attempting to determine whether the goals set by the organizing team were effectively met during its first five years of development and implementation. The design of the project is based on the longstanding tradition of the international, Swiss-based conflict transformation NGO, Initiatives of Change (IofC) – formerly Moral Rearmament (MRA) – namely, to work towards societal change through the experience of personal change on the individual level. IofC played a defining role in the development of the project.

The initial History Hike proposal included the medium-term goal of setting up youth dialogue sessions between third and fourth generation Genocide survivors in Lebanon and their Turkish counterparts. The dialogue component was abandoned one year into the project and replaced by a truth-telling process within the Armenian community in Lebanon in general and the town of Anjar in particular. Located in the central Bekaa Valley, Anjar, with a permanent population of about 2,500, is home to the descendants of many of those 5,000 Armenians from the Musa Dagh villages, who had fled the Alexandretta (Hatay) region in 1915 and been resettled in Lebanon during the French Mandate period (1923–43).

The lessons learned from this project are relevant for the broader context of truth-telling, dialogue and reconciliation in the Middle East and North Africa. Despite a long history of systematic, and often systemic,<sup>2</sup> human rights violations and crimes against humanity in the region, very little has been achieved with respect to dealing openly and courageously with the past, Morocco's 'Equity and Reconciliation Commission' being the obvious exception. The History Hike offers a very modest example of how progress can be made on the local level, through the use of a grassroots approach involving young Middle Easterners from a diversity of backgrounds.

During the design and startup phases, the project focused on the role model function of comparable truth-telling history hikes and museum projects including initiatives dealing with Central Europe during the Third Reich; the North Atlantic slave trade; the genocide against the Native Americans, and the oppression of Canada's First Nations. The Musa Dagh project drew on this author's experience with a variety of exhibits, documentaries and commemorative events in Austria. Cooperation with the Beirut archive and library study center, 'UMAM Documentation and Research' (UMAM D&R) facilitated the adaptation of the Central European tradition of grassroots activist scholarship and its application within the Lebanese context.

Many of the original ideas for the History Hike project were postponed or downsized after consultation with various Armenian scholars in the field of genocide studies. Several colleagues of Armenian origin helped conceptualize the link between intergenerational trauma transmission and the truth-telling process, leading to a sharpening of the focus on family storytelling

and collective memory. Finally, the rich resources provided by over two decades of 'thanatourism' (dark or grief tourism) research, primarily in Europe and North America, offered the Musa Dagh team a useful foundation on which to build the History Hike experience and the Global Information Systems (GIS)-based virtual museum, projected to be launched in 2019.

## Background and motivation

The motivation behind the Musa Dagh project was driven by the desire to link the comparatively successful Central European tradition of dealing honestly and transparently with the region's traumatic past, termed 'Vergangenheitsbewältigung'<sup>3</sup> in Werfel's native Austria, to the ongoing attempts to counter 'collective amnesia'<sup>4</sup> in Lebanon. The reason for the choice of the novel *The 40 Days of Musa Dagh – A Warning to Humanity* ('40 Days') was highly personal. A very close Iranian-Armenian friend, the late Viennese broadcast journalist and documentary filmmaker Zarik Avakian, had recommended this epic portrayal of the Armenian Genocide to this author. The use of the visual arts, performing arts and literature to process the wounds of the past is very common in Central Europe, as it is in parts of the Middle East and North Africa (MENA).

The combination of the arts and 'thanatourism'<sup>5</sup> is, however, a relatively new phenomenon in the MENA region.<sup>6</sup> This author played a role in the regional history movement in the Alpine regions of Western Austria before migrating to Lebanon in 1999. Building on this experience, the History Hike attempted to integrate the study of '40 Days' into an oral history, grassroots storytelling project as part of the 'Gräv där du star'<sup>7</sup> (Dig Where You Stand) popular approach to local cultural and social history. Pioneered by the Swedish historian Sven Lindqvist in the 1970s, the people's history movement was well developed in Central Europe as of the 1980s and has been used extensively by this author in his teaching and research at the political science department of the Lebanese Maronite-Catholic Notre Dame University (NDU), as of the year 2000, and in particular by the Lebanese Emigration Research Center (LERC) located there.<sup>8</sup>

At the time of its inception in 2010, the History Hike was thus able to build not only on the foundation of several decades of applied, activist scholarship in Central Europe, but also on over a decade of practical experience in Lebanon along similar lines, primarily at NDU, but also to an extent at the Armenian-Protestant Haigazian University (HU) in Beirut. In the field of applied research and reform-oriented activities within the community at large, it is not uncommon for university staff to collaborate with civil society players, whose staff members, for their part, often teach as adjunct professors at one or more universities in the country.

The following three organizations are a case in point. Founded in 2004 and working on a significantly larger scale than most regional universities,

UMAM D&R follows a similar trajectory as that described in the case of NDU, integrating the European and Middle Eastern traditions of dealing critically with the past. The German government-funded Forum Civil Peace Service (Forum ZFD) has been supporting conflict transformation projects in Lebanon since 2009. Finally, the IofC branch in Lebanon launched a campaign to include young people in its good governance and conflict transformation strategies in 2010. The History Hike team at NDU and HU has enjoyed the support of staff members at all three above-mentioned institutions. The details of how this synergetic relationship between these two key sectors of civil society (that is, NGOs and higher education) developed over the first half of the 2010s will be described in the following section.

Finally, the recognition and acceptance of personal 'affectedness', that is, partisan self-interest and purposeful intentionality with respect to cultural bias, is a recent phenomenon, which can be considered an asset, especially when carrying out research and training projects dealing with sensitive and controversial topics. The German term 'Betroffenheit', which literally means 'affectedness' and is loosely but not adequately translated as 'subjectivity', was established as a key component of Central European feminist and women's studies in the 1980s. It was later integrated into fields as diverse as cultural studies, post-colonial and critical race theory, the field of Orientalism, and research on disabilities by the 'cripple movement' in the German-speaking world.<sup>9</sup> Applying 'affectedness' to the History Hike has meant that everyone involved is encouraged to be aware of their expectations going into the project and how it has affected them at the end of each respective hike. It also allows Armenian and non-Armenian hikers, as well as the organizers and young participants, to speak openly about their feelings, level of knowledge about the Genocide and the impact of the hike on their willingness to follow up on the experience upon their return home.

## **Design and implementation of the history hike project**

The idea for the History Hike germinated within the context of an oral history project carried out jointly by UMAM D&R and the Department of Political Science at NDU in the spring of 2010. Building directly on the experience of UMAM D&R's now acclaimed 2007 oral history project and exhibit, 'Collecting Dahiyeh', this author collaborated with UMAM researcher Sevag Kechichian in developing the 'Nahr el Kalb Watershed Oral History Project'. The aim of the project was to study the link between the towns and villages in the mountains surrounding NDU and the displacement of the original, largely Christian population of Beirut and its environs during the Civil War in Lebanon, as well as teaching a new generation of young social scientists how to carry out applied research in the field. In essence, these students were dealing with the collective memories of many of their respective families.

Out of this oral history project grew the idea for the Musa Dagh History Hike. In coordination with UMAM D&R, the above-mentioned German Forum ZFD, IofC Lebanon, as well as the Byblos Summer School on Conflict Prevention and Transformation's visiting professor, Jayne Docherty, the NDU oral history working group proposed the creation of a reading circle made up of young people in Lebanon who had shown interest in discussing the significance of the Armenian Genocide. The purpose of this group was twofold. Firstly, by reading selected chapters of Werfel's almost 1,000-page opus, the young participants would gain a feeling for the experience that the villagers of Musa Dagh had endured. This process was to be combined with an oral history project in Anjar.

Secondly, the reading circle was to be made up equally of three components, one third Armenians, one third Turks, and the final third Germans, Austrians (perhaps Hungarians), Americans, French and others whose countries had in some way been involved in the Genocide and the Musa Dagh story of resistance. Those NDU students already interested in IofC and the idea of linking personal change to conflict transformation made up the core project group. They were subsequently tasked with finding peers who also were interested in taking part in this process.

This perhaps overly ambitious approach to the project was based on similar, successful dialogue sessions set up by IofC around the world, starting as early as the 1920s and 1930s. The intention of this exercise was to allow participants to share a common reading experience and then discuss the respective 'stories' that had been told to them within their Turkish and Armenian contexts. The rationale behind choosing a third group, made up of young Germans and Austrians (allies of the Ottomans and facilitators of the Genocide), Americans (a neutral power at the time of the Genocide, which has been accused of not doing enough to stop it), and French (the nation that saved the besieged population of Musa Dagh), was that they could act as a buffer of sorts between the young Armenian and Turkish participants.

Although the dialogue aspect of the project was technically feasible, it was postponed indefinitely because of a lack of unanimity on the part of our partners, and especially because of the concerns of some of the Armenian-Lebanese experts we were cooperating with at the time. Significantly, Kechichian cautioned the team that dialogue could very easily be counter-productive because the potential young Armenian participants were simply not ready for it. According to his assessment, the research team was asking them to deal with emotionally charged issues, which they knew about only from stories transmitted to them by their elders and which had left deep wounds in their psyche. He suggested instead that we focus exclusively on the truth-telling process, commonly accepted as a preparatory stage in many conflict transformation projects. This would, in his opinion, enable the young Armenians to prepare to confront their Turkish counterparts from

a position of informed strength and permit them to be less emotionally overwhelmed by the process.

In an attempt to resolve this conflict within a conflict, the IofC leaders referred back to a foundational text they had been working on with their young trainees at the time, that is, Martin Luther King Jr.'s 1963 'Letter from a Birmingham Jail'. In this letter King described four basic steps to any nonviolent campaign focusing on both historical and ongoing violence and injustice: 'collection of the facts to determine whether injustices exist; negotiation; self-purification; and direct action'.<sup>10</sup> In collaboration with its domestic, European and American partners, the History Hike team decided to focus on King's first step, that is, truth-telling, as a form of subjective fact collecting, and to postpone the dialogue aspects of the project until the preparatory steps had been completed satisfactorily.

In the following section, the design, preparation and implementation of the 2013 and 2014 History Hikes will be presented using a descriptive approach. In total, 34 individual hikers participated in one or both excursions to Musa Dagh. In addition, seven advisors and coordinators were involved in the planning process in Lebanon, primarily through the leadership structures at IofC. In the final analytical section of this chapter, the survey of all hikers, trainers and coordinators, carried out in the fall of 2014, will be evaluated and the possibility of now moving from truth-telling to dialogue assessed. In the concluding remarks, the future of the History Hike and its embeddedness within the context of the nascent field of thanatourism in the MENA region will be appraised, and the plans for a GIS-based virtual museum by the year 2019 discussed.

### **Chronology of the 2013 and 2014 history hikes**

The first History Hike was a step into the unknown for both the university-based organizers and the Armenian scouts involved in this experiment. The initial focus was on encouraging as many members as possible of the third and fourth survivor generations from Musa Dagh to take part in the excursion. For this reason, the students and professors making up the core organizing committee teamed up with the Homenetmen Scouts of Lebanon in order to encourage young Armenians outside of academia to participate. The logistics of the hike were outsourced to Liban Trek, a well-known Lebanese eco-tourism social enterprise with extensive mountaineering experience in Turkey.

As youth coordinator for IofC Lebanon, this author was responsible for the overall design and implementation of the History Hike, working in close cooperation with the campus chaplain at HU, the Revd. Bruce Schoup. Those students who took the initiative in actually signing up participants for the History Hike had taken part in IofC youth leadership training programs, either at NDU or as interns at the IofC Conference Center in Caux, Switzerland. This grounding in IofC's concept of personal change as a

prerequisite for societal transformation was to play a pivotal role in both excursions to Musa Dagh.

With the support of HU and the Homenetmen Scouts respectively, the History Hike team contacted the director of the Armenian Evangelical School of Anjar, the Revd. Raffi Messerlian, and the Municipality of Anjar's Genocide historian, Yessayi Havatian. The core group visited Havatian in Anjar in early April 2013, followed by a presentation of the project for the local population in the auditorium of the Evangelical School two weeks later. These two events were intended to lay the groundwork for the 'dig where you stand' grassroots history research phase within the community in Anjar.

This attempt at involving the local population in the gathering of stories about the Musa Dagh resistance and the resettlement of the population in Anjar was unsuccessful in the first year and proved to be very difficult in the second year as well. Although the oral and grassroots history components of the project were largely a failure, the extensive investment of time and resources needed to prepare for this aspect of the History Hike were ultimately very important for the success of the hike in its first year. The fact that the History Hike team could supply added value to the study of '40 Days', in the form of detailed factual knowledge in the field of both Austrian interwar literature and the use of academic excursions as a well-established form of historical commemoration, was appreciated by the leaders of the Municipality of Anjar's memorial commemoration endeavors.

The two Saturday afternoons in April 2013 spent in Anjar were used to lay a foundation of acceptance for the project within the community. Subsequently, the town leaders used their contacts in Vakif (Turkish 'Vakıflı Köyü'), the only remaining original Musa Dagh village, and in the Armenian business community in the coastal town of Samandağ at the foot of Musa Dagh, to facilitate the History Hike's arrival in the region. The fact that the Armenian-Lebanese tour group was able to deal almost exclusively with the local Armenian population during the hike proper helped alleviate concerns on the part of many participants that any support for the local Turkish economy might indirectly undermine the demand for Genocide reparations on the part of the Turkish state.

The original 2010/2011 project design had foreseen an overland trip, through Syria to Antioch and ultimately Samandağ. By 2013 this had become impossible; ferryboat connections were both expensive and impractical, thus leaving airline travel as the only alternative. By the spring of 2014 the situation in neighboring Syria had deteriorated even further. The fall of the overwhelmingly Armenian town of Kessab to the Syrian rebels spread fear among the general population in Lebanon and had particularly symbolic significance for Lebanon's Armenian population. The rapidly increasing costs from year to year were covered by a variety of institutional and individual donations, leading to promising, potentially long-term relationships with local donors. During both trips the fighting in Syria could be heard

in the distance, symbolically accentuating the gravity of the History Hike experience.

In 2013 Anjar community leaders accompanied the team to Samandağ. Over a day was spent interviewing the surviving Armenian community in Vakif, at the foot of Musa Dagh. By 2014 the original Armenian population had been joined by tens of refugees from Kessab. This interaction with the local Armenian community, and the fact that young Syrian-Armenian refugees participated in both hikes, provided a significant link between the past and the present, as will be discussed below.

The only major difficulty faced by the participants during the hike was the lack of trekking skills and the poor physical condition of some of the young participants. The psychological and security-related fears on the part of the organizers proved to be unwarranted. Following the successful return from the first History Hike without incident, the organizers worked with the political science and the psychology departments at NDU to carry out a full day trauma-processing workshop, organized by NDU professors Youssef Yacoub, Maral Boyadjian, and the Syrian-American trauma specialist Ani Kalayjian of the New York-based Meaningful World Humanitarian Outreach Program. Together with the Spiritual Life campus ministry at HU, LERC assisted in evaluating the impact of the History Hike on the student participants, in preparation for the second excursion to Musa Dagh in the spring of 2014. Finally, the core team tasked an Armenian IofC youth activist, in coordination with Boyadjian and a young Musa Dagh third-generation survivor, to document the entire process in an amateur film.<sup>11</sup>

This author was fortunate to be able to present the preliminary results of the May 2013 History Hike to the 'History and Memory' museums and public history sites working group track of the July 2013 'Healing History' conference in Caux, Switzerland.<sup>12</sup> This forum of just governance and conflict transformation experts and activists provided the context in which to further integrate the second History Hike into the overarching motivation of the organizers, which is to move from truth-telling to dialogue at some point in the future. The History Hike team coordinated with the IofC international body<sup>13</sup> in order to secure support for a paid trainer/facilitator for the 2014 excursion to Musa Dagh.

Working out of an office provided to her by LERC, IofC youth leadership trainer Athalia Zwartz's first item of business was to tackle the primary weaknesses of the first year's hike, namely the low level of support, or even appreciation for the value of a grassroots, oral history approach to the project on the part of the participants. Applicants for the 2014 hike committed to reading at least three chapters of '40 Days', taking part in mandatory preparatory and follow-up meetings, and to contributing to the financing of the History Hike according to their means.

Despite these more rigorous selection criteria and the intensifying civil war in neighboring Syria, a total of 20 hikers ultimately signed up for the

History Hike. Sixteen actually took part in the 2014 excursion, four participating for the second time. One of the participants was from a Musa Dagh survivor family. Half of the hikers were Armenian, the other half non-Armenians from Lebanon, Australia, the UK, the US and Austria. Whereas in the first hike all of the participants were members of the various Christian confessions in Lebanon, during the second hike two Shia and one Sunni took part.

The fact that the organizers were returning to familiar terrain, and to a host community which knew them from the previous year, greatly facilitated the hiking experience. The role played by Zwartz as an experienced trainer/facilitator greatly enhanced the personal change and conflict transformation components. This aspect of the History Hike had largely been neglected during the first year. In 2013 the only event directly promoting personal reflection and contemplation was the Eastern Orthodox Easter worship service at the top of the mountain, which included a short sermon, several prayers in English and Armenian, several Armenians songs and the construction of a large Armenian cross made out of stones at the spot where the Musa Dagh resistance had made their settlement. On the second hike, Schoup, Zwartz, and this author carried out a series of literary, historical, self-reflective and spiritual exercises, including a brief worship service at the mountain top.

In the following section, the impact of the two History Hikes on the participants will be evaluated based on a semi-structured, primarily open-ended questionnaire distributed to all 34 individual participants. Furthermore, the academic and expert staff, the leaders of IofC Lebanon, and those young hikers with extensive experience within IofC – either at the Swiss conference center at Caux or the Indian conference center at Panchgani – were asked to respond to three open-ended questions at their own discretion. Both surveys were carried out in October and November of 2014.

## **Moving from truth-telling to dialogue**

All or parts of the survey dealt with in this section were administered to a total of 35 individual respondents. Of the 34 hikers taking part in one or both of the hikes, 24 responded. This relatively high response rate was further enriched by administering the same questionnaire to three young potential hikers (two of them Armenian) who have been actively involved in the conceptual and practical preparations for the spring 2015 hike. Eight experts in the field of conflict transformation who did not play a direct role in the planning and implementation of the History Hike were also surveyed. They all responded to the advisability of postponing the dual approach to conflict transformation, that is, focusing initially on truth-telling and waiting till the time is right for actual dialogue with Turkish counterparts to take place.

Using a qualitative approach to the study of open-ended survey questions, the responses were analyzed using 15 significant topical categories. In alphabetical order they were:

- Call for dialogue with Turkish counterparts;
- Conflicts within the project;
- Disappointments;
- Documentation of the hiking experience;
- Expectations of the hikers and organizers;
- Historical background knowledge;
- Interaction between Armenians and non-Armenians;
- Intergenerational dialogue;
- Personal and emotional challenges;
- Physical challenges;
- Post-hike follow-up;
- Role of IofC;
- Touristic value;
- Truth-telling component;
- Use of literature.

From a purely numerical perspective, the items which the 35 respondents were most likely to comment on were, in order of statistical value, personal change (19 responses), expectations (19), role of IofC (17), follow-up (15), and dialogue with Turks (14). The responses to the issue of personal change were largely positive, with the participants and experts pointing out how the mix between the actual physical exertion during the hike, the exposure to the natural beauty of the region, the confrontation with stories told by the organizers about the events in 1915, and the interaction with the Armenian population still remaining in Musa Dagh had inspired them to not only study their past, but to actually consider rethinking it.

With respect to the expectations of the hikers, the results were mixed. Most of them revealed that they had little or no specific knowledge about the details of the Genocide other than their family's place of origin in what is now Turkey. The desire to learn more about their past was at the top of their list of expectations. Many of the respondents, especially those with family ties in Musa Dagh, mentioned that they owed it to their grandparents and great-grandparents to go on this hike.

Regarding the emotional and physical difficulties involved, many of the hikers admitted that they had come unprepared for the tough climb they were expected to make, but that this only served to heighten their feelings of solidarity with their ancestors. The expectations with respect to emotional turmoil were highly disparate, with some stating that they had expected their responses to be much more extreme or even aggressive than they actually were, while others stated that they were overwhelmed by the feelings of grief, anger and empathy that they had experienced.

The comments on the role played by IofC and the quality of the follow-up were more often than not critical of the organizers. Those hikers with a deep understanding of the methods used by IofC pointed out that their past leadership training had equipped them personally for the hike and allowed them to take full advantage of it. They criticized the organizers for not making this experience available to the hikers with little or no IofC background and attributed this to a lack of preparation, especially in the follow-up phase. The experts also pointed out that the design itself was weak with respect to debriefing and supporting the hikers after they returned to Lebanon.

Finally, a recurring criticism amongst the respondents was that the History Hike did not foresee interaction with the Turkish population in the Musa Dagh region. Significantly, several of the hikers pointed out that after one or two hikes they were now ready, even anxious, to enter into dialogue with Turks about the Genocide. Most experts shared this criticism, maintaining that the organizers had not developed criteria in order to determine when the truth-telling phase had served its purpose and the participants, and the project as a whole, were ready to move on to the dialogue phase.

Two items with a comparatively low numerical value (with 13 responses, significantly less than half of the respondents), but with content of a high level of validity, that is, informational value and emotional depth, were intergenerational transmission of knowledge about the Genocide and the interaction between Armenians and non-Armenians during the hike. Many of the participants revealed that the direct exposure to the homeland of their ancestors brought back memories of stories they had heard from (or about) their grandparents and great-grandparents. In many cases they stated that these stories had been with them for a long time, but the emotional and physical stress experienced during the hike had imbued these memories with new life.

Finally, the fact that the young hikers in 2013 were exclusively Armenian and that the group was mixed 50/50 in 2014 proved to be more significant than expected. The organizers had selected a 50 percent quota of Armenian hikers, with a preference for the Musa Dagh survivor generations, merely to ensure that the purpose of the project, truth-telling about experiences of personal affectedness (*Betroffenheit*), was not sacrificed to the touristic aspects of the hiking experience. The presence of so many young, well-intentioned young non-Armenians – three of them Muslim – had a very positive, albeit unintended, impact on the young Armenian hikers.

Many of the responses to the survey revealed that the simultaneous exposure to the realities of the Genocide and the presence of counterparts who were in no way responsible for it, enabled the Armenian hikers to work through their feelings in a highly constructive manner. If for no other reason, the young Armenian participants felt it was their responsibility to explain their feelings and aspirations for retribution in a manner which was accessible to non-Armenian fellow hikers. This encouraged a high level of

dialogue-competence, which surprised not only the organizers, but also the participants themselves.

In conclusion, and without going into a detailed and in-depth analysis of the survey results because of the constraints of this publication, it can be stated with some certainty that the five-year start-up phase of the History Hike experiment has come full circle. Both the organizing team, and the participants past and present, are now ready and willing to combine the truth-telling component of the project with actual dialogue with Turkish counterparts. As will be described in the following conclusion on the future of the project, this dialogue process already began by default in 2013. The results of the survey, as well as the experience of this author, have shown that when the hikers did interact with the Turks they met during the hikes, the interaction was always at least inquisitively neutral, in some cases constructive, and in a few instances powerfully challenging for the Armenian participants involved.

### **Conclusion – moving from the terrestrial to the virtual dimension**

The insights and knowledge acquired over a period of five years have encouraged the organizers of the History Hike, both at NDU and Haigazian University, to move the project to a higher level of professionalism. In preparation for the 2014 excursion to Musa Dagh, the question was raised about the feasibility of a GIS-based integration of the literary, historical and touristic aspects of the project. This has led to initial steps being taken toward the project design, and development of a *'Die Vierzig Tage des Musa Dagh'* GIS-based virtual museum. It should be noted here that NDU offers the only degree in GIS in Lebanon, which has led to some support from the Corporate Social Responsibility (CSR) sector of the Information and Communication Technologies (ICT) business community for the project. Using GIS as a platform, the entire geographical region dealt with in Werfel's epic novel, the locations in which the Musa Dagh resistance actually took place, and the various stages of the History Hike project could be virtually linked and made available in real time to a global community in cyberspace.

Secondly, the work on the History Hike project within the Faculty of Law and Political Science at NDU has awakened some interest amongst colleagues in the Faculty of Business Administration and Economics. In the spring of 2015 an agreement was reached to explore the potential of establishing 'thanatourism social entrepreneurship' as a joint field of study at NDU, linking the expertise of the Department of Hospitality and Hotel Management, the Department of Government and International Relations, and LERC.

This proposal has been submitted to IofC International's 2015 summer conference on 'Just Governance for Human Security,' which has included an

Armenian-Turkish dialogue track in the conference, using the experience of the History Hike as a point of departure. The ultimate goal of this aspect of the project would be to develop a for-profit social enterprise, linked to the Armenian Genocide, in the 'dark tourism' or 'grief tourism' sector, which could be a role model for dealing with related issues in Lebanese history. As such, the legacy of the Armenian Genocide and Musa Dagh resistance may provide the groundwork – from a 'lessons learned' approach – to truth and reconciliation within Lebanese society.

## Notes

1. Associate Professor in the Faculty of Law and Political Science, Notre Dame University, Lebanon.
2. See E. Sensenig-Dabbous (2008) "'Race: Arab, Sex: Terrorist'" – The Gender Politics of Political Violence in the Middle East', in Y. Yacoub (ed.) *Violence, Realities and Concerns* (Beirut: Notre Dame University Press).
3. The term 'Vergangenheitsbewältigung' refers to the intentional and often systematic process of 'working through' the crimes and trauma of the past and is used here in reference to the successful processing of the experiences of suffering and persecution during the period of Italian fascism in South Tyrol (1922–43/45), the National Socialist Third Reich (1933–45), and the clerical Austro-Fascist regime (1934–8).
4. For a wealth of references on the suppression of historical memory in Lebanon, see UMAM Documentation and Research, <http://www.umam-dr.org/>.
5. Although this author has been working in the field of 'Geschichtswanderungen' (historical hiking) since the mid-1980s, he was unaware of the more recent establishment of a unique field of research on the topic of thanatourism until a colleague at the University of Salzburg, Professor Albert Lichtblau, pointed it out to him recently.
6. This author helped develop several alternative hiking and bus tours for the city and province of Salzburg. An example of the culture-historical trauma nexus was the walking tour of Salzburg in which artists as diverse as Mozart and contemporary novelist Thomas Bernhard were highlighted. In commemoration of the 50th anniversary of the *Anschluss* (annexation) of Austria by Hitler in 1938, various publications brought, until then, under-researched aspects of the era to light. In G. Sensenig (1990) 'Fremdarbeiter beim Bau der Dr. Todtbrücke in der Gauhauptstadt Salzburg', in R. Ardel and H. Hautmann (eds) *Arbeiterschaft und Nationalsozialismus* (Vienna: Europaverlag), as well as in a variety of newspaper and magazine articles, the literary and historical were combined to provide tourists with insights into the experience of slave labor during the Third Reich.
7. S. Lindqvist (1989) *Grabe, wo du stehst. Handbuch zur Erforschung der eigenen Geschichte* (trans. M. Dammeyer) (Bonn: Dietz Verlag).
8. The Lebanese Emigration Research Center, founded in 2003, introduced the local people's history festival concept to Lebanon that same year by preparing and carrying out a 'Migration History Workshop Festival' in the northern Lebanese mountain town of Ehden in the summer of 2004: see <http://www.ndu.edu.lb/Lerc/past.htm>.
9. Maria Mies is considered to be the founder of the 'Betroffenheit' school of thought in Central Europe. This author applied feminist theories on 'affectedness',

or subjectivity, in research undertaken on the Third Reich, as well as the experience of 'guest workers' in the post-war economic boom period following the Second World War. See C. Müller (2010) '*Parteilichkeit und Betroffenheit*', in R. Beck and B. Kortendiek (eds) *Handbuch Frauen- und Geschlechterforschung, Theorie, Methoden, Empirie* (3rd edn.) (Wiesbaden: Verlag Geschlecht und Gesellschaft), pp. 340–3.

10. M. Luther King Jr. (1963) *Letter from a Birmingham Jail*, African Studies Center, University of Pennsylvania, [http://www.africa.upenn.edu/Articles\\_Gen/Letter\\_Birmingham.html](http://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html).
11. A draft version of the documentary, 'Antsernmekheli Armadner: Untouchable Roots', was screened in Anjar in September 2014. It was officially launched during the Centennial commemorations in April 2015.
12. 'History and Memory' track, *Healing History: Overcoming Racism, Seeking Equality, Building Community* conference, 3–7 July 2013, Caux Conference Centre, <http://www.caux.iofc.org/en/healing-history-0#spea>.
13. IofC Lebanon is an NGO recognized under the 'Lebanese Law of Associations' as well as being a constituent part of Initiatives of Change International, which is a global, Geneva-based NGO recognized by the Swiss 'Law of Association', <http://www.iofc.org/iofc-international>.

