Human Rights Violation in Turkey

Rethinking Sociological Perspectives

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For my Mother and Father

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Acknowledgements

Note on Citations

In the main text and in the bibliography of this book, reference is sometimes made to both the work's first year of publication as well as the year of publication of the particular text used by the author. As an example, Small ([1907] 2005) refers to Albion Small's *Adam Smith and Modern Sociology: A Study in the Methodology of the Social Sciences*, which was first published in 1907.

Introduction

An investigation into Turkey's many human rights issues, which might illuminate an understanding of their emergence and potential resolution, has never been approached sociologically from an explicitly 'human rights' perspective. Even prominent works of contemporary sociology, such as Michael Mann's *The Dark Side of Democracy* or Stanley Cohen's *States of Denial*, go little further than offering local accounts of the Armenian Genocide in an era when sociologists have become increasingly concerned with theories of globalisation. Elsewhere in the discipline, the 'sociology of human rights', which offers a broader point of theoretical departure, has only recently started to see consistent, though still rather fragmented, development. This book begins by identifying the source of this fragmentation and, through an associated development of contemporary theory, attempts a new 'global' account of human rights violation in Turkey.

In the 1990s, the sociology of human rights gained momentum following Turner's (1993) recognition that, though increasingly concerned with globalisation, modern sociologists seemed to have left an 'embarrassing lacuna' (Waters 1996: 593) in which T. H. Marshall's ([1950] 1992) nation-state-limited account of *Citizenship and Social Class* in Britain had come to serve as the sociology of rights. Sociologists, in stark contrast to the new optimism towards universal rights evident in hugely successful modern works of ethical Philosophy and Jurisprudence (for example, Rawls [1971] 2005; Dworkin [1977] 2005), found that their own discipline held a history of cynicism towards the possibility of a universal morality (Turner 1993; Barbalet

2001; Morris 2006). So how, with such cynicism as their heritage, were sociologists to join with modern academics in taking human rights seriously?

However, the question implicitly favours one side of a dilemma, running as far back as the era of classical sociology, in which rights were regarded not only 'cynically', as arising from some form of (typically bourgeois capitalist) self-interest, but also in terms of genuine morality and even emotion. This dilemma is evident in the work of Emile Durkheim ([1898] 1973) and Karl Marx ([1843] 1992) and, while T. H. Marshall's ([1950] 1992) approach to citizenship rights offers some indication of a potential resolution, the dilemma re-emerges in modern attempts to found the sociology of human rights. The discussion of this sociological history will show that favouring one side of the dilemma demonstrates a neglect of the full social and moral character of human rights. From this foundation, it is then postulated that, in accepting that *human rights constitute a distinctive moral law historically characterised by their intertwining with a particular socio-economic structure*, it is possible to build, from existing fragments of contemporary theory, a much stronger foundation for the sociology of human rights.

It is in his essay '*Individualism and the Intellectuals*' that Emile Durkheim offers some recognition of this dilemma and makes an attempt to come to terms with it. His discussion of human rights, or the Rights of Man, following the French Revolution, is set within a broader discussion of individualism. Durkheim is careful to separate the individualism of economic theory from that of the Rights of Man. Any conflation of the two Durkheim sees as inappropriate because, whereas economic individualism is based on 'crass commercialism', the Rights of Man spring from 'a broader pity for all sufferings, for all human miseries, a more ardent need to combat them and mitigate them, a greater thirst for justice' ([1898] 1973: 48). While he argues that the 'abusive exploitation of individualism proves nothing against it' ([1898] 1973: 48), Durkheim does not fully recognise the support that the Rights of Man drew from emergent capitalist practices and market relations during the Enlightenment. It was a rising bourgeoisie that supported the English, American and French revolutions (Moore 1969). So it is unsurprising that 'crass individualism' is part of the critique with which Durkheim finds himself confronted. Consequently, Durkheim's critique, as a contribution to establishing

a sociological theory of universal rights, is overly dismissive of the role of economic individualism.

On the other hand, Karl Marx, in *On the Jewish Question*, deconstructs any issue of the Rights of Man as being other than a front for excessive individualism. In this way, he locates himself in a tradition of cynicism followed by, among others, Jeremy Bentham and Edmund Burke (Waldron 1987). Whereas Durkheim dismisses individualism in favour of a conception of emotion and suffering, Marx seems overly dismissive of the possibility of pity as involved in the Rights of Man. They are simply the rights of 'egoistic man, man separated from other men and the community' (Marx [1843] 1992: 229). Marx also references ideas of Liberty in *The French Declaration of the Rights of Man and the Citizen* to the expansion of bourgeois acquisition of private property (Marx [1843] 1992: 229). It is in this sense that the Rights of Man become a great support for bourgeois expansion and the 'crass individualism' Durkheim was so careful to separate the Rights of Man from.

T. H. Marshall

The difference between Durkheim and Marx elucidates a dichotomy which persists in a different manner in T. H. Marshall's post-war discussion of citizenship. Marshall's understanding of rights is broadly equated with the emergence of capitalism and economic freedom (Marshall [1950] 1992: 20). Moreover, the Marshallian association of civil, political and social rights with their British institutional bases of, respectively, the judiciary, parliament and the welfare state has been seen as 'a genuine improvement on the idea that rights intrinsically attach to persons' (Barbalet 1988: 6). However, Marshall's understanding of citizenship rights, in its attempt to expand on the work of Alfred Marshall, has a wider context because Alfred Marshall believed in universalism.[1] Acknowledging this perspective provides a clearer link between T. H. Marshall's discussion of citizenship rights and its relevance to the development of the sociology of human rights. T. H. Marshall points out that:

> (Alfred) Marshall's paper was built around a sociological hypothesis and an economic calculation. The calculation provided the answer to his initial question; by showing that world resources

and productivity might be expected to prove sufficient to provide
the resources necessary for every man to be a gentleman.

(Marshall [1950] 1992: 9, parentheses added)

Human rights are also reliant upon economic support for their
realisation.[2] Moreover, human rights are representative in a similar
way of another type of equality, that of global equality, in the belief
that every individual has a certain dignity and deserves to be free of
human rights violation. If there is an emotion which has traditionally
been argued as potentially linking people in an understanding of this
belief, it is sympathy, reflected in the work of Turner (1993, 2006) and
similarly in Durkheim's focus on pity ([1898] 1973). T. H. Marshall
believed that the economist Alfred Marshall 'came right up to the
frontier beyond which lies the territory of sociology, crossed it, and
made a brief excursion to the other side' ([1950] 1992: 4). The pre-
ceding discussion of classical sociology shows that the challenge of
understanding human rights necessitates such a seeming crossing
of boundaries in order for them to be properly understood. T. H.
Marshall himself expresses a similar understanding of this in 'set-
ting out to travel as historian and sociologist, towards a point on the
economic frontier of that same general theme, the problem of social
equality' (Marshall [1950] 1992: 4).

Modern sociology

The extension and redefinition of this dilemma for the contem-
porary era of the 'sociology of human rights' was completed by
Malcolm Waters, who, largely in opposition to Turner's (1993) insis-
tence on universalism, argued that 'human rights is an institution
specific to cultural and historical context just like any other, and
that its very universality is itself a human construction' (Waters
1996: 593). Malcolm Waters' 'social constructionist' approach leans
towards the rational/self-interested side of the dilemma in seeing
political self-interest and related Western value commitments as the
necessary focus for a sociological theory of human rights. Waters'
cynical detailing of political self-interest consequently omits the huge
and sympathetic reaction to, for example, the suffering caused by
Nazi atrocities and the demand for such horrors never to disgrace
humanity once again, focusing purely on the assumed self-interested

motives of the allied victors in constructing the *Universal Declaration of Human Rights*. Waters' argument also rather dubiously presents itself as being sociological. Such an account would not be out of place in political science, a subject alongside which sociology, in the interdisciplinary context of human rights academia, needs to find a distinctive role.

Another swing towards the moral side of the dilemma can be found in the later work of Barbalet (2001), where the importance of emotion is discussed, especially in relation to Turner's (1993) advocation of sympathy, as a foundation for the sociology of human rights. Barbalet's discussion is important because it draws attention to the specific emotions relevant to the perspective of claimants themselves, and therefore especially the role of resentment in claims against human rights violation. Barbalet's work, however, in failing to link emotion to rational self-interest, draws false conclusions about the relative importance of the emotions of sympathy and resentment in social process. Barbalet claims, for example, that 'sympathy is notoriously unreliable in ensuring the rights of others. Indeed, the violation of rights can be taken to indicate the probable absence of sympathy' (2001: 129). This leads us to Barbalet's recognition that sympathy is very frail in the face of self-interest (2001: 130). The essential point is that there are communities of interest beyond which sympathy does not extend and which therefore 'cut across the recognition of universal rights' (Barbalet 2001: 130). This, however, could also be understood as an indication of the opportunity sociology has to explore the relationship between emotion, morality and self-interest. A more positive endeavour would be to try to understand why communities of interest only have the means to extend so far, or to ask what might lead to a sense of universal sympathy self-interest makes it so hard to achieve. This would be more in keeping, as has been seen, with the endeavours of Alfred Marshall and T. H. Marshall.

The work of Woodiwiss (2005), along with the work of Waters (1996), underlines the entrenchment of the rational side of the rights dilemma in modern sociology of human rights theory. In a Foucauldian approach which omits any consistent discussion of emotion, Woodiwiss makes no acknowledgement that rights may be more complicated than his ideas suggest, even though the work of theorists from Durkheim ([1898] 1973) to Turner (1993, 2006) and Barbalet (2001) have suggested otherwise. Woodiwiss' theoretical solution

makes the abstract construction of 'human sacrifice' as the basis for seeing human life as sacred, the recognition of which, as a foundation for human rights, is deemed optional given the clearly greater influence of rights as a product of power (Woodiwiss 2005: 8). This dichotomy between emotion, morality and self-interest – that rights may be a matter of emotional or moral concern as well as a matter of cold and calculated legitimation is therefore a crucial fact of human rights development, which is not fully accounted for by these theorists.

Other issues which have been seen to be problematic by theorists since Turner's (1993) *Outline of a Theory of Human Rights* include determining a sociological approach to the moral debate, defining issues of globalisation and universalism, and understanding the historical aspect of human rights development. By also addressing these issues, the opportunity now arises to challenge and integrate elements of some important preceding sociological approaches (Turner 1993, 2006; Waters 1996; Barbalet 2001; Woodiwiss 2005; Morris 2006), providing a new perspective contributory to this research.

Morality

Beyond these challenges of finding a solution to this dilemma in the sociology of human rights, then, the issue of entering the interdisciplinary moral debate has been left without a satisfactory answer. Another attempt at sociological human rights theorisation concentrates on social process at the expense of issues of morality and ideas of what universalism might sociologically involve. This is seen in Morris (2006), who engenders a 'practice approach' to rights in opposition to Turner's attempt to sociologically ground universalism. For Morris, the problem is not the justification of rights themselves but the reality of their claims and institutionalisation in society, tacitly acknowledging that rights themselves have an inherent value which sociology need not justify (Morris 2006: 2). A sociological contribution, in keeping with the critique of the classical theorists, would look at society through the lens of theory.

While Morris' later work approaches issues of morality more squarely in discussing the societal 'realisation of universal rights as one possible litmus test' (2011: 151) of cosmopolitanism ideals, there is no discussion in Morris' work of how sociology may offer a

means of joining its wider context of interdisciplinary understanding. Morris also accepts that human rights have an inherent value without reference to the huge problems and challenges of social reconstruction human-rights-related values have historically posed for other cultures with incongruous forms of moral understanding and social structure. These serious problems and questions also need to be addressed and answered by the sociology of human rights.

Sjoberg and Vaughan's search for a method to 'emphasize a morality of human rights' (1986: 137) through the human right to reflectivity raises the issue of how human rights abuse which does not relate to the direct violation of the human capacity for 'reflectivity'– a clear example of which would be physical injury. Waters' 'universalisation of interests' thesis states that 'if interest groups generally can come to terms on a moral set of principles governing their social arrangements, then the morality of these principles need not be in doubt' (Waters 1996: 598). If the social establishment of morality was a contractual affair, and if 'interest groups' did this rather than one generally annihilating another (as in, for example, the American invasion to bring human rights and democracy to Iraq), the argument would be convincing. Indeed, according to Waters' formula, the moral worth of human rights itself, emerging out of its history of global conflict from the 18th-century French and American revolutions to the Holocaust, must be called into question. The interdisciplinary discourse, of which sociology is a part, to date shows no evidence of having benefited from such moral formulae.

Globalisation

The issue of human rights, as they may be theorised in terms of globalisation processes, is one which has received varied attention and was raised very pertinently by Turner (1993: 489). Turner's approach to universalism is concerned with understanding the institutional protection of 'vulnerability', a term he relates to the sociology of the body (Turner 1993: 489, 2006: 9), and which has gained some recognition among sociological theorists (Wilkinson 2005: 109). However, it is not at all clear that this can construct a convincing account of globalisation processes in which human rights achieve expansion into new cultures. We have no extensive empirical application of this theory at present which proves its validity. Waters (1996), in

developing a political science approach, neglects any opportunity that may have been taken to integrate a more characteristically socio-logical understanding of the globalisation of human rights, especially in relation to the historical expansion of capitalism. Similarly, Ulrich Beck's human rights theorisation is also that of political science and international legitimation processes (Beck 2005: 232).

Beck's work, however, advocates a 'cosmopolitan common sense' (Beck 2005: xii), a realisation after events such as 11 September that one's own national and local security is guaranteed not only by nar-row, locally focused self-interest, but by an understanding of one's global environment. From this perspective, Beck also usefully draws attention to the global economic aspect of human rights institution-alisation. However, Beck's sense of a new age after the first modernity based on arguments such as the introduction of the euro (Beck 2005: xi) is highly questionable and his consequent rejection of theorists who emphasise national difference, such as Immanuel Wallerstein, leads him to a view of cosmopolitanism where the nation state has more or less dissolved, and which is therefore of limited use as an effective basis for understanding modern-day human rights issues.

The influence of global business actors on nation states, and other (perhaps religious) forms of society, has been an issue for many centuries and an understanding of that influence will inform very usefully modern-day sociological understandings where the reality of nation-state boundaries and behaviour is still very real. Beck, in advo-cating a new cosmopolitan era, omits the opportunity that arises to understand the modern world in terms of the extent to which it still utilises the nation-state framework and still clearly falls short of the Kantian ideals of cosmopolitan peace hoped for during the Enlight-enment. It is the issue of uncovering this understanding which sociology still has the opportunity to address and ultimately expose.

History

Turner (1993) omits a historical analysis on the basis that he wants to 'attempt to provide a general sociological orientation towards human rights as a response to the traditional problems of conventionalism and the fact-value distinction' (1993: 508) and on the basis that these 'questions have been considered frequently in political history and political philosophy' (Turner 1993: 508). Yet revisiting the historical

aspect of human rights emergence, especially when there is such dis-agreement about how human rights should be defined sociologically, has some justification. It is an exercise which should help to support the construction of theory and any empirical analysis arising from that theory.

Conclusions

Contemporarily, sociologists have suggested the need to 'deepen existing analyses of what sociology can offer to the broad field of human rights scholarship' (Hynes et al. 2010: 1), and while it has been recognised that sociology has been moving towards more 'social constructionist' (Short 2009: 92–107) interpretations of human rights, sociology of human rights theory has been out-lined here as demonstrating a failure to integrate the emotional, or moral, as well as rational/self-interested elements which have deeply characterised its development. The relationship of sociology to the interdisciplinary context of human rights academia, and its related moral discourse, also needs to be more convincingly approached. Fur-thermore, there has been seen to be an omission of a sociological account of the historical development of human rights in the liter-ature. Consequently, this book asks how a theory which recognises these problems can be constructed. How can this then expand the sociological study of the emergence and possible resolution of issues of human rights violation in Turkey?