# 15

## Cultural Heritage and the Denial of Genocide Law

Nanor Kebranian<sup>1</sup>

In 1933, over a decade before inscribing the term ‘genocide’ in *Axis Rule in Occupied Europe* (1944) and ‘following a special invitation’ to a law conference in Madrid, Polish-Jewish attorney, Raphael Lemkin (1900–1959) proposed a set of offences he considered instrumental to defining ‘acts of extermination directed against [the] ethnic, religious or social collectivities whatever the motive (political, religious, etc.)’.<sup>2</sup> The proposal attempted to revise an initiative presented a few years earlier at the Conference of Warsaw (1927) to criminalize what was then described as the ‘intentional use of any instrument capable of producing a public danger’.<sup>3</sup> He suggested that ‘[p]ublic danger’ – which, he claimed, referred to ‘personally indeterminate individuals or an indeterminate quantity of the goods on a given territory’ – failed to capture the initiative’s intentions. Lemkin recommended, instead, the alternative wording, ‘interstate danger’<sup>4</sup> [*danger interétat*] to emphasize the threat posed to ‘the interests of several States and their inhabitants’.<sup>5</sup>

Couched under this revised wording, he proposed delineating a set of offences relating to ‘acts so harmful and dangerous to the international community that their character as offences against the law of nations would be considered by tone as indicated and necessary and could not raise any objection’.<sup>6</sup> These offences comprised specifically:

- a. acts of barbarity;
- b. acts of vandalism;
- c. provocation of catastrophes in international communications;
- d. intentional interruption of international communications;
- e. propagation of human, animal or vegetable contagions.

The first, ‘acts of barbarity’, delimited the kind of collective violence that became central to Lemkin’s conception of genocide. He described it as an attack intended ‘not only to harm an individual, but, also to cause damage to the collectivity to which the latter belongs’.<sup>7</sup> Further to such physical violence, he asserted that collective damage could also be perpetrated through

the 'form of systematic and organized destruction of the art and cultural heritage in which the unique genius and achievement of a collectivity are revealed in fields of science, arts and literature'.<sup>8</sup>

Lemkin did not succeed in having either offence juridically codified. Nevertheless, as David Kazanjian observes, '[i]f we take Lemkin's writings from the 1930s and 1940s together, then, we learn that [his idea of] "genocide" names the crime of being both a barbarian and a vandal'.<sup>9</sup> Indeed, the primacy of cultural destruction in Lemkin's and his supporters' notion of genocide is well-documented, as evinced in the debates regarding the UN Genocide Convention's (UNGC) inclusion of a clause on what has come to be phrased 'cultural genocide' or, in more recent years, also 'ethnocide'.<sup>10</sup> But certain UN Member States, fearing punitive measures for their respective histories and geopolitical policies, ensured the removal of such a clause criminalizing the systematic and organized destruction of cultural heritage. To date, no such law, even when proposed as an amendment to the UNGC, has been ratified.<sup>11</sup> Thus, 'cultural genocide' or the intentional obliteration of a differentiated population's cultural heritage currently remains merely a conceptual framework, not a punishable crime of or related to genocide.<sup>12</sup>

The deliberate and deliberated omission of an initially proposed clause on cultural destruction in the UNGC demonstrably reveals that the laws on genocide are in significant part laws of denial; that the very legal foundations criminalizing the act are constitutively encoded to preemptively deny its perpetration. Barry Sautman provides a compelling summary of the United States' tactics to affect such *abjorative legislation*, as I term it. He explains that

[i]n the Ad Hoc Committee that drafted the Genocide Convention, the United States was the only member to oppose inclusion of a ban on cultural genocide. It argued that matters covered by the Article should be dealt with elsewhere and in connection with protection of minority rights. At the same time, the United States opposed a UDHR [Universal Declaration of Human Rights] minority rights provision.<sup>13</sup>

In fact, employing Eleanor Roosevelt as its delegate, the US explicitly acted in 'interpretive'<sup>14</sup> denial when it

asserted that it had no minorities and insisted that minority rights be excluded from the UDHR because there were no minority problems anywhere in the Western Hemisphere. It then misrepresented the degree of support for the article by other Member States in order to defeat it in a committee maneuver.<sup>15</sup>

Sautman goes on to make the equally significant observation that

there is no indication that in an expanded, post-colonial United Nations most states would favor a ban on cultural genocide, as the actions of

many states may give rise to charges against them. U.S. leaders, for example, were aware that their actions during the Vietnam War might subject them to a claim of cultural genocide. ... [Thus,] [w]hile at least one scholar urges that cultural genocide be incorporated into the Convention, international lawmakers have shown no interest in doing so.<sup>16</sup>

'Cultural genocide', then, in its juridical absence constitutes the *trace* (in the Derridean sense) of the past, present and future of genocide denial. And the UNGC, as the enactment of its official exclusion, arguably sanctions that denial.

The material and historical conditions of Ottoman-Armenian cultural remains in Turkey poignantly instantiate this exclusion's ramifications and stakes. It is impossible to discuss the denied Genocide of the Armenians committed by reigning Ottoman authorities during the First World War without acknowledging cultural destruction's instrumentality in their annihilationist designs. And it would not be an exaggeration to suggest that the reigning CUP government's definitionally and juridically incriminating *intent* to enact genocide is signally substantiated by their own and their Turkish Republican heirs' treatment of Ottoman-Armenian cultural sites.

Taner Akçam observes, for example, that 'the complete erasure of the traces of the Armenians from their ancient homeland' is discernible in the motives to destroy a culturally critical Armenian institution:

Interior Minister Talat Pasha's 30 April 1916 telegram sent to the governor of Syria and commander of the Fourth Army, Djemal Pasha ... in connection with the Armenian Church in Sis is the clearest expression of this policy: 'Basically the goal of the abolition of the Sis Catholicate and, at the first opportunity, the expulsion of the Catholicos from there is *completely removing the existence of this place, which possesses a very great historical and national value in Cilicia for Armenians.*'<sup>17</sup>

The Catholicosate's physical destruction did indeed serve to 'remove the existence of this place' with all its culturally symbolic and material value. Lévon Nordiguan, introducing his exquisite archival reconstruction of the Catholicosate complex (Nor Vank), attests:

From this date [September 1915], and halted briefly by the French mandate of Cilicia (1919–21) which had permitted Armenians to return and reclaim their properties, one witnesses the monastery's progressive destruction, so effective that current travelers to Sis visiting the Armenian Catholicosate are struck by the almost total absence of its vestiges. Of the imposing cathedral, nothing survives but the two foundations of the apses; the rest is completely destroyed down to its foundations by the construction of a reservoir supplying water to the village.<sup>18</sup>

Of course, such acts of vandalism must be contextualized within broader discussions elaborating the political economy of late Ottoman genocidal violence. A growing number of scholars, most notably Uğur Ümit Üngör and Mehmet Polatel, have launched indispensable analyses of the economic and legal motivations and bases, which not only facilitated the genocide, but also, as importantly, instituted the functional foundations of its anticipated denial. New research in this area details the manner in which Armenian capital as liquid assets and also in the form of movable and immovable properties was confiscated and appropriated through extensive planning and implementation.<sup>19</sup> According to some interpretations

[Appropriated] Armenian properties served several goals: they were used to satisfy the needs of the Muslim refugees, to create a Muslim bourgeois class, to satisfy the military necessities during the war, to cover the government's expenses of deporting the Armenians, to satisfy various government necessities, and finally to establish irregular militias.<sup>20</sup>

These significant findings on the Ottoman government's opportunistic instrumentalization of Armenian wealth foreground *ex post facto* practical outcomes. But it is arguably in the violent acts of cultural destruction that the Ottoman genocidal intent to purge the Armenian presence is most illustrative; an intent that, as Akçam demonstrates, became normalized in the 'spirit' of the subsequent Turkish Republican legal structure in order to ensure that 'even if the Armenians survived, nothing would be returned to them and all traces of them and their existence would be erased'.<sup>21</sup>

The most vivid illustration of such erasure was ostensibly the treatment of centuries-old religious structures such as the Sis Catholicosate compound. As explained in Chapter 6, according to the 1913–14 archives of the Armenian Patriarchate of Istanbul, Armenian religious structures totaled 2,538 churches and 451 monasteries before the First World War.<sup>22</sup> At least one account claims that, with the onset of the massacres in 1915 and lasting until 1923, around 1,000 Armenian churches and monasteries 'were leveled to the ground' and 700 other religious constructs were half-destroyed through '[w]illful destruction by fire or explosives'.<sup>23</sup>

Such demolition by force qualitatively differs from other methods of defacement, such as many other sacred sites' conversions into 'mosques, museums, prisons, sporting centers, granaries, stables, and farms'.<sup>24</sup> It may be possible for some to explain away the latter instances as erstwhile necessities in the war effort or as a result of 'abandonment' by Armenian constituencies. The history of the other structures' violent razing, however, dramatizes, instead, a historically conscious and future-oriented will to annihilate, one that has come to fruition during the Turkish Republican era.

Religious structures' Ottoman-era conversions and ruins are and have been common knowledge to Armenians for a century. But in the last decade,

this knowledge has mobilized efforts for pursuing inroads toward reparative justice and even reconciliation through attempts at reclaiming and restoring destroyed properties. The return to these ruins' afterlives is grounded in Turkey's shifting political culture. Though extremely limited and always within sight of its own immediate interests, the governing AKP has deviated somewhat from Kemalist ultra-nationalism to be at least rhetorically more inclusive, at times publicly addressing previously taboo pages from repressed Turkish histories of violence.<sup>25</sup>

The government's bid for full EU membership has been cited as one of the major, and reportedly insincere, motivations propelling such change. Simultaneously, and perhaps more importantly, Turkish civil society has and continues to contest ever more publicly official narratives of Turkish homogeneity and exclusivity,<sup>26</sup> 'often articulated', as Heghnar Watenpaugh asserts, 'through cultural heritage'.<sup>27</sup> Meanwhile, Armenian constituents, especially in the United States, have brought unprecedented visibility to Ottoman-Armenian sites of ruin through what has since the 1990s developed into a kind of 'return to *Yerğir* [country]' movement, spurred by mushrooming 'pilgrimage' tourism and its discursive reverberations throughout reportages, testimonials, travelogues, films and memoirs.<sup>28</sup> And, most importantly, renovations at three sites – various structures in Ani; the Church of the Holy Cross (Surp Khach) in Akdamar; and the St Giragos Church in Diyarbakır – have become nodes of sociopolitical discussion and activity around especially questions of reparative justice and reconciliation.

To that end, Heghnar Watenpaugh's comprehensive account on Ani's restorations claims that the coincidence

of the official MCT [Ministry of Culture and Tourism] restoration and the public debate about non-Muslims in the late Ottoman Empire has positioned Ani at the center of dialogue about the ambiguities of preservation and the politics of cultural memory in contemporary Turkey.<sup>29</sup>

Ani's history of ruination differs in complexity from Holy Cross and St Giragos. Having become the capital of the medieval Armenian kingdom in the 10th and 11th centuries CE, the city's decline and desolation followed from the Mongol invasions, earthquake and changing trade routes long before the Ottomans and the First World War. Turkey's policy of erasure regarding its Armenian history, however, as well as the irregularities surrounding its structures' renovations, draw the area into the orbit of cultural destruction and genocide denial.

Watenpaugh discusses Ani's significance precisely within this context, identifying the numerous stakeholders invested culturally, politically, economically and academically in the site's renovations. And she concludes by raising the possibility of treating cultural heritage as the basis for 'projects for justice, truth, and reconciliation' with Ani as the potential prototype for

turning contested cultural heritage into an opportunity for ‘encounter, dialogue, reflection, and perhaps even reconciliation’. That is, with the proviso that the difficult issues at Ani should be ‘admitted’ and ‘contests over the site’s meaning should be acknowledged rather than ignored and engaged in rather than silenced’.<sup>30</sup>

Watenpaugh leaves the precise identities of these agents of encounter, dialogue, reflection and reconciliation unclear, though it is safe to assume that the forms of admission and acknowledgment she considers a prerequisite entail the Turkish state’s official recognition of its genocidal history. Given the absence of further specifications, one might argue that based on Watenpaugh’s own stated findings in this article, encounter, dialogue, reflection and certain kinds of reconciliation are and have been well underway among individuals as well as organizations invested in excavating and preserving Ani’s multidimensional heritage. Among these, she names the Armenian-Turkish Stonemasonry Cooperation Program, which ‘brings together stonemasons, architects, cultural tourism experts, and private-sector representatives from the Armenian city of Gyumri and the Turkish city of Kars for training and *dialogue* “to promote cross-border efforts to preserve their common cultural heritage through restoration, the opening of new markets, and tourism”’.

She identifies certain academics who have suggested that Armenian experts should be involved in Ani’s preservation. And she also notes the role that Ani plays as a ‘catalyst for dialogue and reconciliation’ in the Armenia-Turkey project, “‘Ani as a Cultural Bridge between Armenia and Turkey”, which is led by the Institute for Historical Justice and Reconciliation based in The Hague and intended to increase confidence building among Armenian and Turkish historians, cultural experts, and civil society leaders’. Yet, having enumerated these exemplary instances, Watenpaugh insists on their insufficiency, given the ‘disconnection between the iconic status of Ani as a symbol of collaboration and reconciliation and the actual treatment of the site, where any activity on the ground is subject to MCT policies’. Nonetheless, she further claims that the gaps between civil society debates and state initiatives may be closed with the ongoing involvement of such heritage institutions as the World Monuments Fund and Anadolu Kültür.

A significant ambivalence of recognition thus pervades Watenpaugh’s discussion on the possibility of employing cultural heritage as a nexus for reconciliation. It seems at first to be indicative of official Turkish genocide denial, which, despite scattered civil society initiatives, prevents any lasting, actionable solutions to halting Armenian cultural destruction in Turkey. But I would suggest that this ambivalence arises from the very idea of reconciliation, which Watenpaugh and many others never attempt to define.

What does it mean to reconcile in this case? Who might the initiators, arbiters and beneficiaries of such reconciliation be? Is reconciliation a question of rhetorical admission or does it require some official, legal or

economic settlement? It is entirely possible in Turkey today for former Armenian proprietors, such as the Armenian Patriarchate in Istanbul,<sup>31</sup> to legally and successfully reclaim their confiscated properties. Do such successful reclamations count as reconciliation? Does it automatically follow that if Turkey admits to a genocidal past, Armenian heritage sites will no longer be subject to ruin and may even be restored? If so, based on which legal provision(s)? In its own defense, if unconvincing, Turkey can cite recent legal amendments to ensure non-Muslim foundation properties' return to their rightful owners – that is, if claimed during the mandated 1936 Declaration and with various practical limitations.<sup>32</sup> Could this initiative be deemed an act of reconciliation?

Before assaying responses to these queries, let us recall that cultural destruction does not legally qualify as an act of genocide. It is this fundamental juridical denial encoded within the UNGC that prompts the irreconcilable ambivalence in Watenpaugh's proposal. For, had such a law existed or had subsequent amendments introduced by representatives of indigenous groups been incorporated, it might have been possible to pursue genocide reconciliation with the Turkish state through legal settlement on the preservation or at least non-destruction of Armenian heritage sites.

It might have been possible to imagine the remaining Armenian community in Turkey as plaintiffs launching proceedings against the state for expressly endangering their socio-cultural existence through their material heritage's systematic erasure. And the genocidal intent, if not of the CUP, then of the Turkish Republic could have certainly been put on trial. The calculated exclusion of a cultural destruction clause in the UNGC prevents the identification of cultural heritage as a site of genocidal intent; and, by logical as well as juridical inference, it renders calls for reconciliation predicated upon state recognition of cultural destruction untenable.

That is not to say that such acts of destruction cannot be recognized under other legal texts and prosecuted for reparations accordingly. Though addressing specifically economic rather than cultural losses, Susan Karamanian has suggested employing contract and property law as the most viable legal option for those seeking restitution. She suggests such institutional avenues as Turkish municipal courts as well as non-Turkish courts and tribunals, specifically the European Court of Human Rights (ECHR), as venues for legally reclaiming expropriated wealth and properties.<sup>33</sup> The ECHR has indeed set a legal precedent for Turkey's responsibility for actions against cultural property with the *Loizidou v. Turkey* case regarding Greek-Cypriots' rights to their properties in Northern Cyprus.<sup>34</sup>

Although this case, among several others, marks a significant development, it nonetheless remains restricted to particular disputes over illegitimate expropriation. The larger issue here, though, is cultural destruction as a form of systematic persecution against minority nationals that amounts to a crime against humanity. And it is an issue that, when arising from non-conflict

contexts, presents considerable challenges in claims for restitution made to international courts.<sup>35</sup>

Joseph Fishman sheds light on this challenge by explaining that international law on such injuries relates primarily to property belonging to alien nationals, such that sovereign states' 'decisions regarding their own nationals' property have remained essentially internal affairs. As a result, if aliens are not involved, there is normally nothing short of a treaty obligation to "internationalize" the state's decisions.<sup>36</sup>

Fishman details, moreover, existing laws' state-centric approach, as evinced, especially, in the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing Illicit Import, Export, and Transfer of Ownership of Cultural Property, where "[t]he 'State' and its 'national' culture, laws, institutions and enforcement regimes permeate every aspect".<sup>37</sup> And though since 2000, 'nonstate actors are emerging as rights holders in cultural property on the international stage' through various rulings and declarations – mainly the ICTY, the worldwide condemnation of the Taliban's destruction of the Bamiyan Buddhas, and the ensuing 2003 UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage – Fishman asserts that they amount to 'a nonbinding commitment that does not independently form the basis of a legal obligation'.<sup>38</sup>

The same conclusion may be rendered regarding the Turkey Christian Churches Accountability Act (H.R.4347) passed by the US House Foreign Affairs Committee in June 2014 and strongly supported by Armenian-American interest groups, most notably the Armenian National Committee of America. Much like the 2003 UNESCO Declaration, H.R.4347 may be seen as 'at best purely hortatory, and at worst suggestive that "the main preoccupation [is] to preserve ... domestic interests rather than to produce an instrument having the effective scope of safeguarding a value belonging to the international community as a whole"'.<sup>39</sup>

In that respect H.R.4347 also instantiates the tenuousness of citing cultural destruction as a genocidal crime. This Act '[d]irects the Secretary of State to report annually to Congress until 2021 on the status and return of stolen, confiscated, or otherwise unreturned Christian churches, places of worship, and other properties in or from the Republic of Turkey and in the areas of northern Cyprus occupied by the Turkish military'.<sup>40</sup> It also '[r]equires that a summary of such information be included in the annual Country Reports on Human Rights Practices and the International Religious Freedom Reports'.<sup>41</sup>

These requirements and their justification are couched in the language of religious freedom and with reference to the US government's diplomatic commitment to safeguarding and promoting religious freedom abroad. But several of its findings – specifically (6), (10) and (13) – read together as core aspects of the bill's stipulated rationale, intimate the idiom of genocide by

cultural destruction, though neither H.R.4347 nor its precursor H.R.306, introduced in 2011, ever employ the term 'genocide'. These findings condemn Turkey for preventing 'rightful Christian church authorities' from 'safeguarding, repairing, or otherwise caring for their holy sites upon their ancient homelands, because the properties have facilities, or museums, or [are] subjected to deliberate neglect'.

They claim that '[t]hese ancient territories [that is, Anatolia] were for thousands of years home to a large, indigenous Christian population, but, because of years of repressive Turkish Government policies, historic atrocities, and brutal persecution, today Christians constitute less than one percent of Turkey's population'. And they cite the United States Commission on International Religious Freedom, which in 2012 reported that the Turkish government's "[l]ongstanding policies continue to threaten the survivability and viability of minority religious communities in Turkey".<sup>42</sup>

These findings bear a strong resemblance to the excised Article III of the UN Ad Hoc Genocide Committee's initial 1946 draft, which defined as genocidal

any deliberate act committed with the intent to destroy the language, religion or culture of a national, racial or religious group on grounds of national or racial origin or religious belief such as ... destroying, or preventing the use of, libraries, museums, schools, historical monuments, places of worship or other cultural institutions and objects of the group.<sup>43</sup>

H.R.4347's elusive and ambiguous phrasing, especially as evinced in such wording as 'repressive policies', 'historic atrocities' and 'brutal persecution', exhibits the same kind of abjurative legislation which through the UNGC has legally obstructed the prosecution of cultural destruction as a genocidal crime. In so doing, this bill establishes, moreover, a legislative platform for promoting reconciliation without recognition, insofar as reconciliation denotes, '[t]he purification or reconsecration of a desecrated church or holy place' and '[t]he action or an act of bringing a thing or things to agreement, concord, or harmony'.<sup>44</sup>

Countering both Watenpaugh's requirement for recognition-*toward*-reconciliation and H.R.4347's tacitly mandated reconciliation-*without*-recognition is a phenomenon consisting of both state and civil society actors engaging in and promoting recognition-*cum*-reconciliation. This phenomenon revolves around the recently renovated (2011) Church of St Giragos in Diyarbakır, which Watenpaugh herself notes and designates as an inclusive production of 'counterheritage'.<sup>45</sup> Yet, despite the local government's, that is, the Diyarbakır municipality's direct involvement in the restoration, she considers it a non-government initiative ('in contrast to government projects').<sup>46</sup>

One can easily argue that St Giragos' renovation was in significant part a government initiative, given the direct involvement of and funding by the

local municipal council, and especially of such political actors as Abdullah Demirbaş, mayor of Sur, and Osman Baydemir, mayor of greater Diyarbakır. Though certainly not representative of the entire Turkish government, the developments in Diyarbakır – be they St Giragos' restoration, Armenian-centered cultural events and language classes at the site, the re-conversions of Islamized Armenians to Christianity through baptisms held at the church, or public acknowledgments and commemorations of the Armenian Genocide by local officials and residents – the regional government's commitment to resuscitate Armenian heritage in the region constitutes recognition and reconciliation at the levels of both state and civil society.

It is a potentially replicable phenomenon, as evidenced in the case of Bitlis, where, following St Giragos' reconstruction, certain municipal officials have expressed interest in reintroducing Armenian heritage by renovating the district's remaining Armenian church, and where they have also now succeeded in renaming a street after William Saroyan. Beyond sweeping and hitherto unrealizable recommendations for Armenian-Turkish reconciliation – from establishing an independent historical commission<sup>47</sup> to joint bilateral policymaking by the governments of Armenia and Turkey<sup>48</sup> –, beyond the potential for cooptation by state interests (*à la* Ani and Holy Cross), and independent of the UNGC's abjorative legislation, in short, beyond the law of genocide and its denialist consequences, localized ventures of cultural reconstruction have and may continue to provide the most consequential forms not only of recognition and reconciliation, but more importantly, of revitalization and liberation.

## Notes

1. Assistant Professor, Department of Middle Eastern, South Asian, and African Studies, Columbia University.
2. R. Lemkin (2000) *Acts Constituting a General (Transnational) Danger Considered as Offences Against the Law of Nations* (trans. J. T. Fussell), <http://www.preventgenocide.org/lemkin/madrid1933-english.htm> [in the original the italicized text was in bold typeface].
3. *Ibid.*
4. This has also been translated less accurately as 'transnational'.
5. Lemkin (2000).
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. D. Kazanjian (2011) 'Re-flexion: Genocide in Ruins', *Discourse*, Vol. 33(3): 367–89 (369). Kazanjian's article provides an important critique of Lemkin's distinction between civilization and barbarity, and his complete failure to account for Euro-American crimes against indigenous populations.
10. Lemkin employed 'ethnocide' synonymously with 'genocide'. The term is now associated or equated with 'cultural genocide'. See B. Lukunka, 'Ethnocide', Online Encyclopedia of Mass Violence, 3 November 2007, <http://www.massviolence.org/Ethnocide>, ISSN 1961-9898.

11. B. Sautman (2003) "'Cultural genocide" and Tibet', *International Law Journal*, Vol. 38(2): 181–7; S. Mako (2012) 'Cultural Genocide and Key International Instruments: Framing the Indigenous Experience', *International Journal on Minority and Group Rights*, Vol. 19(2): 175–94.
12. See Mako (2012).
13. Sautman (2003), p. 182.
14. S. Cohen (2001) *States of Denial: Knowing about Atrocities and Suffering* (Oxford: Polity Press), p. 7.
15. Sautman (2003), p. 182.
16. *Ibid.*, p. 184.
17. T. Akçam (2014) 'The Spirit of the Law: Following the Traces of Genocide in the Law of Abandoned Property', *International Criminal Law Review*, Vol. 14(2): 379 [emphasis added].
18. L. Nordiguian (2012) 'La Cathédrale de Sis: Essai de reconstitution', in R. Kevorkian et al. (eds) *Les Arméniens de Cilicie: Habitat, mémoire et identité* (Beirut: Presses de l'Université Saint-Joseph), p. 55. All translations are mine. For more on Sis Cathedral and its archival reconstruction, see the Houshamadyan website, <http://www.houshamadyan.org/en/mapottomanempire/vilayet-of-adana/sandjakofsis/religion/churches-and-places-of-pilgrimage.html>. On 19 September 2014, the Catholicos Aram I of the Great House of Cilicia of the Armenian Apostolic Church declared at the fifth Armenia-Diaspora Pan-Armenian meeting at the Yerevan Opera House that the Holy See was preparing legal claims to regain ownership of the historic headquarters of the Catholicosate of Sis.
19. For a thorough compilation and review of this research, see B. Der Matossian (2011) 'The Taboo within the Taboo: The Fate of "Armenian Capital" at the End of the Ottoman Empire', *European Journal of Turkish Studies: Social Sciences on Contemporary Turkey*, <http://ejts.revues.org/4411>. See Chapter 6, Guibert and Kim, on the issue of restitution.
20. Der Matossian (2011), p. 27. See Chapter 1, Üngör, on paramilitary units.
21. Akçam (2014), pp. 380–1.
22. Kouymjian (1998), p. 4. For a comprehensive discussion of the Armenian Church's treatment during the Genocide, see S. Payaslian (2006) 'The Destruction of the Armenian Church during the Genocide', *Genocide Studies and Prevention*, Vol. 1(2): 149–72.
23. Kouymjian (1998), p. 8 citing Kevork Mesrob in *Hayastani Kochmak* (1931). Another article puts the numbers at 2,150 churches ravaged or burned, though without citing the source. See A. Hovannisian (1999) 'Turkey: A Cultural Genocide', in Chorbajian and Shirinian (eds) (1999), p. 149. Hovannisian's essay provides a brief but effective account of how contemporary Turkey employs cultural destruction as a form of genocide denial.
24. Kouymjian (1998), p. 8.
25. H. Watenpaugh (2014) 'Preserving the Medieval City of Ani: Cultural Heritage between Contest and Reconciliation', *Journal of the Society of Architectural Historians*, Vol. 73(4): 528–9. On a discussion of AKP's political acts calculated on such immediate interests, see Chapter 13, Erbal.
26. See Chapter 12, Bayraktar and Chapter 11, Elmas, on the changing discourse in Turkey.
27. Watenpaugh (2014), p. 528.
28. Such material is too numerous to list. For a preliminary discussion on these 'pilgrimages', see Z. T. Hoffman (2014) 'Diaspora Tours and Place Attachment: A Unique Configuration of Emotion and Location', in H. Jones and E. Jackson (eds)

- Stories of Cosmopolitan Belonging: Emotion and Location* (London and New York: Routledge), pp. 141–56.
29. Watenpaugh (2014), p. 530.
  30. *Ibid.*, p. 548.
  31. 'Armenian Patriarchate files suit in Turkey for property return', *Hürriyet*, V. Ziflioğlu, 16 March 2012.
  32. W. Zeldin (6 September 2011) 'Turkey: Minority Religious Congregation Property to be Returned under Historic Measure', *Library of Congress Global Legal Monitor*, [http://www.loc.gov/lawweb/servlet/lloc\\_news?disp3\\_l205402795\\_text](http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205402795_text).
  33. Karamanian (2014), pp. 256–7.
  34. 'Cyprus: Destruction of Cultural Property', <http://www.loc.gov/law/help/cultural-property-destruction/cyprus.php>.
  35. The ICTY and the Rome Statute of the ICC consider the destruction of cultural property to be a war crime. See 'Cyprus: Destruction of Cultural Property', <http://www.loc.gov/law/help/cultural-property-destruction/cyprus.php>.
  36. J. P. Fishman (2010) 'Locating the International Interest in Intranational Cultural Property Disputes', *Yale Journal of International Law*, Vol. 35(2): 347–404 (353).
  37. *Ibid.*, pp. 357–8.
  38. *Ibid.*, p. 366. This applies particularly to the UNESCO Declaration.
  39. *Ibid.*
  40. H.R.4347 – Turkey Christian Churches Accountability Act, 113th Congress (2013–2014), Bill Summary, <https://www.congress.gov/bill/113th-congress/house-bill/4347>.
  41. *Ibid.*
  42. H.R.4347 Bill Text.
  43. Sautman (2003), p. 182.
  44. 'reconciliation, *n.*' *OED Online*. Oxford University Press, December 2014, <https://www.oed.com/view/Entry/159781?redirectedFrom=reconciliation&>.
  45. Watenpaugh (2014), p. 544.
  46. *Ibid.*
  47. E. Barkan (2007) 'Can Memory of Genocide Lead to Reconciliation?', in Hovannisian (ed.) (2007), pp. 389–408.
  48. S. Payaslian (2007) 'Anatomy of Post-Genocide Reconciliation', in *ibid.*, pp. 409–28.

# 16

## Memorization of the Armenian Genocide in Cultural Narratives

*Anthonie Holslag*<sup>1</sup>

### Introduction

'Have you ever heard of "Gorky's curse"?' Nouritza Matossian asked me on 20 March 2003.<sup>2</sup> We were at her home in Hampstead (London). I had already been conducting research for two months, and since my time in London was brief I had filled my days with as many interviews as possible. I had already spoken with the Armenian ambassador, an Armenian artist and an Armenian minister. I was too exhausted to satisfactorily conduct another interview. Yet her story caught my attention and would eventually be one of those narratives that turned my research approach upside down. Nouritza continued:

There is a rumour going round the galleries of New York that Gorky's paintings are cursed. The painting *The Orators* has been damaged in a fire in 1957. Another painting – *The Calendars* – has been completely destroyed. Then there are rumours of paintings falling from walls and of a black-haired ghost in a blue overcoat that visits Gorky's old house in Sherman, Connecticut. ... I did not really know who Gorky was ... I mean, I had heard of him, and I had read something about his abstract art, but I had never seen any of his works. I thought he was a Russian artist ... He did not carry an Armenian surname.<sup>3</sup> Only much later I discovered that his real name was Vosdanig Manoug Adoian. I remember how I walked into Tate Gallery and how I affixed when I saw *her* face on the wall. The painting was called *The Artist and His Mother*, and I recognized it. There was something about those eyes. I don't remember exactly what, neither can I explain it, but they were so familiar that I cried. Looking back I recognized something in all of his paintings – even the abstract ones. The Armenianness in his art was so obvious.

I had heard other informants speak about Gorky in similar ways. One of them, known as Sushan, went a step further: 'He symbolizes everything we

lost, Anthonie.' This was another comment I had heard before and they gave me an insight into what Geertz considered as the webs of meaning:

[M]an is an animal suspended in webs of significance he himself has spun. I take cultures to be those webs, and the analysis of it to be therefore not an experimental science in search of law but an interpretive one in search of meaning.<sup>4</sup>

The implication is that 'culture', as we often presume in day-to-day dialogue, is not something fixed beyond the boundaries of our sphere of influence, but is fluid. We construct culture over and over again, through dialogue, through narratives, through interpretations that we confirm; we thereby solidify the world around us. My informants' narratives were ridden with comments about 'loss' and 'identity', but also 'strength'. How could these be placed within the cultural narratives they constructed about themselves and their past? And how could these narratives be connected to the collective experience of the Armenian Catastrophe?

In this chapter I explore how descendants of survivors of the Armenian Genocide in the Netherlands and London give meaning to their collective history, examining how they encapsulate the genocidal violence in their narratives, what cultural meaning they derive from the violence and how internalized this violence remains in their sense of 'identity'. Adopting a dual approach, I first discuss the nature of genocidal violence as a symbolic construct of genocidal intent and argue that genocidal violence has specific cultural expression and meaning. Secondly, I use ethnographic data I have compiled to analyze how the meaning of violence can be internalized and can be used as 'empowerment' by the victimized group in question.

This chapter is concerned with explorations of meaning and not facts, and fits within Kidron's 'search for narrative truths'.<sup>5</sup> It is therefore not a closed-off research field, but contains what van de Port labels 'cracks': 'I favour stories with cracks ... texts where you can still find the remains, the greasy edges of crumbs of other, untold stories, other possible kinds of arrangement, other possible claims'.<sup>6</sup> These are *my* arrangements, *my* claims on how my Armenian informants construct their history.

## **An anthropological approach to genocide**

In this section I will explore genocide not only as a physical act, but also as a cultural narrative and a symbolic act through which the Ottomans tried to construct a new national 'Self' by destroying an 'Other'. As Appadurai puts it: '[perpetrators] establish the parameters of this otherness, taking the body apart, so to speak, [is] to divine *the enemy within*'.<sup>7</sup> In this sense, killing is the ultimate power: it solidifies the *existence* of the dominant culture group. By

killing they show their supreme dominance over the social, national, geographical (the nation state) and even the historical body. The mechanisms of 'Othering' and Staub's 'self-concept' are instructive in this respect.<sup>8</sup>

### Othering and selfing and the protection of the self-concept

Genocide occurs when the self-concept of the dominant culture group is imagined to be in danger. It is in these instances, during a political or a financial crisis, where the dominant culture group will try to formulate the boundaries of their identity, or in some instances, create a new identity through the process of Othering.<sup>9</sup>

Genocide is therefore a highly symbolic form of warfare. The intent behind it aims not at conquering a country, gaining access to resources, repressing a population or meeting specific political or militaristic goals. Genocide is first and foremost the destruction of an identity.<sup>10</sup> To grasp this, it is necessary to describe the perpetrators' mindset<sup>11</sup> based on concepts of 'identity', 'purity' and 'safety'.<sup>12</sup> The destructiveness of genocide lies in the *sociale imaginaire*:<sup>13</sup> a complex network of ideas, imagery, values and symbols. Or as Semelin puts it: 'Identity supplies the framework within which the process of violence will take shape.'<sup>14</sup>

When the self-concept is imagined to be in danger, the dominant cultural group will act to safeguard it. It can do this by various means: setting out new laws, rethinking its notion of the nation state,<sup>15</sup> or establishing a new identity distinguished from the former identity and with its own historical background. Intellectuals act as 'identity entrepreneurs',<sup>16</sup> applying a specific interpretation of history, synergized with scientific ideas or theories, to try to create among the chaos a 'new' and 'stronger' Self.

Othering takes a central role in this and is a process by which negative connotations are attached to a specific group within society to differentiate the inner circle (for example the new political elite) from the outer circle (the outsiders). In many cases, these negative connotations have first been attached to the old governing elites, then to foreign powers and the external threat that they appear to impose and, finally, to imagined 'internal enemies'.<sup>17</sup> In each step of this dialectic process, the self is being established and solidified. Thus, in the Ottoman Empire the blame for the economic and political decline slowly shifted from the old Ottoman elite and the Sultan to outside foreign forces (similar to the threat imagined by Milosevic during the break up of Yugoslavia, which he blamed on Western manipulations, mainly emerging out of Germany) and then to internal specified minorities.

This perceived threat to the self-concept allows the perpetrators of genocide to act on a sense of victimhood. This explains how the process of Othering is considered to be 'pathological'; it not based on a positive self-image, but on a negative self-image. The perpetrator group perceives itself as the victim of a crisis – a narrative that often accompanies genocide. For example, Hitler repeatedly emphasized that the NSDAP, and later the German people,

were victimized first by the politicians of the Weimar Republic, next by the European superpowers and later by the intangible and imagined 'Jewish conspiracy'.<sup>18</sup> There have been similar processes in Bosnia, where Milošević emphasized Serbian victimhood over the *poturice* (Muslim 'turncoats' and 'traitors'),<sup>19</sup> or in Rwanda when the Hutus imagined themselves to be the slow-witted victims of the *hamite*, the intellectual invaders (Tutsis).<sup>20</sup>

Otherring has therefore implicitly another dimension, 'Selfing'; a dialectic process by which not only an 'Other' but more importantly a new 'Self' is created.<sup>21</sup> If the 'Other' is perceived as 'backwards' or 'conniving', the 'Self' is implicitly considered 'progressive' or 'honest'. This process ascribes positive connotations to the 'Self' by degrading the 'Other'.

Otherring and Selfing are a constituent part of day-to-day identification processes by which a sense of collective identity is created. During genocidal processes, however, Otherring and Selfing are taken to a negative and pathological extreme by which the Other becomes increasingly essentialized.<sup>22</sup> At this point, the process of Otherring, which first starts in the *imaginaire social* of the new elite, becomes physical and tangible. For the Self to be constructed, the Other has to be solidified. The Other cannot only exist in a 'mental construct'; it has to become visible and tangible in day-to-day interactions.

Turning to the Armenian Genocide, the fear of the vulnerability of the 'self-concept' lies in the history of the Ottoman Empire, which I will briefly discuss here.

The Ottoman Empire was established in the 14th century and was from the outset multi-ethnic, multinational, multicultural and multilingual. The driving force behind the Empire was the *Ghazi* (warrior) tradition, based on a Pan-Islamic ideology which placed the world in two 'houses': the House of Islam and the House of War. The former was inhabited by true believers, the upright Muslims, who in an ideal future would coexist harmoniously in a large Islamic Empire. Non-believers occupied the House of War and were subordinated.<sup>23</sup> According to this ideology, the *Ghazis* were justified in conquering non-believers' land, thereby expanding both the House of Islam and the Empire's boundaries through military expeditions.<sup>24</sup> At its height, around 1566, the Empire was the dominant regional political and naval power.<sup>25</sup>

The Ottoman Empire's political interior was central, hierarchical and patriarchal. The system was composed of several *millets*, religious groups with their own representatives who were given *aman* (mercy) by the Islamic elite. The *millets*, such as the Armenians, were subordinated but, since they practiced a monotheistic religion, they were given some privileges within their own community.

The state declined from the 17th century onward. The size and enormity of the Empire made central governance of all provinces extremely difficult. The territorial ambitions of European imperial powers and the

Persian dynasties in the Middle East competed for the same geographical and political aspirations as the Ottomans. The multi-ethnic Empire included Armenians, Assyrians and Orthodox Greek Christian minorities. They had specific ethnic identities based on religion, kinship and trade relations. Since their land had been conquered by different Empires, their identity was not national. This would be an important factor in the genocidal processes in the 20th century, when these groups, out of nationalistic motives, were branded as 'enemies' within.

The waning power of the Ottoman Empire fostered anxiety and fear among top political leaders about the empire's self-identity and future as a great power. Fear can provide a breeding ground for a pathological fixation on identity and therefore offers insight into how genocides can develop.<sup>26</sup> The origins of genocide are not found in hatred, as is popularly argued, but rather in the fear of the 'self-concept'.<sup>27</sup>

Genocide occurs during moments of crisis and is in essence *reactionary* in nature.<sup>28</sup> In the early 20th century, the Ottoman Empire continued to be in decline. Young intellectuals, called the Young Turks, such as Ziya Gökalp (one of the major identity entrepreneurs of the movement and committee)<sup>29</sup> sought answers in the European national and democratic movements and staged a coup in 1908, when the CUP party was founded. According to Gökalp and other Young Turks, the challenges the empire faced were *not* to be answered by reconfiguring the borders or halting its expansionist policies. Instead, answers were sought within.

During this time, the Pan-Islamic ideology slowly became obsolete and Islamism was contrasted with Turkism. Islamism and its *Ghazi* tradition were doomed to failure.<sup>30</sup> Gökalp adopted these ideas and went a step further. Influenced by national and secular movements and by Durkheim's social scientific ideas of social cohesion, Gökalp maintained that Turkey's survival was dependent on a new national, mono-ethnic identity. He envisioned a Pan-Turkish identity built on 'Turan' or 'Turkish' identity and culture.<sup>31</sup>

These ideas suggested enormous social change; abandoning the *millet* system and the multicultural and multi-ethnic character of the Empire. A new image of the Self had to be created through the construction of an Other that separated the old Ottoman elite from the new elite from 1908 onward.<sup>32</sup>

The process of Othering and Selfing is apparent at the onset of the Armenian Genocide. Defeat in the Balkan wars in 1912 and 1913 was the nadir of loss and failure.<sup>33</sup> Although the CUP was a secular and a multi-ethnic political movement at first, by the end of the second revolution in 1913 it had become a dictatorship largely run by three prominent individuals: Mehmet Talaat (interior minister), Ishmail Enver (war minister) and Ahmed Jemal (military general). At this time, other ethnic groups, Assyrians and Armenians, were excluded from the party, and the CUP's Turkification program gained full momentum. Othering became a visible state policy.

Armenians' names had to be changed to Turkish names, properties were confiscated and all Armenians had to turn in their personal weapons. From 1913 onward, Christian traditions were forbidden in public life and the only language allowed in schools was Turkish.<sup>34</sup>

This Othering was no longer an imagined or intellectual exercise in the mindset of the new political elite, but a political and physical exercise whereby a targeted group was no longer seen as part of the larger polity. As the newly constructed Ottoman Self was increasingly perceived to be threatened, it used ever more extreme measures to protect itself. Ideas of social engineering took a new and prominent place in government policies.

From the perception of the perpetrators, the country had to be purified and cleansed of all foreign influences in order for the in-group to *exist*.<sup>35</sup> With tensions increasing with the start of the First World War, the battle of identity became a battle of existence; as Gökalp wrote at the outset of the war: 'only a State consisting of one nation can exist'.<sup>36</sup> In the spring of 1915 Talaat spoke to a correspondent after he had received telegrams about the violence against Armenians in Erzurum:

I received many telegrams about the Armenians and became agitated. I could not sleep all night. This is something that a human heart cannot bear. But if we hadn't done it, they *would have done it to us*. Of course we started first, that is *the fight for national existence*.<sup>37</sup>

It was therefore unsurprisingly during the First World War – when the Ottoman self-concept was in even more danger – that genocidal processes unfolded through the 'cleansing' of Others both from the civic and political body and from public space. In 1914 Orthodox Greeks were forcibly deported. On 24 April 1915 the *millet* system was dismantled and prominent Armenians were captured and murdered. In the summer of 1915 the first death marches of Armenians and Assyrians commenced. Estimates place the death toll from 800,000 to over a million Armenians.<sup>38</sup>

If we summarize the symbolism of the violence and compare it to the mechanisms of Othering and Selfing we observe that during each step in the continuum of destruction the violence increases and a layer of identity is stripped from the victimized group.<sup>39</sup>

First, primary identity markers, like names (kinship), language, (collective) history and religion are destroyed, followed by physical destruction. These acts of violence are highly symbolic: the victims are concentrated, overpowered, de-gendered, dehumanized and slaughtered. This violence, as a cultural expression, carries tacit and symbolic meaning. Through the act of positive mirroring the identity layer that is stripped away is confirmed and solidified by the in-group. By destroying the names (kinship), religion and the language of the victimized group, the perpetrators confirm and solidify their own kinship, their religion and the superiority of their language. By

making the collective history of the out-group subordinated to the nationalistic tale, the perpetrators actually confirm their own history. Within each step of the violence, the in-group's pathological fixation on identity is symbolically 'resolved', ending with the most gruesome acts.

This is where genocidal violence differs from other acts of collective violence. Whereas warfare is used to meet a political end and revolutions are used to overthrow hegemony, genocidal violence aims for the complete destruction of an identity. This is why the violence is indiscriminate: targeting members regardless of their age, sex, gender, status or rank; it aims at citizens of all classes and usually generates cultural genocide and ethnic cleansing. Genocide is successful when a specific group no longer exists, or when the nation state and the national history is 'cleansed' of this 'foreign element'.

Victims feel this sense of loss in the most literal way. Survivors, even of the second generation onwards, are overtly occupied with their identity and are, at their core, afraid to lose it again.

### **Suffering and resurrection: an Armenian narrative**

Consequences of genocide are distinguished between visible and invisible. Visible consequences are measurable: for example, the death toll, the number of missing persons and the misappropriation of property. Other visible consequences include the Great Diaspora, the colossal pull of refugees to new and often foreign territories, the destruction of political and religious institutions and, for many Armenian refugees, the loss of the Armenian language. Within these consequences lies the invisible effect of 'natal alienation':

When a group with its own cultural identity is destroyed, its survivors lose their cultural heritage and may even lose their intergenerational connections ... they may become 'socially dead' and their descendants 'nationally alienated', no longer able to pass along and build upon the traditions, cultural developments (including languages), and projects of earlier generations.<sup>40</sup>

Social death is the indirect outcome of the destruction of institutions and of an identity. This destruction is a continuous reminder of that which is lost. The expression of violence never stopped: the victimized group is reminded of it in their day-to-day dealings and its effects on them are exacerbated by the continued genocide denial of the Turkish government.

The visible consequences therefore perpetuate the invisible – the feelings of alienation resulting from violence and the preoccupation with identity in modern Diaspora communities. An in-depth analysis of the violence is necessary to understand the invisible consequences, for violence is the ultimate

intrusion, by which the victim is forced to abide to the physical reality as reshaped by the aggressor:

I am reality, war says [...] Experiences obtained in the terrible reality of the war, in which these confrontations with the most brutal violations of the integrity of the human body – violations of what is perhaps the ultimate story we have to tell about ourselves: the story that says that we are more than just skin, bones, blood and brains – seem to bring about an utter alienation.<sup>41</sup>

The experience of violence changes an individual and demands psychological defence mechanisms:

[A]ny excitations from outside which are powerful enough to break through the protective shield ... Such an event as an external trauma is bound to provoke a disturbance on a large scale in the functioning of the organism's energy and set in motion every possible defence measure.<sup>42</sup>

The bitter irony is that, whereas the threat against the Ottoman self-concept was imaginary, the threat against the existence of the Armenians was real. Those who survived the genocidal violence not only had to manage the trauma and memories, but also had to place this collective experience in a cultural framework. The feelings of alienation and destruction had to be explained, new traditions had to be built and new discourses about the 'self' and 'identity' had to be constructed.<sup>43</sup>

For the Hutus in the aftermath of the 'silent genocide' in Burundi in 1972, the experience of violence and the status of refugee gave the survivors a sense of imaginary empowerment.<sup>44</sup> The violence 'cleansed' them to return strong and purified (as they thought) to their homeland.

This symbolic re-empowerment is not uncommon, especially where the social fabric disintegrates and survivors are forced to create new discourses:

The range of these modes of symbolic re-empowerment is infinite – from 'imagined communities' that provide a quasi-familial, fantasized sense of collective belonging, through forms of madness in which one imagines that external reality is susceptible to the processes of one's own thinking, to 'techniques of the self' in which consciousness and the body are subject to all manner of symbolic manipulations.<sup>45</sup>

While it is not claimed here that the Armenians I interviewed had a 'quasi-familial, fantasized sense of collective belonging', they did attach specific symbolic meaning to their genocidal experiences. My respondents felt the

weight of their past. It was something they had to bear (suffering), but which also gave them strength (resurrection):

The genocide is the symbolism of our entire history! It shows what has been done to us for centuries, and what is still being done to us. We still have lost everything. We are still being suppressed. The genocide is the ultimate injustice. (Third-generation informant, London)

Or:

What do you think, Tony? That I will not tell my children about their history? That I will not teach them the Armenian language? How can I not? It is *our* history. We *feel* it. It is for *us* to carry this *weight*. (Second-generation informant, the Netherlands)

This 'weight' is not metaphorical; it is real and culturally placed within the body:

I can't explain it, but when I am waiting at the tram stop and see another person, I know whether he or she is Armenian, even though I have never met this person in my life. I can't explain it. You have to feel it. The same blood attracts each other. (Third-generation informant, the Netherlands)

When I grilled my informant about the importance of this blood, he explained to me: 'It is the sadness that we feel'.

In the aftermath of the genocide, the *genocidal experience* became an identity marker. It became a part of the cultural narrative and discourse. Even third- and fourth-generation Armenians I spoke to felt this 'pain'. More than that, it was not just *feeling* the pain, but also *carrying* the pain that had significance:

Armenians were always a minority. They have the strength to adapt ... We have a core so strong that nothing can get rid of it. Art, music, so refined, so evolved, that it nourishes the core. It gives us an emotional intelligence, a perceptiveness we value. We value the core. Because we have lost so many other things in our history. We carry this pain within ourselves. (Second-generation informant, United Kingdom)

Carrying this cultural pain makes the Armenian identity strong within the broader cultural discourse; this 'strength', like pain, is also carried within the body:

I knew a girl once who had an Armenian father and an English mother. The father was 'strong', the mother was weak, so when he died and the

daughter married, she was giving her children an Armenian upbringing; to pass the strength along ... It was in her blood, you see. (Third-generation informant, the Netherlands)

Most identity markers were destroyed during the Genocide. Armenians had to rebuild themselves. The collective experience – the Genocide – became one of the most significant building blocks. However, rebuilding an identity was a struggle. Some Armenians in the Dutch community, especially those who came to the Netherlands from Iran, Iraq and Armenia, believe that Armenians should speak the mother tongue in order to be a ‘true Armenian’ (the political discourse). Armenians in Turkey emphasize the current persecution of Armenians that they themselves have experienced, and the consequent suffering; their discourse is more cultural. This difference in discourse often collided and resulted in fights and quibbles during my fieldwork.

The Armenian identity is therefore not ‘finished’. It is an identity in creation, especially in Diaspora communities where the sheer existence of a dominant (and sometimes hostile) culture makes the question of the Armenian identity more urgent.

This ‘urgency’ is considered real, not metaphorical. If ‘identity’ is in the blood, marrying an *odar* (a non-Armenian) is a direct threat to the Armenian self-concept:

There was total assimilation into the *odar* world within one generation. We had managed to escape the bloody barbaric *charrt* of 1915. Now we were both left wounded emotionally by the ‘White *Charrt*’ – assimilation! There is no escape from the ‘White *Charrt*’. If allowed, the ‘White *Charrt*’ will finally achieve the aspirations of the vicious barbaric Turk – *our youth must understand this!*<sup>46</sup>

From an anthropological perspective the validity of this fear is irrelevant; it exists and is directly linked to the Genocide. In this quotation, we see how identity and its loss are connected; how the cultural expression of violence by the aggressor is internalized in the cultural identity of the survivor and is in fact embodied. The Armenian identity may be strong, it may have to carry a weight that no other ethnic identity can carry, but at the same time it is under continuous threat and must be protected. The original perpetrator’s pathological fixation on identity has become a watered-down and less aggressive fixation on identity among the survivors.

This discourse is trans-generational, but also trans-spatial in nature. It may differ in nuance in different Diaspora communities, but largely retains consistency over space and time. Since culture and identity are fluid and open for change and adaptability, this is a curious phenomenon. Yet if we examine the cultural narrative within the communities, we find a similar discourse about suffering and resurrection in the Netherlands, the United Kingdom, and

also in American literature as the following quotations show. The first is by Edgarian, taken from a scene when Seta, the granddaughter, asks her non-Armenian father (an *odar*), why he fell in love with her mother, Araxie:<sup>47</sup>

And this: at the day's end he came home and found his wife in their house, still choosing him. He loved her for this, he loved her so much he might kill another man if he had to. And it was not for her beauty ... but for a deeper mystery she carried, as some women possess good posture or a weighty brooch. He thought for a moment, and then it came to him, quite suddenly, that Araxie's mystery had something to do with sadness, a profound melancholy he thought their marriage would cure, though he had to admit, as yet it had not.<sup>48</sup>

Here we see a depiction of the suffering and the pain the Armenian carries, emphasized in Araxie's profound sadness and melancholy. We see a similar depiction in Balakian's *Black Dog of Fate*.<sup>49</sup> The loss of identity is best described when he tells the story of a distant cousin and Genocide survivor:

I walked out of our courtyard through the doorway where my father's crucified body had been left, and into the street. The sun was high and bright and the sky cloudless, and I decided not to put on my charshaff [(sic) outer garment with veil]. It did not matter anymore. Everyone seemed to know who was Armenian. We were marked, and I felt for the first time how false our names were. How the Turks had stripped us of that, too.<sup>50</sup>

The emphasis is, of course, on 'too'. In these sentences Balakian describes the cultural nature of genocide: the complete destruction of an identity in all of its forms.

This discourse is transgenerational and trans-spatial because it originated in one place and time: it was created, more or less unconsciously, in the aftermath of the Armenian Genocide. Any attempt to imagine the impact of the Genocide for the first-generation survivors<sup>51</sup> must consider factors such as that loved ones were killed, possessions were taken, many had fled their homelands and established themselves in often foreign and sometimes hostile places where they did not speak the language, and where they sometimes met other Armenians who spoke another dialect.<sup>52</sup> This was in a way the perpetuation of the violence itself. All institutions – an intellectual elite, a Church that used to be a binding factor, established political leaders and parties – were destroyed. Everything that was familiar, known, was uprooted. The world had suddenly become a hostile and unfamiliar place.

It is not strange that in these circumstances a new discourse of the Armenian identity had to be created. It is also unsurprising that the first generation of survivors used old and Christian symbols of suffering to give meaning to their collective experiences; it all had to be cocooned in new

webs of meaning. In this case webs of martyrdom, of suffering, where the Armenian could carry strength as a true Christian. This is visible in the narratives, the symbols, and so on.<sup>53</sup>

This 'new' discourse, which was partly made by the first generation, but even more by the second – which has had to come to grips not only with its collective history, but also with personal histories of silences, non-spaces of alienation and estrangement and violence that their parents could not communicate – can be described as an unconscious cultural dialectic between 'suffering' and 'resurrection'/'inner-strength'. The initial step for first and second generations was to make the unspeakable and the most incomprehensible acts tangible and understandable, if not for themselves, then at least for each other.

In this process, elements of the Genocide and genocidal violence were unconsciously incorporated in this narrative. The Armenian identity was placed in the body, and had to be preserved and protected against any possible destruction. This is where the cultural transmittal of trauma operates: partly as a result of the nature of the narrative itself, and partly because of the continuous denial of Turkey regarding the Armenian Genocide, which is a pervading reminder of the events. If identity is placed in the body it is also open to manipulation and impurification, especially in Diaspora communities where younger Armenians come into contact with non-Armenians. This enhances fears that Armenian identity will slowly disappear through a process of 'white genocide', and in turn results in the belief that Armenian Diaspora communities are in danger. In some cases, strict endogamy rules prevail.

The stalling and suffocating effect of not allowing Armenians to openly come to terms with the genocide has ensured that the narrative of suffering and, consequently, the collective trauma, continues. The Genocide has neither become part of the national discourse of countries with Diaspora communities, nor part of the world's narrative regarding violations of human rights and genocide. Recognizing the Genocide, both publicly and politically, is also recognition of the Armenian identity.<sup>54</sup> It would give Armenians an official right to remembrance or 'a tendency toward closure without resolution, but closure nonetheless'.<sup>55</sup>

### **Returning to a portrait of *The Artist and His Mother***

So the question remains: why did Nouritza react so emotionally to a painter she did not know? Why did she feel the 'Armenianness' even though the painter was unfamiliar to her? The cultural narrative of the Armenian Genocide and the history of the painting shed some light on these questions. At some point, Nouritza came to the conclusion that the eyes Gorky painted shared many similarities with the way eyes were painted in Armenian frescos.<sup>56</sup> In this sense, her reaction was subconscious because she recognized something that was typically Armenian. It could also be true that Gorky's portrait actually depicts the entire Armenian experience.<sup>57</sup> Gorky's other paintings, such as *Agony* or *How my Mothers Embroidered Apron Unfolds*

*in my Life* are abstract; a collision of colors, lines and figures. They depict a world of chaos, whereas the portrait depicts a world of clarity, of human relationship that is not uprooted.

Yet there is another interpretation and narrative. The paintings, for there are in fact two, are based on a photograph taken in Van in 1910, years before the Genocide; a period when the world still had its solid forms. The first, painted between 1926 and 1936, has warm pastel colors and is exhibited in the Whitney Museum of Art in New York. The second, painted between 1929 and 1942, is more expressive and is exhibited in the National Gallery of Art in Washington DC. Even in the first painting it is obvious that the mother is pale in comparison to her son. This is more marked in the second, where the red background makes the mother even paler and gives the painting a sense of imminent danger. If we take into account that Gorky's mother died of starvation in 1919, these paintings gain additional meaning. As fellow painter Schary observed:

This picture took a hell of a long time. He'd let it dry good and hard. Then he'd take it into the bathroom and he'd scrape the paint down with a razor over the surface, very carefully until it got as smooth as if it were painted on ivory. You look at the picture and you won't be able to tell how he did it because there are no brushstrokes.<sup>58</sup>

These portraits are therefore not a depiction of a world *before* the Genocide per se, and his abstract work of a world *after* the Genocide. Rather, the portraits depict the act of genocide itself: death; the loss of family, kinship and identity indicators. It could be this narrative of violence depicted in colors and shapes that Nouritza felt on a subconscious level on that day at the Tate. Or, as Gorky's sister explained when she saw the painting for the first time, he brought her into his studio and said: "Vartoosh dear, here is mother. I am going to leave you alone with her" ... Oh, I was so shocked! Mother was alive in the room with me. I told her everything and I wept and wept.<sup>59</sup>

Resurrection and suffering, resurrection and suffering, resurrection and suffering; a narrative that encapsulates not only the Genocide and the trauma of genocide, but also the continuous inner strength needed to fight for remembrance, memorial and recognition. This is the plight of the Armenian Diaspora that I have heard over and over again: 'Let us not disappear.' Let this atrocity not be forgotten.

## Notes

1. Lecturer at the University of Amsterdam, University of Utrecht and the University of Twente.
2. Nouritza Matossian is the author of the book *Black Angel: A Life of Arshile Gorky* (1998) (London: Chatto & Windus), and I first met her in February 2003 during a symposium at the Armenian embassy in London. Nouritza gave me permission to use her first and last name. All other names in my research are pseudonyms.