To competently account for the global processes contextualising human rights violation in Turkey, a theory located in a contemporary approach to Adam Smith's understanding of self-love (economic self-interest) and sympathy (in terms of socially learned moral rules or 'social imagination') is constructed. This essentially focuses on the 'intertwining' that occurs between the requirement of both 'world economy' capitalism and human rights for societal freedom, and it is this perspective which provides a departure point for this book's theoretical approach to human rights violation in Turkey.

The search for 'universalism' in the sociology of human rights is thus rejected. Human rights form a distinct body of 'moral law' which, as this book's account of Ottoman Empire decline and Turkish Republic emergence shows, have become disseminated with the force of capitalist expansion. This account demonstrates that if, as Waters

suggests, we have a responsibility, as sociologists, 'to observe, make statements of fact, and hang the moral consequences' (Waters 1996: 598), then sociological attempts to define 'universalism' may constitute little more than an ethnocentric exercise in self-justification, 'heightening the sense of shared moral identity that brings us together in a moral community' (Rorty 1998: 171).

However, Waters also recognises 'sociology is a socially contextualised institution that cannot avoid moral issues' (1996: 598), and the sociology of human rights emerged from the recognition that our moral presuppositions are never completely inextricable from our sociological endeavours (Sjoberg and Vaughan 1986: 137). The categories introduced by this book in Chapters 5–7 of responsibility, resolution and preservation are explicitly value led, and carry the assumption that, while the genuine 'universality' of human rights is sociologically untenable, the translation of human rights into social reality is worth striving for as a means to the improvement of human welfare.

Chapter 1 has the dual purpose of giving a background to the empirical aspect of the book and, relatedly, identifying the opportunities available to broaden sociological understanding of human rights in Turkey. Consequently, the problems of alleged extrajudicial activity by the 'deep' state, the resurgence of Islamism in government and the staunch nationalism represented by Kemalism, the Turkish military and some aspects of Turkish legislation, as well as the human rights concerns over the Armenian and Kurdish issues, are outlined. Following this portrayal, the major works of sociology which address some of these issues are discussed. Here, an almost exclusive focus on only some of these issues is seen to pervade prominent sociological analyses of human rights in Turkey. It is found that these explanations, in an era where globalisation is the predominant concern of the discipline, are also almost exclusively nation-state related. The opportunity to broaden sociological understanding of this subject is, in this manner, made clear.

Chapter 2 serves both as a foundation for theory and as a point of comparative reference for the empirical analysis of Turkey which follows. Following the dilemma of rights outlined at the beginning of this book, the moral and economic basis for the emergence of human rights is outlined. In this analysis, the manner in which natural law and the social contract have been expressed is traced from

John Locke's *Two Treatises* and *A Letter Concerning Toleration* through to Thomas Paine's *The Rights of Man* and Thomas Jefferson's speech at the 1776 *American Declaration of Independence*. The economic side of the emergence of human rights is then studied through the manner in which core human rights values such as freedom and equality are also supportive of the expansion of bourgeois liberal capitalism. Some reflection is then made on the typical criticisms of human rights, or the Rights of Man, as they were known to Edmund Burke, Jeremy Bentham and Karl Marx. Their criticisms are seen reflected in the later work of prominent intellectuals such as Hannah Arendt. Consequently, as a prelude to the discussion of Turkey, some conclusions are also drawn about the manner in which human rights are part of the struggle which globalisation implies for 'developing' economies. A social characterisation of human rights is also attempted, which draws together the economic and moral perspectives on the subject that has been discussed.

Chapter 3 draws on previous chapters' discussion of rights in an attempt to develop a sociological theory of human rights. Analysed initially are the manner in which the idea of self-interest has emerged from the Enlightenment conception of self-love and the use of ideas of self-interest in classical sociological theory and modern economic theory. Norman K. Denzin's phenomenological theory of emotion is adopted as a basis for integrating the ideas of sympathy and resentment found in Turner (1993, 2006) and Barbalet (2001). These self-interested and emotional, or moral, elements are then seen to combine in an understanding of human rights institutionalisation and a related political economy approach to globalisation. Finally, a conception of 'cosmopolitan responsibility' is developed in which this theory is argued as potentially congruous to the wider, interdisciplinary and potentially moral, debate over human rights.

Chapter 4 applies the development of theory discussed in Chapter 3 to the initial empirical task of setting the background for understanding the emergence of the Turkish Republic and the human rights violations for which it is held responsible. Analysed first is the manner in which the economic self-interest of the increasingly influential 'world economy' led to the deconstruction of Islamic Sharia law and the *millet* system under which minorities were socially accepted. Moreover, Turkey emerged from the practices, beliefs and values of the Islamic Ottoman Empire, and an understanding of how

the emergence of the secular ideology of human rights combined with and influenced this crucial element of Turkish socio-historical development is essential to the book's understanding of human rights in modern Turkey. The manner in which this period consisted in increasing violation and social dislocation is discussed in relation to the changed relationship between the Ottoman state and its minority groups as a result of the rise of nationalism and demands for ethnic 'equality'.

Chapter 5 examines the social influences affecting the modern Turkish state, utilising the social background constructed in Chapter 4 in order to consolidate an understanding of the potential for human rights institutionalisation in modern Turkey. This cosmopolitan view of the modern Turkish state includes the local influence of the Turkish military, 'deep' state, the media, the newly emerging Turkish bourgeoisie, as well as the role of the International Monetary Fund (IMF) and other external social actor influences. The Turkish state is characterised as essentially locked in a situation of economic impoverishment in which the influence of Turkish nationalism has been difficult to develop into a more inclusive approach to the minorities present in modern-day Turkey. However, the conclusion is drawn that the world economy influence under which a rising Turkish bourgeoisie demands greater societal freedom is proving to be the determining factor influencing social change in Turkey. This is demonstrated in the clear 'world economy' effect on the behaviour of the social actors outlined in this chapter.

In Chapter 6, with the cosmopolitan understanding of the setting in which human rights violation occurs in modern Turkey and with the recognition of the importance of the role of self-interest in the resolution of human rights issues, the nature of the deadlock in the Armenian and Kurdish issues is discussed. The manner in which self-interest is lamented by prominent authors such as Taner Akçam and Guenter Lewy as dominating the moral issues relevant to the resolution of the Armenian Genocide is discussed. Similarly, the Kurdish issue is seen to be characterised by a similar array of influences which have meant that the proposed attempts at alleviating or 'solving' the human rights violations against the Kurds have not found long-term support. It is the recognition of the role of self-interest and the cosmopolitan paradigm to which it relates that is seen to be the key factor in potentially facilitating change. This provides

further evidence for the importance of the continued expansion of the Turkish bourgeois class as a means to strengthening the ability of Turkey to face these issues more squarely.

In Chapter 7, having identified the importance of a world-economy-linked bourgeoisie as a potential foundation for the resolution of issues of human rights violation and long-term institutionalisation of human rights in Turkey, I draw a comparison of the similarity of the challenge being mounted by the Turkish business organisations TÜSIAD and MÜSIAD. It is in this union of emotional claims and economically self-interested support that a serious challenge may be mounted to the forces of economic impoverishment and nationalism which have underpinned human rights problems in Turkey. It is argued that the gradual expansion of such capitalist organisations, and their increasing link to a world economy, is facilitating changes in the Turkish 'social imagination'. In this reconstruction of social value, Islam is being challenged, but also retained, as a means of binding Turkish society in a manner which results in increasingly less discord with the ideology of human rights.

Moreover, it is shown that a strong Turkish bourgeoisie could compete successfully in a global economy and gradually realise the societal changes outlined in Chapter 2 where economic freedom has the potential to incorporate and value all sections of society in support of its bourgeois interests. This would logically lead to the drastically reduced role of the military, a state which has confidence in its citizens, and a wider global situation in which the 150-year history of external aid through debt and debt management becomes unnecessary. A comparative perspective on the general resolution of issues of human rights violation in the prospect of a stronger, freer Turkish Republic is drawn. It is concluded that a continued cosmopolitan understanding of the world economy influence on modern Turkey may lead to the realisation of this positive human rights future.

1
The Sociological Portrayal in Context

This chapter has two aims. First, it introduces the contemporary problems faced by Turkey in its struggle to achieve acceptable human rights standards (typically judged in relation to the European Union and its Copenhagen criteria[1]). Here, the continued existence of Islamism in government, the Turkish 'deep' state, the nationalist and statist nature of Kemalism, and the irresolution of the Armenian and Kurdish issues are discussed and contextualized as part of the more general problem of the human rights record of this country.

Second, in considering the importance of a related sociological case study of human rights violation, the discussion moves on to look at the prominent sociological criticism relating to human rights in Turkey. Here, despite the broad range of issues outlined, an almost exclusive focus on the Armenian and Kurdish issues is seen to neglect the 'global' perspective influencing Turkish attempts to improve its human rights standards. The importance of accounting for this neglect is then underlined by the existence of a narrative recognizing the difficulties Turkey has faced in the resolution of these problems, and which can be identified within sociology's wider, interdisciplinary context.

Consequently, the task of explanation, in regard to the empirical aspect of the study, is set out. It is identified that there is the opportunity to undertake a sociological study of human rights violations beyond the current sociological attention to the Armenian and Kurdish issues, and focus on the more general problem of human rights violation in Turkey. Given the current hiatus of sociological attention to the subject, the value of the present book as an attempt

to fill this gap in understanding is made clear. The importance of this study is further underlined by the representative nature of Turkey as a departure point for the understanding of Western relations with the East, especially in terms of the Islamic world, more generally.

General background

Turkey is certainly not without a stated commitment to human rights. It was one of the first countries to sign up to the *Universal Declaration of Human Rights* in 1948. In 1954 Turkey signed up to the *European Convention on Human Rights*, which put it under the jurisdiction of the European Court of Human Rights. In 1988 it signed up to the *European Convention for the Prevention of Inhuman or Degrading Punishment.* Turkey has also regularly become the object of much praise as it improves its human rights record and is being seen by some of Europe's foremost politicians as representing a potential benefit to the European Union expansion process (Kaleagasi 2008: 44). The country still struggles, however, with its poor human rights record.[2]

The secret, extra-judicial activity of state-related actors, often described as the 'deep' state (*derin devlet*), has been revealed by scandals exposing state and criminal links, and this has cast doubt over whether the strongly nationalist element of the Turkish elite will ever support a genuine democracy.[3] The failure of Turkey's secular but often corrupt governments has led to insecurities over the return of Sharia law on several occasions. With protests of unfair treatment and abuse, its minorities – especially in recent years, the Kurds – have seen representation by terrorist organizations, such as the PKK[4] (which has threatened the territorial integrity of the country).

Armenian protests have, from the time of the 1915 massacres, been revisited through other terrorist organizations, such as the ASALA (Armenian Secret Army for the Liberation of Armenia), as well as constant accusations of genocide from world powers. Any possible admission of the Armenian Genocide has been seen as a clear threat to the identity of the Turkish state because it would label some of its founders as war criminals (Akçam 2007: xx). These concerns and others, such as the treatment of women, freedom of conscience and torture in state custody, continue to keep Turkey at a distance from the West and threaten prospects for Turkey's accession to membership of the European Union.[5]

The apparent problems in the Turkish construction of a free society, meeting with European human rights standards, have arisen at the beginning of the 21st century through the criminal prosecution of the 'deep' state *Ergenekon* organization and the resurgence of Islamism as the ruling AKP (Justice and Development) party were taken to court in 2007 over allegations that the form of government they were attempting to construct ran against the basic principles of the Turkish Constitution.[6] Whereas the *Ergenekon* investigation represents suspicions of the latest example of 'deep' state activity in Turkey, the AKP itself was formed by members of the Islamic Welfare Party, closed by the Turkish Constitutional Court in 1997. Indeed, the possibility of the resurgence of Islam, and the sometimes violent clashes between the religious and secular representation in the country, has been a characteristic of political unrest in Turkey since its foundation as a republic (Zürcher 2004).

'Deep' state activity is often seen as occurring when there is a fear of the government being rendered ineffective through the pursuance of legal means to its protection and the defence of its Constitution. This has been argued in some criticism of this problem both in Turkey (Kumkale 2007; Akan 2008) and in the West (Gunter 2011: 109) and has been often used as an explanation of specific events of human rights abuse such as the extra-judicial murder of business people supporting the Kurdish PKK during the time of Tansu Çiller (Human Rights Watch 1999: 42). The 'deep' state's existence is something even recognized by the Turkish prime minister, Tayyıp Erdoğan, who said in an interview that 'This is something that comes in any case from tradition. But to have its presence minimised or even eradicated is something we must achieve' (Kumkale 2007: 18).[7]

If this is accepted as a background for a large part of the emergence of 'deep' state activity, it is perhaps unsurprising that, with Turkey on the verge of entering the European Union, under a government with suspicions of overly political Islamist intent, suspicions of the existence of the largest 'deep' state organisation known in Turkish history have emerged. Plans of the ultra-nationalist *Ergenekon* allegedly involved the assassination of the Turkish Nobel Prize winning novelist Orhan Pamuk and the destabilisation of the AKP government. It was also allegedly led by 'die hard' Kemalists, such as retired military figures, and consisted of ultra-nationalist lawyers such as Kemal Kerinçsiz, along with various sympathisers in the media, mafia and

academia.[8] In order to help legitimate a military coup to oust the AKP, a specific operation called *Balyoz* ('sledgehammer') is alleged to have involved plans to bomb two Istanbul mosques during Friday prayers and down a warplane over the Aegean Sea: an act which was later to be blamed on Greece.

Overtly secular reaction to the possibility of Islamism in government resurfaced in the 1990s with the closure of the Islamic Welfare Party after its success in gaining seats in the key Turkish cities of Istanbul and Ankara and the largest number of seats in the election of 1995. Its members held political interests from 'social and economic reform to replacing the secular state system with one founded on Islamic law' (White 2002: 3). Constitutional Court action against the Welfare Party was the result. However, widespread dissatisfaction with the corruption of the secular CHP party under Bülent Ecevit and the financial crisis of 2001 enabled some former members of the Welfare Party to advertise their new reformed party as the AK (in Turkish 'pure') party which capitalised on this dissatisfaction and led to a landslide victory in the 2002 elections (Yavuz 2006: 1). Again, sometime into its term of government, secularist insecurities were reawakened. The election of Abdullah Gül as the President of the Republic followed threatened military action to remove the AKP from power, a narrowly won court case to close down the party (but which led to reduced funding), and a re-election of the party in order to use the democratic process to gain justification for its advancement.

Indeed, beyond the military and ultra-nationalist 'deep' state organisations, it is possible to find widespread cynicism towards the Islamist revival in Turkey and the corruption of Islamic principles it has, for some, represented. Muammer Kaylan, former editor of the newspaper *Hurriyet,* describes Turkey at the time of the election in late 2002 as a country where the 'the merchants of Islam, those exploiters of religion...used every means to manipulate the country's future' (2005: 21). More generally, from the time of the foundation of the republic in 1923, he sets out to explain in his book *The Kemalists: Islamic Revival and the Fate of Secular Turkey* 'how through political irresponsibility and greed the nation's clock was turned back' (2005: 20). Indeed, Kaylan's dissatisfaction with what he sees as the backwardness of Islamic political representation in Turkey is reflected to a greater extent by Ilhan Selcuk, the editor of *Cumhuriyet,* which also happens to be Turkey's oldest Newspaper. Selcuk was arrested

and taken to Court in 2008 as part of the 'deep' state *Ergenekon* investigations.

While there have been these suspicions awakened in the Turkish press about the long term plans of the AKP, there is also more positive criticism of this new Islamic revival which argues that 'if an Islamic political movement actively hinders the articulation of arguments on the basis of Islamic values, it is no longer Islamic' (Yavuz 2006: 2). In this sense, if there is a new Turkey emerging which is based more concretely on an Islamic identity, it is an identity which seems able to accommodate the requirements of the wider global political economy of human rights, democracy and the free market, rather than see itself tied to fundamentalist Islamic belief. This is a view which arguably sees some reflection in the work of Hasan Bülent Kahraman, a prominent political commentator in Turkey, who argues that to understand the AKP, 'it is necessary to look at the development of the Turkish right generally' (2007: vii). In *The Turkish Right and the AKP* Kahraman goes on to trace the history of the AKP as beginning with the 1950 elections and the success of the DP (Democratic Party). In other words, the first democratic challenge to Kemalism enabled the eventual formation of a party with Islamic roots. The democratic process is one alien to fundamentalist Islam, but Islamic parties in Turkey have been prepared to compete democratically.