3. Most Armenian surnames end with '-ian', which means 'daughter/son of father'.
4. C. Geertz (1973) *The Interpretation of Cultures* (New York: Basic Books), p. 5.
5. C.A. Kidron (2009) 'Towards an Ethnography of Silence: The Lived Presence of the Past in the Everyday Life of Holocaust Trauma Survivors and their Descendants in Israel', *Current Anthropology*, Vol. 50(1): 5–27.
6. M. van de Port (1998) *Gypsies, Wars and Other Instances of the Wild: Civilisation and its Discontents in a Serbian Town* (Amsterdam: Amsterdam University Press), p. 27.
7. A. Appadurai (1998) 'Dead Certainty: Ethnic Violence in the Era of Globalization', *Public Culture*, Vol. 10(2): 225–47 (233–4) [emphasis added].
8. See E. Staub (1989) *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press).
9. A. L. Hinton claims: 'Genocides are distinguished by a process of "othering" in which the boundaries of an imagined community are reshaped in such a manner that a previously "included" group (albeit often included only tangentially) is ideologically recast (almost always in dehumanizing rhetoric) as being outside the community, as a threatening and dangerous "other" – whether racial, political, ethnic, religious, economic, and so on – that must be annihilated.' A. L. Hinton (2002) *Annihilating Difference: The Anthropology of Genocide* (Berkeley: University of California Press), p. 6.
10. See Chapter 15, Kebranian, on cultural genocide.
11. On genocidal intent, see Chapter 4, Robertson and Chapter 9, Travis.
12. Sémelin (2007) *Purify and Destroy: The Political Uses of Massacre and Genocide* (London: Hurst and Co.), p. 9.
13. *Ibid.*, p. 17.
14. *Ibid.*, p. 49.
15. On reframing the nation state, see Chapter 11, Elmas.
16. Sémelin (2007), p. 54.
17. For a discussion on internal enemies and imagined external enemies, see Chapter 11, Elmas.
18. As mentioned, for example, in the infamous Adolf Hitler speech, 'The Wandering Parasite' in 1933. See United States Holocaust Memorial Museum, *Nazi Propaganda*, <http://www.ushmm.org/wlc/en/article.php?ModuleId=10005274> (last accessed 25 January 2015).
19. T. Bringa (2002) 'Averted Gaze: Genocide in Bosnia-Herzegovina 1992–1995', in Hinton (2002), pp. 194–225 (215).
20. C. C. Taylor (2002) 'The Cultural Face of Terror in the Rwandan Genocide of 1994', in Hinton (2002), pp. 137–78.
21. G. Baumann (2004) 'Grammars of Identity/Alterity' in G. Baumann and A. Gingrich (eds) *Grammars of Identity/Alterity: A Structural Approach* (Oxford: Berghahn Books), pp. 19–50 (20).
22. Hinton (2002).
23. T. Zwaan (2001) *Civilisering en Decivilisering: Studies over staatsvorming en geweld, nationalisme en vervolging* (Amsterdam: Boom), p. 210.
24. Even though the *Ghazi* tradition in the Ottoman Empire had a definite Islamic dimension, the warrior tradition and expansion of boundaries through conquest predated the creation of the Empire. It was after the founding of Islam that the *Ghazi* tradition began to have Islamic connotations. See H. Y. Aboul-Enein and S. Zuhur (2004) 'Islamic Rulings on Warfare' (Carlisle, PA: *Strategic Studies Institute US Army War College*), p. 6.
25. A. C. Hess (1973) 'The Ottoman Conquest of Egypt (1517) and the Beginning of the Sixteenth-Century World War', *International Journal of Middle East Studies*, Vol. 4(1): 55–76.

26. Staub (1989); E. Staub (2009) 'The Origins of Genocide and Mass Killing: Core Concepts', in Totten and Bartrop (2009), pp. 97–108.
27. Staub (1989), p. 15.
28. Melson (1992), p. 63.
29. Identity entrepreneurs are often politicians, but also intellectuals, poets and social scientists who reconstruct identities, often through mythology and a specific interpretation of history. See Sémelin (2007), pp. 16–21 and 49.
30. Gaunt (2006), p. 50.
31. See U. Heyd (1950) *Foundations of Turkish Nationalism: The Life and Teachings of Ziya Gökalp* (London: Luzac & Company Ltd and The Harvill Press Ltd).
32. Hinton (2002), p. 6.
33. H. M. Chitjian (2003) *A Hair's Breadth from Death: The Memoirs of Hampartoum Mardiros Chitjian* (London: Taderon Press), pp. 76 and 100–1.
34. U. Ü. Üngör (2008b) 'Seeing like a Nation-State: Young Turks Social Engineering in Eastern Turkey, 1913–1950', *Journal of Genocide Research*, Vol. 10(1): 15–39.
35. See also Sémelin (2007), pp. 38–9.
36. Heyd (1950), p. 131.
37. Gaunt (2006), p. 70 [emphasis added].
38. See Chapter 2, Bijak and Lubman.
39. See Staub (1989), p. 17.
40. C. Card (2003) 'Genocide and Social Death', *Hypatia*, Vol. 18(1): 63–79 (73). See also O. Patterson (1982) *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press), pp. 5–9.
41. van de Port (1998), pp. 102–3.
42. S. Freud (1923) *The Ego and the Id*, *Standard Edition*, Vol. 19 (London: Hogarth Press).
43. E. Hobsbawm and T. Ranger (eds) (1984) *The Invention of Tradition* (Cambridge: Cambridge University Press), pp. 4–5.
44. L. H. Malkki (1996) 'Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization', *Cultural Anthropology*, Vol. 11(3): 377–404.
45. M. Jackson (2002) *The Politics of Storytelling* (Copenhagen: Museum Tusulanum Press), p. 35.
46. Chitjian (2003), p. 331 [the original emphasis was in bold type].
47. C. Edgarian (1994) *Rise the Euphrates* (New York: Random House).
48. *Ibid.*, p. 79.
49. P. Balakian (1997) *Black Dog of Fate* (New York: Basic Books).
50. *Ibid.*, p. 223.
51. See Chapter 17, Der Mugrdchian, on the impact of the genocide on first-generation survivor authors and poets.
52. Even in France, today one of the leading countries in genocide recognition efforts, Armenians faced racism and xenophobia upon their arrival during or shortly following the First World War.
53. See, for example, Balakian (2009).
54. See Chapter 6, Guibert and Kim.
55. S. Friedlander (1993) *Memory, History and the Extermination of the Jews in Europe* (Bloomington: Indiana University Press), p. 133.
56. Matossian (1998), pp. 257–8.
57. *Ibid.*, pp. 490–5.
58. *Ibid.*, pp. 216–17.
59. *Ibid.*, p. 218.

## **Part V**

# **The Catastrophe's Legacy**

# 17

## The Theme of Genocide in Armenian Literature

*Barlow Der Mugardechian*<sup>1</sup>

The Genocide of 1915 marked an important juncture in the history of Armenian literature.<sup>2</sup> Prior to the massacres reading matter was primarily written in the Armenian language, but with the dispersal and exile of the population after 1915 there was a shift in emphasis to diasporan literature.<sup>3</sup> With the settlement of a large number of Armenians in the United States, the English language also became a vehicle for expression and it was only a matter of time before the Genocide became a primary theme in Armenian-American writing.

This will be the main focus of this chapter, although only as one part of a broader set of themes in diasporan literature. Firstly, it is important to put Armenian-American literary work into the historical context of Armenian immigration to the United States, in order to more fully understand some of the factors that helped shape the literature.

### **Early immigration to the United States**

Hundreds of thousands of Armenians have immigrated to the United States over the course of the last 239 years. However, it was not until the late 19th century that the number of those immigrants increased significantly. Robert Mirak has estimated that by the beginning of the First World War there were about 65,950 Armenians living in the country.<sup>4</sup>

During the First World War, it was nearly impossible for Armenians (or others) to enter the United States, but after the war immigration resumed until 1924, when Congress passed the National Origins legislation imposing strict quotas on entry to the country, by which time there were already close to 100,000 Armenians in the United States. This constituted the core community, from which arose the first generation of Armenian authors. Large-scale Armenian relocation to the United States resumed after a relaxation of immigration laws in 1965.

The emergence of a diasporan community in the United States was not unique, as Armenians have had a long history of forming communities

outside their historic homeland. For the Armenians, there have been multiple reasons for dispersion, especially to America: prospects for a better education, the opportunity to enjoy safety and security in a new country, and the impact of the 1915 Genocide.

The literary production of the Armenians in America reflects not only the common themes of all diasporas, but also the specific theme of the Genocide, which was the major cause of the formation of the modern post-1915 Armenian Diaspora.

The dynamism of Armenian Diaspora life is reflected in the intellectual thought and literary output of each of the communities. Historically, it was through the diasporan communities that intellectual growth and change influenced those who lived in historic Armenia. For example, the first Armenian-printed book, a prayer book, was published in Venice in 1512 and the first Armenian-printed Bible, prepared by Voskan Yerevantsi, was published in Amsterdam in 1666.<sup>5</sup> Intellectual currents, through the translation of various types of literature into Armenian, were transmitted back to the homeland, thus opening a broader perspective for Armenians.

The Genocide added hundreds of thousands of exiled survivors to the already existing Diaspora, which maintained its links with the homeland through both religious and cultural ties. Both in numbers of Armenians forced to emigrate and in the long-term impact on the Armenian people, the Genocide was an event on a scale never before seen. For the Western Armenians of the Ottoman Empire, the Genocide also marked an end to the millennia-long Armenian presence and culture in its historic homeland.

As survivors of the Genocide, Armenians in America, as well as in other countries, had to first secure their physical existence through hard work, persistence and dedication. Only then did they have time to reflect on the effects that living in this new society might have on their children's lives and identities, on how to recover from the trauma of the Genocide and the subsequent forced exile, and whether this would be a temporary or permanent condition. They also began to consider how life in America would affect their own identity as Armenians, especially for the younger generations who would grow up without ever seeing historic Armenia.<sup>6</sup>

Mass immigration from Europe and elsewhere to the United States also took place in the 19th and early 20th centuries. Between 1851 and 1920 an estimated 31 million immigrants poured into America, with the largest number being of Irish and German origin.<sup>7</sup> By 1880 there were close to 100,000 Chinese nationals in the western United States,<sup>8</sup> while a permanent Armenian presence in California was first established in 1881 in Fresno with the arrival of the Seropian brothers.<sup>9</sup> Armenians faced experiences similar to those of other immigrants arriving in the United States, encountering feelings of alienation and difficulties fitting into a new society.

## The first-generation Armenian-language authors

The first generation of Armenian writers in the post-Genocide era, both in the United States and elsewhere, wrote almost exclusively in their native language. They were the survivors, the first to write after 1915. They had been authors before coming to America and were part of a long tradition of Armenian literature. They brought themes of village life and traditional culture with them, providing some sense of continuity. A central concept in their literature after 1915 was that of the exile and dispersion of the Armenian people. Some continued their earlier focus on describing life in the homeland before the Genocide, while others evinced a preoccupation with preserving the Armenian culture in a diaspora situation.

Would the theme of Genocide be explored? Not directly. Although the Genocide was a common experience, it was rarely specifically expressed and few writers were able to undertake its evaluation. Vahe Oshagan states that the first- and second-generation survivors were not prepared to address the Genocide in a *literary* manner.<sup>10</sup> Marc Nichanian asserts that the event was too great to encompass and describe, that the Genocide can be perceived as a Catastrophe of such consequence that it could not be represented in aesthetic literature.<sup>11</sup>

Some writers, such as Levon Surmelian (1905–1995)<sup>12</sup> and Benjamin Nourigian (1894–1987)<sup>13</sup> reflected on the wonder of America and were fascinated by the values that they found there, while others such as Hamastegh (1895–1966)<sup>14</sup> and Vahe Haig (1896–1983)<sup>15</sup> wrote of their memories of idyllic village life in historic Armenia.<sup>16</sup>

The first generation of Armenian-language writers had the opportunity to publish their works in a series of journals and magazines devoted to literature. The pages of *Hairenik Monthly* (Boston), *Nor Kir*, *Baikar Annual* (Boston) and *Baikar Quarterly* were filled with the literary output of the time. *Nor Kir* and *Hairenik Weekly* in particular gathered around them a handful of Armenian writers who produced literature of significant value.<sup>17</sup> But these writers were looking for their inspiration in the pre-Genocide period that was still fresh in their minds and they wanted to share that experience with the newer audience.

The repression of expression, the inability to communicate fully the Genocide, was partially a symptom of the pain suffered by Armenians, caused in large part by the continued policy of denial of the Genocide by the Turkish government, which began soon after the establishment of the Turkish Republic in 1923, but which has continued especially after 1975.<sup>18</sup> That is why the Genocide remains as a theme in Armenian literature so many years after the event. Later authors, such as Aram Haygaz, Vahe Oshagan, Vehanoush Tekian, Hagop Karapents and Noubar Aghishian, writing in Armenian, gradually broadened the scope of subject matter.<sup>19</sup>

The Armenian-language writers, first-generation immigrants to the United States, were already beginning to explore the concepts of acculturation and

assimilation and how these were affecting the Armenians in America.<sup>20</sup> They present an almost visceral depiction of the pain and exile of the immigrants, who on the one hand suffered from permanent feelings of exile and loss, and on the other hand faced the loss of their culture in America.

The literature of the first generation, based both on traditional Armenian culture and in part on the new customs and traditions of the United States, presented a possible framework for future generations in which to integrate the experiences of their parents and grandparents. The possibility of communicating their ordeals was made more difficult as the primary language of the young was English and many could no longer read Armenian. The transmission of Armenian culture to future generations, far away from the traditional homeland, was problematic.

While the first-generation immigrants and writers may have wanted to perpetuate the Armenian culture, the new generation, born in America, had different concerns. The challenge was also to find a way to maintain Armenian identity against the overwhelming impact of American culture. The first generation was secure in its sense of Armenian identity because they had been born in historic Armenia – sociologist Anny Bakalian's concept of *being* Armenian, because of their behavior, use of language and so on<sup>21</sup> – and they wanted to hand this sense of Armenian identity on to succeeding generations.

The Genocide memoir also became a genre that achieved great popularity as those who had been eyewitnesses to the tragedy of the Genocide began to write about their experiences, in both Armenian and English.<sup>22</sup>

### **English language Armenian-American writers**

Nona Balakian<sup>23</sup> played a pioneering role in analyzing Armenian-American writers in her concise book, *The Armenian-American Writer*, discussing their works in the context of the broader trends in literature. Balakian phrased the challenge in this way: 'He [the writer] must belong sufficiently to the American scene to have something pertinent to say to Americans. Yet he must not lose his true nature which is made up as much of his Armenian past as of the American present.'<sup>24</sup>

In discussing Armenian identity, the fact of writing in English was a sign of their very Americanness as ethnic writers. Some writers chose themes with no Armenian connection, while others utilized both Armenian and American themes.

Balakian reviewed William Saroyan,<sup>25</sup> Leon (Levon) Z. Surmelian,<sup>26</sup> Richard Hagopian,<sup>27</sup> Emmanuel Varandyan,<sup>28</sup> Peter Sourian<sup>29</sup> and Marjorie Housepian<sup>30</sup> and suggested they shared an interest in writing that 'always centered on the inner world of man, on his inner needs and aspirations'.<sup>31</sup> Perhaps this was true because facing the burden of the Genocide as transmitted from their parents was too great, so they turned to the exploration of their inner

world. But the Genocide was in their works, sometimes subtly, even as they were also influenced by the contemporary trends in American literature.<sup>32</sup>

They, the children, the first generation to be born in America, had a different set of problems; but unavoidably they absorbed the grief and concerns of their parents. They needed to hold to their Armenian identity while becoming Americans, to the extent of fitting into the American landscape while making a promising life for themselves. Many talented young Armenian Americans found writing to be their salvation in their struggle for dignity, identity, and meaning, while creating a niche for themselves in this country that their parents called the Diaspora, but for them was home.<sup>33</sup>

The authors formed a crucial bridge between generations, as they had to also interpret the role that the Genocide played in their parents' lives. As Kherdian states:

In the act of reconstruction, these artists played a crucial role, and were alone in telling us how the Genocide impacted their lives, and the lives of their parents. How they and their parents dealt with the sufferings and the loss is an American story because these are American writers who had to simultaneously understand and come to terms with the Genocide while making a place for themselves in their own world. This could only be done by transforming their losses through the gains achieved in writing their lives.<sup>34</sup>

By writing in English, these authors were no longer only Armenian, but had broadened their audience and brought Armenian literature into the realm of American literature. Those writing in English differed from the previous generation in that they moved away from expressing nostalgia for an old country that they had never experienced.

The first generation of writers who wrote in English, among them William Saroyan and Richard Hagopian, expressed the feelings of those who had grown up in America. Myron Simon, in his *Ethnic Writers in America*, says that ethnic writers 'found themselves adrift between two worlds – no longer at home in the one, not really welcome in the other ... Thus, they increasingly felt a sense of their separateness, felt betrayed by the social values they had embraced.'<sup>35</sup> Moreover, they were influenced by the way American society looked at immigrants and upon minority ethnic populations. These feelings also engendered alienation. According to Simon,

Alienation is a feeling of insecurity arising from one's awareness that once-firm ties to others, to geographical places, to traditions and beliefs have been cut. It is the frightening sensation of being detached from a once-secure

anchorage, of finding oneself a stranger or an outsider in what appeared to be friendly surroundings.<sup>36</sup>

For Armenian-American writers, the main source of such alienation was the Genocide, and the rupture that was engendered by it. The physical and psychological dislocation it caused and the permanent nature of the diaspora experience led writers to explore the theme of the Genocide.

The first of the new generation of writers was Leon Serabian Herald (1894–1976), an almost forgotten figure from this period. Born in Put-Artinge, a village near Erzanga, he came with his family to the United States in 1912. After working in the automobile factories of Detroit, he began to publish his own poetry in English. In the dedication of Herald's first and only book of poems, *This Waking Hour*,<sup>37</sup> he says, 'To Those Disinherited of Life in 1915, This a Hill, A Flag.'<sup>38</sup> The reference is clearly to the Genocide of 1915 and thus the very first work in English by an Armenian author, encompassing the subject. Hence 2015 marks not only the 100th anniversary of the Genocide, but also the 90th anniversary of the advent of Armenian-American literature.

Among the letters uncovered in the Serabian archive, located at the University of Wisconsin, was one from Herald's elder brother, discovered by David Kherdian, that clearly describes the horrors of the Armenian Genocide, thus making the tie to Herald's own work. Perhaps it was the urge to tell the world of the Armenian struggle that impelled him to write in English, as his family and village were wiped out by the Genocide. Herald's 'Memories from My Village' is an example of his early poetry, filled with the emotional intensity for which he was recognized. Memory plays an important role in Serabian's work, as it is all that is left for him to work with in his literature, and therefore his writing becomes a search for his previous life.<sup>39</sup>

William Saroyan (1908–1981) became the best known of the first generation Armenian-American writers, and was greatly influenced by the agricultural nature of the land where he grew up. His early works were filled with a naïve innocence and optimism, which contrasted with the feelings arising from the Depression and the economic pessimism that was rampant in the United States in the 1930s. His first published work, 'The Flying Young Man on the Daring Trapeze',<sup>40</sup> is a story about an impoverished young man, living his last days in a haze of hallucination and memory.

The role of the family became a critical axis in the new literature. Many writers utilized their own experiences in order to make sense of their feelings of exile and displacement. Saroyan's works are replete with recollections of family, and its role is central to his writing. In works such as *My Heart is in the Highlands* and 'Countrymen, How Do You Like America?',<sup>41</sup> Saroyan uses family to illustrate the difficulty for immigrants in accommodating themselves to their adopted country.

However, the Genocide and its effects do find a place in Saroyan's works. In his 1937 short story 'Countrymen, How Do You Like America?' Saroyan

looked at the life of an Armenian immigrant, Sarkis of Gultik, from his arrival to the United States until years later when he has settled down, married and had children. Although he has lived in America for many years, Sarkis still feels that he is not completely at home in his adopted country. His primary feelings are of alienation and not fitting into society. These were the direct effects of the displacement caused by the Genocide.

Saroyan, who faced prejudice and discrimination in Fresno because of his Armenian ethnicity, spent five years in an orphanage after losing his father at the age of three. The experience of orphanage life reinforced in him the already existing feelings of alienation and isolation. Other second-generation Armenian writers expressed this element of alienation, more specifically a feeling of being between two worlds, as they explored their own place in the New World. This became a less important issue for third-generation writers, born and raised in the United States.

Some of Saroyan's works depict what it was like to grow up in Fresno, facing, as other immigrants did, hostility and prejudice. The impact of alienation, loneliness, and the struggle against oppression in his works are discussed in David Calonne's biography of Saroyan, *My Real Work is Being*.<sup>42</sup> Saroyan refers to the Genocide only obliquely in most of his writing, expressed sometimes as a general antipathy to war.

In his introduction to Saroyan's later series of three plays, *An Armenian Trilogy*,<sup>43</sup> Dickran Kouymjian discusses the central role played by the Genocide, especially in the play 'Bitlis'.<sup>44</sup> These works, all written in the last twenty years of Saroyan's life, depict the various reactions of Armenians to exile and life in the Diaspora. 'Bitlis' is built around the multi-layered experience and reconstruction of memory as Saroyan embarks on a real-life visit in 1964 to his family birthplace. The impact of that visit is so profound that Saroyan is able to write about it only many years later.

Levon Zaven Surmelian was born in Trebizond, escaped the Armenian Genocide, and immigrated to the United States in 1924 to study agriculture at Kansas State University. He became a writer of short stories and novels while teaching English at California State University, Los Angeles. His works reflect the struggle to overcome homelessness and the loss of family and connections while establishing himself in a new country. In an essay he wrote in *Ararat* magazine in 1964 he says, 'The alienated and ambivalent, the beatnik and the hipster, recognize a fellow-American in the Armenian writer, and the Armenian knows his way around in the American underground, he is a subterranean by a long historical conditioning of his race.'<sup>45</sup> He saw a connection between Armenian-American and contemporary writers such as Kerouac and Ginsberg, and their search for meaning in life.<sup>46</sup>

In his work *I Ask You, Ladies and Gentlemen*,<sup>47</sup> Surmelian places the Genocide in the context of the long history of the Armenian people. 'His purpose in this biographical account was not to dwell on the sensational details of the mass murder, and deportation but to search their total meaning – physical,

mental, and spiritual – for those who experienced it and so convey the event in its totality,<sup>48</sup> said Balakian. In this way, Surmelian's work touched on themes similar to those of his fellow writers of the period.

Richard Hagopian (1914–1969) is one of the writers whose works reflect his personal struggle, and the larger Armenian struggle, to weave a new sense of identity in a foreign country that was now home. His first book, *The Dove Brings Peace*,<sup>49</sup> published in 1944, is the paradigm of the early Armenian-American writer – a short story weaving together his own experiences as a child, mired in poverty and cultural ambiguity, living between the traditional Armenian world and the new American reality.

*Faraway the Spring* is Hagopian's 1952 novel of immigrant life in America told through the eyes of an Armenian family in Boston.<sup>50</sup> Day-to-day existence is filled with difficulties, but the immigrant emerges with dignity and redeeming qualities. Hagopian's 1944 short story, 'The Burning Acid',<sup>51</sup> combines both the memory of the Genocide and the experiences of an immigrant living in the United States. The burning acid in the title is the emotion and pain engendered by the Genocide that ate away at the survivors and reached into their children's generation. His searing portrait of the human toll of the Genocide on the survivors is unforgettable. Through the main protagonist Berj, he also explores the father-son relationship, and what the father can transmit to his son. Berj undergoes an awakening when he serves in battle in the Second World War. Death, which is so welcome for the older generation of Armenians, is everywhere in battle, and Hagopian uses the war to communicate his message of hope.

Peter Sourian (1933–) falls within the latter part of the first generation, publishing three novels between 1957 and 1965 – *Miri*, *The Best and Worst of Times* and *The Gate*<sup>52</sup> – that delve into various contemporary themes. The first two have no connection at all with the Genocide and are fictional works that deal with themes of growing up in the northeast United States and college life. *The Gate's* main theme is the Armenian Genocide as told through the story of three generations of the Stepanyan family. Up until 1965 the use of the word Genocide, coined by Raphael Lemkin in the 1940s, had been in limited use. The event itself was commonly referred to as the 'Forgotten Genocide'. *The Gate* is among the first works of the first-generation authors writing in English to focus on this issue.

Essayist Hrag Vartanian characterizes it this way:

Sourian was the first to transform the communal albatross of the Genocide into the material of art without sublimating it into abstractions. With such a daunting and unenviable task, Sourian's book comes across cathartic, like a literary scream that wanted to lay to rest the tortured souls of the 1915 generation.<sup>53</sup>

The ability to relate to the Genocide in a literary way is what makes Sourian's work so important. The catharsis is his ability to overcome the psychological

impediments of expression that had somewhat hindered a number of the previous generation of writers.<sup>54</sup>

This form of hybrid expression between two cultures is very strong and is often represented in the literature of many different groups who came to America:

It is the second generation that feels the diverse pulls more strongly. The second generation is for the most part, close to its grandparents but they generally do not speak their language ... Americans are typically pulled, therefore in many directions: by the dominant culture, by ethnic cultures and by other forces as well.<sup>55</sup>

This statement applies equally to both Armenian and other immigrant literature.

### **The second- and third-generation Armenian writers**

New generations of Armenians, who did not directly experience the misfortune of Genocide first-hand, have utilized themes from the broader literary world, but also returned to the Genocide. They struggled to come to grips with a past that was far away in space and time, but which they encountered every day in relations with their own families. The Genocide affected not only the nation and the community, but also the family and the individual.

In the 1960s, social changes that affected broader American culture, such as the civil rights movement and the anti-Vietnam War movement, and more liberal attitudes generally, later gradually influenced Armenians as well. Literary works such as Alex Haley's *Roots*<sup>56</sup> and Michael Arlen's *Passage to Ararat*<sup>57</sup> were breakthrough novels in the rising awareness of ethnic identity. These works featured writers who were searching for their own identity by delving deep into their family history.

As English began to predominate as the primary spoken language of Armenians in America, English-language newspapers and periodicals such as *Ararat*<sup>58</sup> became the major means for the dissemination of Armenian-American literature. The number of writers began to increase, especially after the Second World War, but it was not until the 1960s that English became the predominant language of literary expression for second- and third-generation Armenians authors.

These writers of the second generation provided an important stepping-stone for the future, even as they continued to explore themes that were important to the first generation.<sup>59</sup> Lorne Shirinian, who has written on Armenian orphans elsewhere in this volume, presents a 'critical history' of that literature, including a review of the critics themselves. He presents an overview of the theoretical works of the critics, writing after 1985, which organized and assessed Armenian literature of the late twentieth century.<sup>60</sup>

A few examples from the literary works of that period will demonstrate the central role that the Genocide has played in Armenian-American literature. Arlen's *Passage to Ararat* is a journey of self-discovery, to recover the past, to recover and understand the pain of Michael Arlen's father, so that the son could make sense of himself and forge his own identity. Michael Arlen, Jr. utilizes the family as the vehicle for his reconstruction of identity, but it is an understanding of the Genocide and its impact, in the historical sense, that leads him to a better understanding of his own relationship with his father. Thus, in his semi-autobiographical story, Arlen places the Genocide at the center of the narrative. It is only when Arlen travels to Armenia, to the Genocide Monument, that he begins to more fully understand his father and also his own life.

Arlen's father is mostly absent from his son's life, unable or unwilling to transfer the individual or the collective memory of his people, the extraordinary pain that they felt, to his son. It is through love that these fathers sometimes want to protect their children from the trauma that they experienced, but the children must also, through their love, delve deeper and open doors that have long been kept closed.

For Peter Najarian, in his 1986 *Daughters of Memory*,<sup>61</sup> part of a trilogy, the Genocide is living with him in the person of his mother. She is open and direct about the history that she endured and he is constantly aware of the Genocide in her conversations, especially with her friends. Memory and its perception are the tools used by the author. He explores the Genocide as his constant companion and seeks to understand how it has affected his and his family's life. The Genocide is the core of the book.

Family relations especially were affected by the Genocide, as in Peter Balakian's *Black Dog of Fate*,<sup>62</sup> where Balakian was unable to communicate with a father whose silence on the Armenians was almost complete – only very late in his life was the father willing to really communicate with his son. The Genocide was always there, mostly unspoken, sometimes explicitly discussed later in the story, but always a factor.

Peter Balakian's literary effort is a paradigm for the construction of an ethnic identity in America, a struggle faced by many other immigrants. The contrast of finding an identity between two societies, one of which the author faces at home, the other which he faces in the world at large, must be brought to a resolution. He must understand why his parents spoke so infrequently about Armenia and the Armenians and never explicitly mentioned the Genocide. His mother's and father's families were Armenian in their appreciation of 'high culture' and food, which was how he perceived identity as a young man,<sup>63</sup> and it was not until Balakian was much older that he appreciated the 'Armenianness' that they embodied.