Another reason for the resurgence of Islamism in Turkey is that the nationalist and laic foundation of the Republic has come under increasing criticism as a source of the problems of the advancement of Turkey towards Western standards of human rights contemporarily. Among the major criticisms raised are its continued failure to properly acknowledge the rights of minorities and its excessive and outdated focus on the importance of nationalism and the state. The six Arrows of Kemalism: Republicanism, Populism, Secularism, Nationalism, Statism and Revolutionism sought to consolidate the new Turkish Republic in 1923, but there have been problems caused by them ever since which have led to criticism that Kemalism cannot lead to a successful Westernisation process because it is simply too inward looking.

A prominent contemporary example of the problems inherent in Kemalist ideology is the situation of the Kurds, who are Turkey's largest ethnic Muslim community after the Turks. The emergence of

Turkish nationalism, which aimed to consolidate a new nationalist consciousness and hence Turkish identity, had a destructive effect on the Kurdish population. Indeed, there can be little doubt that it has done so ever since. Turkish nationalism led simply, in the words of Zürcher, to 'a repressive policy towards Kurdish identity: the public use of Kurdish and the teaching of Kurdish were prohibited' (2004: 170).

Despite the human rights enthusiasm expressed through desires to join the EU, the clear potential for human rights violation against ethnic minorities is still written into the Kemalist Turkish Constitution. Written in 1982 after a military coup, Article 66 of this Constitution dubiously states that '(1) Everyone bound to the Turkish state through the bond of citizenship is a Turk (2) the child of a Turkish father or a Turkish mother is a Turk' (Gözübüyük 2009: 85, numbers in parentheses added). Allegations of torture have ensued as a result of policies of 'Turkification' where Kurdish children are sent to Turkish teachers for their education. Indeed, the societal manifestation of human rights violation in Turkey has arisen more recently in response to the Kurdish issue. The period since the outbreak of large scale fighting between the Turkish military and the PKK in the 1990s has seen the emergence of Kurdish human rights organisations such as the KHRP (Kurdish Human Rights Project). The Kurdish issue has been at the heart of many of the concerns over freedom of conscience, torture and the extrajudicial murder of journalists and businessmen which occurred most notably under the Premiership of Tansu Çiller. Solutions to the problem, in the simple phrase popularised by the Turkish Prime Minister Tayyıp Erdoğan, 'ya sev, ya da terk et' ('either like it or leave'), may be seen as an expression of the continuing difficulty in finding a realistic and inclusive solution to the situation.

Kemalist nationalism is but one aspect of the damage that has been done to the prospect of genuine freedom for the Turkish citizenry, however. Statism is an aspect of Kemalism which is often seen as an overhang from the Ottoman period in which the state was almost deified – the term 'the sacred state' was used in Turkey until very recently. The valuation of statism seems self-contradictory in Kemalism, which also portrays itself generally as based on the implied 'reduced state' Western ideas of the Enlightenment, but which was even described by Adnan Menderes, one of the first Turkish Prime

Ministers, who strongly advocated democracy, 'as a discredited relic of fascism' (Zürcher 2004: 215). While Turkish society is still largely under the grip of state control, this logically limits the freedom of its population and the chance to achieve the basic freedoms inherent in Western human rights standards. It has been argued that loyalty to the state exists in public ritual (especially in regard to military service which remains the responsibility of every Turkish male) to the extent that the state/society divide is not as clear as advocates of the Turkish democratisation process would have us believe (Navaro-Yashin 2002: 132).

At the same time, the nationalist concerns of the Kemalist elite and much of the insecurity in Turkey towards the Armenian Genocide, and Kurdish question especially, are not wholly unfounded insofar as they find some reflection in some identifiable modern day reaction to the prospect of entering the EU. This has some explanation in what is termed as 'Sevres Syndrome'. This originates from the 1920 Treaty of Sevres, in which it was planned to divide up what is now much of modern Turkey between the main European powers after their victory in the First World War. The division of Turkish lands under the treaty represented the agreement between the victorious powers in the First World War – Great Britain, France and Italy – that Christian minorities were to be protected and that there was to be the founding of an independent Armenian state along with the separation of the Ottoman Empire's former provinces such as Syria, Iraq (formerly Mesopotamia) and Israel and Jordan (formerly Palestine). It was a situation that has been variously seen as a clear demonstration of the level of callousness with which European powers are prepared to act in relation to the Turks.

This callousness has been explained in terms of the Treaty of Sevres being 'simply lines drawn on a map by outsiders with little knowledge of the people or the territory they are separating' (Wagner 2004: 9). This lack of sympathy for the Turkish predicament has also been commented on by McCarthy who explains that for the Turks 'the significance of the Treaty of Sevres was the reinforcement of their will to resist their conquerors. The treaty showed in stark terms what awaited them if they failed' (2005: 127). The fact that Atatürk was successful in the War of Independence and that the Treaty of Sevres was never enacted serves as a constant source of tension as ties with Europe are re-established. With Kurdish pressure held in regard to

the grievances over their treatment at the hands of the Turks in the early 20th century, there is constant Turkish insecurity with regard to whether there may be some form of re-enactment of the treaty. Despite general Turkish enthusiasm for membership of the EU, there has already been evidence of Turkish insecurity that, in 2002 for example, 'the EU was undermining Turkish interests in Cyprus and sponsoring secessionist activity in Kurdish-dominated south-eastern Turkey' (Rumelili 2008: 114).

However, Turkish insecurities over Europe extend to accusations of genocide which occur not only among the Armenian population of the country but in Europe and beyond. France and America have been seen to take steps making it, in the French case in 1998, a crime to declare that this 'massacre' was not genocide and in the American case in 2007, the adoption of a resolution accepting these allegations. The enduring relevance of the problem is represented by the election of Barack Obama, where the visibility of his presidency's position on the Armenian Genocide had relevance to the possibility of Turko-Armenian reconciliation.[9] Indeed, the most long standing Turkish issue of human rights violation has been the Armenian Genocide.

The finer details of the problem can be summarised as follows: the Turkish state claim that this event cannot be labelled as 'genocide' and that 300,000 to 600,000 Armenians were killed in wartime circumstances (Akçam 2004: xii). On the other hand, there has been an almost international call for the acceptance of the Armenian deaths as genocide which means that the 'Young Turk' government at the time had clear intent in causing a crime. Some estimates put the figure of Armenian dead as a result of deportation into conditions where they were almost certain to meet death through starvation, massacre, rape and other degrading circumstances at up to 1.5 million, or even higher (Lewy 2005: 240).

Relatedly, there is the issue of Turkish emotional reaction if one-sided settlement was found which meant that lands in Turkey were given up to the Armenians or the Kurds, or indeed, to both. The blood red symbolism of the Turkish flag reflects a period of war and Turkish entrenchment in an attempt to secure as much of the Ottoman Empire as was possible. The *Misak-ı Milli* (territorial boundaries) set out by Atatürk at the formation of the Turkish Republic in 1923 was the result. The Treaty of Sevres represented a humiliation for the Ottoman Empire which was essentially, in terms of its largest ethnic

population, a Turkish Empire. Consequently, the prospect of the loss of Turkish territory without any tangible benefit for the Turks could simply lead to long term Turkish resentment towards the Armenians and Kurds.

Some indication of the potential for such Turkish resentment has already been demonstrated in military action against the PKK, which saw the forces of Ankara burn down literally thousands of villages in the regions which the Kurds had staked out as their own territory in contravention of Turkish law. During the 1990s, and at the height of the struggle with the PKK, Istanbul was described as a 'human rights heaven' compared to the human rights abuses seen in Diyarbakır (Houston 2001: 96). After the struggle, Western commentary has emerged claiming that having 'invested so much blood and treasure (as much as $100 billion) in the war, many Turks are reluctant to make concessions to Kurdish culture' (Smith 2005: 466).

Apart from the major concerns of resolving the Armenian and Kurdish issues, it is also clear that human rights abuse permeates Turkish society in many other ways. The Kurdish issue has been the prime example of human rights violation which touches on issues of freedom of conscience which permeate Turkish society among a range of groups with a correlatively diverse array of grievances. Freedom of conscience affects, for example, those Muslim women who wish to wear a headscarf and enter university along with a range of women's rights, from the issue of education to the problems of protection from honour killing, which are ignored or unsupported in Turkey. As Turkey comes closer to Europe, and as the EU demands a basic minimum of human rights standards, the feeling of justification for the making of claims to those standards logically increases and certainly many cases have been brought against the Turkish state to the European Court of Human Rights (Çavuşoğlu 2003). While these are measurable improvements, demands for higher human rights standards from the Turkish state are also constantly met with denial or even violence.

Indeed, resentment against the Turkish state finds expression in the seeming lack of provision for the basic needs of not just its minorities but a myriad of human rights related concerns such as low educational standards 'where the state has failed to provide adequate and equal access' (Gök and Ilgaz 2007: 136); indeed, it is not hard to find articles in the Turkish Press which detail the abuses which

the police, for example, with the state turning a blind eye, are prepared to commit. *Taraf*, a newspaper which has gained a reputation for its exposure of state cruelty, ran an article entitled *Yavuz Önen: Polis Gözaltında Organ Parçalıyor*[10] (tr. Yavuz Önen: Police Damage the Organs of those in Custody). Önen is the Director of TIHV – the Turkish Human Rights Organization.[11] He explains in an interview with this paper how police violence has increased to the point of tripling during 2007 after several years of improvements being made by the AKP in order to facilitate Turkey's entrance to the European Union. It is an article which may be seen as representative of this general Turkish cynicism towards the prospect of improvement for their human rights standards as part of the genuine Westernization of the country.

It is an awareness of the human rights standards of the West which accentuates this resentment as the Turkish state is seen to demonstrate a lack of responsibility for the protection of rights for its citizens. Literally thousands of cases have been brought against Turkey to the European Court of Human Rights. Many of these are prosecuted successfully with the Turkish state ordered to pay compensation (Çavuşoğlu 2003). Condemnation is regularly raised in the reports of human rights organisations and has been a constant bar to European Union membership. The Human Rights Foundation of Turkey (HRFT) for example 'documented torture among 1128 persons in 1994, and a total of 3430 persons between 1990 and 1994' (Physicians for Human Rights 1996: 22).

Among these everyday problems of achieving reasonable human rights standards, the treatment of women is also a major concern: the rights of women in terms of honour killings and the 'headscarf issue' as a bar to female university entrance being a matter of 'indifference' (Ecevit 2007: 201). Honour killings are still considered normal by some sections of Turkish society. Education for young girls is, in some parts of the country, still not available. Indeed, Ayşe Önal in her work on *Honour Killing* has recognised that, in Turkey and other countries (now even the UK), 'there is a striking correlation between honour-based codes and a reluctance to educate girls and young women' (Önal 2008: 17). Torture, especially in police custody, is prevalent and widely reported in the Turkish press. Issues of freedom of conscience with regard to 'insulting Turkishness' under article 301 of the Turkish penal code have seen the imprisonment of public

protestors, torture and assassination. Article 301 of the Turkish penal code is a controversial article which enables people to be prosecuted for 'insulting Turkishness'. Kemal Kerinçsiz, a prominent lawyer in Turkey, has mainly been involved with organising prosecutions in relation to this article – most notably against the Nobel Prize winning writer, Orhan Pamuk.

Indeed, the range and depth of human rights abuses of which the Turkish state is accused is manifold and accounting for each one in depth is beyond the scope of this chapter. There is also, for example, the issue of internal displacement, which has been brought about by Turkish conflicts, predominantly with the Kurds, where the 'evacuation' of 3500 villages has led to the displacement of approximately 350,000 people (Özerdem and Jacoby 2007: 162). This is quite apart from the Development Induced Displacement which is caused by natural disasters – something characteristic of Turkey, much of which lies in an Earthquake zone. The lack of response by the Turkish state to the Earthquake of 1999, for example, is often criticised, especially in terms of the lack of state preparation for such a disaster, and the amount of foreign aid that was required in order to begin the reconstruction process.[12]

Turkey seems therefore a struggling secular state in which the resurgence of Islamism is both reviled and applauded. It is also a state in which the founding ideology of Kemalism and its staunchly nationalist perspective has its supporters and stern critics. It has been shown here that both positions have genuine benefits and concerns attached to them. It is against this background of political and economic insecurity that human rights violation has continued to occur and long standing accusations, most prominently over the Armenian Genocide and Kurdish issue have remained largely unresolved. There is a huge sociological opportunity available to unravel the means by which Turks may establish a more positive human rights future for their country. It is to an assessment of the steps that have been taken by sociologists to understand Turkey's most pressing human rights issues that the discussion now turns.

The sociological perspective

There have been notable previous studies of Turkey in terms of its state formation which have been clearly underpinned by sociological

theory. These have drawn on the theory of Norbert Elias and Max Weber (Jung and Piccoli 2004) and on the theory of Michael Mann (Jacoby 2005). However, beyond these examples, and despite the range and complexity of human rights issues relevant to modern Turkey, the Armenian Genocide has been the prime focus of socio-logical criticism. It is considered often in isolation with comparative references made to other issues of human rights violation such as the Kurdish issue (for example, Mann 2005: 179). There has therefore been no in depth sociological analysis of the broadly human rights aspect of this country. Moreover, it is shown here that the theme of essentially Turkish responsibility for human rights violation is generally pursued in these sociological accounts which correlatively emphasise a local rather than global perspective.

Stanley Cohen, for example, asks '...what do we do with our knowledge of the suffering of others and what does this knowledge do to us?' (2001: x) Cohen describes two basic approaches we take to this: denial and acknowledgement. Consequently, in his description of the Armenian Genocide the Turkish government is presented as engaged in a cover up, and the Armenians are portrayed as trying to expose the truth of the matter (2001: 135). Cohen (2001: 134) draws particular attention to the fact that the denial has gone on for so long and details the many ways in which this has been 'perpetrated' by the Turkish government over nearly a century. The methods involved in the cover up include denying the facts of the genocide by transforming them into other kinds of events, and representing the perpetrators as victims and the victims as perpetrators (2001: 135).

Similarly, Vahakn Dadrian's knowledge of several languages includ-ing Turkish, Ottoman Turkish, French and German has supported sociological research which has concluded that there was indeed, as the title of one of his books suggests, a *Warrant for Genocide* (2007). Reasons for the genocide include – according to Dadrian–long stand-ing tensions between the Turks and Armenians, and the inherently divisive nature of Islam and consequently its potential to be used as a binding ideology for aggressive purposes (2007: 6). Dadrian argues that it was this aspect of Islam which led to the eventual down-fall of the Ottoman Empire. In an earlier work he claims that 'Islam served not only as a form of unending nationality conflicts...but it also functioned as the nexus of the Eastern and Armenian questions' (2006: 3).

The sociological account of the Armenian Genocide by Michael Mann goes to some extent beyond this local Ottoman based focus in recognising that the '...genocide emanated from Europe even if almost all the killing occurred just over the Bosphorus in Asia' (2005: 111). However, it seems inconsistent in its recognition of the global rather than local context of the event, stating that '...not the Turks but some Turks were embroiled in a decidedly top down process of murderous cleansing (as statist theory suggests)' (2005: 178). Mann then concludes that '...the country remains bedevilled by two Young Turk legacies: military authoritarianism and an organic nationalism that now represses the Kurds rather than the Armenians. The Young Turks fatally weakened their country by pursuing organic nationalism; their successors struggle in their shadow' (2005: 179).

Part of the inadequacy of Mann's theory arises from his focus on the nation-state which does not take into account the influences on genocide in a wider perspective. The central thesis Mann has revolves around the confusion and conflict that occurs between the larger ethnic group in a democracy and the democratic principles which bind all ethnic groups under a particular nation-state. According to Mann, rule by the majority entails conflict between the *demos* (the people or the masses) and *ethnos* (an ethnically defined group within the masses) and murderous cleansing can result, especially when two ethnically defined groups believe they have a legitimate claim to territory and have the means to support it (2005: 3). It is not surprising therefore that Mann concludes the Young Turks were responsible for the Armenian Genocide and even the modern day problems of Turkey.

As it will be shown, Mann chooses not to account as fully as other academics have felt it necessary for the way in which the genocide can be explained as a response to the impact of external influences during the downfall of the Ottoman Empire. Moreover, even recent sociological criticism of Mann indicates that 'when locating genocide in a general sociological framework, power sources need to be grasped in a global, including international, as well as national terms' (Shaw 2010: 149). It is therefore reasonable to look at the external influences on the Armenian Genocide in order to understand it.

Taner Akçam has been praised for being one of the first prominent Turkish academics to challenge the claims of the Turkish government that the genocide should not be labelled as such. In Akçam's work,

however, a similar inconsistency can be identified as was seen above in the work of Mann because later Akçam, despite essentially focusing on the question of Turkish responsibility, also claims '...(the Armenian Genocide) can only be understood within a broader historical context' (2007: xvii, parentheses added). Akçam on the other hand argues that 'For Turkey to become a democratic member of the society of nations, it has to confront this "dark chapter" of its history, this "shameful act", as Mustafa Kemal Ataturk, founder of the republic called the Armenian Genocide. Only full integration of Turkey's past can set the country on the path to democracy' (Akçam 2007: xxii). In *From Empire to Republic: Turkish Nationalism and the Armenian Genocide* Akçam summarises and rejects the common Turkish mindset which rationalises the event in a more cosmopolitan manner and ultimately as being part of a wartime scenario:

'The Ottoman Empire was the target of divisive manoeuvres by the western imperialists. Turks established their independent state by defending the last bit of territory they held in their power. The Armenians and Greeks were local collaborators with the imperialist forces in support of their expansionary aims and wanted to partition Anatolia' (Akçam 2004: x). The prevalent Turkish view leading to the abdication of responsibility is counterpointed by Akçam's demand which he expresses most forcefully in an earlier work: 'There are no exceptions. Each and every society needs to take a self-critical approach, one that should be firmly institutionalised as a community's moral tradition regardless of what others might have done to them. It is this that prevents renewed eruptions of violence' (Akçam 2007: x).

Akçam and Mann's understanding of the nationalism which has 'bedevilled' Turkey sees some reflection in the work of Ismail Beşikçi, a Turkish sociologist who has a particular interest in the Kurds and south-eastern Turkey. Beşikçi's writing has led to his lengthy imprisonment and it was one of his most important books, *International Colony Kurdistan,* which saw him incarcerated in 1991. The following passage summarising the prospect of achieving human rights in Turkey for the Kurds gives some indication of the stance which has led to his sentences of imprisonment:

The Kurds in Turkey are only able to benefit from equality and civil rights to the extent that they renounce their national character

and their true identity. Equality, the basic principle of democracy, human rights, as well as economic and social rights, is contingent upon the denial of their true identity as Kurds. This policy is prescribed in the police stations and prisons throughout Turkey. It is stated over and over through tyranny, persecution and torture. It is announced time and again through court indictments and resolutions. The press, media, ands state bureaucracy are employed to ensure this as the predominant way of thinking.

(2004: 35)

Again, as with Akçam and Mann, there is essentially a local – here nation-state based – perspective with some cursory mention of the wider global context. Beşikçi sees the Western attitude towards the Kurds beyond Turkey, as one of imperialist powers who have always wanted to render the Kurds 'devoid of identity, and wipe (them) off the face of this earth – along with the Kurdish language, culture and history' (2004: 19). It is clearly an emotive view of the wider context in which the unfortunate violations against the Kurdish population by the representatives of the Turkish state take place.

It is true to say that in social science generally there are examples of a broader perspective on the predicament of the Turkish state. In *The State and Kurds in Turkey: The Question of Assimilation* Metin Heper argues that a process of acculturation has led to the Turkish state's recognition of the Kurds as, in any case, broadly similar to the Turks in character. The long history of Turkish and Kurdish association has meant that Turkish rulers have suppressed Kurdish revolt with the motive of avoiding the process of de-acculturation occurring (2007: 6).

However, Heper's work is ultimately one of political science, and while Heper does much to draw attention to the manner in which the Turkish state has, at times, openly recognised Kurdish identity (2007: 4), Heper's arguments may be heavily criticised as, in effect, too sympathetic towards the plight of the Turkish state in portraying the 'non-recognition' of Kurdish ethnic identity in State policy in a positive light – something clearly out of key with EU expectations for higher standards of human rights in Turkey.

Some more recent works of social science can be seen to occasionally acknowledge a broader perspective in, for example, detailing the more global and neo-liberal background to the modern Kurdish

issue (Saraçoğlu 2011) or even the more general global and historical backdrop to the problems in the emergence of the Turkish Republic – especially the Armenian Genocide (Göçek 2011). However, despite these occasional exceptions, the broad character of the most prominent contemporary sociological position on Turkey's issues of human rights violation has been illuminated here.

Beyond contemporary sociology

Although this local perspective underpins the discourse to which sociologists have predominantly become a part, it is possible to find a narrative which, in varying ways, attempts to broaden this 'local' perspective of essentially Turkish responsibility. Norman Stone, previously an Oxford professor of history, has lived in Turkey since 1996. In Stone's understanding of the Armenian Genocide, the general unfairness of the jury system is highlighted and any possibility of the Turks admitting that the event happened cannot be aided by the claims for compensation against Turkey that will inevitably follow.[13] Stone sees the Armenian Genocide as providing an opportunity for countries, such as France, to keep Turkey out of the EU, and for politicians to gain votes through promises of recognition of the Armenian Genocide if elected – subsequently reneged on by the American Presidents Bush and Obama for example. Indeed, at times it is argued that '*The Armenian question is the game of Imperialism*'[14] as one article from the Turkish daily newspaper *Hurriyet* suggested.

Moreover, there are many other high profile examples which indicate that a broader understanding of the Turkish predicament is possible. Bernard Lewis, an acknowledged world expert on the Middle East, was taken to court in France for claiming that the Armenian Genocide was a massacre and, essentially, the brutal consequence of war. Nihat Genç, a well known Turkish author and journalist who regularly spoke on the Turkish television program *Ne var, ne yok,* has criticised Orhan Pamuk for 'selling out' and criticising his own people in order to gain fame and notoriety.[15] Professor Yusuf Halaçoğlu, a Turkish historian, has collated primary sources from the Ottoman Empire detailing the measures taken to protect the Armenian convoys and supply them with food and other provisions upon resettlement. These documents are published in his book *Facts on the Relocation of the Armenians 1914–1918*. The historian Justin

McCarthy, in a book entitled *Death and Exile: the Ethnic Cleansing of Ottoman Muslims 1821–1922,* details the ruthless behaviour of some Armenians in a century of violence in which a quarter of the Muslim population was lost as the Ottoman Empire ceded its lands to what is now modern day Europe and Russia during a period in which McCarthy believes 'there has been a tendency to label battles as massacres and wars as genocide' (2008: 23). While many countries have recognised these events as genocide, the official British government position that there is not enough evidence to prove the Armenian Genocide and that it is ultimately, at this time, 'a matter for historians.'[16]

There is also evidence to suggest that the global context of Turkey's predicament is more important than sociologists have been so far able to account for. With regard to the Armenian Genocide: outside sociology, almost any account of the period will focus on the determining global influence on a changed Armenian situation. Bernard Lewis draws attention to the role of Russia in creating a Russian Armenia which he argues as the beginning of the social change in the 19th century which in itself led from the respected and valued Ottoman role of the Armenians in relation to the Turks towards massacre and the ethnic annihilation of the Armenians within and beyond Ottoman territory. In Lewis' account, global influences on the events led from the Armenians being seen as the Loyal Community to 'the deadliest of all threats' (2002: 356). Donald Bloxham, a historian who wanted to initially set out to understand Western acceptance of Turkish denial of the Armenian Genocide, recounts how he discovered the huge importance of the global context 'between the Ottoman Empire and its decades of terminal decline, the self-interested policies of European imperial powers, and the agenda of some Armenian nationalists in and beyond Ottoman territory' (2007: i).

Sources from the time of the Armenian massacres also state that not only did the Armenian's rely on foreign help, but that external influences have a bearing on understanding the situation. Arman J. Kirakossian (2008) has compiled a series of articles from the 19th century press in which British and Armenian influence on the situation is discernable long before 1915. In 1890 in *The Spectator* an article was written entitled *The Possible Extirpation of the Armenians* which predicts 'the ancient Armenian people, who are as Aryan as

the ancient Persians or ourselves, may pass from the face of the earth, dying finally of Turkish violence and European betrayal' (2008: 304). In a later article entitled *Our Failure in Turkey* from *The Spectator* in 1895, this opinion is given greater credibility by a different author – 'A Christian people is being extirpated because in its misery it appealed for the help which English Ministers pledged themselves to give . . . . though the English are sinless because they did not mean it the ruin is due to them' (2008: 330).

Another article from *Blackwoods Magazine*, also from 1895, blames Armenian reliance on British based influence in their affairs: 'Had not the Armenians in England stirred up, directly or indirectly, their countrymen in Sassun, the pits would never have been dug in which today the bones of men, children and women are rotting' (2008: 290). Moreover, the Armenians are berated in the same article for 'love of power and wealth. In an autonomous Armenia, there would be every opportunity for the agitators to practice their powers of intrigue, a gentle art in which they excel' (2008: 291). These articles need not prove anything in particular as to larger questions of whether, for example, the events of 1915 constitute genocide, but they do indicate, along with the other evidence detailed above, that more attention to the perspective developed outside Turkey, and in particular social actors other than the Turks, is worthy of sociological analysis in order to produce a more detailed sociological account of these events.

More broadly encouraging, from a human rights perspective, is that, even in Turkey's Ottoman past, there can be identified strong ties with European thinking, which ultimately culminated in the democratic constitutional founding of Turkey in a reflection of its founder's Atatürk's will to rank it among the advanced countries of contemporary civilization. It has become a *cliché* to comment that in many ways Turkey represents a possible bridge between East and West, and the chance to play an immensely important pioneering role in such integration. Istanbul, located between two continents and with its associated array of social influences, already combines and challenges such differences. Moreover, as a support to this discourse, it is genuinely possible to point to prominent Turkish intellectuals such as Professor Yaşar Nuri Öztürk, who, in the face of threats of violent retribution from Islamic and other extremist groups, argue for the reasonable disintegration of social boundaries

between Muslim and Christian in an 'inclusive' approach to both religions. Öztürk formed in 2005 the HYP (Halk Yükselişi Partisi), a new political party, representing the advocation of such ideas.

The opportunity for sociology

Indeed, beyond this sociological hiatus in the study of Turkish human rights issues, there is a clear deadlock in the conflicting narratives over the issues identified here and thus a distinct lack of progress in addressing the more general problem of human rights violation in Turkey. It is for almost a century that the Armenian Genocide has been debated and seemingly no solution has been found to the cycle of denial and blame with which the issue is characterised. The Kurdish issue has been dealt with and resurfaced in different forms from rebellions in the early 20th century to the rise of the PKK in the late 20th century and years of conflict. And the human rights concerns outlined earlier over the rights of women, torture, and Article 301 limiting freedom of expression go on unabated. So there are clear reasons to look at the social processes that have lain behind the current research and narratives in order to come to a closer understanding of the issues as Turkey tries to improve its human rights standards on the way to entrance to the European Union, and indeed as the standards the EU sets are criticised as unrealistic and simply an excuse for keeping Turkey out of what is often described as simply a 'Christian club'.

In view of the preceding discussion, it is possible to begin to determine the potential relevance of the subject to modern sociology. Beyond the examples already cited, there are already indications in contemporary Turkish criticism that 'there is a need to re-think Turkish politics at a time when global and regional influences assume increasing importance, making it increasingly difficult to separate domestic politics from international politics and internal actors from external actors' (Keyman and Öniş 2007: 2). The wider relevance of actors beyond the state is also gaining credibility in other works of Turkish political science such as *Non-State Actors in the Human Rights Universe*. Modern Turkey has emerged from a process of Westernisation in which a Sharia law based conception of social cohesion has confronted the challenges of adapting to Western ideas of human rights. It is disappointing therefore that in sociology, despite its

current trend towards a theoretical focus on globalisation, Turkey's human rights related social actors have been seen predominantly in terms of their local perspective. Consequently, a study which helps to broaden this understanding of the historical and contemporary influences that contribute to the social character of human rights violation in Turkey would clearly have the potential to offer a valuable contribution to this area of sociological research.

Part of this theoretical opportunity also lies in the comparative importance of studying Turkey – something already outlined by prominent social scientists. Berkes, for example, in the 1960s, saw his work *The Development of Secularism in Turkey* as 'helpful to those who are interested in the comparative study and religious transformations in non-western societies' (1964: v). It is an observation which has much contemporary relevance. The recent example of Iraq, and its 'Westernisation', while showing clear differences to the Ottoman example, has an array of social groups which will clearly take time to assimilate under any genuine ideas of respect for human rights and democracy. The difference between the outcome of the Iraq war and the problems of the Ottoman Empire and modern Turkey, for example, would likely also form a challenging study with the opportunity to further establish the reliability of the application of a comparatively focused theory.

More than forty years later Dixon, also seeing Turkey as a departure point for the study of democratic social change in Muslim countries, argues that for sociologists especially 'theoretical refinement' (2008: 681) is necessary in order to bring them nearer to this comparative understanding. Dixon focuses on modernization theory which suggests that if the forms of economy found in Western countries can be recreated a commitment to liberal democratic values will follow. While Dixon uses survey methods of research in order to come to his initial conclusions, the globally focused challenge of human rights sociology raised by Turner (1993) and the opportunity to integrate the seemingly disparate theorisation that has ensued from it (Waters 1996; Barbalet 2001; Woodiwiss 2005; Morris 2006) also presents an opportunity to further address this challenge.

The drawing of world attention to the human rights violations of the Turkish state has a clear value in recognising the responsibility that those guilty of such perpetration must take. Such an endeavour has clearly benefited from the talent of Turkish authors, journalists

and academics who have risked and sacrificed so much out of their humanitarian concern. The suffering of the Armenians in 1915, the plight of the Kurds under the heavy handed treatment of minorities by the Turkish Republic should in no way be belittled or denied. However, the opportunity to view the struggle of the Turkish state in its various forms with often crushing external influences bearing down upon it should facilitate a view which may also, paradoxically, point the way forward to a more positive Turkish human rights future and consequently reveal some new perspectives on how individual issues of human rights violation in Turkey may be resolved.

While there is certainly local responsibility to be taken for human rights violation, at the same time if we are not to demonise or brand those in the Turkish state as somehow inherently inferior and perverted – the epitomy of the 'terrible Turk', it is prudent to look also at the provocatory element which influences their actions. A similar view already exists in the sociological work of Michael Mann who states that '*ordinary people are brought by normal social structures into committing murderous ethnic cleansing*' (2005: 9) and that '*Murderous cleansing is rarely the initial intent of perpetrators*' (2005: 7). In looking at the provocatory elements involved in human rights violation alongside the responsibility which must be taken by their perpetrator, an understanding of the way forward to the reduction of human rights violation more generally may be facilitated.

Moreover, beyond the example of the Islamic world, such studies could establish that it is not just the developing or Muslim world to which such an endeavour is necessarily most relevant. Wallerstein's (2006) recent work has challenged the assumption of Universalism based on human rights as rather a European construction which can potentially cause devastation globally. In fact, the pitfalls of assuming that Western ways of thinking are logically beneficial for other 'non-western' societies have been outlined by many other sociologists such as Gurminder K. Bhambra who argues modernity be rethought in terms of 'rupture and difference' (2007: 2).