David Kherdian's *Asking the River*<sup>64</sup> is a novelette by one of the most prolific Armenian authors writing in English in America. Although the Genocide is not explicitly referred to early on in the book, it is certainly the reason

that his family had 'fled their homeland'.<sup>65</sup> Having to establish roots in a new country gave his family a lifelong feeling of fear and insecurity and Kherdian shared his family's sense of living in exile, the palpable sense of potential persecution.

In *Asking the River*, young Stepan Bakaian is the protagonist, searching for answers about his own identity while at the same time experiencing all of the emotional turmoil of adolescence. *Asking the River* follows Bakaian through several years of his life and his transition from grammar school student to middle school student.

The Armenian Genocide looms as the ever-present backdrop, although more subtly expressed, and is not explicitly discussed except in several brief passages, and never as a historical event. However, the Genocide as an experience and discourse that has had a broad impact is central to the development of the entire work. Knowledge of the Genocide, which he becomes aware of through primarily his mother's memories, is the context through which the protagonist develops his own identity.

Bakaian ponders the non-existence of Armenia because the country is never mentioned in the history books that he must read. Where did the Armenians go? The Genocide, the calamity of deportation and destruction, has left its mark on Bakaian. The Catastrophe had as its intention the nullification of identity, the destruction of the spiritual as well as the physical existence of the Armenian people.

Along with some of Kherdian's other works, *Asking the River* explores the impact of the Genocide, giving insight as to how the theme of Genocide became extremely important for later writers.

The Genocide is a recurrent theme inscribed especially in the genre of the short story and the novel and is reflected in the literary discourse that dominates Armenian-American English literature.

## Notes

1. Coordinator of the Armenian Studies Program and Director of the Center for Armenian Studies at California State University, Fresno.
2. The Armenian Genocide is defined here as the events encompassing the annihilation of the Armenian population of the Ottoman Empire between the years 1915 and 1923.
3. Armenian literature begins with the development of a unique Armenian alphabet in the first quarter of the fifth century. The overwhelming majority of works by Armenian authors were written in Armenian until the Genocide of 1915.
4. R. Mirak (1983) *Torn Between Two Lands: Armenians in America, 1890 to World War I* (Cambridge, MA: Harvard University Press), p. 290.
5. A. Sanjian (2012) *Celebrating the Legacy of Five Centuries of Armenian-Language Book Printing, 1512–2012* (Dearborn: University of Michigan), pp. 5–6.
6. On building an Armenian identity in the Diaspora, see Chapter 16, Holslag.
7. J. Powell (ed.) (2005) *Encyclopedia of North American Immigration* (New York: Facts on File).

8. J. Ciment (ed.) (2001) *Encyclopedia of American Immigration* (Armonk, NY: Sharpe Reference).
9. B. Bulbulian (2000) *The Fresno Armenians: History of a Diaspora Community* (Fresno: California State University Press), pp. 16–22.
10. V. Oshagan (1985) 'The Theme of the Armenian Genocide in Diaspora Prose', *Armenian Review*, Vol. 38(1): 51–60. See T. Chahinian (2008) *The Paris Attempt: Rearticulation of (National) Belonging and the Inscription of Aftermath Experience in French Armenian Literature between the Wars* (Dissertation) (Los Angeles: UCLA, ProQuest LLC), where the author presents another viewpoint on the inability of Armenian writers to discuss the genocide.
11. M. Nichanian (2002) *Writers of Disaster: Armenian Literature in the Twentieth Century*, Vol. I, *The National Revolution* (London: Taderon Press). Nichanian, in the introduction to his volume, presents the case for the usage of the word 'Catastrophe' (*Aghed*) to describe the near complete annihilation of the Armenians in the Ottoman Empire, beginning in 1915. He presents a framework for understanding the motivations of Western Armenian writers after the Catastrophe (pp. 1–22).
12. L. Z. Surmelian (1945) *I Ask You, Ladies and Gentlemen* (New York: E. P. Dutton). Surmelian's work focused on the transition and challenges faced by newly arrived immigrants in the United States. He studied agriculture in the United States and later lived and worked on a farm in Kansas.
13. P. Noorigian (1937) *Aykegoutk: The Vintage* (West New York: The Author).
14. H. Gelenian [Hamastegh] (1924) *Giughe* (Boston, MA: Artsiv). Hamastegh lived the latter part of his life in the United States, writing in Armenian.
15. V. Haig (1930–70) *Hayreni Tskhan* (Boston, MA: Tparan Payk'ar). Haig lived much of his life in Fresno, California.
16. Nichanian (2002), p. 9.
17. S. Manuelian (1977) 'Armenian Literature: There May Yet be Hope', *Ararat*, Vol. 18(1): 30–2.
18. See Chapter 10, Chorbajian, on the issue of denial following the First World War.
19. Oshagan (1985), pp. 51–60; R. Peroomian (1993) *Literary Responses to Catastrophe: A Comparison of the Armenian and Jewish Experience* (Atlanta, GA: Scholars' Press); G. Goshgarian (1985) 'List of Armenian Literary Works Translated to English', *Armenian Review*, Vol. 38(1): 73–122 (his listings are a comprehensive look at works by noted writers in Armenian whose works have been translated into English); L. Alishan (1985) 'Crucifixion without "The Cross": The Impact of the Armenian Genocide on Armenian Literature', *Armenian Review*, Vol. 31(1): 27–50; Nichanian (2002); M. Tölölyan (1955–6) *Dar me Hay Grakanut'iw'n*, Vol. 2 ... [A Century of Armenian Literature] (Cairo: Husaper). These critics and scholars, although focusing on the impact of the Genocide on the literature, provide a broad overview of Armenian-language literature produced in the United States, at least through the period of the 1960s.
20. R. Peroomian (1992–3) 'The Transformation of Armenianness in the Formation of Armenian-American Identity', *Journal of the Society for Armenian Studies*, Vol. 6: 119–45.
21. A. Bakalian (1992) *Armenian-Americans: From Being to Feeling Armenian* (New Brunswick, NJ: Transaction Publishers).
22. Among this genre are H. Baronian (1983) *Barefoot Boy from Anatolia* (Los Angeles, CA: Abril Printing); E. Jernazian (1990) *Judgment Unto Truth: Witnessing the Armenian Genocide* (New Brunswick, NJ: Transaction Publishers); M. Derderian (1996) *Vergeen: A Survivor of the Armenian Genocide* (Los Angeles, CA: ATMUS Press Publications), based on a memoir by Virginia Meghrouni; and B. N. Ketchian (1988) *In*

- the Shadow of the Fortress: The Genocide Remembered* (Cambridge, MA: Zoryan Institute).
23. N. Balakian (1958) *The Armenian-American Writer* (New York: Armenian General Benevolent Union), pp. 30–3.
  24. *Ibid.*, p. 4.
  25. Saroyan was born in Fresno, California in 1908, and lived his entire life in the United States. His early works addressed many universal concepts, among them relations between people and attitudes toward war. It was only later in his life, in plays such as ‘The Armenians’, ‘Bitlis’, and ‘Haratch’, that he began to explore the Armenian response to exile, especially the permanent exile of living in the United States. For an excellent biography and discussion of Saroyan, see D. S. Calonne (1983) *William Saroyan: My Real Work is Being* (Chapel Hill: University of North Carolina Press).
  26. See Surmelian (1945) and L. Z. Zurmelian (1950) 98.6 (New York: E. P. Dutton).
  27. R. Hagopian (1952) *Faraway the Spring* (New York: Charles Scribner’s Sons) and R. Hagopian (1944) *The Dove Brings Peace* (New York: Farrar and Rinehart, Inc.), focusing on reconciliation with the past and the question of identity in America.
  28. See E. Varandyan (1938) *The Well of Ararat* (Garden City: Doubleday, Doran). Varnadyan’s novel reflects on an earlier period in Armenian history, on traditional village life.
  29. See P. Sourian (1957) *Miri* (New York: Pantheon Press).
  30. See M. Housepian (1957) *A Houseful of Love* (New York: Random House).
  31. Balakian (1958), p. 30.
  32. See D. Kherdian (2007) *Forgotten Bread: First-Generation Armenian American Writers* (Berkeley, CA: Heyday Books).
  33. Kherdian (2007), p. xi. See also Chapter 16, Holslag, on Armenian identity in the Diaspora.
  34. Kherdian (2007), p. xii.
  35. M. Simon (1972) *Ethnic Writers in America* (New York: Harcourt Brace Jovanovich), p. 122.
  36. *Ibid.*
  37. L. Serabian Herald (1925) *This Waking Hour* (New York: Thomas Seltzer), with an introduction by Zona Gale.
  38. Kherdian (2007), pp. 3–4.
  39. *Ibid.*, p. 4.
  40. W. Saroyan (1934) ‘The Daring Young Man on the Flying Trapeze’, in *The Daring Young Man on the Flying Trapeze and Other Stories* (New York: Random House).
  41. W. Saroyan (1937) ‘Country, How Do You Like America’, in *Little Children* (New York: Harcourt, Brace and Company), pp. 210–14.
  42. Calonne (1983). Calonne’s analysis of Saroyan’s works is first-rate.
  43. W. Saroyan (1986) *An Armenian Trilogy*, D. Kouymjian (ed.) (Fresno: California State University Press). The first work, ‘The Armenians’, takes place in Fresno and is a discussion of identity, alienation and homesickness. The third play, ‘Haratch’, is centered in a newspaper office in Paris and involves a dense discussion of the concept of identity.
  44. Saroyan (1986), pp. 15–26. Kouymjian argues that the impetus for writing this play in March of 1975 was the impending 60th anniversary of the Genocide on April 24 of that year and further discusses the idea that the writing of ‘Bitlis’ was inspired by Michael Arlen’s *Passage to Ararat* (1975) (New York: Farrar, Straus, and Giroux).

45. L. Z. Surmelian (1964) 'The American Writer of Armenian Birth', *Ararat* (New York: Armenian General Benevolent Union), Vol. 5(2): 53.
46. Kherdian (2007), p. 58.
47. Surmelian (1945).
48. Balakian (1958), p. 15.
49. Hagopian (1944).
50. Hagopian (1952).
51. Hagopian, 'The Burning Acid', in Hagopian (1944).
52. P. Sourian (1965) *The Gate* (New York: Harcourt, Brace & World).
53. Kherdian (2007), p. 211.
54. On the inexpressibility of the horrors, see Chapter 18, Siraganian, citing Egoian's exclamation: 'How does an artist speak the unspeakable?'
55. A. Bogomolny (ed.) (1997) *New to North America: Writing by U.S. Immigrants, Their Children and Grandchildren* (New York and Santa Cruz: Burning Bush Publications), pp. 230–1.
56. A. Haley (1976) *Roots* (Garden City, NY: Doubleday).
57. Arlen (1975).
58. *Ararat* (New York: Armenian General Benevolent Union, 1960–).
59. L. Shirinian (2000) *Writing Memory: The Search for Home in Armenian Diaspora Literature as Cultural Practice* (Kingston, ON: Blue Heron Press).
60. During the past 30 years, to further their understanding scholars have begun to formally analyze and classify the English-language Armenian literature produced in the United States Diaspora, establishing a critical framework based on a variety of approaches. See M. Bedrosian (1991) *The Magical Pine Ring: Culture and the Imagination in Armenian-American Literature* (Detroit, MC: Wayne State University Press) and M. Bedrosian (1992) *Crossroads: Short Fiction by Armenian-American Writers*, L. Hamalian (ed.) (New York: Ashod Press). See Leo Hamalian, long-time editor of *Ararat* magazine, who is also a formidable critic and writer: L. Hamalian (1978) *Burn after Reading* (New York: Ararat Press); L. Hamalian (1980) *As Others See Us: The Armenian Image in Literature* (New York: Ararat Press). He is a second-generation author. Vahe Oshagan was a frequent contributor to the Armenian periodic press, writing in both Armenian and English. Ara Baliozian is a writer living in Canada who has broad knowledge of Armenian literature. His essays and commentaries provide a context for modern Armenian-American writing. His works such as *Portrait of a Genius and Other Essays* (1980) (Los Angeles, CA: A/G Press) and *Views/Reviews/Interviews* (1982) (Los Angeles, CA: A/G Press) comprise many of his essays on the role of the Armenian writer in the Diaspora.
61. P. Najarian (1986) *Daughters of Memory* (Berkeley, CA: City Miner Books).
62. Balakian (1997).
63. Bakalian (1992), pp. 45–6. Bakalian calls the rituals of food preparation one of the manifestations of 'symbolic Armenianness'.
64. D. Kherdian (1993) *Asking the River* (New York: Orchard Books).
65. *Ibid.*, p. 6.

# 18

## Hiding Horrors in Full View: Atom Egoyan's Representations of the Armenian Genocide<sup>1</sup>

Lisa Siraganian<sup>2</sup>

### Introduction

Atom Egoyan's feature film *Ararat* (2002) was the first widely released, explicit cinematic representation of the Armenian Genocide, but it was not Egoyan's first foray into portrayals of Genocide trauma and its impact on nationalism, cultural memory and denial. Although Egoyan, himself the descendant of Genocide survivors, has won critical acclaim for his films, critics have rarely acknowledged or recognized the extent to which earlier films focus on the same issues as *Ararat*. These issues are often hidden in full view for all audience members to see, but not necessarily to interpret correctly.

To take one example, *Felicia's Journey* (1999), Egoyan's savvy and sensitive remaking of the serial killer genre, focuses on both victims and perpetrators of terrible crimes. As Egoyan explained, what interested him most about *Felicia's Journey* was 'the psychology and politics of denial and how that affects' both a serial killer and his potential victim, among others.<sup>3</sup> Similarly, *Ararat* does not seek simply to document the Genocide, but instead to reveal how an 85-year old event continues to have disruptive and even traumatic effects on a scattered Armenian population (known as the Armenian Diaspora), and how those effects are exacerbated by the continuous denial of the Genocide by the Turkish state.<sup>4</sup>

This chapter analyzes *Ararat* with an eye to the concerns his cinematic representations have grappled with for years, such as 'the psychology and politics of denial'. His early films, ranging from *Open House* (1982) to *Felicia's Journey*, explored ethnicity, violence and trauma, themes expanded on in *Ararat*. Grappling with the difficulties of representing and memorializing a cultural and ethnic genocide, Egoyan's *Ararat* reveals the long-term influence of a one-hundred-year-old historical event on a renowned filmmaker's cinematography.

It is notoriously difficult to find a frame in which to discuss the Armenian Genocide, whether in nonfiction, fiction or film. One approach has been to

describe it as an atrocious, foreboding model for the Jewish Holocaust.<sup>5</sup> As the other chapters in this volume describe, tens of thousands of Armenians were massacred in the 1890s, and then, between 1915 and 1922, 'over a million Armenians were killed by mass shootings, massacres, deportations, and induced starvation'.<sup>6</sup> The Armenian community in Anatolia was destroyed, and by 1923, between one third and one half of the world's Armenian population had been annihilated. Survivors crowded refugee camps around the Middle East and the rest of the world. For nearly 70 years this Armenian Diaspora was viewed as 'the inheritor of the potential of the Armenian nation ... the repository of that consciousness'.<sup>7</sup>

In contrast to Germany after the Holocaust, Turkey does not admit the existence of – let alone culpability for – the Armenian Genocide.<sup>8</sup> This repetition of denial within the very media which could and should have recorded the massacres, combined with the more generic dilemma of acculturation, make 'forgetting' the Genocide deeply disturbing for Armenians. As Roger Smith writes, 'to forget the Genocide would be to repudiate one's people and one's self'.<sup>9</sup> Furthermore, remembering the Armenian Genocide has an urgency for Armenian survivors and their descendants, actually *increasing* as the original generation of survivors steadily diminishes.<sup>10</sup> For decades, Turkish denial meant that survivors were under an inordinate amount of pressure to bear witness to the Genocide, often as the only remaining member of a large family.

Egoyan's particular diaspora experience can be usefully situated in this context. As he explains in an essay on *Ararat*:

My grandparents from my father's side were victims of the horrors that befell the Armenian population of Turkey in the years around 1915. My grandfather, whose entire family save his sister was wiped out in the massacres, married my grandmother who was the sole survivor of her family.<sup>11</sup>

Egoyan himself was born in Cairo in 1960 to Armenian parents. The Yeghoyans (later Egoyans) emigrated to Canada when Atom was three years old, in part because of the antagonism towards Armenians in Egypt.<sup>12</sup> In British Columbia, he experienced ethnic isolation since the members of his immediate family were the only Armenian-speakers:

We had no church, no school, no community centre, and yet I was still Armenian. I was aware of the genocide, but only in the vaguest way. I knew that something had befallen my people. But it remained something shadowy that I heard about.<sup>13</sup>

When Egoyan attended the University of Toronto at the age of 18, he was exposed to a larger diasporan Armenian community and could observe

contemporary responses to Turkish denial. In particular, he became involved with the 'more political, almost militant Armenian nationalist activities through the student association'.<sup>14</sup>

In the 1970s and 1980s, there was a burst of Armenian terrorist activity against Turkish civilians and diplomats. As mentioned in Chapters 11 and 12, two diaspora terrorist organizations were primarily responsible: the Beirut-based JCAG and ASALA. Many of their members were young men born in North America, carrying out their plans close to home. As Richard Ouzounian explains:

On March 12, 1985, three armed Armenians stormed the Turkish Embassy in Ottawa. A Canadian security guard was killed, the ambassador was badly wounded, and his wife and daughter were taken hostage.<sup>15</sup>

Much debate in the diaspora community focused on the effectiveness, morality and rationality of these acts, which were justified by the perpetrators by transferring past crimes onto a current Turkish government. Egoyan himself admits that witnessing these events (albeit on television) was overwhelming: 'I was completely torn ... While one side of me could understand the rage that informed these acts, I was also appalled by the cold-blooded nature of these killings'.<sup>16</sup> Around the mid-1980s, he wrote a script about these violent responses to Turkish denial, but he 'wasn't ready to deal with the "Armenian issue"' and never made that film.<sup>17</sup> Yet allusions to the 1985 event return, in *Ararat*, in the guise of Raffi's father, who was 'killed trying to assassinate a Turkish diplomat. Almost fifteen years ago' (which would place the event in the mid-1980s).<sup>18</sup> The first two decades of Egoyan's films prepared him to deal with the 'Armenian issue', leading to *Ararat's* conscientious Genocide representation, one that attempts to prevent more killings and denial.

### **Egoyan's *Hai* films before *Ararat***

In many of Egoyan's pre-*Ararat* films, emblems of Armenianness are available to anyone, yet they possess a distinctly-coded meaning that only Armenians would be able to correctly interpret. The Genocide and subsequent diasporic displacement itself is never directly mentioned. Typical of Egoyan's obliqueness on the topic is the short film *Open House* (1982). What at first appears to be a customary encounter between a real-estate agent trying to sell a decrepit house to a young Anglo couple is eventually revealed to be a ritualistic drama staged and recorded for the real-estate agent's catatonic (and possibly paralyzed) father, Mr Odahrian. We learn that Mr Odahrian 'hand-built' the house 'like a castle', suggesting that while this father now sits silently in a dark room (hidden away from the potential buyers, watching slides of his family's home), he once was a strong and engaged member of his family.

Although it is never explicitly stated, there is the suggestion that some debilitating catastrophe must have occurred between the time the house was built and the present, a trauma that is possibly related to the father's ritualistic viewing of old slides to invoke, or supplant, the internal viewing of memories. Most tellingly, *odahr* means 'foreigner' in Armenian, and *-ian* or *-yan* is the patronymic label of an Armenian name. This family of 'Odashians' is literally the family of 'foreign Armenians', immigrants whose relationship to their 'open home' (and, perhaps, to their homeland) is complicated and ambivalent. Their home is a source of pride and identity – a place that is open for outsiders to visit – but also a place they cannot upkeep and (pretend to) want to sell.

Two later films, *Family Viewing* (1987) and *Calendar* (1993), deal with the Armenian Genocide more overtly, yet still entirely allegorically.<sup>19</sup> In *Family Viewing*, Armenian history is alluded to as a veiled reference: there is a grandmother named Armen, clearly symbolic of Armenia and the traumatic history of survivors, and a grandson named Van. Van liberates Armen from the nursing home where his Anglo, and presumably non-Armenian, father Stan has had her committed. Van, seemingly named after the only Armenian town to stage a successful uprising during the Genocide, finds a way to save Armen, this symbol of Armenian history.<sup>20</sup> But this story of Armenian nationalism can only be inferred from hidden ethnic names and allegorical and historical symbols, as anyone who has seen *Family Viewing* knows.

As the Soviet Union was collapsing in the early 1990s, the Soviet State of Armenia gained its independence and became, in September of 1991, the Republic of Armenia. Suddenly, there was a much more accessible notion of homeland for Armenians of the Diaspora.<sup>21</sup> *Calendar*, Egoyan's 1993 film, takes on the fantasy of returning to the Armenian homeland by actually doing so.<sup>22</sup> It is Egoyan's most explicitly Armenian film before *Ararat*, but the Genocide is only implicitly its focus. Instead, in this film each member of a diaspora couple (played by Egoyan and his wife, Arsinée Khanjian) represents two polar positions on diaspora identity, as each decides to return to a separate homeland at the end of their trip to Armenia. For the husband, a photographer on assignment in Armenia, his home is Canada; for the wife, her home gradually becomes Armenia itself. Thus while the husband feels assimilated to Canada and returns there, the photographer's wife leaves her Armenian-Canadian husband and remains in Armenia with their native Armenian tour guide.

This split in the notion of home alludes to the Genocide, when Armenians had to leave their homes unwillingly, and yet found a way to survive and assimilate in a new place. When the photographer's wife betrays her husband by holding hands with the guide while the husband is mesmerized by videotaping a large herd of sheep, the image of the herd of sheep seems suggestive of the rounding up of Armenians on death marches through the desert during the Genocide (and, allegorically, the slaughtering of God's

innocents). But the film ends with a critical question: is it more important to live in the present – and thus notice your wife holding another man's hand – or to live in the Diaspora, shackled to symbolic images of the Genocide and Armenian ruins?

As if to answer this question, after *Calendar* the obviously Armenian characters drop out of Egoyan's films, even while he develops his focus on survivor guilt and sadism in subsequent films such as *Exotica* (1994) and *The Sweet Hereafter* (1997). The last major feature Egoyan produced before *Ararat*, *Felicia's Journey* (1999), is perhaps the ideal film to prepare him 'to tell a story of horror'.<sup>23</sup> The film takes one of the more common horror genres (the serial killer movie), and turns it into something completely different: a meditation on the complicated interaction of cruelty, denial and self-knowledge, particularly within an extended family.

Most indicative of Egoyan's plans for *Ararat* are his methods of representing violence. Egoyan is extremely deliberate and frugal with his visual depictions of brutality. Often he uses indirect allusion and montages instead of graphic imagery, creating a serial killer movie without a single direct representation of a killing, serial or otherwise. The closest we come to viewing one of serial killer Hilditch's murders is seeing his horrified reaction to a fictional murder on a hospital television set – in this case, a hackneyed, cinematic representation of a murder (the beheading of John the Baptist in *Salomé*). Appropriately, a hospital sign next to the television underscores the source of his horror: 'Blood Blood Blood'.

This entire scene clearly refers to the murders Hilditch commits. But by avoiding the visual representations of the murders, Egoyan also avoids putting himself in the position of Hilditch and his mother, exposing his charges (namely, his audience) to graphic violence. By subverting the serial killer genre, *Felicia's Journey* explores what it means – both for the creator *and* the receiver – to represent a violent event, and the film considers why we represent what we do to whom we do it. *Ararat* explores similar issues. Refusing simply to document or represent the horrific events of the Genocide, Egoyan's film reveals how a now century-past event continues to disrupt and disturbingly affect members of the Armenian Diaspora and beyond.

### ***Ararat* (2002)**

*Ararat* portrays survivors haunted by the memory of catastrophic events, while specifically focusing on characters' attempts to represent the private, cultural and national catastrophe of the Armenian Genocide both to themselves and to the world. At its most basic level, the film consists of intertwined plots: a contemporary, fictional Armenian director, Edward Saroyan, is making a film about the Armenian Genocide by focusing on the Van uprising (which Armenian-American painter Arshile Gorky witnessed and in which he participated).

Much of Edward's film is based on his mother's survivor testimony and the autobiography of an American missionary who witnessed the event, Dr Clarence Ussher.<sup>24</sup> Edward also consults Ani, an art historian and Gorky expert, who helps her son Raffi get a job as an assistant on the set. Raffi (whose dead father, we recall, was an Armenian terrorist), struggles with his own relationship to his Armenian past. He goes to Turkey, ostensibly to shoot background footage for Edward's film. Egoyan's film is framed with Raffi's attempts to clear customs back in Canada: Raffi is interrogated at length by a customs agent (David), who has his own reasons to listen carefully for the truth.

Just as *Family Viewing* emphasizes the crucial role that the Genocide survivor (Armen) plays in the contemporary Armenian Diaspora (represented by young Van), Armenian-American painter Arshile Gorky is vital to nearly everyone in *Ararat*. He is the film's most direct survivor of the Genocide and Egoyan represents him at various points in his life. As a young man, he takes part in the Van uprising, as Nouritza Matossian<sup>25</sup> describes in her 1998 biography *Black Angel* (which also serves as Ani's book in the film), although Edward fictionalizes Gorky's early life freely.<sup>26</sup> As one of the members of the avant-garde art scene in New York in the 1930s, Gorky is portrayed struggling with his painting, *The Artist and His Mother*. As Ani describes, echoing Matossian, the painting is a 'homage to his mother', Shushan Adoian, who died of starvation and illness after the family was forced from their home during the Genocide.<sup>27</sup>

Most of the Armenian characters in the film's frame narrative are at least a generation distant from the event itself: Edward Saroyan, the director of the film within the film, is creating his version of *Ararat* 'based on what my mother told me'. Other characters – Ani, Rouben, the ghost of Raffi's dead father – are most likely also members of future generations, Armenians of the Diaspora who would have heard about the Genocide from parents or grandparents. Each represents the Genocide to different audiences. As an art historian, Ani addresses the academic and art communities who have overlooked or ignored Gorky's Armenianness, while Rouben, as the screenwriter of Edward's film, presents the Genocide to a wide popular audience. Ani's first husband, Raffi's dead father, had the most treacherous and controversial mission of 'representing' the Genocide for the Turkish government: presumably as a member of a diasporan terrorist organization such as ASALA, he was shot years earlier while attempting to assassinate a Turkish diplomat, a symbol of the Turkish government and thus a representative of its national policy of denial.

His son Raffi is a member of one of the youngest generations of diasporan Armenians; he is not only the Armenian in the film most temporally distant from the Genocide, he is also grappling with the trauma of his father's death and reacting to the powerful feelings and ideas that led his father to become, alternately, a terrorist or a freedom fighter. Raffi's distance from

real contact with the Genocide seems to link him to danger and violence in ways in which he himself is not entirely aware. Under the influence of his tormented stepsister Celia – who not only offers the chilling suggestion that Raffi seeks to be possessed by his father's ghost, but also transfers her anger at Ani into a knife attack on Gorky's painting – Raffi goes to Turkey and accidentally becomes a heroin transporter.

As these brief descriptions illustrate, Egoyan not only portrays the Genocide, but also investigates *how* and *why* various people choose to understand and represent the Genocide to themselves and others. Previous Egoyan films have also focused on the way people 'use history like a weapon' (as Raffi says of Ani). *Calendar* and *Felicia's Journey*, for example, both focus on the way the ruins of buildings can be manipulated as a kind of rhetorical, testimonial device. In *Calendar*, many of the arguments between the photographer and his wife are sparked by the photographer's unwillingness to leave his camera and touch the ruins of churches<sup>28</sup> and fortresses (such as *Noravank* or *Ampert*). And in *Felicia's Journey*, Felicia's father repeatedly takes her to walk among Irish ruins while inculcating her with Irish nationalism: 'Think of your great grandmother. Her husband, your blood, was executed by the Brits, May 1916. Sacrifices have been made and they will be honored. We have a duty to remember these things. Time will not allow us to forget.'

However, from the very beginning of *Ararat*, the key historical object is not a ruined building, but Gorky's painting, *The Artist and His Mother*. Nonetheless, the artifact functions like a portable version of the historical buildings in his previous films. The painting becomes a device to consider how experiences are not only perceived by a person, but are then transformed into a representation that can be perceived by someone else. Consider the title sequence, which begins with a simple brown button hanging from a thread in Arshile Gorky's New York Studio.

It is a little bit of the reality of Gorky's mother, as well as a sign of her attention and care for her son. The camera glides onto the photograph of Gorky and his mother, which, we learn at the film's end, connects the button to the moment the picture was taken and to the painting he is working on. Next we see one of Gorky's many drawings of the photograph, particularly one with a grid that will allow the small drawing to be transformed: that is, blocked onto a large canvas while maintaining its proportions. As the camera continues to glide through his studio, picking out objects, moving in and out of focus, we see some of the iconic symbols of Armenian culture and landscape – bright fresh flowers indigenous to the Van region, a small *khachkar* (an ornamental stone crucifix). Both represent the homeland for a member of the Diaspora.