Within the literature related to issues of human rights in Turkey, and perhaps understandably in such a highly emotive subject, there is often bias identifiable towards one particular position. To return to the discussion of the literature identified earlier, Heper's view makes little mention of Besikci's concerns over human rights violation against the Kurds. Indeed, in his clearly broad understanding of

the literature relevant to his subject, Beşikçi's work is not mentioned once. At the same time, Beşikçi's work makes no mention of the problems encountered by the Turkish state in its vulnerable position. The work of Vahakn Dadrian clearly swings towards support for the Armenian position in its treatment of Islam, as does that of Taner Akçam. Kaylan describes Atatürk as 'my teacher and inspiration as a child' (2005: 63) and his work is clearly anti-Islamist it as a result. He describes himself as part of 'a new generation of Young Turks' and that 'The chains of Islamic bigotry and darkness that afflicted the Ottoman Empire were finally being broken by the members of this new generation' (2005: 83). As such, the potential that Islam had to bind ethnicity under a religious sense of cohesion is only recognised in some criticism (Zürcher 2004; McCarthy 2005; Anderson 2008).

The social science supporting contemporary understandings of Turkey seems at times highly emotive and led by blatant expressions of author opinion. It is also not always able to confront the opposite side of its argument, which would ultimately lend it greater credibility. The challenge for the sociologist is to produce a work which treats each side of its argument fairly and ultimately sees conclusions that come as a result of a balanced assessment of social process. Consequently, to sociologically account for human rights violation in Turkey with a minimum of bias is one of the greatest challenges that the subject offers.

Conclusion

This chapter initially attempted to give a sense of the range and complexity of the potential problems in the successful institutionalisation of human rights in Turkey contemporarily. It portrayed the controversy over the resurgence of Islamism, the alleged problems with Kemalism through its excessive focus on statism and nationalism and outlined the nature of Turkey's problems with both the Armenian and Kurdish issues. An attempt was also made to portray the broad range of human rights issues which have come to characterise Turkish society today.

This chapter has attempted to show, then, that sociologists have represented human rights violation in Turkey predominantly within the local Ottoman and Turkish Republic confines of social process. This has been shown to neglect the clear evidence of a broader view

of these violations which is present, and sees greater emphasis, within the work of academics in other disciplines. There have been few sociological approaches developed to the problem of human rights violation in Turkey beyond the Armenian and Kurdish issues, and little expansion of the possible link between them. The sociological neglect of these issues was argued as surprising given the huge topical relevance of human rights as a major obstacle to EU entry, the implications of such entrance for other Islamic countries, and the wider issue of the future of East-West relations generally. At a more theoretical level, the sociological focus on nation-state parameters has also been outlined as surprising given the current trend towards globalisation which often characterises contemporary sociological theory.

The opportunity arises not only to contribute to the sociology of human rights, but also to make a valuable empirical contribution on the basis of the constructed theory to understanding contemporary issues of Turkish human rights violation and the debate over Turkey's EU entrance. It is also possible to offer social scientists a theoretical framework with which they can approach the interdisciplinary milieu of human rights academia. Given the importance of Turkey as the first Islamic country to attempt a prolonged process of Westernisation, more specifically in terms of the relevance of Turkey to the EU expansion process, the importance of a study of this particular location of human rights violation has been evidenced.

2
The Emergence of Human Rights

This chapter attempts to develop a social characterisation of human rights through some further exploration of the dilemma in understanding rights identified earlier. The discussion is organised in a manner that is consistent with the contention that, in sociologically understanding human rights, a compromise can be found between emotional/ moral and rational/self-interested theorisation. Moreover, given the current interdisciplinary diversity in approaching human rights, which contextualises the disparity that has been demonstrated in current sociological approaches, a statement of position is necessary. This will act as a support to the foundation of theory developed in the next chapter. It will also give some comparative point of reference for the empirical application of theory to the example of human rights violation in Turkey in the remainder of the book.

In the first section here, it will be asked, what are human rights? A broad overview will be given of the ancestry of modern documents such as the 1948 *Universal Declaration of Human Rights* and the values that they encompass. This section investigates the moral and emotional side of the dilemma, and examines the way in which the social philosophy of human rights has emerged from Enlightenment ideas of natural law. The second section poses the question: Why human rights? This section concerns with identifying what has enabled human rights to succeed in the face of contradictory ideologies such as feudalism, fascism and communism, and, consequently, why they continue to be upheld? It examines the self-interested side of the dilemma of rights and outlines how the expansion of capitalism has given strength to the institutionalisation of principles of human rights.

The third section poses the question: What are the classic criticisms of human rights? In other words, what are the problems that were perceived in the societal adoption of secular rights and why is the Western way of life with which they are associated not always accepted in other parts of the world today? This will help to build an understanding of why a belief in the universality of human rights may be seen as questionable, and to some extent provide further support to the argument that human rights need also to be viewed as a function of capitalist expansion and legitimation. Finally, some attempt is made to understand the globalisation processes that have facilitated the expansion of ideas related to human rights since the 18th century. This is especially relevant in understanding the prospects for further development of human rights, and the manner in which conflict, alongside ideological acceptance and economic advantage, can be seen as a facet of the globalisation processes related to human rights institutionalisation.

What are human rights?

'Human rights' is a term that emerged with the 1948 *Universal Declaration of Human Rights* and has been consolidated in the array of treaties, conventions, laws and their amendments, which expand on the basic right to individual dignity laid out in this document. The relatively recent emergence of human rights has led to the term often being used anachronistically, because to speak of 'human rights' before 1948 is to refer to the ancestry of thought and related history that underpins it.[1] The 1948 *Universal Declaration of Human Rights* is primarily based on the 1789 *Declaration of the Rights of Man and the Citizen*, which emerged from the French Revolution (Ishay 2004: 3). Therefore, to understand it, it is necessary to look back not only to the re-establishment of the Rights of Man after the Second World War but to the Enlightenment thinking that inspired them. The essence of human rights is that their existence is claimed independently of rights that are conferred in the fulfilment of duties contained in citizenship (Turner 1993: 489; Barbalet 2001: 128). Consequently, that man has rights to freedom such as life, equality and the numerous rights that have flown from their foundation is considered by human rights advocates to the modern day, in the words of the 1776 *American Declaration of Independence*, as 'self-evident' (Kramer 2000: 63).

John Locke is typically recognised as a foundational thinker in the history of the development of human rights since the 17th century (Hunt 2007; Bobbio 1996; Ishay 2004). Locke's ideas emerged as part of a deeper tradition of natural law that attempted to understand the role of the state in relation to the character of man's natural societal condition and needs for fulfilment and thus determine what the 'social contract' between the state and members of society should consist in. Ideas of natural law can be traced back at least as far as Aristotle's *Politics* in the 4th century B.C. and persist notably through the 13th century in Thomas Aquinas's *Summa Theologica* to the 17th century in Thomas Hobbes' *Leviathan*. However, it is Locke's ideas of natural law that emphasise the importance of the individuals' 'perfect freedom' (Locke [1690] 2003: 101), which have been developed more consistently from the 18th century in, for example, Jean-Jacques Rousseau's *The Social Contract* with its emphasis on the importance of 'liberty' (Rousseau [1762] 2004: 186) and John Rawls' attempt to revitalise the social contract of 'Locke, Rousseau, and Kant' (Rawls [1971] 2005: viii) in *A Theory of Justice*, which is indisputably the 20th century's most successful work of political philosophy. It is consequently a focus on Locke here that will be seen as facilitating an understanding of the 17th- and 18th-century European and American revolutions, which pre-saged the global advocation of rights reflected in the modern United Nations' human rights declarations. Through an analysis of the Lockean social contract – part of the undisputed inspiration in the development of human rights – let us begin to look more closely at why this should be so. Locke was reliant on his imaginative abstract construction of the social contract to justify his arguments for individual freedom. This passage from Locke's *Two Treatises* represents the 'state of nature' on which his ideas of natural law are based:

> To understand political power right, and derive it from its original, we must consider what state all men are naturally in, and that is, a state of perfect freedom to order their actions and dispose of their possessions and persons, as they think fit, within the bounds of the laws of nature; without asking leave, or depending upon the will of any other man.
>
> ([1690] 2003: 101)

Locke's imperative to 'consider what state all men are naturally in' encourages us to establish an imaginative basis for the validity

of his 'state of nature'. Imagining this state of nature potentially produces sympathy for Locke's thought in the reader, and for man in his supposedly natural environment. There are also certain areas of Locke's famous argument for the right to personal property that leave the completion of its premises open. When Locke describes a man's labour in the state of nature as having 'something annexed to it which excludes the common right of other men' ([1690] 2003: 112), he is ultimately appealing not only to his rather abstract statement that 'every man has a property in his own person'([1690] 2003: 111) and consequent argument that 'the labour of his body and the work of his hands are rightfully his' ([1690] 2003: 111), but also to the sympathy of the observer for those who have worked and 'deserve' in this sense to reap some personal benefit. In his *Letter Concerning Toleration*, Locke appeals more explicitly to a moral, even emotional, reaction to those 'who have souls large enough' (Locke [1690] 2003: 213) to take on board his arguments for the secular acceptance of liberty. Reason alone, Locke makes clear, will not necessarily be enough for men to accept what he has to say.

Locke's final hope, then, is that an imaginative sympathy for his ideas and a deeper emotional acceptance of them will be the determining factor in his struggle for social change. In Locke's time, the clear violators of the state of nature would have been royalist supporters and sympathisers. They were the 17th-century opponents of ideas of individual freedom, which would, in the 20th century, produce the foundation for the new global ideology of human rights.

This understanding of Locke's work is important because similar but more explicit appeals to imaginative emotional reaction can be seen in the ensuing examples of the use of natural rights as a justification for the American Revolution. In this historical example, resentment was focused on Britain in the perceived injustices of the Crown towards British America. Such direct transgressions were accompanied by more abstract social influences, which, in part, can be traced back to the work of Locke. Thomas Paine, especially in his work *Common Sense*, showed that his belief in 'the simple voice of nature and of reason' ([1776] 1997: 5) was, in a similar manner to Locke, also dependent on imaginative and emotional acceptance for its force of argument. Thus, by the time of the American Revolution, it was not just specific experiences of violation and their ensuing

resentment that caused change, but it was also this Enlightenment philosophy and its imaginative social constructions inciting sympathy for natural law that helped to inspire revolution. Thomas Paine correlatively expresses his view of violation by the British government towards America in the following manner:

> The Cause of America is in a great measure the cause of all mankind. Many circumstances hath, and will arise, which are not local, but universal, and through which the principles of all Lovers of Mankind are affected, and in the Event of which, their affections are interested. The laying a Country desolate with Fire and Sword, declaring War against the natural rights of all Mankind, and extirpating the Defenders thereof from the face of the Earth, is the concern of every Man to whom Nature hath given the Power of feeling; of which Class, regardless of Party Censure, is the AUTHOR.
>
> <div align="right">Paine ([1776] 1997: 2)</div>

Echoes of Locke are clearly evident here; but the appeal to the imagination and emotion, in comparison with the writing of Locke, has intensified. The emotional and moral language is employed to fuel resentment against the British specifically, and to give sympathy to the cause generally as being justified on the grounds of universal natural law, which is equated with simply 'the power of feeling', as Paine describes it. *Common Sense* clearly had a marked social effect on focusing resentment and engendering support for the cause of an independent America generally. It is estimated that in an 'age of pamphleteering' *Common Sense* reached an audience of 120,000 and combined with other similar publications to fuel the American uprising against the British (Mann 2003: 145).

Moreover, Thomas Jefferson in his speech in Congress on 4 July 1776, introducing the *American Declaration of Independence*, cited a catalogue of grievances supporting nothing but resentment for the idea of the British Crown as justified in maintaining authority over America. The misuse of the American people by the British Crown was the overriding message of Jefferson's speech. Sympathy for the American people based on violations of Lockean natural law by the British Crown correlatively formed the justification and strength of his argument (Kramer 2000: 64–67).

The triumph of natural law as a basis for an independent America and the huge influence of Locke in this process is clearly evident in Jefferson's vision of a country based on the Lockean ideals of life, liberty and the pursuit of happiness supported by the related social philosophy that a people may rise up and change its government if necessary. There is no explicit reference to emotion in the following quotation that demonstrates this (although the religious justification it included is certainly capable of inspiring emotional reaction), but whereas Locke and Thomas Paine were writing at a time of revolution when their ideas of natural law were not wholly societally accepted, Jefferson was speaking at a time of triumph:

> When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes that impel them to separation. – We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights; that among these are Life, Liberty and the pursuit of Happiness. – That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, – That whenever any Form of Government becomes destructive of these ends, it is the Rights of the People to alter or abolish it.
>
> <div align="right">quoted in Kramer (2000: 63)</div>

Indeed, Locke was also a clear influence on the French revolution. While Jean-Jacques Rousseau is often associated with the events of 1789, there is general agreement that the influence of Rousseau on French revolutionary thought is to some extent dubious, and that Locke's influence (through the American Declaration) is just as clear cut. For example, Waldron comments that 'There is a long running controversy about Rousseau's influence on French revolutionary thought, and in particular on the formulation of the Declaration of Rights. It is easy to exaggerate his influence: the declaration was modelled mainly on the manifestoes set out by the Americans some years earlier' (1987: 21).

Bertram analyses this issue in more detail arguing that the character of the French society in the late 18th century, in its pronounced inequalities, would have found it difficult to aspire to Rousseau's belief in simplicity of lifestyle (2004: 196). In an article from *The Times Literary Supplement* celebrating the 300th anniversary of Locke's birth, it is stated that Locke's ideas 'penetrated into France and passed through Rousseau into the French revolution' (quoted in Barker 1971: xvi). Indeed, Rousseau himself, in *The Social Contract*, demonstrates sympathy for liberty, and resentment against those denying it would logically be inspired by passages such as the following:

> To renounce liberty is to renounce being a man, to surrender the rights of humanity and even its duties. For him who renounces everything no indemnity is possible. Such a renunciation is incompatible with man's nature; to remove all liberty from his will is to remove all morality from his acts.
>
> Rousseau ([1762] 2004: 186)

The essential characterisation of human rights in its ancestry of social philosophy identified here is that imagination, emotion and a synonymous identification of these fundamental human capacities with natural law's central values of freedom (life, equality, property et al.) are paramount. The continuing hold of the philosophical idea of natural law and ideas of the social contract is demonstrated by their revitalisation in the 20th century through John Rawls' focus on 'justice as fairness' in the hugely successful *A Theory of Justice*, in which Rawls attempts 'to generalize and carry to a higher order of abstraction the traditional theory of the social contract as represented by Locke, Rousseau, and Kant' ([1971] 2005: viii). The emotional sense of the validity of principles of human rights and the unquestioning acceptance of them continues in modern histories and appraisals. A compilation of *Reflections on the Universal Declaration of Human Rights*, for example, is dedicated 'To all victims of human rights violations and in support of all human rights defenders' (Van der Heijden and Tahzib-Lie 1998: 5).

It is also from these basic beginnings in ideas of natural law, which universally bestow the right to freedom upon mankind, that the complexity of modern human rights theory has developed. Peter Halstead draws attention to the fact that rights may be contemporarily civil,

political, economic, social, cultural or generational; and concepts of rights may be not only universal and inalienable, but interconnected, interrelated, indivisible and obligational (2008: 5). Moreover, the great document of Enlightenment revolution and natural law, the 1789 *French Declaration of the Rights of Man and the Citizen*, has provided the inspiration beyond the 1948 *UN Declaration of Human Rights* to Conventions more specifically concerned with the *Prevention and Punishment of the Crime of Genocide* (1951), *the Elimination of All Forms of Racial Discrimination* (1966) and the *Elimination of All Forms of Discrimination Against Women* (1981). The 1987 *Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment* was soon followed in 1989 by the most popular human rights convention of contemporary times, *the UN Convention on the Rights of the Child.*

As sociology enters the debate, Bryan S Turner, in *Vulnerability and Human Rights*, also adopts the social contract as a basis for a theory linking the human body to the precarious nature of societal institutions and the emotion of sympathy. Such a theoretical foundation is 'employed both to grasp the importance of human rights and defend their universalism' (2006: 1). Elliot (2007) has given valid evidence to support his conclusion of the *Triumph of the Individual in World Culture*, but the implied conflict of 'defence' and 'triumph' used in the language of these sociologists provokes a paradox in understanding that needs to see some resolution. If human rights represent universal principles, why are we defending them? More precisely, against what is the defence being made? What is this triumph in world culture over?