Finally, the tools and media used to produce a representation come into view: the pencils, paintbrushes, palette knives and tubes of paint. Egoyan presents a representation in the middle of its production (in process). Looking closely, one can read 'for your protection' on the sides of the lids

of varnish jars, warning us that closed jars of varnish pose the least danger. And yet Egoyan is also suggesting that the danger of art – the danger of media, of which varnish is a pure form – is a danger that needs to be opened up and exposed. Right from the start, the film foregrounds the working through of a representation, in all senses of working through: artistically, interpretively and psychoanalytically. In this title sequence (perhaps more correctly labeled a *tableau* sequence) we are not only deliberately moving through Gorky's studio to see his attempt to grapple with a moment in history and memory. We are also following a particular path and process of symbolization.

By framing the film with Gorky's painting, and at various later points with Ani's and Celia's interpretations of it, Egoyan is confronting a particular problem that Armenian artists and writers have grappled with for years, as they searched desperately for an appropriate form and medium to give voice to at least the initial catastrophe. Certainly confronting the Genocide in art – as we see Gorky do in his painting – presented a task particularly formidable in unsympathetic or unknowing host cultures. The inexpressibility of the horrors, added to the denial of Turkish governments, often paralyzed Armenian artists and writers from obtaining a perspective from which to represent the Genocide.<sup>29</sup> As Egoyan himself describes, speaking of the making of this film, 'How does an artist speak the unspeakable?'<sup>30</sup> In other words, how can a violent, convention-shattering genocide be understood within the more or less conventional realm of an aesthetic representation?

One might argue that the way to convince anyone of the magnitude and evil of this historical event would be simply to let the testimony 'speak for itself': that is, to depict an eyewitness account visually. Although there have been widely seen representations of the Holocaust, such as *Schindler's List* (1993), *The Pianist* (2002), or *Defiance* (2008), the Armenian Genocide goes virtually unrepresented in popular visual consciousness. Thus a straightforward, documentary representation of the Genocide is likely to have a powerful effect on its audience.

Egoyan portrays this type of representation via Edward Saroyan's *Ararat* (the movie within the movie) that is a feature film as historical documentary. Saroyan is largely effective at producing a horrified reaction in his audience: near the end of Egoyan's *Ararat*, we see people watching the opening night film screening of Saroyan's *Ararat*. The audience is perceptibly disturbed by the images of the Genocide portrayed on their screen, and at moments, on our screen. They cover their mouths in abhorrence; others shake their heads in disbelief.

Some of the early reviews of Egoyan's *Ararat* have yearned for this more familiar, cathartic movie experience. Anthony Lane of *The New Yorker* writes that Egoyan 'should have made an exemplary documentary on the subject of the slaughter, and asked Aznavour ... to talk us through it'.<sup>31</sup> Lane seems to want more of Saroyan's *Ararat* and less of the contemporary story

of young Raffi, Ani and Rouben. In fact, one of the initial questions about Egoyan's film was, considering the lack of a widely released dramatic movie on the Genocide, why didn't Egoyan simply film Saroyan's *Ararat* as his *Ararat*?

Here are some possible answers to this question. First of all, Egoyan underscores that even a straightforward representation based on an eyewitness account, Ussher's autobiography for example, is at least once-removed from the event itself, exposing a documentary to the charge of manipulation or falsification. One point of the lengthy interrogation of Raffi by David (the customs agent) is to underscore the difficulty of establishing truth from a single person's narrative. A customs agent asks questions to expose a simple set of facts: 'who are you, where were you traveling to and why, what are you bringing into our country?' But Egoyan reveals that these seemingly straightforward questions are, in fact, existential questions for a member of the Armenian Diaspora such as Raffi.

Raffi interprets these questions differently than David intends them, hearing, 'Who am I as an Armenian in Canada? Why does a diasporan Armenian travel back to Turkey? What images, ideas and – with the symbolic heroin – dangers, do I bring back from where I've been?' But whatever questions David asks, and whatever questions Raffi answers, determining the truth by listening to someone speak is a difficult task. No wonder that before opening the cans of film, David voices his frustration: 'What are we going to do? There's no one I can contact. There's no way of confirming that a single word of what you've told me tonight is true.' Raffi's response, 'Everything I've told you is exactly what happened', is more or less true of the Genocide, but not quite so true of what he's brought back with him inside the cans of film.

The point here is that all representations, including the representation Raffi narrates to David about who he is, and where he's been and why, are mediated by some person or thing doing the witnessing or recording. Had David chosen not to listen to Raffi's entire story, but merely employed a drug-sniffing dog instead, the complicated truth that Raffi told – both the history of the Genocide and the history of the film cans – would have been lost to David.

Moreover, many of Egoyan's previous films have contended with the way that media devices, such as Raffi's video camera, facilitate not just memory but also fantasies of forgetting or altering history. Photographs can be destroyed (*The Adjuster*) and video can be recorded over (*Family Viewing*) or used to make false claims (*Next of Kin*). In addition, witnesses might have substantial reasons to testify falsely, as does Nicole in *The Sweet Hereafter*. Genocide deniers have distorted these intrinsic qualities of representation in order to reject the truth-value of survivor testimony, employing a kind of radical skepticism to argue that because a lie *could* be told, no truth *can* ever be told.

One of the most infuriating methods of Turkey's century of denial has been to cast suspicion on eyewitness accounts of the Genocide by claiming that these testimonies are so detailed, they must be made-up.<sup>32</sup> Ignoring all evidence to the contrary, Turkish organizations claim that Armenian nationalist interviewers coached survivors in order to conclude that the testimony must be false propaganda. In her recent memoir, Meline Toumani elegantly captures the dilemma when she writes that 'the terms of the conversation [about the Genocide] have evolved to leave ... no satisfactory options'.<sup>33</sup>

Already at the opening night gala of Saroyan's *Ararat*, we see Martin Harcourt, the actor who plays Clarence Ussher in Saroyan's film, having to respond to a reporter's provocation that the Genocide might be 'all an exaggeration'. Harcourt explains that Saroyan's film is taken from Ussher's published, eyewitness testimony, but Harcourt might also have added that as an American missionary, Ussher conferred on his eyewitness account the tint of Western objectivity in the eyes of the world. Therefore, one of the crucial reasons that Egoyan's film is not Saroyan's film is so that Egoyan can create a strategy to answer and dismiss the charge of falsification within the film itself.

An Armenian making a film about the Genocide is going to be accused of propaganda and falsification (as Saroyan is). By having those arguments within the film, particularly with the exchanges between the half-Turkish actor Ali, Saroyan and Raffi (when Ali trots out some of the familiar denial claims such as 'lots of people died ... it was the First World War'), Egoyan effectively responds to Turkish denial on his own terms, undermining the Turkish government's façade of presenting a 'balanced' argument.

Another crucial issue Egoyan contends with is that violent, graphic representations on the film screen are not just subject to manipulation, they are also potentially manipulative themselves, exploiting the audience's feelings. Egoyan's previous work has been deeply suspicious of this potentially manipulative quality of film to absorb us in an event we did not witness at first-hand, whether that experience is pleasurable, painful or some combination of the two.

A film such as *Schindler's List* induces cathartic identification in order to draw us into the action and maintain our absorption, but in both *Ararat* and in his previous films, Egoyan portrays this type of audience absorption as dangerous passivity. In *Felicia's Journey*, Felicia is in most danger from serial killer Hilditch after he drugs her with sleeping pills. In her stupor, she is unable to resist him, but by willing herself to wake up, she manages to escape from his house. In a key discussion in *Ararat*, Raffi and Ali discuss Ali's portrayal of Jevdet Bey. 'I was raised to feel a lot of hatred to the person you're playing', says Raffi, 'You really pulled it off.' When Ali points out that Raffi was 'kind of prepared to hate' any portrayal of Jevdet Bey, Raffi responds with a reaction that is essential to Egoyan's filmmaking: 'I'm also kind of suspicious of stuff that's supposed to make me feel anything,

you know? ... even though I know you were supposed to make me feel like hating you, I resisted it'. This resistance that Raffi describes marks a crucial distance between Saroyan's film and Egoyan's.

Egoyan's resistance to manipulating his audience might also be a protective gesture here, since one crucial audience for this film is the Armenian Diaspora. Although released worldwide, the film was marketed to Armenian communities in particular.<sup>34</sup> Egoyan does not need to make a graphic film because Armenians already 'fill in' graphic details for themselves, with stories told by their parents and grandparents. Many Genocide survivors described their memories of the past in distinctly visual, often specifically cinematic terms, and their stories tend to be brutal. One survivor said, 'I think about my past all the time. It comes in front of my eyes like a dream. You don't want to think of those incidents, but they come to your eyes.'<sup>35</sup>

Another second-generation child of a survivor illustrates the hardship of listening to violent narratives of the Genocide: 'My mother talks about a rape and it's a disgusting story that her mother told her. When she used to tell me some of these things she had such a vengeance in her voice that I didn't want her to talk about it. It was frightening.'<sup>36</sup> Moreover, films produced before *Ararat*, such as Henri Verneuil's *Mayrig*, had already fed the Diaspora with horror scenes that were unnecessary to repeat. Responding to this dynamic, Egoyan does not overload the viewer by adding more frightening graphic images, but alludes to 'scenes' that more or less exist in the Armenian Diaspora's collective memory.

But probably the crucial reason why Saroyan's film is not, and should not be, Egoyan's film is that representing the horrors of the historical Genocide only captures part of what the horror has become. Egoyan explains in an essay that, 'From the moment I began to write this script, I was drawn to the idea of what it means to tell a story of horror.'<sup>37</sup> The horror, he explains, is not only the Genocide, but also the ramifications of the world *not* being told this specific story of horror. This is the horror of denial as it continues to reverberate. By focusing on 'what it means to tell a story of horror', Egoyan shows how everyone can be drawn into the drama of telling, listening and denying: not only the most direct victims of the horror but the survivors' children and grandchildren, perpetrators' children and grandchildren, and anyone who comes into contact with these descendants.

Egoyan continues: 'The grammar of the screenplay uses every possible tense available, from the past, present and future, to the subjective and the conditional.'<sup>38</sup> Because all these horrors are part of the current Armenian Diaspora experience, all of these grammars must be used to tell the story of the ongoing horror of the Armenian Genocide, reverberating and possibly creating new horrors. The creation of terrorist organizations (such as the one that Raffi's father gave his life for), as well as Raffi's unwitting smuggling of heroin from Turkey, are two examples of new horrors emerging from old ones.

The most striking example of the full range of characters absorbed into this horror-drama is the near juxtaposition of two sequences in *Ararat*.<sup>39</sup> First, an enraged Celia attacks Gorky's painting; then Ani, distraught at learning of Celia's knife attack on the canvas, strides into the live set of Saroyan's film. Saroyan is filming a crucial Genocide scene of the defense of Van, and Ani's presence (dressed in contemporary clothing) ruins the mood and the shot, drawing the wrath of Harcourt who is still caught up in his portrayal of Dr Clarence Ussher:

What is this, God damn it?! We are surrounded by Turks. We've run out of supplies, most of us will die. The crowd needs a miracle. This child is bleeding to death. If I can save his life it may give us the spirit to continue. This is his brother. His pregnant sister was raped in front of his eyes, before her stomach was slashed open to stab her unborn child. His father's eyes were gouged out of his head and stuffed into his mouth and his mother's breasts were ripped off. She was left to bleed to death. Who the fuck are you?

As he describes the gruesome abominations the Armenians around him have suffered – abominations historically corroborated by eyewitness testimony, but that Egoyan is clearly reluctant to represent visually – it becomes clear that even *narrated* descriptions of these depraved acts have the power to horrify the narrator and his audience. The tirade leaves everyone, including Ani, speechless. Presumably her concerns cannot compete with those of someone who has witnessed such acts, even though Harcourt has not – he is an actor. Apparently, these narrations are so horrible, they shatter their representational boundaries, and actors become living witnesses. Similarly, Celia's physical rupture of Gorky's painting is juxtaposed with Ani's rupture of Edward's shot.

Harcourt/Ussher's attack on Ani challenges her sense of self-importance and her decision to waste everyone's time by ruining this particular take. And yet his final demand – 'who the fuck are you?' – is a question that Egoyan is endeavoring to answer for descendants of Armenian Genocide survivors. As with David's interrogation of Raffi at customs, a seemingly simple query becomes a challenge to one's identity and motivations. The question demands that Ani, as an Armenian Genocide descendant, defend her sense of belonging to her historical people: 'Who are *you*, Ani, in relation to *us*, victims of the Genocide?' Ironically, the 'us' here includes the self-righteous, non-Armenian actor Harcourt, absorbed in his role of Ussher. At this moment, he becomes (or more accurately, he ventriloquizes) the historical voice of Armenian Genocide victims demanding precedence over all other concerns, such as Ani's anxieties about Gorky's painting.

In these scenes, Egoyan is not just presenting an imagined dialogue between Armenian generations, a Genocide survivor confronting his second- or

third-generation descendant; he is also illustrating the implied challenge of 'authentic', first-generation Genocide testimony to all future representations of the trauma (that is, Gorky's painterly depictions, or Ani's biography of Gorky's life).<sup>40</sup> Earlier films such as *Family Viewing* and *Felicia's Journey* depict generational transmission of traumatic representations ambivalently, but in *Ararat*, this face-off between different generational representations is pared down to its most basic elements. Ani's speechlessness illustrates the power of first-generation testimony, for even a non-Armenian (Harcourt/Ussher) can employ testimony to suppress any other concern. But Egoyan's decision to show us this scene *instead* of the graphic scenes Harcourt/Ussher describes, reveals Egoyan's representation overcoming the second-generation's speechlessness.

In other words, throughout *Ararat* Egoyan is most interested not in the original Genocide testimony itself, but in the various reactions to and interpretations of this testimony by later generations. He shows, for example, how stories of Genocide horror become a kind of fetish object for the Armenian Diaspora community, just as Genocide paraphernalia becomes a type of fetish object.<sup>41</sup>

Armenian characters in the film clutch particular symbols of the Genocide and Armenianness. For Gorky, it is the photo of his mother and his coat button. For Saroyan, it is the spiritual image of Mount Ararat and the pomegranate his mother used to sustain her on the death marches, which represented 'luck and the power to imagine'. For Ani, it is Gorky's mournful painting, 'a repository of our history'. Raffi is clearly searching for such a symbol during his travels to Turkey, since part of the Genocide's damage has been to leave younger generations without a meaningful symbol of memorialization. He records his despair while in the ruined town of Ani: 'When I see these places I realize how much we've lost. Not just the land and the lives, but the loss of any way to remember it.'

But Egoyan's *Ararat*, unlike Raffi's or Edward's, is an attempt to make a crucial intervention in this proliferation of horror and loss, *not* by adding another symbol or fetish to the proliferation of symbols of Armenianness or the Armenian Genocide. Instead, Egoyan is considering how these symbols, such as the button, the pomegranate seeds, the Gorky painting, work and don't work in the Armenian Diaspora. Thus, in Egoyan's *Ararat* the interpretation of, and engagement with, these symbols constitutes Egoyan's representation. This point, too, has been a message hidden in plain sight, not fully available to those audience members unaware of the Genocide's troubled legacies.

Gorky's private and public trauma is manifested at the moment in the middle of the film when he finishes his painting of himself and his mother by dropping the tools of his art, his paintbrush and palette, to scoop flesh-colored paint with which to massage (or to cover up, or to blur) the representation of his mother's hands. He momentarily goes mediating

the representation from that critical distance of the length of a paintbrush, desiring instead to touch the painting directly. This is a gesture Ani will echo at the end of the film: after giving a lecture, she reaches up to the projection screen in order to touch the projected slide image of Gorky's mother's hands.

By meditating on the way Armenians handle their symbols, Egoyan suggests another way to forestall losses to Armenians and Armenian culture. Through the interplay of various stories of Ararat, both Saroyan's film *Ararat* and Raffi's digital video images of the mountain itself, and by animating characters whose motivations stem from a complex set of circumstances, Egoyan's *Ararat* conscientiously finds a way to represent the Genocide that will neither lead to the generation of more horror, nor to the generation of more denial.

Egoyan is not exactly representing the Armenian Genocide throughout his film career, but providing thoughtful accounts of the Genocide's complicated role in diaspora life. In the process, he rejects the view of the survivor as a martyred witness. Always considerate about his directorial role, Egoyan does not seek to *transmit* a trauma to the viewer (unlike Spielberg's apparent aim in *Schindler's List*), but to represent the catastrophe's aftermath – one with a particular, Armenian context.

## Notes

1. Originally published in a longer form as 'Telling a Horror Story, Conscientiously: Representing the Armenian Genocide from Open House to Ararat', in M. Tschofen and J. Burwell (eds) (2007) *Image and Territory: New Essays on Atom Egoyan* (Waterloo, ON: Wilfrid Laurier University Press), pp. 133–56.
2. Associate Professor, English Department, Southern Methodist University.
3. R. Porton (1999) 'The Politics of Denial: An Interview with Atom Egoyan', *Cineaste*, Vol. 25(1): 39–41.
4. See Chapters 10–12 on Turkey's denial and present-day discourse on the matter.
5. Robert Melson's comprehensive *Revolution and Genocide: On the Origins of the Armenian Genocide and the Holocaust* (1992) (Chicago, IL: University of Chicago Press) explores this relationship fully. See also R. Hovannisian (ed.) (1986) *The Armenian Genocide in Perspective* (New Brunswick, NJ: Transaction Books). Recently, Stephen Ihrig's *Atatürk in Nazi Imagination* (2014) (Cambridge, MA: Harvard University Press) took the connections between the Armenian Genocide and the Holocaust to a deeper level by analyzing Hitler's (and the Nazi leaders') fascination for Atatürk's nation-making policies, which were marked by ethnically cleansing undesirable groups.
6. Melson (1992), p. 142.
7. L. Shirinian (1992), *The Republic of Armenia and the Rethinking of the North-American Diaspora in Literature* (Lewiston, NY: Edwin Mellen), p. 23.
8. On the effects of denial, see Chapters 10–12.
9. R. Smith (1986) 'The Armenian Genocide: Memory, Politics, and the Future', in Hovannisian (1986), p. 5.
10. See Miller and Miller (1999); K. Tölölyan (1987) 'Cultural Narrative and the Motivation of the Terrorist', *Journal of Strategic Studies*, Vol. 10(4): 217–33; and

- D. E. Miller and L. T. Miller (1991) 'Memory and Identity across the Generations: A Case Study of Armenian Survivors and their Progeny', *Qualitative Sociology*, Vol. 14(1): 13–38.
11. A. Egoyan (2002) 'Introduction' in *Ararat: The Shooting Script* (New York: Newmarket Press), p. vii.
  12. H. Naficy (1997) 'The Accented Style of the Independent Transnational Cinema: A Conversation with Atom Egoyan', in G. Marcus (ed.) *Cultural Producers in Perilous States: Editing Events, Documenting Change* (Chicago, IL: University of Chicago Press), pp. 179–231 (222).
  13. R. Ouzounian, 'Dealing with the ghosts of genocide: Egoyan and Khanjian tell of their passion for Armenia', *The Toronto Star*, 5 September 2002, n.p.
  14. Naficy (1997), p. 191.
  15. Ouzounian (2002).
  16. Egoyan (2002), p. viii.
  17. *Ibid.*
  18. *Ibid.*, p. 53.
  19. For a full analysis of *Family Viewing*, see my 1997 article, "'Is This My Mother's Grave?': Genocide and Diaspora in Atom Egoyan's *Family Viewing*", *Diaspora: A Journal of Transnational Studies*, Vol. 6(2): 127–54.
  20. The history of Van has taken on legendary status in Armenian history as a successful version of the Jewish Warsaw ghetto. After the Turkish governor of Van, Jevdet Bey, ordered 4,000 Armenians to report to be drafted in the Ottoman Army (certainly to be massacred), the Van Armenians prepared for a Turkish onslaught. For nearly a month, Van held up under siege until the Turkish army retreated; Walker (1980), pp. 205–9.
  21. However, the issue is complicated because many of the descendants of genocide survivors came from Western Armenia (Eastern Turkey); there is considerable regional division between Eastern and Western Armenia (including substantial differences in dialect).
  22. See Chapter 19, Baronian, on how *Calendar* is used by Torossian in creating mnemonic imagery.
  23. Egoyan (2002), p. viii.
  24. C. D. Ussher (1917) *An American Physician in Turkey: A Narrative of Adventures in Peace and in War* (Boston, MA: Houghton Mifflin).
  25. For more on Nouritza Matossian, see Chapter 16, Holslag.
  26. Matossian (1998).
  27. *Ibid.*, pp. 93–9.
  28. On the restitution of Armenian churches, see Chapter 15, Kebranian.
  29. The scholar-poet Leonardo Alishan details the conundrum as follows: 'Without art there was madness. But with this madness what art could there be? What genre could comprehend this catastrophe? What genre could possibly hope to give formal shape to this atavistic insanity?' L. Alishan (1992) 'An Exercise on a Genre for Genocide and Exorcism', in Hovannisian (ed.) (1992), pp. 340–54. Many writers never found a suitable medium and consequently avoided the subject of 'this atavistic insanity'. Certainly confronting the Genocide in art would have presented a task particularly formidable in unsympathetic or unknowing host cultures. Zapel Esayan's solipsistic response is typical: 'I feel that I should let out the scream of the nation suffering for centuries under the yoke of oppression and slavery. I ought to let out the scream of liberation with my personal talent and my intrinsic power' (quoted in R. Perroomian (1992) 'Armenian Literary

- Responses to Genocide: The Artistic Struggle to Comprehend and Survive', in Hovannisian (1992), pp. 222–49).
30. Egoyan (2002), p. viii.
  31. A. Lane, 'Worlds Apart: Far from Heaven and Ararat', 18 November 2002, *The New Yorker*, pp. 104–5.
  32. Miller and Miller provide a thoughtful analysis of the issues involving the authenticity of survivor testimony in Miller and Miller (1999), pp. 9–31.
  33. M. Toumani (2014) *There Was and There Was Not* (New York: Metropolitan Books, Henry Holt), p. 6.
  34. *Ararat* was released in cities with large Armenian Diaspora communities (Toronto, New York, Los Angeles) in order to generate a verbal 'buzz' that could then justify opening the film in other cities.
  35. Miller and Miller (1999), p. 157.
  36. J. Phillips (1989) 'Symbol, Myth, and Rhetoric: The Politics of Culture in an Armenian-American Population', in R. J. Theodoratus (ed.) (1984–1990) *Series on Immigrant Communities and Ethnic Minorities in the United States and Canada*, No. 23 (New York: AMS Press), p. 249.
  37. Egoyan (2002), p. viii.
  38. *Ibid.*, p. ix.
  39. There is actually one additional scene between the two mentioned: David and Raffi discuss Celia's knifing of the painting.
  40. The original screenplay has Gorky and Ani speaking to one another directly; Egoyan (2002), p. 75.
  41. Phillips observes a fetishism of genocide paraphernalia: 'At a recent annual gathering to commemorate the Armenian Genocide, an Armenian priest held up an old torn pair of trousers which had been removed from the body of a child, killed during the genocide. The priest said that when he handles the child's trousers he feels as though he is touching the robe of the Lord.' (Phillips (1989), pp. 2–3).

# 19

## Missing Images: Textures of Memory in Diaspora<sup>1</sup>

*Marie-Aude Baronian*<sup>2</sup>

As photography theorist Susan Sontag has written, ‘the Western memory museum is mostly a visual one’.<sup>3</sup> But how do we visually articulate the memory of an event that has such a complicated and traumatic imprint even 100 years after its occurrence?

The subtitle of this chapter, ‘Textures of Memory in Diaspora’, describes a ‘textural’ form of memory, which I define as a diasporic remembering practice consisting of collage and textile. From these two last terms, I borrow at once an ancestral Armenian form of weaving (that is, tapestries and carpets) but also (in a more metaphorical way) a cultural, if not existential, form of assembling and disassembling codes, signs, lexicons and other sorts of visual textures. Ultimately, this textural remembering practice translates the desire to transmit and connect the past to tangible materials in the ‘here and now’, rather than replicating evidentiary documents that support a culture marked by a genocidal past.

As French historian Jean-Marie Carzou eloquently phrased it, the Armenian Genocide is a *perfect* one because it never took place.<sup>4</sup> In that sense denial is not only part of the very origin of this Genocide, but also of its accomplishment, since every trace of the catastrophic event was meant to disappear. The Genocide has always already occurred as if nothing actually occurred, which is why I often argue that fiction is profoundly constitutive of the event.<sup>5</sup>

Indeed, as mentioned in earlier chapters, the Genocide of 1915 was followed by a long and persistent campaign of denial<sup>6</sup> that still agitates the Armenian diasporic community in their search for a sense of home.<sup>7</sup> The planned destruction of a people has thus been pursued and amplified in an active policy of negation. As a result, Armenians (in Western Diaspora) continuously feel the need to accommodate visual evidence in order to validate their inherited historical past. This is also the reason why Armenians in the Diaspora have been affected by trans-generational trauma.<sup>8</sup>

The very status of images and their publicity is at stake in the Armenian case because there are few (at least few filmic) images of the Genocide’s

history and because the available images are not circulated in the public visual sphere.

Turning briefly to the main title of the chapter, 'Missing Images', it is relevant to focus on images when considering the Genocide now, 100 years later. The reason for this goes beyond the general but nevertheless legitimates the idea that much of our ability to remember the past depends on images and archival objects. As French philosopher Georges Didi-Huberman wrote: 'to remember one must imagine'.<sup>9</sup> However, the more pronounced motivation for concentrating on images is, as indicated above, that there are relatively few visual representations of the Genocide that circulate (at least outside of the circle of intimacy or the immediate community). Some photographs do exist. However, these are somehow neither part of the collective visual memories,<sup>10</sup> nor of a public and thus accessible depository. Moreover, most Armenians themselves did not grow up with visual representations which could have helped them imagine, or have access to, the catastrophic event.

The historical precedents for this absence of images cannot be ignored. The insufficiency in visual evidence of the Genocide must be linked to the politics of extermination, which applied to any form of recording and which explicitly demonstrates the will to negate the killings. No images of the Armenian Genocide can be disseminated since visual evidence of the massacres was rare and, when available, it was mostly destroyed or hidden. This was, of course, logically in line with the genocidal policy.<sup>11</sup>

In other words, the Armenian Genocide is seen not only as a non-event (from a denial perspective) but also as a kind of 'non-document', as it remains unrecorded and unrepresented. This explains the rather complex relation that the Armenian communities at large have towards images in general, one marked by a constant desire to reconstruct and vindicate the past by any visible means available. For that matter, the work of Canadian-Armenian filmmaker and visual artist Atom Egoyan is extremely meaningful.<sup>12</sup> Egoyan not only touches upon issues of trauma and Armenianness but he also investigates the entire realm of the visible by challenging visual media in recalling past events into the present.<sup>13</sup> Indeed, his entire oeuvre, since the late seventies, is an ongoing, if not obsessive, meditation on the role of images in our Western media-saturated world.

The two contemporary artists whose works will be the subject of this chapter, Gariné Torossian and Mekhitar Garabedian, do not really aim at filling 'for good' that gap by spreading images in the public space; rather, the relevance of their work in 2015 in tracing the Catastrophe is that they question and reflect upon its very invisibility.

Another commonality is that neither of them works with images as vehicles of proof. Indeed, if the function of images was to certify and authenticate the Genocide, then images would serve the demands of the perpetrator, who claims that the absence of authentic material indicates the lack of proof that

the Genocide actually took place. Such 'perversity' (of repetitive justification and explanation) is what the perpetrator aims at: for victims and their heirs to have to prove over and over again that 'It' happened.<sup>14</sup>

Torossian's and Garabedian's creative enterprises are mostly of a fictive nature. This is not only due to the fact that they are artists who create fictional images, but also to the more profound, yet paradoxical idea that fiction is an 'appropriate' response to a genocide which is still considered to be a fabricated event, or an event that left so few traces. In a sense, both artists provide us with what I have labeled 'imaginary archives', that is to say, documents that do not replicate the historical factuality in its wholeness, but that translate the need to anchor that past and to imagine it. They develop distinctive filmic strategies (be they artificial) in order to recall the Armenian legacy, and to question its imposing nature without duplicating its factuality.

I have argued elsewhere<sup>15</sup> that Atom Egoyan's work is not confined to Armenian-related issues, but also touches more generally on the precariousness and fragility of both the (traumatic) event and the very being of images. Like Egoyan, both Torossian and Garabedian are interested in the process of making images or responding to images. Their work is animated by a sort of messianic, though implicit, desire to touch upon the void of history by creating and constructing alternative, and thus imaginary, archives. This desire resonates with the character of young Raffi in *Ararat* (2002) by Egoyan, who decides to go to Turkey, to those parts that used to be Armenia, and shoot footage of landscape on video in order to counter the artificiality of the filmic reconstruction by Saroyan (played by Charles Aznavour) that aims at recreating the setting of the violent events in a Hollywood-style setting. As Raffi comments: 'When I see these places, I realize how much we've lost. Not just the land and the lives, but the loss of any way to remember it. There is nothing here to prove that anything ever happened.'

The multitude of mnemonic artifacts in *Ararat* (that is, a video diary, a photograph, a painting and a film) combined with the use of various visual means, conjure up multiple possibilities for anchoring the catastrophic legacy, as well as the impossibility of capturing it 'for good' in a unique and transparent visual surface. Moreover, the film *Ararat* reveals the chronotopic effects of objects as they travel from different times and spaces through generations, a process I have labeled 'aesthetics of displacement'. This, in turn, results in another phenomenon: framing the Genocide across generations, which I propose to constitute as 'textures of memory', an ongoing practice of weaving and bringing texture to the fragile process of remembering a sensitive and haunting past.

Images thus refract the experience of displacement – the displacement of a people, of a history and of a territory. The experience of scattering is somehow replaced in new imaginary sites that translate the paradoxical desire to return without actually wishing to go back. Archival objects or visual anchors are pivotal for the 'inscription' of both the catastrophic event

and cultural mythology that is somehow promoted and intensified when approached from a diasporic angle.

### Weaving images: Gariné Torossian

In the work of experimental Canadian-Armenian filmmaker Gariné Torossian, born in Lebanon in the early seventies, the textural dimension is all the more at the core of her work. Her films are characterized as *collage*. She assembles different images (mostly photographic) after they have been taken from their original context. The collage often results in a repetitive and obsessive configuration of images. In the film *Girl from Moush* (1993, 5 minutes), which is a collection of images of the homeland Armenia, Torossian expresses a sense of belonging to those images, but also their foreignness and exoticism. The film is a sort of pictorial 'pilgrimage' to Armenia.

*Girl from Moush* is not *about* the Genocide; it does not address it directly.<sup>16</sup> But one allusion to the tragic history can perhaps be found in the relevance of the title. Indeed, Moush, which is located in present-day Turkey, was actually part of historical Greater Armenia and was also the main site of the massacres and deportations.

The film is a collage of handmade found footage from various formats. It includes reproductions from picture books, calendar images, still photographs depicting churches and other Christian signs, landscapes, (family) portraits, different kinds of artworks like manuscripts, Armenian graphics and architectural details. The images appear to be very grainy: many frames are scratched, which gives the impression of 'oldness' and archive. Actually, the images are photos of photographs copied onto Super 8 cine film and then shot on 16 mm format. Most of the images are repetitive, fast moving and shaky, except for some of the images of the Churches. With each image, the viewer is therefore obliged to take on an attentive and concentrated role in order to distinguish and identify every detail.

Some of the cultural figures, like the churches, are 'postcard images' of the ancestral country – images that are commonly shared in the (Western) Armenian Diaspora. These images are overtly nostalgic and thereby connote absence and loss. The destruction of more than 1,000 churches<sup>17</sup> during the Ottoman campaign of 1915–23 is a significant factor in this respect.<sup>18</sup> Thus, the inclusion of images of churches crystallizes the specificity of Armenian cultural history and acts as a displaced icon for the history of the Catastrophe. By combining and reshaping her images, Torossian emphasizes (and perhaps even exaggerates) the auratic value of these churches. The technique of the collage enables a reflection on the role of images while pointing to what has been lost.

Some of the images of the churches she uses are taken from Atom Egoyan's feature film *Calendar* (1993),<sup>19</sup> a film that tells the story of a Canadian

photographer who goes to Armenia in order to make a calendar based on pictures of churches – a calendar which supposedly will be consumed by Armenians in the Western Diaspora. By visually quoting and ‘recycling’ Egoyan, Torossian confirms and accentuates the iconic value of the churches, which now travels through Armenian imaginary. Such construction of filmic memories based on clichés of Armenian cultural anchors (in the double sense of the French word, namely as stereotypes as well as snapshots) is further echoed in the portrait of Georgian-Armenian filmmaker Sergei Parajanov (*Sayat Nova/The Colour of Pomegranates*, 1969), which also appears several times in *Girl from Moush*.

The film outlines that to ‘be’ Armenian is to identify with the homeland and the visually transmitted memories inherited by Diaspora Armenians: ‘I feel connected to every Armenian I meet’, Torossian says in the film.<sup>20</sup> This reflects a certain *naïveté* quite specific to Diaspora: one of the only things the Armenians have in common is this imagined land and its tragic history. This also refracts the simultaneous legacy and constructiveness of diasporic cultural identities. As Stuart Hall has often insisted,

Cultural identity is a matter of ‘becoming’ as well as of ‘being’. It belongs to the future as much as to the past. It is not something which already exists, transcending place, time, history and culture. Cultural identities have roots and histories. But, like everything historical, they undergo constant transformation. (...) [Cultural identity] is not a mere phantasm either. It is *something* – not a mere trick of the imagination. It has its histories – and histories have their real, material and symbolic effects.<sup>21</sup>

Even if the homeland is today identifiable on the map and exists spatially, it nevertheless remains imagined because most Armenians in the Western Diaspora, like Torossian (at the time of making the film), have never lived or have never physically been there; their only access to the land is through the process of a ‘visual and virtual journey’. Or, to evoke Marianne Hirsch’s phrase, ‘our past is literally a foreign country we can never hope to visit. And our postmemory is shaped by our sense of belatedness and disconnection.’<sup>22</sup>

Torossian cuts and pastes, physically reshaping the images as she deconstructs, reconstructs and redefines her commitment and fascination for her Armenian ancestors. According to Torossian,<sup>23</sup> her way of working with film is a reminder of the women in her family who were knitting and weaving linens and carpets: in her films, which are literally handmade, Torossian thus textures, so to speak, the images.

The frenetic patchwork quality of the film makes the viewer aware of the diversity of images that construct the film. This diversity, however, nevertheless recalls the absence or the forgetting of many other images; some of those invisible images are omitted from the film because they are either not presentable, or historically absent or neglected. The images that remain

thus refer to an absence, but they also indicate an overly-present obsession precisely because of this absence. The images of Armenia are in that sense extra-iconic because they have been overly cherished and intensified in the Diaspora experience: pictures of Armenia thus become mythological images that circulate not only in the home but also in the collective (un)consciousness. As James Clifford has explained,

the language of diaspora is increasingly invoked by displaced people who feel (maintain, revive, invent) a connection with a prior home. This sense of connection must be strong enough to resist erasure through the normalizing processes of forgetting, assimilating, and distancing.<sup>24</sup>

To reiterate, what *Girl from Moush* vividly shows is not only that the Genocide is an obsession that haunts Western Diaspora Armenians, but also that the heritage of the Catastrophe can *only* be imagined. The images do not depict the Catastrophe in a figurative way, but they do confirm and substantiate ‘Armenianness’, an ethnic identity that the genocidal impulse logically tends to make disappear. Furthermore, the acts of making images (even if these are not always specifically Armenian in content) and the acts of creating various visual trajectories constitute an artistic and simultaneously ethical response to the missing images.

### **Remembering objects, the objects of memory: Mekhitar Garabedian**

Like Egoyan and Torossian, Garabedian investigates the multilayered ways to capture the ruptures of the experience of fracture, be it collective or personal.

Garabedian is a Belgian-Armenian artist, born in Syria in 1977, who lived as a young child in Lebanon. His work is multi-medial and multi-referential, but altogether very consistent. His references are indeed multiple: cinema, literature, graphic arts, music and so on. While his work is not exclusively focused on Armenian-related elements, I will discuss some of his works that specifically take over and deconstruct some of those Armenian codes and cultural signs.

Garabedian’s work is worthy of our attention due to its plastic qualities and its artistic interventions – the singularity of his oeuvre. In short, he works with and through his Armenian identity, without thereby restricting his practice to an ethnographic or ethnocentric quest. In some of the works he constructed between 2005 and 2010 memory and visual media interconnect and are questioned from various perspectives.<sup>25</sup>

*Listen to the Silence (Hören Sie, Die Stille, 2007)* is a three-minute video that depicts a very dark still image (archival footage); we are shown a broken video with horizontal white lines that, from time to time, disturb the image. The soundtrack (a radio signal?) is barely audible. And yet, despite the

'breaks' and the non-transparency of the picture, an imagery of deportations (based on a photograph of the forced marches) is gradually disclosed.

This resistance to effortless perception punctuates precisely that which is not seen and heard in the first place, and the disorienting effect on the viewer is due to the film's limited visibility. The descriptive elements we would need to fully identify the visual source (namely the traumatic history) are somehow not really essential in order to measure the topos of silence. This disturbing and confronting image reinforces the idea of puzzling over the void in history.

In *The Artist and His Mother (Replica, Gorky)* (2010), and following Egoyan and Torossian who both made films on Armenian-American Arshile Gorky,<sup>26</sup> Garabedian also gives his interpretation and configuration of the significance of the painter in his own practice. In this work, he reproduces Gorky's famous painting and reworks it by replacing the faces, obviously with a sense of irony, with those of his own and his mother's. Arshile Gorky serves as a major entry point into the 'appropriation' of the Genocide. The painting by Garabedian refers to Gorky's self-portrait, which was based on the precious photograph of the painter and his mother taken in Armenia before the Genocide. Garabedian's act of appropriation (or, perhaps, identification) clearly underscores how many Armenians constantly use this painting as an emblem of the genocide survivor. It translates the need for iconic references to legitimate historical silence. From a formal aspect, it corroborates Garabedian's play on the self-portrait and the way he likes to extend and exceed this type of artistic configuration. It is as though an act of memory requires an act of recasting.

The work *Fig. a, a comme alphabet* (2009–10), mainly calligraphic, evokes the learning process of properly writing the Armenian alphabet and the ways it is practiced by pupils who write letters over and over again in their copybooks (obviously a typical scholarly mnemonic device). It exposes both the cultural memory of the Armenian alphabet, as well as the functioning of memory. Garabedian has extended this repetitive device, typical for writing, into various artistic forms, by repeating the same technique in diverse formats and materials (pencil on paper, marker on the wall, hand-woven on a carpet). To write over and over again in order to master this alphabet, but also to inscribe over and over again to preserve the continuity and persistence of this cultural index.

In the version *Fig. a, a comme alphabet, kork (carpet)*, two central and significant landmarks are condensed: the Armenian alphabet and Oriental carpets. Everything that is concerned with letters in a broad sense is at stake in Garabedian's entire oeuvre: alphabet, but also literature, books, citations and language.

The work *Untitled (Daniel Varoujan, Ghent) 2011* perfectly conjugates the question of quotations, reference and of the historical blank. This installation refers (as an homage) to the conceptual and minimal work of

American-Cuban artist Felix Gonzalez Torres (1957–1996), in particular his stacks and accumulations of paper. Garabedian's *Untitled* is a high pile of blank posters on which are inscribed in white on white, but in relief, certain words in the Armenian alphabet taken from verses of Armenian poet Daniel Varoujan (1884–1915), who was arrested on the night of 23–4 April 1915 and assassinated shortly after.

With this artwork, Garabedian is touching on unknown pages of history: Varoujan, who is for the non-Armenian public relatively unknown, studied in Ghent from 1906 to 1909. In a similar vein, the work *Untitled* crystallizes the cultural origin and the catastrophic legacy of the artist, as well as his 'here and now': Ghent – the place where Garabedian actually lives. The words on the posters are obviously incomprehensible to the visitors or viewers, but leaving the exhibition with one of the blank posters as a way of appropriating part of a misunderstood and incomprehensible history would allow visitors to participate in the dissemination or the circulation and distribution of the work, as well as in its disappearance.

In the same way that posters function as souvenirs of exhibitions we have seen, *Untitled* can only exist as an image: a monochrome image, because of the almost imperceptible (white on white lettering) that articulates and substantiates loss and silence. It is not the words, the letters or their meanings that strike us, but rather their motif as an image in the sense of a virtual, spectral or displaced presence. The experience of disorientation, of withdrawal and exclusion that composes this work replicates not only the fate of the Armenians, but also of the spectator-visitor. There is, as always in Garabedian's art practice, an echo between what is proper to the Catastrophe and to the work of art.

In his work, Garabedian often uses domestic objects charged with biographic significance. In particular, he uses items that are at once very concrete and spectral, material and spiritual, because of the diasporic context in which they operate. Garabedian has created many works that could qualify as 'diasporic'; in the sense that he displays objects or figures that constitute hallmarks or emblems of the Armenian communities worldwide. The artist uses, mobilizes and stages typically Armenian cultural objects and motifs in a nuanced and often agitating way in order to punctuate and to interrogate the historical and emotional value of the object and, by extension, that which constitutes an artwork.

Accordingly, some of his installations, too, display those objects-souvenirs: for instance *Gifts*, *T-shirts* from 2009, around T-shirts, or *Calendars* (between 1997 and 2010), which is a collection of calendars with characteristic pictures of the cultural and national heritage, such as ancient churches, landscapes, monuments, alphabet, Mount Ararat and so on. Garabedian also created, in 2008, a sculpture in neon that displays a picture of Mount Ararat in an installation entitled *Asek Lerner, khosek Lerner (Speak Mountains, tell us Mountains)*. *Where is Moush, Where is Van?* is another meaningful piece since

it is a collection of geographical documents and historical maps. Indeed, Moush and Van are the regions from where his grandparents originated but also, as most Armenians know, they are the places that symbolize collective memory, the sites of persecution and resistance. All these objects and figures are memorial indexes that together offer a portrait of an equally real and artificial Armenia.

Thus, because Garabedian (re)visits his heritage, his own history in parallel with the history of the plastic arts, we cannot reduce his work to an ethnic demonstration or to a national impulsion. The singularity of Garabedian's oeuvre, then, emerges out of this ongoing exchange between his personal memory and the memory of art.

### **Tapestries of memory and images to come**

Garabedian's and Torossian's multiplicities of references to the history of images (images of art, images of cinema) are not so much a postmodern strategy of citation, but rather the eagerness, if not the obsession, to look for signs and indexes that gather stable and identifiable points of reference. The signs of the Armenian culture (be they cultural or catastrophic) accompany the signs of the history of art and images.

The works by Torossian and Garabedian do not merely maintain or stigmatize a certain stereotypical discrimination of fetishistic images, but rather they call them into question. Nonetheless, one may query whether it is possible to be entirely detached from the clichés (again, in the double sense of the word), which are typical within Diaspora and thus of genocide. Even if we might observe a certain instrumentalization of these images (that is, a displacement of context), this is nevertheless constantly complicated and problematized. What is more, their art calls for a spectator who is active in the process of image-making, of meaning-making – a process in which the viewer is caught in a sort of archaeological work and duty, since he or she participates in the construction of the work.

Remembering the Armenian Genocide is a displacement in itself: to remember it outside the original and natal locus, and to remember it outside its original historical time. The artists' multiple visual work not only repetitively translates the way that genocide haunts Armenians in diaspora, but also alludes to the idea that the heritage of the Catastrophe can only be imagined. The construction of a memory of the Genocide binds Armenians in diaspora together, and this is expressed by archival desires, refracted in the production and preservation of certain visual lexicons and iconographies. In other words, the image replaces and incarnates, so to speak, the original territory. The diasporic condition is defined by a need to anchor and to root the existence of the origin in a certain memorial representation. It is captured in a focalization on an idealized, emotional and/or intellectual perception and expectation of Armenia.

That is what we see, for instance, in the similarly natural and artificial geometrics of Torossian. Those imaginary acts nevertheless originate from real and actual events and experiences. Torossian's and Garabedian's filmic posture and gesture engage both their displaced biographic Self (being of Armenian descent) and their filmic and plastic quest for capturing and chasing images.

How does one visually speak about this Genocide without having to prove that it actually took place? This is the very challenge for these artists. In my view, the image should not have anything to prove because such understanding would fall into the perverse logic of self-explanation and justification. Therefore, Torossian and Garabedian (and Egoyan) succeed in assembling images that simultaneously indicate the lack of available images of the Catastrophe, and respond to the perversity of the archival process by proposing *other* images that do not function as visual evidence.

The multiplicity of forms, media and references disclose the artists' fascination for visual arts in general, as well as the multiple possibilities for approaching catastrophic and diasporic memory. No wonder, then, that repetition is a central motif in the work of Egoyan, Torossian and Garabedian. In short, an 'aesthetics of displacement' is a visual enterprise of an obsessive and repetitive, yet lacunary necessity.

Memory is constantly reconstructed and recreated: in other words, it is in 'becoming', or perhaps in constant weaving and texturing. With regard to the notion of 'missing images', the majority of the images I have referred to reveal the inversion of destruction into cultural and transcendental depositories, or icons of what survived (for example, churches and Mount Ararat); or, in the case of the film *Ararat*, for instance, we can say that when images are missing they must be fabricated. In their works, Egoyan, Garabedian and Torossian recycle or re-craft the iconographies of genocide as well as the cultural lexicons, which are reinvented in other, highly constructed visual territories. Images are the necessary detours for remembering a culture that lacks any of its own and that, as a result, has been weaving for generations its own tapestries and textures of memory.

## Notes

1. I would like to thank Kathryn Babayan, director of the Armenian Studies program at the University of Michigan, who invited me, as a Manoogian visiting scholar, to participate in the second semester of the academic year 2013–14. This chapter is largely based on the Berj H. Haidostian Annual Distinguished Lecture. And my thanks go also to The Manoogian Simone Foundation and The Alex and Marie Manoogian Foundation, as well as the Haidostian family for facilitating my stay in Ann Arbor, Michigan.
2. Senior Lecturer in Film and Visual Culture at University of Amsterdam and a member of Amsterdam School for Cultural Analysis.
3. S. Sontag, 'Regarding the Torture of Others', *The New York Times*, 23 May 2004.
4. J. M. Carzou (1975) *Un génocide exemplaire* (Paris: Flammarion).

5. See M. A. Baronian (2013b) *Mémoire et Image. Regards sur la Catastrophe arménienne* (Lausanne: L'Age d'Homme).
6. See Chapter 10, Chorbajian, on denial following the First World War, and Chapter 11, Elmas, on the media replicating the official denial discourse.
7. With respect to imagined identities, see Chapter 16, Holslag.
8. On this issue, see the work of essayist Janine Altounian.
9. G. Didi-Huberman (2008) *Images in Spite of All: Four Photographs from Auschwitz* (Chicago, IL: University of Chicago Press).
10. On German Armin T. Wegner's photographic collection, see T. Hofmann and G. Koutcharian (1992) 'Images that Horrify and Indict: Pictorial Documents on the Persecution and Extermination of Armenians from 1877 to 1922', *Armenian Review*, Vol. 45(1–2): 53–184. In recent years, we have witnessed an acceleration of the disclosure and production of images by, for example, contemporary artists. A significant example is the early American film *Ravished Armenia/Auction of Souls* (1919, Oscar Apfel) based on the book and the true story of Aurora Mardiganian's *Ravished Armenia* (1918). It is the first feature film that deals with genocidal violence but it has only been recently rediscovered and partially restored. Genocide survivor Mardiganian's testimony has been of great inspiration for Atom Egoyan's video installation *Auroras* (2007 and 2015).
11. Hofmann and Koutcharian (1992), pp. 53–184.
12. See M. A. Baronian (2013a) *Cinéma et Mémoire. Sur Atom Egoyan* (Brussels: Editions Académie Royale Belgique).
13. On Egoyan's films, see Chapter 18, Siraganian.
14. My point here is largely inspired by the work of French-Armenian philosopher Marc Nichanian. See M. Nichanian (2009) *The Historiographic Perversion* (New York: Columbia University Press).
15. Baronian (2013a).
16. Nonetheless, the viewer can see an image of the Tsitsernakaberd: the monument in Yerevan that commemorates the victims of the Genocide.
17. On the destruction of churches, see Chapter 6, Guibert and Kim, as well as Chapter 15, Kebranian.
18. See D. Kouymjian (1984) 'Destruction des monuments historiques comme poursuite de la politique du génocide', in G. Chaliand and P. Vidal-Naquet (eds) *Le Crime du silence* (Paris: Flammarion), pp. 295–313.
19. See Chapter 18, Siraganian, for an analysis of *Calendar*.
20. M. Hoolboom (2001) *Inside the Pleasure Dome: Fringe Film in Canada* (Toronto, ON: Couch House Books), p. 149.
21. S. Hall (1997) 'Cultural Identity and Diaspora', in K. Woodward (ed.) *Identity and Difference* (New York: Routledge), pp. 52–3.
22. M. Hirsch (1997) *Family Frames: Photography, Narrative and Postmemory* (Cambridge, MA: Harvard University Press), p. 244.
23. Interview in Hoolboom (2001), p. 149.
24. J. Clifford (1999) 'Diasporas', in R. Cohen and S. Vertovec (eds) *Migration, Diasporas and Transnationalism* (Cheltenham: Edward Elgar Publishing), p. 310.
25. To visualize these artworks, we suggest consulting the catalogue of the retrospective exhibition on the artist: *Something about Today* (Ghent, SMAK, 2011).
26. Egoyan refers to the painter Gorky in his short film *A Portrait of Arshile* (1995) and in his feature film *Ararat* (2002). Torossian has made a collage-homage to the painter in *Garden in Khorkhum* (2004). For a detailed analysis of these three films see Baronian (2013b).

# 20

## Genocide Education: Promises and Potential

*Joyce Sahyouni*<sup>1</sup>

### Introduction

My mother's family were forced from their ancestral homes in Anatolia in 1915. Those who survived had to relocate to various places such as Adana, Tripoli and Haifa, before finally settling in Beirut. My family's official records have been lost, and all that remains from that time are the scattered details of our oral history, passed down through each generation. The link in the chain that connects me to my ancestors was severed in 1915. My lifelong interest in genocide and genocide education stems from this history.

As an educator I look for ways to design and implement genocide education within my subject area, English as a Second Language, whenever possible. The story of genocide can be overwhelming and there is a tendency in civil society to decontextualize it from the socio-economic and political situation of the period that surrounds it. Such was the case when, as a young pupil, I was taught the history of the Genocide in Armenian schools. This powerful story was framed as an important marker in the forging of Armenian identity and focused so much on the Genocide itself that at times it lost sight of the bigger picture.

Years later, I came across a Genocide survivor's account on videotape. Given my family history, the emotional connection was unavoidable and spurred a 2007 research paper for a graduate course. In that paper I looked at the use of narratives within the context of education and the role it can play. When I was finally in a position to integrate genocide education in my teaching, I ensured the narrative occupied a key place. I was given the videotape of the survivor's account that inspired me all those years ago by her granddaughter. On 1 December 2002, the survivor, whose name has been changed to preserve anonymity, was well into her nineties when she sat in front of a camera to recount her experience during the Genocide.

Sima was born the youngest of six children in 1914, in Marsovan, in present-day Turkey. Her story begins when her father and three uncles were taken one night by Turkish soldiers under the pretext of enlisting them in the

army, but they were taken instead to a nearby hill named *Davshan Daghe*, or Rabbit's Mountain, where they were executed. Due to her grandfather's status as a tradesman in the lucrative copper business, her family found refuge from the caravans of deported Armenians by hiding in their grandfather's home, and were spared the long marches through the deserts which ultimately led to the killing camps of Deir Zor. Between 1915 and 1922, having returned to their home to find it looted, the family lived on the meagre income provided by their vineyard, by selling grapes, raisins and whatever else they could.

Sima relates that in 1922, Mustafa Kemal decided to rid Turkey of Armenians, and thus began another phase of the Genocide. One night, the *tchete* (bands of brigands) guards came to her home. They separated the adult males and tied them together. They took her brothers and her uncle, along with her eighty-year-old grandfather. Later, gunshots were heard in the distance. The next day, the *tchete* came back and huddled the women and children together. They were herded off to another building, where they were assigned to stay.

Next, they grabbed Sima and her older sister, separated them to another room and ordered them to remove their clothes. Before the men could touch them, however, she recounts that another soldier barged into the room and told the others not to touch the girls. They were returned to their mother and grandmother and spared the horrific acts she recounts that were committed against women. She claims that the local bathhouse was used as a place for torture, where women had their breasts cut off and pregnant bellies slit. In order to survive her mother became a carpet weaver, but they barely had enough on which to subsist. Eventually, Sima and her sister were sent to an orphanage where hundreds of Armenian orphans were kept, and then to another school where they stayed from 1923 until 1929.

The purpose of this chapter is twofold: to review the significance of genocide education, and to show the integral role the personal narrative can play in making historical events more accessible. The chapter illustrates this by recounting my experience of teaching a unit based on the graphic novel *Maus*, by Art Spiegelman, with the hope that it will help other teachers incorporate, adapt, or develop genocide education within their own programs. As a corollary, this chapter shows the utility of using specific and personalized experiences from the various genocides of the 20th century, including the Armenian Genocide, in teaching this topic to high school students.

## Personal narrative and genocide education

Exposing students to the reality of genocide has not only the potential of raising awareness about the past, but also of shaping individuals who might act against it in the future. To achieve this, genocide education requires

sound pedagogy. Therefore, it is essential to tackle the 'why' and to teach genocide in a meaningful and comprehensive way. In the article 'Holocaust Education in Ontario: An Antidote to Racism', Geoffrey Short examines the important links that can be made between the Holocaust and anti-racist education. He asserts that if the Holocaust is taught correctly, it can

broaden students' understanding of stereotyping and scapegoating, make them aware of some of the political, social and economic antecedents of racism and provide a potent illustration of both the bystander effect and the dangers posed by an unthinking conformity to social norms and peer group pressure.<sup>2</sup>

He adds that, above all, students can learn valuable lessons of the dangers of racism and the road it can lead us on if it remains unrestrained. Totten and Parsons emphasize the importance of genocide education in raising issues pertaining to repercussions from human rights violations and abuse of power, and the influence of both individuals and nations when faced with genocidal acts. The authors contend that these questions can serve as the foundation of responsible citizenship.<sup>3</sup>

At times, when the Holocaust is taught through the medium of a novel, there is a possibility of oversimplifying events or overestimating students' background knowledge. Therefore, closely looking at context, history and the sociological basis of racism are essential, while emphasizing the unique nature of the Holocaust.<sup>4</sup> A dangerous pitfall is to frame the Holocaust from the perspective of a homicidal psychopath who decided to get rid of Jews. I observed this misrepresentation myself in the understanding of my students at the very start of the unit. The major issue with this view is that students will be left with the notion that the Holocaust occurred because of one man's deep resentment towards Jews, rather than it being the result of rampant and centuries-old anti-Semitism in Germany and in Europe. It also minimizes the role of the systematic and methodical manner the Nazis carried out their actions, as well as diminishing the influence of the roles played by perpetrators, bystanders and collaborators.<sup>5</sup>

Totten and Feinberg delineate a number of practices in framing the study of the Holocaust, alongside contextualization. They suggest the need for teachers to continuously address issues of rationale in studying the Holocaust to render it more meaningful to students' present lives. They also stress strong opening and closing lessons to set the proper tone. It is recommended to use information and vocabulary that are not only accurate and contextual, but also avoid simplifications and generalizations. The latter can lead to erroneous or stereotypical views of a group or events. As an example, the authors mention that numerous teachers tend to focus on the exemplary behaviour of non-Jewish rescuers, without properly outlining that they constituted less than one percent of the population.

One significant suggestion of Totten and Feinberg is to personalize the Holocaust, by including 'first person accounts (letters, diaries, court testimony, memoirs, autobiographies, interviews, oral histories), and to incorporate appropriate literature'.<sup>6</sup> The horrors of the Holocaust and the sheer number of people affected are beyond comprehension, and these forms of authentication can help students come to grips with the historical events.<sup>7</sup>

Many studies examine the importance of storytelling or personal narratives as a way to teach history. Errante notes that qualitative researchers have in recent years displayed interest in personal narratives as a 'legitimate articulation of individual and collective experience with the social, political, and cultural worlds of education'.<sup>8</sup> Personal narratives and oral histories are justifiably occupying a more important space within history and education.<sup>9</sup> They are seen as another representation of reality, a tool with which narrators can extend their identity. Errante maintains that 'this articulation of identity – of voice – has thus become understood as a locus of human dignity ... consequently, to deny a person the possibility to narrate his or her own experience is to deny a person's human dignity'.<sup>10</sup>

Zander claims that narratives not only communicate shared understandings, but they can transform the way we perceive our world. They touch us on an emotional level, and 'they assist us in remembering and making sense of our own experiences and the lives around us'.<sup>11</sup> Listening to someone's evidence is not an isolated event that ends upon completion of the storytelling – the participation is also assimilated into our experience and our shared knowledge. More importantly, stories can potentially enhance and develop moral action because they provide a glimpse of authentic reality. The listener empathizes and is forced to question: what would we do in that situation?<sup>12</sup>

Oral histories and personal accounts legitimize and humanize the events that are being studied. They put a face to history and they bring the numbers to life. While quoting a statistic on the systematic killing of people can have a powerful effect, putting a face on one of those numbers can be even more profound. The teacher must work to minimize the distance between the learner and what is studied, and introducing personal stories and autobiographies may achieve this.<sup>13</sup> Within the context of genocide education, these stories help create a bond, an emotional connection between the student and the content. Textbooks do the job of conveying the 'what, where, when and how' of the tragedy, but personal narratives provide the 'who' in a context that challenges and empowers students by taking them out of their comfort zone.