Why human rights?

Locke's ideas were a clear departure from conceptions of rights in feudal Europe. Feudalism entailed the right to farm and live on land owned by a lord – only as long as the serf was able to produce enough food to justify his or her continued existence as part of the lord's realm. Feudalism was thus characterised by agricultural production rather than the later industrial focus on the importance of towns and cities. The serf would sometimes have to fight if necessary to protect this property. Even the landholding aristocracy lived under the power of monarchy and religious justification for its top-down government

in, for example, the 'Divine Right of Kings' – a belief ended, at least in its social manifestation, by the English Civil War. With the advent of greater circulation of money and the development of towns, the once-feudal peasant had a greater chance of access to private property (Morrison 2006: 13).

With this power came the intellectual possibility of conceiving more individual rights – something that became increasingly attractive to the bourgeois legitimation of its own interests in freeing themselves of the limitations imposed by monarchical and religious power. Indeed, there have been arguments for seeing Locke's *Two Treatises* as a product of political ideology relevant to his political stance during the glorious revolution, the restoration or even the exclusion crisis (Ashcraft 1986; Tully 1993). Certainly, it is explicitly written in reaction to the royalist views of Sir Robert Filmer, as expressed in *Patriarcha*. However, one does not have to research the historical aspect of his work in order to see that, at the time of his writing, clearly Locke would most likely have been a supporter of individual rights in a society that was slowly moving away from more 'constricting' forms of social cohesion.

The appeals to the imagination and to emotion by John Locke, Thomas Paine and the early theorists of natural law, aiming to ingrain an understanding of the prospects for all in attaining individual freedom, came with the gradual emergence of capitalism. Woodiwiss's (2005) Foucauldian account of the emergence of human rights details how bourgeois economic expansion explains the first documents ancestral to the 1948 *Universal Declaration of Human Rights* such as the English *Bill of Rights* of 1689. The economic background that forms his perspective is common in academia. Eric Hobsbawm, for example, sees the period of the emergence of human rights through the French Revolution as 'the triumph of bourgeois liberal capitalism' (2008: 14). Indeed, his perspective provides a strong contrast to the emotional side of the dilemma of rights discussed here and fittingly introduces here the self-interested side of its seeming paradox. The importance of the economic as an adjunct to the emotional or moral perspective of the Enlightenment is stated by Emma Rothschild in her account of the period between 1770 and 1820, which saw not only the publication of *The Wealth of Nations*, but also the American and French revolutions:

Economic life was intertwined, in these turbulent times, with the life of politics and the life of the mind. Economic thought was intertwined with political, philosophical and religious reflection. The life of cold and rational calculation was intertwined with the life of sentiment and imagination. The sources of economic opulence were to be found, it was thought, in political and legal institutions, and in the history of the human mind.

(2002: 1)

The French influence on Adam Smith's writing has been recognised by Pierre Force in his discussion of the term 'self-interest' and how Rousseau's understanding of *pitie* and *amour de soi* has more than a passing resemblance to Adam Smith's relationship between sympathy and self-interest ('self-love' in Smith's terminology). This is despite the fact that Rousseau is 'remembered as the fiercest critic of modern commercial society' (Force 2007: 47). In terms of providing a further link between Smith and the foundational declarations pre-saging modern understandings of human rights, Rothschild's reference to the founder of modern economics draws attention to the clear link between Adam Smith's 'philosophy', as it was termed in the 18th century, and the social thought of revolutionary France. This is demonstrated through the evidence of correspondence thanking Adam Smith for his influence on the revolution (Rothschild 2002: 54).

Indeed, the 'intertwining' that Rothschild speaks of, giving rise to the marriage of the concept of moral value and economics, is something that is still debated by the most reputable academics today. The Nobel Prize-winning economist Amartya Sen, for example, in *Inequality Re-examined*, asks his famous question 'equality of what?' – It is a question that has some parallel with the paradox identified in the dilemma of rights. As Sen points out, this question 'suggests that we can see the disputes between different schools of thought in terms of what they respectively take to be the central social exercise in which equality is to be demanded' (1995: ix). Thus, one could be talking about abstract ideas of moral equality regardless of class, sex or race; or the economic equality of all in a capitalist rather than top-down (for example, redistributive) form of economic interaction.

The nature of the economic perspective as an adjunct to the emotional and moral view of human rights can be further understood through an analysis of why human rights and its attendant

democratic forms of government have succeeded against a range of competing ideologies. While Max Weber's *Protestant Ethic and the Spirit of Capitalism* famously argued that this form of Christian belief probably freed societies in a way that was commensurate with the demands of emerging capitalist economies, a move away from the necessity for even the power of the church was seen in The English 1689 *Bill of Rights*, the 1776 *American Declaration of Independence*, and the 1789 *French Declaration of the Rights of Man.* All of these documents signified a social change from top-down forms of government to an equality under which bourgeois capitalist interests were placed in a position of dominance. A secular morality emerged holding central values, which, apart from any appreciation of their moral worth, created the social conditions under which the laissez-faire market could legitimate itself.

A typical link in this ancestral chain of human rights development is often made with the demands of Magna Carta in 1215. This demonstrates an early bourgeois reaction against the perceived excesses of top-down monarchical and religious government. As Gunther comments, 'The right to be free from arbitrary or unjustified imprisonment could be considered the original *basic* right. Later arbitrary imprisonment became a major problem again, when it became part of the general unequal treatment of people by reason of their faith. As a consequence this right was extended in the Petition of Rights in 1628, and reconfirmed in the Habeas Corpus Act in 1679' (2004: 125). Clearly, the early challenges to monarchical and feudal authority under Magna Carta developed in strength and intensity until the monarchy was violently deposed and reinstated, if at all, as a powerless figure head.

Yet, beyond the significance of the claim to the original basic right, the link that can also, and perhaps more usefully, be drawn is that between the elite challenge to top-down power in the 13th century and the initial proof it provided that such a challenge could be made. In the Enlightenment, with a secular morality established, responsibility for its implementation was deferred to the 'state', perhaps the most ambiguously defined institution of modern times (Navaro-Yashin 2002: 155–187). Indeed, despite the arguments of social scientists such as Ralph Miliband that the state is gaining power in capitalist societies and that the Marxian idea of the state from *The Communist Manifesto* as 'but a committee for managing the common

affairs of the whole bourgeoisie' (Marx [1848] 2002: 221), is thus becoming a thing of the past, neoliberalism has often won out over more socialist forms of government in Western societies. In the 20th century, the 'bourgeois morality' has also been seen to win out repeatedly over what are characteristically top-down forms of government, the most notable example being the fall of the Soviet Union as a result of globalisation (Lockwood 2000). The fact that both communism and fascism had in their rise, a common purpose, indeed even inspiration, in opposing the expansion of the free market has also not gone unrecognised (Harvey 2003).

Classic criticisms of human rights

Human rights literature today often defines human rights without question on its own terms. Ishay, for example, describes human rights as 'rights held by individuals simply because they are part of the human species' (2004: 3). In one sense, it is indeed hard to argue that the violation of human rights can be challenged. That one has the right to a basic standard of living and freedom from torture and other forms of abuse is hard to see, especially in an abstract sense, as anything but incontrovertible. There is a difference, however, between the emotional, moral acceptance of human rights and the problems inherent in their societal realisation. The purpose of this section is to examine some of the classic criticisms of human rights and look at how they have endured through the work of intellectuals from the 18th and 19th century to the present day.

Beyond John Locke's monarchist adversary Robert Filmer, there were other famous dissenters to the idea of natural rights – most notably Karl Marx, Jeremy Bentham and Edmund Burke. Marx rightly drew attention to the potential for liberty and the right to property to be appropriated towards bourgeois economic exploitation in, for example, *On the Jewish Question* (Marx [1843] 1992). Bentham's famous description of human rights as 'nonsense upon stilts' focused on certain aspects of the logic of the explanations found in the *French Declaration of the Rights of Man*. Bentham's critique of these rights in the *Anarchical Fallacies* runs in the following manner:

> What has been the object, the perpetual and palpable object, of this declaration of pretended rights? To add as much force to these

passions, but already too strong, -to burst the cords that holed them in, – to say to the selfish passions, there – everywhere – is your prey! – to the angry passions, there, everywhere is your enemy. Such is the morality of this celebrated manifesto.

Bentham ([1843] 2005: 497)

This part of Bentham's critique of the selfishness and anti-societal attitudes that are potentially justifiable according to ideas of secular rights find some reflection in Burke's critique of natural rights. This essentially centred on what Burke was trying to argue were the real rights of man as supported in society and in relation to culture. The only real rights were the rights of Englishmen, according to Burke, because the protection of rights ultimately existed within the confines of one's own country. In the 20th century, such cynicism towards principles of human rights was echoed by Hannah Arendt in *The Origins of Totalitarianism*. Arendt supports Edmund Burke in some of his main criticisms of the Rights of Man, drawing attention to the manner in which natural law extracts man from his environment, and paradoxically leaves him bereft of any real, or socially supported, rights at all. The consequences of pretending that everyone had the same rights in the abstract without the need for society is, as Arendt explains, potentially socially disastrous:

The fundamental deprivation of human rights is manifested first and above all in the deprivation of a place in the world which makes opinions significant and actions effective. Something much more fundamental than freedoms and justice, which are rights of citizens, is at stake when belonging to the community into which one is born is no longer a matter of course and not belonging no longer a matter of choice, or when one is placed in a situation where, unless he commits a crime, his treatment by others does not depend on what he does or does not do.

(1979: 296)

This Western cynicism is given further validity by Eastern criticisms of the universal applicability of human rights. While in the West, cynicism over the Islamic politicisation of human rights has been notably discussed by Mayer (2012); literature on human rights in modern Turkey, for example, is cynical regarding the Western politicisation of the subject. Mehmet Suat Ilhan's (2005) *Human*

Rights: The Contemporary Weapon of Imperialism, for example, questions the political behaviour of America and Europe in relation to the proclamations of human rights.

Indeed, contemporary criticism among the most prolific and respected academics in the West sees Charles Taylor, in *Modern Social Imaginaries*, argue that 'central to Western modernity is a new conception of the moral order of society . . . . It has become so self-evident to us that we have trouble seeing it as one conception among others' and that this is linked with 'the coming to be of certain social forms, which are those essentially characterizing Western modernity: the market economy, the public sphere, and the self-governing people, among others' (2004: 2). Axel Honneth, in *Disrespect*, considers the possibility that the presuppositions of Universalism may form a veritable 'moral trap' (2007: 198) in that the inequality between nations is becoming increasingly and painfully evident and beginning to see increasing demands from poorer countries for equality of opportunity and economic standards. Indeed, more generally, the sociologist Gurminder K. Bhambra has attempted to examine modernity as a product of 'rupture and difference' (2007: 1) in her work *Rethinking Modernity* in which the theorisation of sociology is seen to neglect the dissimilarity of 'non-Western' cultures in the 'universalisation' process of human rights and democracy.

One way of making sense of these criticisms is to assert that it is not only that human rights provides a sensible aid to the understanding of the basic rights due to every member of the human race, but that, apart from the genuine human societal welfare it has also demonstrated and provided, human rights legitimates capitalist expansion in a manner that religion has not been able to do. In this way, the myth of market society leaves those who are not direct beneficiaries of bourgeois capitalist expansion not only the opportunity to pursue their own ambitions, but also vulnerable to the problems of societal restructuring, alienation, and the potential violence entailed as a new self-understanding, morality and identity is assumed. At the same time, it would be incorrect to assume that the problems with human rights, which are made very evident by these authors, translate to nothing but the advancing of the aims of imperialist capitalist expansion. It is to a greater understanding of why this is so that it is necessary to turn now.

Understanding globalisation

The purpose of this section is to look at the global background to human rights institutionalisation and violation in developing economies. In the world economy, support for the development of human rights can be analysed in relation to not just developing societies themselves, but also the influence of European and American capitalism. The basis for this understanding has been debated in sociology since Immanuel Wallerstein and Andre Gunder Frank introduced the idea of world systems theory. This section characterises the social dislocation that occurred as laissez-faire economics and its associated ideology of secular rights began to take hold globally. The beginning of this process of economic expansion, the world system theorist Immanuel Wallerstein summarises as follows:

> In the course of the renewed economic expansion (and monetary inflation) of the period 1733–1817 (more or less), the European world-economy broke the bounds it had created in the long sixteenth century and began to incorporate vast new zones into the division of labour it had accomplished.... Incorporation to the world economy was never at the initiative of those being incorporated. The process derived rather from the need of the world economy to expand its boundaries which was itself the outcome of pressures internal to the world-economy.
>
> Wallerstein (1974: 129)

The ideology of human rights, in its earlier forms, reflected in Locke's advocation of the universal applicability of the values life, liberty and equality expanded from Britain, France and America to other societies. In this way, these values became part of a developing world economy in which capitalism repeatedly gained power over more top-down forms of government. Before the post-war conception of human rights and its associated globalisation of capitalism, Hannah Arendt demonstrated an awareness of this bourgeois need to expand beyond the nation state 'for if it did not want to give up the capitalist system whose inherent law is constant economic growth, it had to impose this law upon its home governments and to proclaim expansion to be an ultimate political goal of foreign policy' (1979: 126).

However, the importance given to morality and emotion so clear in the works of Enlightenment thinkers from John Locke to Adam Smith was disregarded in this process. Consequently, laissez-faire economics had a devastating effect on economies that were simply unprepared and unable to compete with or resist the exploitation they suffered. The economies of India, China and other countries peripheralised in this manner were simply drained. Mike Davis interestingly draws attention to the fact that between 1757 and 1947, under British rule, there 'was no increase in India's per Capita income' (2007: 311). Contemporarily, the effect of international financial institutions (IFIs) in particularly the International Monetary Fund or IMF are typically seen in the same way as having the potential not only to help but also to hinder developing economies. It is especially since the IMF's neoliberal turn of the 1980s that human rights have been less of a concern in its structural adjustment programmes.

> ... critics claim that the IFIs, by organizing the restructuring of the world economy along laissez faire lines, and by promoting the attendant liberal conception of freedom as private power, are helping reinforce and legitimize diverse forms of exploitation in the world economy and are legitimizing growing inequalities of health, income, employment opportunities and so on. These inequalities reflect different social power, and are in essence concerned with class, gender and race/ethnic relations. Such growing inequality is regarded by transformer critics not as contingent, but rather as the necessary outcome of social relations in the modern capitalist economy.
>
> Evans (1998: 171)

The plight of the developing economy in the assimilation of human rights practices has therefore been one of struggle against economies that not only help but also stunt economic development in the pursuit of their own self-interested goals. Certainly those countries that have, in modern times, been seen as problematic in terms of human rights issues, such as Turkey, China, Africa and the Indian Subcontinent, have seen a history of economic peripheralisation by the West. Such economies in the developing world raise constant concerns of human rights violation – typically in the reports of non-governmental organisations. The prospect of reducing human

rights violation logically entails the instigation of a process seen in Europe and America, which, though historically based, is timeless and universal in its reliance on finding the resources necessary to institutionalise human rights through the successful adoption of a free-market economy. To understand the globalisation of human rights, it is therefore not just individual countries that need to be examined as if they have no connection with Western societies who have themselves no role other than one of 'help' or concern for human rights violation in other parts of the world. The associated development of a more cosmopolitan perspective forces us to see human rights in terms of the role of all identified social actors both in and beyond the nation-state.

Westernisation, by contrast, was clearly encouraged by certain groups within periphery economies who saw clear benefits in adopting Western socio-economic belief. In the Qing dynasty period in China, for example, dissatisfaction with societal ills combined with increasing knowledge of Western methods of governance and led to frequent and well-organised rebellion. Turks, such as Sadık Rifat Paşa, who in the 19th century had the opportunity to visit Europe, were struck by the question of why Europe had become so economically powerful, and wanted to adopt the ideology of liberty, which would buttress such economic growth in the Ottoman Empire (Lewis 2002: 132).

Moreover, contemporarily, despite the difficulties that can be clearly encountered by economies struggling to compete on a world stage, there is also evidence that human rights and democracy can be the eventual outcome of these struggles. Abouharb and Cingranelli (2007), in their study of the effects of IMF structural adjustment programmes, conclude that despite the clear neglect of human rights demonstrated by governments in their attempt to implement structural adjustment programmes, there are several countries that, though contested as such, can be cited as 'success' stories. These include Costa Rica, Ghana, India, Jordan, Morocco, Peru, Tunisia, Turkey, Uganda and Vietnam. However, all have suffered on the path to this 'success'. The basic philosophy of the structural adjustment programme is reduction of state power in favour of the market. The possible downside of such adjustment is increased corruption and the abandonment of alternative forms of social cohesion. Turkey has been but one example of the social dislocation, economic

impoverishment and the struggle to compete on a world stage that characterises developing economies.

Towards a social characterisation of human rights and prospects for their development

The preceding discussion has not attempted to come to any strikingly new conclusions as to the social characterisation of human rights. It has, rather, framed them within a particular emotional, or moral, versus self-interested view of modernity. The restatement has been necessary, however, in order to help ground a sociological approach to the subject. The discussion has thrown up a series of paradoxes that can only be explained not in terms of an explicit social contract, but in terms of the ongoing struggle between state and market and the manner in which the central values of human rights legitimate the free market while requiring the state to support and intervene in its management. One thing, therefore, has been demonstrated repeatedly in this chapter: the central values of freedom associated with human rights – equality, liberty and property or simply 'the pursuit of Happiness' have consistently implied the reduction of top-down forms of government and the introduction of capitalist forms of economy. Therefore, to sociologically understand the expansion of human rights is to account, to some extent, for the introduction of capitalism to societies that may or may not be ready to assimilate the particular social restructuring that is demanded.

At the same time, in accounting for social process, it is important not to denigrate human rights as synonymous with capitalist expansion and thus as purely a bourgeois veil of economic exploitation. The modern human rights conventions, laws and documents are clear testament to processes of development and refinement, despite a continued focus on political utility, which also deserves recognition (Waters 1996; Beck 2006). Indeed, according to Tully, 'the theory and practice of rights deriving from Locke has functioned as one of the most powerful bulwarks against the manipulation by humans by governments and other institutions in the modern world' (1993: 5).

It is also impossible to understand how documents such as the *UN Convention on the Rights of the Child* could be interpreted as emerging solely from political or economic self-interest. There are simply too many documents and too highly complex a development of human

rights, whether they be through laws, conventions, organisations or otherwise, to narrowly account for them in this way. The Office Of The United Nations High Commission for Human Rights now publicises 'The United Nations Human Rights Treaty System', which consists of nine human rights treaties, and there are bodies of human rights treaties set up to monitor implementation. There are many attendant and expanding details of optional protocols and plans for the further refinement and development of this treaty system (Bayevsky 2001).

Moreover, that human rights can be debated in a philosophical or moral sense without reference to economics is without question, and there are numerous examples of this type of criticism. Micheline Ishay, for example, draws attention to the fact that the religious and secular notions of human rights can be found from 'the ancient Greeks and Romans (who) endorsed natural laws and the capacity of every individual to reason' (2004: 7, parentheses added). The core values of human rights in individual dignity, liberty and equality also intersect with various religious beliefs, which in themselves require, of course, no reference to capitalism (Rouner 1988: 2). They are, in the minds of those who have faith in them, as much a social reality as the logic of the free market and its relation with the state that it necessitates.

However, a belief in religion does not necessarily need to support a belief in human rights. Foundational texts in the sociological Canon such as *The Protestant Ethic and the Spirit of Capitalism* acknowledge the potential religious influence on the development of capitalist societies (and therefore, potentially by extension of this argument, human rights). At the same time, in modern sociological theory, the religious influence on human rights is not necessarily accounted for, if it is mentioned at all. Axel Honneth is a prominent example of a modern social theorist who recognises the religious influence on the development of human rights through Christian Humanism. However, Honneth also contends that 'the legitimating authority of God, nature or reason is no longer required; instead it is assumed that human beings themselves are capable of granting the universal rights that guarantee a human life with dignity for all' (2007: 209).

It has been argued at the beginning of this book that sociologists need to make a contribution to the interdisciplinary context

of human rights academia, and it has been argued in this chapter that the global expansion of capitalist self-interest is capable of facilitating a social structure in which a sense of human rights and its central value of freedom can be felt and experienced. In this modest attempt to build part of the picture of the many facets of human rights, it is this process that needs to be focused on at the economic and emotional and moral levels.

A resembling need to understand this dichotomy is very rare in sociology. Elliott, for example, has been one of the few sociologists to highlight the need to understand the 'moral impulse to act on behalf of human rights alongside the rational/strategic action of states' (2007: 343). This chapter has tried to build an understanding that universal ideas of freedom, equality and the capitalist forms of economy that accompany their social realisation will only be seen to be 'universal' as long as they meet with a similar sense of cultural value and related economic perspective in the cultures that they come to dominate. That this is unlikely is shown not only by the brief portrayal of the experience of the countries described earlier, but also by the fact that the common identification of human rights with the West neglects an important point. The English, American and French experiences of the introduction of natural law and capitalism to their own societies caused untold suffering.

Even today, human rights and the free market, while producing huge wealth and individual freedom, still finds criticism aimed at high divorce rates and a general lack of family values. This is not to mention the 2009 economic crisis where global capitalism saw the failures of self-interested credit management demand a cosmopolitan solution as world leaders met for the first time to solve a commonly experienced financial crisis. The struggle to realise the dream of natural law built during the Enlightenment is far from fulfilled even in the societies from which it originated.

Such a perspective thus has implications for the sociological theorisation of human rights. While the social contract has been of controversial but enduring use in social and political philosophy (Barker 1971; Boucher and Kelly 1994), the sociological adoption of its assumed agreement inevitably neglects a clear focus on the socio-economic background that the social contract legitimates (through predominantly Lockean philosophy). In accounting for social process, it is capitalism as an adjunct to the legitimating morality of

human rights that would logically be focused on. While Turner (2006) employs the latest sociological theorisation in a modernisation of the social contract, there is another Enlightenment figure whose ideas represent the economic basis on which natural law emerged, and whose influence on globalisation is incontrovertible. It is therefore to a sociological modernisation of the work of Adam Smith that this book turns to in the next chapter.

Conclusion

This chapter has attempted to frame the moral and emotional aspects of human rights in their relationship with capitalism in order to provide a foundation for the book's sociological understanding of the globalisation of human rights. To this end, it was initially demonstrated that the development of natural law doctrine from the time of Locke saw an increasing reliance on the persuasive power of imagination and emotion in order to secure a belief in its claims (later demonstrated particularly well in the work of Thomas Paine). The power of the social contract, as a basis for this understanding, has been reflected beyond the classical formulations of Hobbes, Locke and Rousseau in an enduring influence on John Rawls' ideas of 'Justice as Fairness' and in the work of Bryan Turner, who has inspired sociological awareness of the need to found a sociology of human rights (1993, 2006).

In the second section of this chapter, however, evidence for the importance of ties between morality and economics from Adam Smith to Amartya Sen showed a link between the social philosophy of Lockean natural law and the freedom in individual action, which is necessitated in capitalist societies. The issue of the proper relationship between ethically appropriate and economically advantageous behaviour is one that has been pursued from the Enlightenment work of Adam Smith, and has again formed a large part of the work of Amartya Sen contemporarily. Moreover, the classical criticisms of human rights found in the work of Edmund Burke, Karl Marx and Jeremy Bentham have found some repetition in the later commentary of Hannah Arendt and a generally identifiable continuance in the literature of human rights, which occasionally exhibits an element of cynicism with regard to the 'inalienable' nature of human rights.

This has enabled a plausible view of human rights as not only a genuinely thought-out system for a global insistence on the provision of basic standards of human existence, but also as a legitimating ideology for the global expansion of capitalist societies. The implication of this paradigm for understanding the global expansion of human rights is that societies in which human rights values are introduced will need to face the challenge of reducing state power versus the market, and perhaps also the prospect of almost totally reconstituting, for example, their own agrarian economies in order to meet the needs of entrance to an essentially industrial world economy. The exigencies of doing so exist in the struggles of many developing countries that continue to exhibit their own particular problems in marrying incongruent cultural, religious or economic beliefs with the demands of change both from within, and under the influence of, the capitalist world economy of which they have become a part.

3
A Theory of Human Rights

This chapter is divided into four sections in order to present a sociological theory of human rights. In the first section, the relationship between economic self-interest and emotionally felt social values is further explored through a discussion of the manner in which self-interest has been seen as a dominant, but not all encompassing, 'first principle' of social action. This is seen in its emergence from the historically related concept of self-love, its use in classical sociology and its meaning in modern socio-economic theory.

The discussion in the second section establishes Turner (1993, 2006) and Barbalet (2001) as providing some useful ideas for the further development of a theory of emotion in the sociology of human rights. Their ideas, which draw attention to the importance of 'positive' emotions, such as sympathy, and 'negative' emotions, such as resentment, are adapted according to Adam Smith's ideas of sympathy and Norman K. Denzin's (2007) modernisation of Smith's work in a theory of the 'social imagination'.

The third section turns to ground a theoretical approach to the nature of human rights expansion into new cultures. Here, the previously defined understanding of self-interest and the social imagination can be seen to combine in the construction of a related political economy approach to globalisation. Here, some central concepts of Immanuel Wallerstein's (1974) world-systems approach are adapted in the light of this Smithian basis for theory.

The fourth and final sections discuss the moral relevance of the book's approach and an argument for sociology as 'joining the

human rights debate'. This defines a sociological view of 'cosmopolitan responsibility' and relates it to issues of progress in the resolution of specific human rights issues and the preservation of the societal conditions necessary to human rights institutionalisation. It enables the sociological account of the book to be seen as congruous to the typically normative debate of the wider, often interdisciplinary, discourse in which sociology contemporarily finds itself part, and has been challenged to find a voice within (Turner 1993: 490; Waters 1996: 593).

Self-interest, vanity, emotion and morality

The term 'self-interest' is often defined in relation to the history of economics, the Enlightenment thought of Adam Smith, and the inspiration he found in the work of his contemporaries such as Jean-Jacques Rousseau, Sir James Steuart and Montesquieu (Force 2007; Hirschman 1997). Having related the emergence of human rights in the previous chapter to the development of capitalism, let us turn now to look in greater detail at the role self-interest will play in completing this book's theory of human rights. The issue divides into two separate points in order to define the term 'self-interest' and further analyse why an element of moral, or emotional, understanding is relevant in relation to this term. First, the definition of self-interest and how conceptions of it have changed since the 17th and 18th century, especially in relation to the term 'self-love', is discussed. Second, the manner in which 'self-interest' has been seen in sociological theory as having a dominant, but not all-encompassing, role in the determination of social action is analysed.

While employed by some theorists as an explanation of the totality of human behaviour, self-interest has a history of implied and explicit limitation. Pierre Force draws attention to the fact that, in the *Wealth of Nations*, Adam Smith uses the term 'self-interest' only once. Smith's predominant concern is with the issue of self-love (Force 2007: 1). Indeed, both terms were used by writers in the period before Smith; for example, La Rochefoucauld's *Maxims* tells us that 'self-love is love of oneself and of all things in terms of oneself' ([1665] 1959: 112) and that 'self-interest is the soul of self-love' ([1665] 1959: 104). Smith's portrayal of the Catholic priests who, in the *Wealth Of Nations,* are seen to work from the motive of self-interest do so

because they rely for their upkeep on donations from parishioners. Self-love, which we may reasonably thus understand, as Pierre Force (2007: 47) does, in terms of *vanity,* is not an issue for the priests. This early usage of the term self-interest entails the recognition that, whether as a means to vanity or not, self-interest refers to economic welfare, and the economic necessity of Smith's Catholic priests supports this conclusion.

Indeed, 'self-interest' is a term that has come to form a foundation stone of economics in the conception of *homo economicus*[1] following the ideas of Adam Smith who was concerned, predominantly in *The Wealth of Nations*, not to produce an economic theory in isolation but a development of the ideas he outlined in *The Theory of Moral Sentiments* (Small [1907] 2005: 8). In Smith's system, self-interest has a limited and inextricable link with other sides of the human character and the so-called 'Adam Smith problem', which questions whether Smith saw humanity as self-interested, or as compassionate and sympathetic, is possible to resolve. For Smith, as he makes clear in *The Theory of Moral Sentiments* rather than *The Wealth of Nations,* the virtue of justice (sympathy) and the virtue of prudence (self-interest) are complementary.

This idea that man is not totally led by self-interested concerns is exampled by the first paragraph of Adam Smith's *Theory of Moral Sentiments* when he says 'That we derive sorrow from the sorrow of others is a matter of fact too obvious to require any instances to prove it' ([1759] 2002: 11). More generally, the idea of self-love as a means of explaining the totality of human behaviour lost favour through the Enlightenment works of not only Adam Smith, but also David Hume and Jean-Jacques Rousseau, whose work would often draw attention to the self-evidently parochial nature of the view and the unintentional concessions to contradictory ideas evident within the lives or writing of those who expounded it. Thus, Hume's *Enquiries* draws attention to the fact that 'Hobbes and Locke, who maintained the selfish system of morals, lived irreproachable lives' ([1748] 1975: 296). Rousseau in *The Origin of Inequality* was supportive of 'the force of natural compassion which the greatest depravity of morals has as yet hardly been able to destroy!' ([1754] 1993: 74). This was in response to Bernard Mandeville's *The Fable of The Bees* in which Rousseau shows Mandeville himself to occasionally admit the reality of compassion

beyond his predilection for self-love as all encompassing in human behaviour.

In terms of the second point, there is a sense, made clear by Adam Smith and other sociological theorists, in which self-interest has a primacy in its relation to other aspects of human behaviour. Despite Smith's criticism of self-love as an all-encompassing explanation of human behaviour, he is still prepared to recognise man's predilection towards self-interested behaviour, even in *The Theory of Moral Sentiments*. This is most clearly evident in Smith's statement that 'Every man is first and principally recommended to his own care' ([1759] 2005: 96). Moreover, what is regarded as more traditional classical sociology bears some reflection of this idea. Max Weber ([1921] 1978: 24) determines the *zweckrational* form of social action to be dominant over other value-led or emotional forms of action, and Durkheim's focus on self-interest as the foundation of modern society in the division of labour raised concerns about *anomie* and 'the multifarious disorders of which the economic world exhibits so sad a spectacle' (Durkheim 1966: 2). Writing during the era of the Industrial Revolution and the early 20th century, the founding sociological theorists were concerned with the implications of what Hirschman describes as 'the assault on pre-existing systems of ideas and of socio-economic relations as the full impact of capitalist ideology emerged from that of the feudal' (1997: 17).

Related modern socio-economic theory has also followed suit in its concurrence that, while altruistic or simply 'disinterested' behaviour may be at times dominant in social action, it has proven to be the exception rather than the rule. Thus Mancur Olson's seminal work, *The Logic of Collective Action,* states that altruism, especially within a group, is certainly recognisable but generally not the most preferred form of behaviour. Altruism is 'considered exceptional, and self-interested behaviour is thought to be the rule, at least where economic issues are at stake; no one is surprised when individual businessman seek higher profits, when individual workers seek higher wages, or when individual consumers seek lower prices' (1971: 1).