## Teaching the Holocaust and *Maus*: a summary and lessons learned

During a sobering visit to the Dachau concentration camp in the summer of 2011, I came across the graphic novel *Maus* at the site's bookshop. By

the time I had turned the last page, I knew it was a novel I had to teach. The medium was an unconventional choice, but a colleague had assured me that the teaching of graphic novels had become more commonplace in the English language curriculum in recent years.

In my fourth year of teaching, I was given four groups of Enriched English students in grade 11 at the Collège Durocher Saint-Lambert, a francophone high school located in a suburb of Montreal, Canada. Enriched English classes in French-speaking Quebec are equivalent to English as a Second Language classes. However, the students must pass examinations in order to be placed in this program, as it requires a higher proficiency in English. Most of my students in grade 11 were French-Canadian with near native-like proficiency in English and between 16 and 17 years of age. The objective for teaching this unit was to expose students to genocide, to help them to understand its definition and patterns, and to emphasize that it comprises systematic and concerted actions. The unit also highlighted the tragic fact that humanity has witnessed several genocides, and the hope was that it might shape the students into more active and informed citizens.

In Quebec, history (called *Univers social*) is taught mainly in grades 9 and 10. During these two years, students acquire historical knowledge of Quebec and Canada, starting with the French empire in America and finishing with modern-day Quebec. The first year focuses on history based on chronological events, and the second year is centered on a more thematic study of the concepts from the previous year. In grade 11 the students are required to take a class called *Monde contemporain*, or Contemporary World – its goal is to encourage participants to focus on and take a clear position regarding present-day issues. There is another optional history class that is offered to students that centers on 20th-century world history.

The first phase of my unit was to assess what the students already knew about the Second World War and the Holocaust. An informal survey showed that, on average, only five or six of each class of approximately 36 students had enrolled in the 20th-century history course and the overall exposure to events of that era was limited. A simple multiple-choice and true/false quiz along with a mind map was given to confirm the impression. It was not formally graded and only served to measure their knowledge of important dates, locations, definitions and historical figures. The results revealed that the students had only a rudimentary understanding of the events of the period and not only was time needed to investigate the historical background, but it had to be done almost from scratch.

The background section to this unit opened with a definition of genocide (elaborating upon the eight prior stages leading to its enactment) and the Holocaust. It continued by taking a look at anti-Semitism and Christianity in Europe, and then the rise of the Nazi party in the aftermath of the First World War with a focus on its ideology and the targets of its persecution.

The unit surveyed anti-Semitism (which the students knew very little about and that solely within the setting of the Holocaust) across pre-Second World War Europe and the students were surprised that Jewish suffering had in fact spanned centuries. The progression and escalation of anti-Semitic acts leading up to the Second World War were also reviewed, with an emphasis on their systemization. Nazi stereotyping and its propaganda machine were included as well as the relocation and resettlement of Jewish populations across Nazi-controlled Europe.

The implementation and structure of concentration camps along railway lines was studied, including the different types, how they functioned and the daily lives of those sent there. Time permitted only a brief look at the ghettos, investigating their location, and daily life and conditions within them. Resistance was mentioned (both Jewish and non-Jewish), and the consequences faced by those who fought back against oppression. Lastly, the triangle of responsibility was shown (rescuer, bystander, perpetrator), which generated lively discussion amongst students about an individual's responsibility when faced with collective evil and oppression.

Educators are spoilt for resources on Holocaust education. The United States Holocaust Memorial Museum has an incredibly rich and useful collection of information online for students and teachers and a wide array of artifacts to choose from and analyze.<sup>14</sup> The Museum's guide for teaching about the Holocaust is particularly valuable, especially for those who have not taught the subject before.<sup>15</sup> The Birmingham Holocaust Education Center also provides educators with a breadth of information that was particularly useful to frame and structure this content.<sup>16</sup> There is more than enough material available to fill an entire term, and one of the greatest challenges in teaching this unit was to compress that information into the confines of the time allocated. Most teachers will be faced with the difficult choice of what to include and what must be omitted.

After assessing the students' initial understanding and presenting the background to put the story into context, the third part of the unit consisted of reading *Maus*, the graphic novel written by Art Spiegelman. *Maus* details the author's experiences with his parents and their time in Auschwitz. It is a compelling and harrowing novel. The feedback received from students was highly positive. Many conveyed that it was their favorite novel of the year and that it touched them a great deal. A handful of students, who did not particularly enjoy reading, came forward and expressed how much the novel had moved them. One such student related that once he had picked up the book for the assigned reading, he could not put it down and read both volumes in one sitting.

*Maus* is a multi-faceted novel and does more than just expose the horrors of the Holocaust. It is a poignant way to teach the concept of metaphors. It engenders discussion about depictions in the novel. It tackles themes that are universal, like the delicate relationship between a father and a son,

bullying, suicide, resiliency, depression, love, guilt and survival. Many high school students can relate to these themes in varying degrees.

The fourth part of the unit was a team-based collaborative project to create a comic book based on a genuine account of a genocide survivor. While there are variations in the implementation of a project of this nature, this teaching unit directed students to research the story of a survivor that they would adapt into their own comic book. In addition to using *Maus*, I had also introduced a comic book illustrated and written by a Rwandan genocide survivor. Students were given class time to research the events and collaborate on the comic.

The completed projects were remarkable. Most interesting is that some students explored their own family histories to illustrate their comic, interviewing a parent or grandparent. One student decided to write about her family's history during the potato famine in Ireland and their punishing cross-Atlantic journey to Canada. Another wrote about his great-grandmother, who was discovered as a member of the underground Resistance in France during the Second World War and was sent first to a prison boat, then to Ravensbruck concentration camp, and later to work in salt mines. Towards the end of the war, she was sent to Sweden and was 59 years old when she finally returned to France. In 1962 President Charles de Gaulle honored her for her efforts during the war. The student included pictures of his great-grandmother both before and after the war, and those images portrayed a chilling testament to the challenges she faced throughout the conflict.

One team decided not to limit themselves to a single survivor of the Armenian Genocide, and designed a book based on several accounts from Sivas, Kessab and Izmir, using one per chapter. On the first page of each chapter they included a photograph of the survivor, but completed their illustrations using faceless characters, bridging the gap from the tangible features of the living individual to their memories.

One part-Cambodian student created a comic book about her mother's experiences during the Cambodian genocide. Her mother's story began in 1975 when her family was asked to leave home and travel away from the city. They relocated several times, building makeshift homes, facing instability and hunger. First her brother died of starvation, followed by her father. Her mother and three sisters were the only ones to survive, living on the equivalent of two spoons of rice per day and supplementing their diet with whatever they could scavenge. Deliverance came when her sister hired a guide for a perilous journey to cross the border into Thailand to a refugee camp run by the Red Cross. Her mother had refused previously to speak about the Genocide, but opened up for her daughter's project. The photographs of her mother's family during that time made reading her work even more fascinating.

Another team contacted a Rwandan genocide survivor in Montreal. They met and interviewed him and created their work based on his story. A few

groups working on the Rwandan genocide opted to base their projects on Canadian senator and former commander of the United Nations Assistance Mission for Rwanda, Lieutenant-General Roméo Dallaire, as well as the celebrated francophone singer-songwriter Corneille, who, at the age of 17, hid behind a sofa while nine members of his family were massacred in their home.

The projects reviewed for the purposes of this chapter were selected (and some are depicted here) with the consent of the students to share their work. In 'A Place to Hide' (Figure 20.1), the story revolves around one of the students' great-grandparents in the Netherlands during the Second World War. They hid four Jews for three years at great risk to themselves and their children. Against all odds, all but one survived. The Nazis wanted to requisition their home to turn it into a control post, but the great-grandfather feigned a measles outbreak in the house to dissuade the Nazis from taking possession of it. For one of the women hiding in the attic the constant fear was too difficult and she took her own life. She had to be buried discreetly under the cover of night. After the war, the family learned that their neighbors had known they were hiding Jews, but had not reported them to the authorities.

Two projects on the Rwandan genocide are '91 Days of Fear' (Figure 20.2) and 'Cockroaches' (Figure 20.3), both of which stand out for the students' use of imagery and symbols in their illustrations. 'When Hunger Reigns' (Figure 20.4) is a captivating comic on Jacob Neufeld, who survived the Soviet-created famine in Ukraine and later moved to Canada.

'The Artist and His Daughter' (Figures 20.5 and 20.6) was inspired by the life of famous Armenian-American artist, Arshile Gorky.<sup>17</sup> The students chose the artist because they had not previously heard about the Armenian Genocide until it was discussed in class and decided to research it. They came across the painting 'The Artist and His Mother' by Gorky, and chose to base their project on him. The artist's daughter narrates the comic.

Throughout this process, the students were genuinely engaged and invested an immense amount of effort. This project took place in May and early June 2012, the end of their academic year. Nearly all of the students had already been accepted to their colleges by then (in Quebec, secondary education ends in grade 11) and their grades had little or no bearing on their academic futures, but they remained motivated throughout and submitted captivating work. As with all academic assignments there were some disappointments, but the overall quality was very high. There was a feeling that the students felt very close to their chosen survivor and wanted to share their stories of pain and survival with their peers. In hindsight, it would have been beneficial to have taken the time to examine what this project meant to each student and how they related to the survivor they had chosen. Unfortunately, the scope of this unit was limited to the classroom assignment at the end of the term and presenting the effect it had on the students in a future academic endeavor was not planned for.

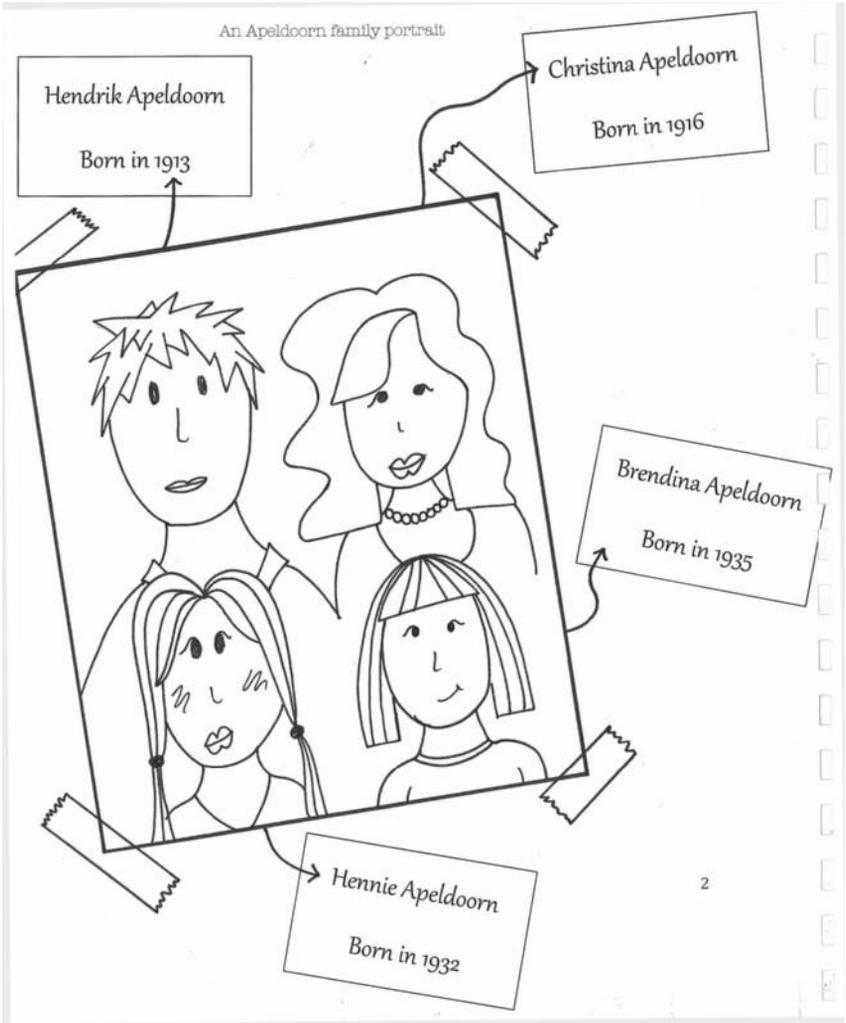


Figure 20.1 Excerpt from 'A Place to Hide' by Emily Donahue, Charlotte Gallienne and Kristina Nel

### Changes for the future

I had the opportunity to teach this unit on genocide only once, as I was reassigned to a younger age group the following year. Consequently, I was unable to fine-tune the unit. If this exercise were to be repeated, the following recommendations should be taken into account. First, more time must be devoted



Figure 20.2 Excerpt from '91 Days of Fear' by Jeanne Bienvenue and Dominique Parent

to a unit of this significance. Time was the greatest adversary in implementing this project; it robbed the teacher and students of the opportunity to delve deeper into the content and forced frustrating decisions in material selection of a complex and nuanced subject. Second, the context-building would need to be reframed to allow for more depth and scope of historical events. For instance, it would have been useful to have given students the chance to thematically research independently about anti-Semitism, genocide, the events

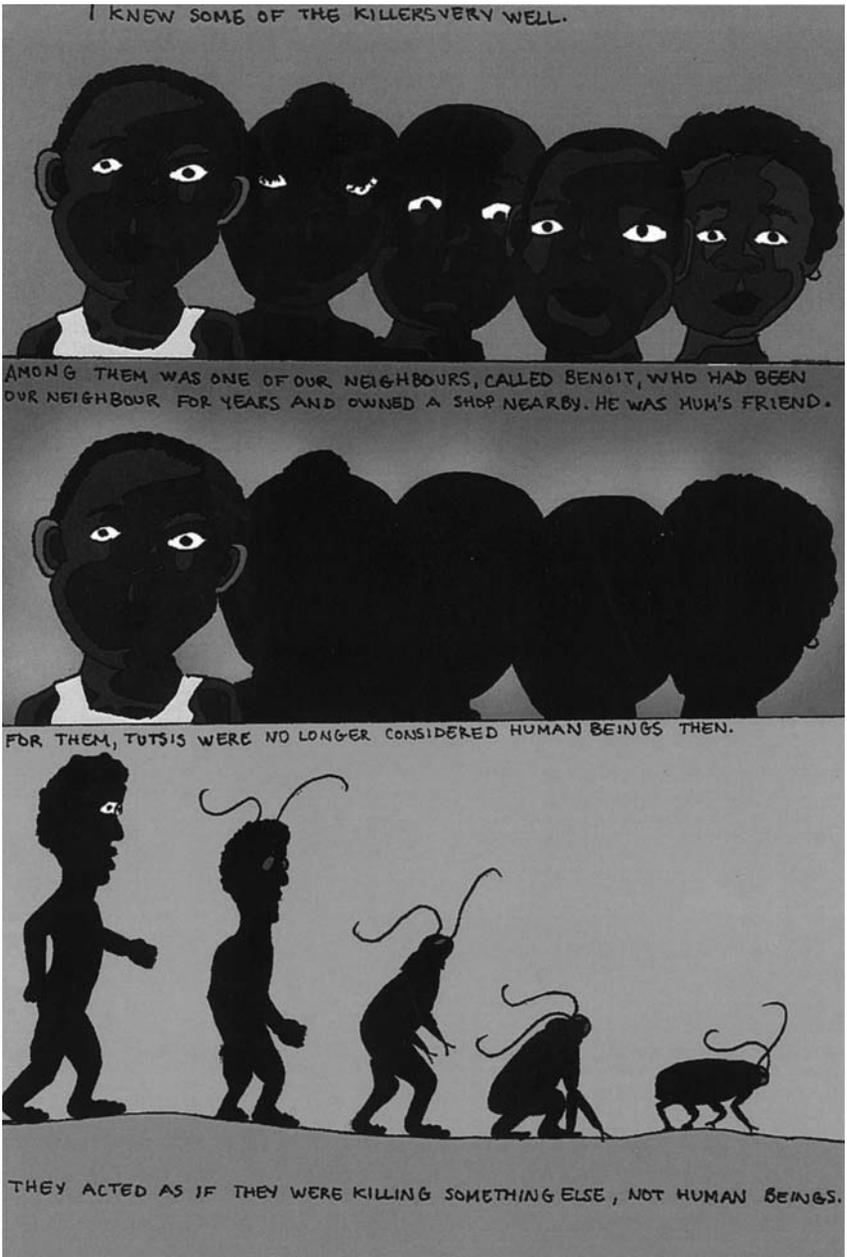


Figure 20.3 Excerpt from 'Cockroaches' by Zhao Rossi and Andréa Febres-Gagné



Figure 20.4 Excerpt from 'When Hunger Reigns' by Simon Larose and Simon Ohrt-Dubuc

of the Second World War, and so on, and then perhaps have them team-teach the content to each other in a collaborative effort. Third, more time could be dedicated to covering anti-Semitism in Europe. This was touched upon but it is essential to contextualize the Holocaust and underline that it did not occur

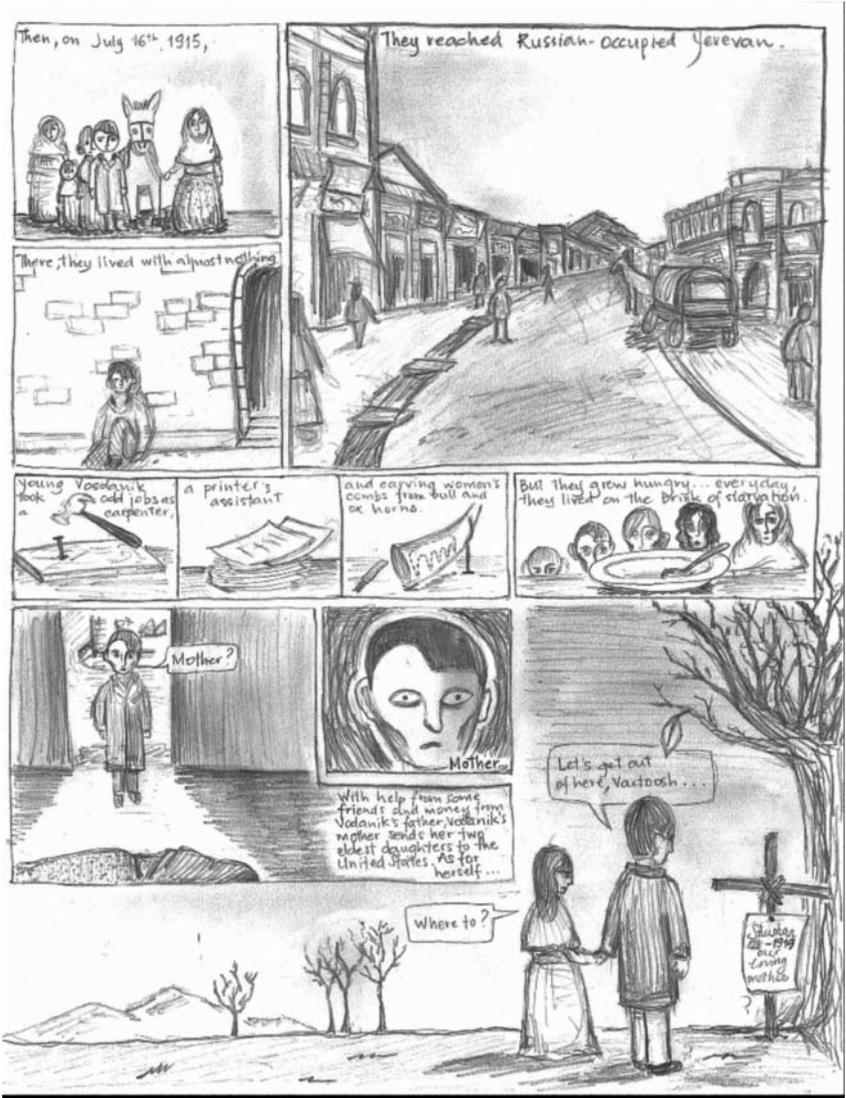


Figure 20.5 Excerpt from 'The Artist and His Daughter' by Thao Tran Nguyen and Cassandra Pinard

suddenly. Fourth, spending more time expanding on stereotypes within our contemporary society, crucially connecting the past to the present, would be beneficial. Lastly, the existence of anti-Semitism in Canada (or the country the students are studying in) could certainly have been incorporated.

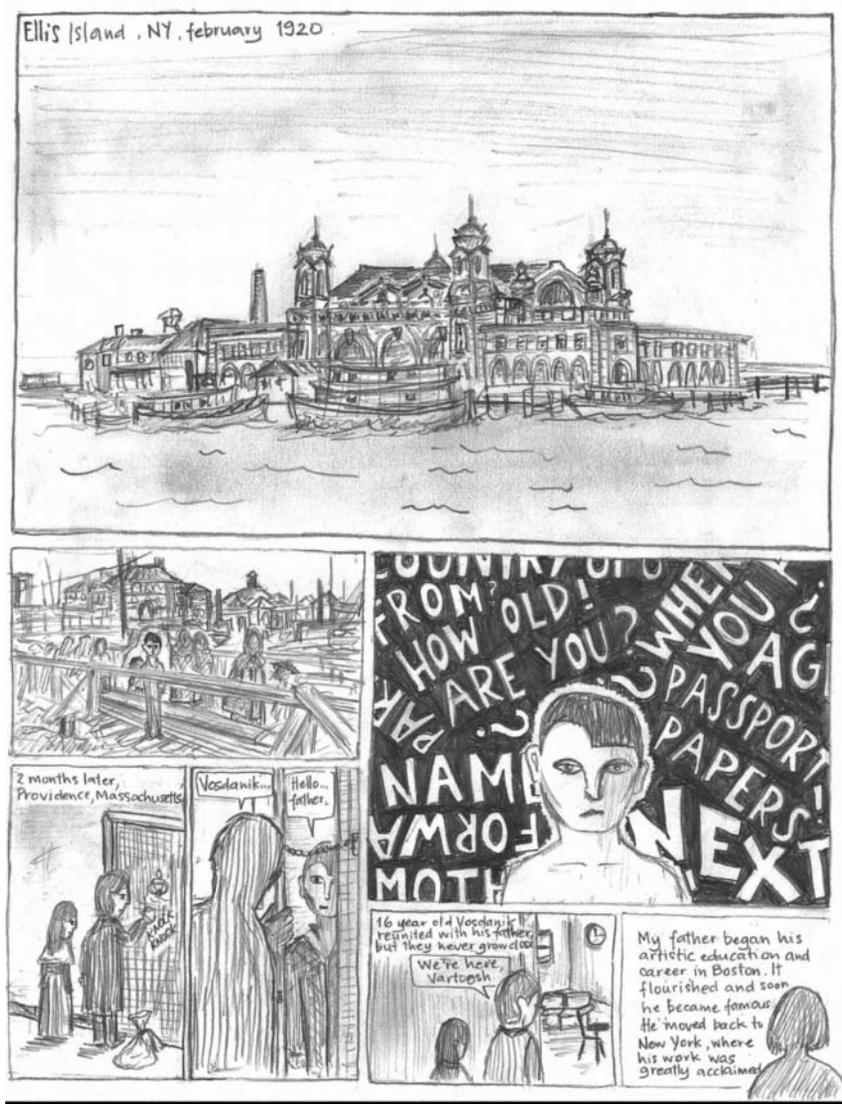


Figure 20.6 Excerpt from 'The Artist and His Daughter' by Thao Tran Nguyen and Cassandra Pinard

In retrospect, the comic book project itself had one critical flaw. The students branched out and researched stories of genocides, but were not given enough time to delve deeper into the events and context behind their chosen story. As such, they acquired superficial knowledge of those events in question, without the full historical context as to 'why' the events occurred. However, the primary goal was achieved: students engaged in a creative project that allowed them to be exposed to genocide and draw out recurring patterns. It made them aware that the Holocaust was not the only instance in the modern age of the attempted extermination of a people, and that 'never again' is a phrase that has sadly been repeated too often in vain.

Most of the students had never even heard of the Armenian or Cambodian Genocides, although many were aware of the one that took place in Rwanda. Before this project, in each of the four groups, only one or two students out of 36 could name Darfur as the most recent scene of acts of genocide. Most importantly, teachers should be careful that students do not complete a project such as this with the misconception that all genocides are the same. While they share similarities in patterns, to compare them in a cavalier way should be avoided, because they are all unique.<sup>18</sup> It is recommended to focus on survivor accounts solely of the genocide that is presented. In the case of *Maus*, it would be the Holocaust.

I would also recommend inviting a survivor to come into the classroom and interact with students. In December of 2013, the year after the unit on *Maus*, my school hosted the Anne Frank Travelling Exhibition. A colleague from the history department and I trained the students who would act as guides. As part of that month-long training, we took them to the Holocaust Museum in Montreal and they were able to listen to the account of a Holocaust survivor and learn about how he survived and started his life anew in Canada. The students remarked on the significant impact that meeting the survivor had on them and claimed it was their favorite part of the entire training process.

One great challenge for the implementation of this unit was to keep it within the curriculum of an English language course and not turn it purely into a history class. Therefore, it could be beneficial to join forces across departments and build an interdisciplinary unit, giving the English teacher assistance in structuring the historical perspective from his or her counterpart. There are also specific training programs available for teaching Holocaust education and it is suggested that teachers who are embarking on a unit on genocide education for the first time follow one of these to facilitate the process.

Feelings of a missed opportunity settled after the completion of the project, for not having explored further how this newfound knowledge of genocide could shape the students' future actions as informed citizens, and encourage debate on the responsibility we bear for atrocities committed around the world. Both could serve to assist in facilitating a more forward-thinking attitude in the students, as well as encouraging them to take responsibility

beyond their local communities in defending victims of atrocities without the myopic concern for national boundaries.

Personal narratives focus on the survivor and inevitably tell of their persecutors, but they also often mention other heroic figures, sometimes even from within the persecuting group, who played roles in protecting or leading the survivor through the terrors of the ordeal. However, it is just as important not to ignore the tacit complicity of the bystanders, the silent majority whose inaction emboldened the monstrous deeds of the minority. These are the most important lessons for creating a future that will not re-enact the sins of the past. Exposing students to the horrors of genocide alone does not achieve this.

Geoffrey Short warns that simply arming students with the knowledge of racism and genocide, regardless of how well it is taught, does not ensure anti-racist behavior. Students must be challenged to think beyond the events of the Holocaust and a unit on genocide provides an excellent context and opportunity in which to do so, by carefully examining the group dynamics, peer pressure and the role of the bystander.<sup>19</sup>

## Conclusion

When concluding the study of the Holocaust and *Maus*, inspired by Shiman and Fernekes, I shared with my students the famous poem by Pastor Martin Niemoeller:<sup>20</sup>

*First they came for the Socialists, and I did not speak out  
— Because I was not a Socialist.  
Then they came for the Trade Unionists, and I did not speak out  
— Because I was not a Trade Unionist.  
Then they came for the Jews, and I did not speak out  
— Because I was not a Jew.  
Then they came for me  
— And there was no one left to speak for me.*

I asked my students why they thought I would end a unit about the Holocaust with this quote. One of them answered that what happened to the Jews could potentially happen to any group if no one has the courage to stand up to injustice on behalf of others. Those who do not speak up against oppression share in the guilt. We all have a part to play. Ultimately, I cannot assess what my modest attempt at genocide education awakened in my students, if anything at all. What I can say with certainty is that in the midst of it, the students were deeply moved and were inspired to create beautiful works. Teaching about genocide and the Holocaust required months of research and planning before implementation. It was daunting and emotionally demanding, but it was necessary and remains the most enriching experience of my teaching career.

Sima, the source of my inspiration, relates that on her mother's side alone, 27 family members perished in the Armenian Genocide. Her mother lost her father, brothers, husband and sons. Sima recounts that when the Turkish soldiers came to take her father away, he kissed his wife and looked at Sima, then an infant. He told his wife 'This, the youngest of our children, will remain with you always.' Sima, with great emotion in her voice, affirmed that several years later, her mother died with her daughter at her side.

Janine Altounian theorizes that the tragedy behind the Armenian Genocide is not only that it continues to be denied by its perpetrators, but that it is engraved within the collective subconscious of the Armenian Diaspora.<sup>21</sup> That denial continues to haunt Armenians and, so long as it persists, the Diaspora will retain a harrowing absence of closure transmitted from one generation to the next. The perpetrators of the Genocide made every effort to dehumanize the people they were persecuting. Sima and other survivors who bravely share their stories give victims an identity beyond numbers and figures. Listening to their personal narratives humanizes these events, warming the coldness of raw data and statistics. They provide a unique opportunity for students to incorporate these stories of survival, for them to become a part of their own memory and themselves.

However, it is not the heroic figures of the narrators or those who assisted them to safety that will prevent future genocides. It is the bystander who in the past did nothing who must be motivated in the future to take a stand for human dignity. The personal narrative and genocide education empower the next generation not to turn away in wilful ignorance, and force them to make a choice knowing the full weight of their action or inaction.

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