Beyond sociology and economics, arguments in philosophy concerned with 'Egoistic hedonism', for example, state that human behaviour is impossible to argue as anything other than self-interested and 'that we cannot be under an obligation to pursue anything but our own greatest happiness' (Ewing 1953: 16). In this sense, the Enlightenment thought of Mandeville still bears some

reflection in academia. However, in this book, when employing the term self-interest in order to support a theory of human rights, the assumption of the pursuit of economic gain will be made. In the tradition discussed from Adam Smith, through classical sociological theory, to Olson, economic self-interest will be seen as a motive that is, by and large, dominant in capitalist socio-economic relations and that consequently, as Chapter 2 evidenced in its discussion of the development of human rights, has the potential even to influence the moral values that society upholds. Moreover, while self-interest may be adorned by vanity, or a related need for power, it is economic self-interest, which is understood as at the heart of such action and which will most usefully be focused on in understanding social process. We need now to look in more detail at how morality and emotion combine in a theory of the 'social imagination' that will complement this understanding of self-interest.

Vulnerability, sympathy, status and resentment: the foundations of emotion in Turner and Barbalet

That rights may be conceived as having a sociologically legitimate relation to emotion is something already established in the sociology of human rights; theoretical foundations for rights have been sought both in the vulnerability of the human body (Turner 1993, 2006) and in the universal need for status in society (Barbalet 2001: 140–144). Upon these foundations, either 'positive' emotions such as sympathy and compassion (Turner 1993, 2006) or 'negative' emotions such as resentment and hatred (Barbalet 2001) have been implicated. These emotions, and indeed the importance of other emotions, are discussed here and a resolution to this debate offered.

It will be argued, first, that Turner's (1993, 2006) ideas of vulnerability need a stronger, less abstract, theoretical foundation. Second, some criticism is made of Barbalet's general claim that the 'realization of the moral unity of humankind through the emotion of sympathy is indeed a poor foundation for human rights' (2001: 129). However, Barbalet's introduction of the ideas of status and resentment is argued as a useful contribution, which, as with Turner's focus on the body and sympathy, can be accounted for in a manner that compensates for the shortcomings inherent in their initial theoretical construction.

Turner argues his original theory of frailty (1993) is now more firmly grounded in the vulnerability of the human body, institutional precariousness and sympathy (2006: 1). That the vulnerability of the body may be an abstract intellectual reason for universal sympathy indicating the potential for some recognition of the moral value of human rights doctrine and that to some extent 'vulnerability defines our humanity' (2006: 1) is perhaps hard to dispute. In contrast, the social reality of vulnerability, with its etymological basis in *vulnus* 'to wound', is that it has notoriously been an invitation not only to sympathy for the vulnerable but also to the exploitation and the human rights abuses that have been committed against them. The Jews of Nazi Germany were extremely vulnerable, and the institutions that were supposed to protect them could certainly have been argued as precarious, but this, and any sympathy people had for them, did not lead to the protection of their rights. The same goes for the Armenians of the Ottoman Empire, a million of who perished in what has come to be a disputed genocide. In this sense, the social reality of vulnerability is that it does not *necessarily* define or protect our humanity at all.

Criticism of Turner similarly acknowledges the basic point here that this concept does not sufficiently account for the effective defence of human rights insofar as 'the fact that vulnerabilities are universal . . . does not necessarily solve the problem of dominations of powers, or for that matter, settle the score between the abuser and the abused in human rights situations' (Horowitz 2007: 421). However, Turner does recognise that vulnerability alone is not enough to ensure the protection of human rights. Moral education is needed in order for humanity to recognise the vulnerability of others. However, at the same time, Turner concedes that even moral education's 'success will follow and remain largely secondary to institutional reforms' (Turner 2006: 43) and that therefore moral education will not be enough to compete with, for example, 'deeply entrenched interests – especially the economic interests of warlords and the illegal trade in drugs' (2006: 43).

Consequently, this understanding of moral sympathy for the human condition cannot fully explain the proliferation, especially through a sociological theory, of the successful globalisation of human rights. This underlines the point again, already made in the previous chapter, that capitalism has often formed the bedrock of

not only the effective social defence, but also ultimately the expansion, of human rights into other cultures. A particular type of moral education (emphasising the importance of liberal freedoms) has been the by-product of this process that has clearly not been primarily based on the ideas of vulnerability, which are supposedly central to understanding human rights, according to Turner.

Barbalet's (2001) attempt to address this important concern that the body is suspect as a central focus for emotion and ultimately as a foundation for human rights sociology relates to Kemper's (1978) ideas of status. Universalisation is to be understood in the reality that every human being has a need for some form of society and in joining society assumes some form of status within it (2001: 142). The importance of sympathy to the emergence of a social awareness of human rights is rejected in favour of the emotion of resentment. The reason for this is that if one's societal status is transgressed or lost, feelings of resentment will see the invocation of claims to basic rights and the chance to find the restoration of one's societal role as a consequence of resentment related action. Barbalet acknowledges that sympathy will inevitably be involved in the conference and fulfilment of rights (2001: 132), but it is resentment that is the universally felt and ultimately stronger emotion informing us that we have human rights and which inspires claims to them.

Barbalet helps to develop the sociology of human rights here in drawing attention to the importance of status and resentment. However, his position becomes problematic both in his attempt to account for the universal reach of human rights through status and in his argument for the importance of particular emotions in making claims. It is suspect, first, that all transgressions of social status indicate a loss of universal human rights. The resentment of some Nazi party members at the loss of their social status, which they held in wartime Germany for example, could hardly be defined as a loss of human rights. Their social status was after all based on the inequalities (such as the Nazi belief in the inherent superiority of the Aryan race), which indicate a transgression of human rights values – especially, for example, 'equality' – in the first place.

Second, Barbalet's particular focus on status leads, perhaps most alarmingly, not to an understanding of human rights for all humanity but to the universal marginalisation of certain groups because

they are 'disqualified by immaturity, infirmity, or insanity' (2001: 142). This does not represent a problem with the idea of status *per se* because human sympathy for these people in itself has the power to confer some form of societal status upon them. The most basic humanitarian position would value them as people who should be supported and given an equal chance in society. In a more general sense, perhaps the problems of this view can also be linked to Barbalet's foundation for the sociology of emotion in Kemper's (1978) *A Social Interactional Theory of Emotions*, which focuses on power and status as fundamental in sociological understandings of emotion. These would logically draw one away from considerations of sympathy. Indeed, in Kemper's writing, the nearest emotion to sympathy one comes across is guilt (1978: 115–121 et al.).

So it is perhaps unsurprising that, more generally, Barbalet sees sympathy as 'a poor foundation for human rights' (2001: 129). Some of the problems of Barbalet's argument against sympathy in relation to self-interest have already been mentioned.[2] He develops his position against sympathy with other arguments that are also problematic. He argues, for example, that 'Sympathy is the emotion of the observer, not the violated' (2001: 129). The distinction between the observer and violated here is much too clear cut, however, because an individual can observe violation against others and feel both sympathy for them and resentment *as a consequence*. Would an individual not feel sympathy for human rights violations against their own children and wider family or society from which they take their identity and thus not feel almost equally violated themselves? Could someone not be aware of a violator and feel resentment but not take action because they do not have enough sympathy with those who are violated? It is surely possible to resent a corrupt government, for example, but take no action because one's family or particular community or social class are not affected.

Norman K. Denzin, for example, draws attention to Adam Smith's focus on the importance of sympathy in affecting our own emotions and how transgressions against others can give rise to 'negative' feelings: 'But whatever may be the cause of sympathy or, however, it may be excited, nothing pleases us more than to observe in other men a fellow-feeling with all the emotions of our own breast; nor are we ever so much shocked as by the appearance of the contrary ...' (Denzin 2007: 241).

These examples and this outlining of the Smithian position here is one reason why sympathy should be seen as more important in claims to human rights than Barbalet gives it credit for. At the same time, the form of sympathy advocated here is not that of Turner, who uses Max Scheler as an 'ontological support' (Turner 1993: 489) for his portrayal of this emotion.

Violation in the social imagination

It is the purpose of this section to integrate the ideas of Turner and Barbalet and the conclusions drawn from the previous section into a more broadly based phenomenological view of what will be termed 'the social imagination'. It is the social imagination that combines, relates and emphasises the importance of sympathy, resentment and other emotions in particular social situations. This foundation recognises that many different emotions can be implicated in claims to human rights and, moreover, that sympathy is fundamental in the understanding of the emergence of 'negative' feelings in social process. It is also shown here that claims to human rights violation are distinguishable in some social situations from the perceived violation of other beliefs.

The departure point for understanding the 'social imagination' is Adam Smith's idea of sympathy. Adam Smith's conceptualisation of sympathy, from which Norman K. Denzin's sociology of emotion emerges, is based on an understanding of sympathy, which is much dependent on learned societal rules and culture. Max Scheler criticises Smithian sympathy on the basis that it omits the role of moral conscience 'which knows nothing of such an almighty social authority' ([1913] 2008: 6). However, human rights are argued here as better understood sociologically when grounded in Norman K. Denzin's (2007) development of Smith's understanding of sympathy; the reason being that human rights are an identifiably distinct form of social thought. In Chapter 2, the distinctive social character of human rights in its emergence from the values of capitalism and related globalisation processes was outlined – an aspect of human rights emergence that, of course, also has little, if sometimes nothing, to do with any genuinely universally relevant moral conscience. Although, it is conceivable, and was also recognised in Chapter 2, that a socially constructed 'moral conscience', which has some parity

with genuinely religious or moral ideas, may arise out of, and merge with, this process.

Also implied by the imaginative aspect of Adam Smith's idea of sympathy is that moral judgements are made based not only on social rules, but also on individual, and therefore incomplete, perceptions of a situation: 'the emotions of the by-stander always correspond to what, by bringing the case home to himself, he imagines should be the sentiments of the sufferer' (Smith 2005: 13). In human rights terms, while a particular perpetrator or violator may be identifiable based on a particular understanding of a situation, the full depth of that situation may not be apparent. This is not to imply that the seriousness of a particular act of human rights violation becomes denigrated or excused, and indeed it is sometimes necessary to analyse perceptions of 'local responsibility' for violation (as in Chapter 6) rather than the 'social imagination', which, in some contexts, may seem insensitive and inappropriate. However, the purpose of such discussions is to capture the fact that a broader account of the social context of human rights violation may be explored.

Norman K. Denzin similarly recognises that 'the process of being emotional, locates the person in the world of social interaction' (2007: 3). However, Denzin's central idea in his phenomenological approach to the study of emotion is his idea of 'self-feelings', which means that 'The essence of emotionality lies in its inner moral meaning to the self of the person' (2007: 107). The implication of this development of the Smithian idea of sympathy is that the increased importance of the individual freedom encouraged by human rights discourse exists in some distinction from other, typically more collective, forms of belief. This is the first step in capturing the 'imaginative' aspect of human rights' 'universality' and for identifying sociologically the phenomenological aspect of the role of emotion in claims to human rights.

In terms of defining the role of consciousness as essential to the sociological understanding of human rights doctrine, we can also adapt Denzin's related but more general argument that 'The moral person is revealed through emotionality. That moral person has a sense of duty, dignity, and self-respect. These qualities are produced by submission to a moral code, or moral law' (2007: 240–241). This underlines the position that human rights are to be sociologically identified as one form of social understanding among others. Related

to this idea is Denzin's concept of 'self-justification', which is adopted here in relation to understanding claims to human rights violation because 'many of the feelings people feel and the reasons they give for their feelings are social, structural, cultural, and relational in origin' (2007: 53).

Denzin's ideas have implications for the role of the body in relation to consciousness and therefore Turner's focus on vulnerability. Turner's 'primary intention' (2006: 5) has always been 'to make a contribution to the study of rights from the perspective of the sociology of the human body' (2006: 5). In this way, it is not centrally sympathy for the vulnerability of the body but a belief in universal values such as liberty and equality, and related beliefs such as the inherent dignity of all persons that is of central importance. However, the importance of the body can be retained as a universally relevant point of communication between social interaction and inner consciousness and ultimately 'the point of reference for all lived emotional experience' (Denzin 2007: 111).

This avoids, in contrast, any excessive focus on the importance of the physical dimension of social interaction, which leads the theorist to 'sever the body from the lived consciousness of the person' (Denzin 2007: 108). Turner certainly does not go quite this far because he says that 'embodiment and enselfment – express the idea that mind and body are never separated' (2006: 27), but this, in itself, is not enough to explain comprehensively human rights violations 'which disconnect and destroy the conditions that make embodiment, enselfment and emplacement possible' (2006: 27). Turner's ideas are not developed enough to distinguish violations of Islamic Sharia belief, for example, from violations of human rights. This is something explored in greater detail in the next chapter.

Further implications of this Denzinian foundation can be illustrated in a development of Barbalet's understanding of status. In Barbalet's work, the phenomenological aspect of status based on, for example, ethnic inequality is not fully accounted for. In this way, Barbalet's understanding of status may also be reconstructed because status is logically defined here in relation to varying forms of moral code or law – whether human rights, racist or religious, or otherwise – which exist as part of individual or collective consciousness. This is not to define racism as having any inherent moral value. The point is

to capture the social consciousness of racist thought, which sees this belief as socially justifiable.

In this way – and in human rights terms – equality may be resented by those who socially exist in a manner in which inequality sustains their 'social superiority'. Before the civil rights movement in America, for example, certain sections of White society resented the idea of Black equality. Their unequal status gave them certain 'social privileges' over the Black population such as general social segregation in schooling, job opportunities and even use of transport. The prospect of losing these 'privileges' was resented by certain sections of the White community. The most extreme example of this was seen in the reaction of the Ku Klux Klan or extreme resentment for the prospect of Black equality represented by the assassination of Martin Luther King.

In Barbalet's (2001: 130) example of lynching as a form of White social control over Blacks in the Southern states of the United States of America, the fact that White status was seen as threatened or transgressed by the Black presence in these states and caused resentment is not mentioned. This is because Barbalet's understanding of the situation is written in a non-racist manner and assumes an essentially non-racist audience. The important point, then, is that a transgression of societal status itself and the resentment that follows does not have to indicate a transgression of human rights. This is why to effectively account for social process, it is important to recognise the phenomenological aspect of status in relation to Denzin's concept of self-justification here, which encompasses this sense of moral value in order to distinguish transgressions of status related to human rights in distinction to other forms of social organization, 'moral code or moral law' (Denzin 2007: 241).

In terms of building a related understanding of globalisation processes, it follows that not only do claims to human rights have some relation to the body, and the lack of fulfilment of basic needs for status in society, but claims are also primarily inspired by the new sense of the importance of the individual and related values of freedom and equality, which themselves arise at their social root from capitalism and its paradoxical symbiosis with ideas of universal freedom and equality. Emotions can be inspired in reaction to the assimilation of a social consciousness of human rights in new cultures, which have perhaps a more collective form of social cohesion. Neither

Turner nor Barbalet so clearly acknowledges that rights are to this extent phenomenologically constructed and that a change of moral consciousness, which the introduction of human rights discourse produces, may have this social effect.

Following this theoretical reconstruction, the emotions of resentment and sympathy will be seen as forming a basis for understanding how the social imagination works in processes leading to claims for and against human rights. Following Adam Smith, it is argued that resentment requires the existence of sympathy because resentment relies on a transgression of expected sympathy in the consciousness of the claimant. Resentment is an indication of a break in the potentially universal interconnection and understanding that sympathy has the capacity to provide. Adam Smith indicates this in claiming that emotions such as resentment 'require the healing consolation of sympathy' (2002: 19). Modern sociological theory, which seemingly focuses on negative emotions, contextualises them in the form of a break in 'the social bond' (Scheff 2000: 3). The sociological treatment of emotion contains this history and human rights sociology has the opportunity to develop it further.

When analysing the social expression of resentment, it may be necessary – indeed, more accurate and stylistically appropriate – to employ sympathy-related concepts in order to identify a particular feeling of social transgression. For example, it may be more appropriate to talk of resentment at a lack of social equality (rather than lack of social sympathy), or indeed, resentment at the introduction of equality, which leads to the loss of social privilege (as in some of the examples previously discussed).

Founding human rights in emotional experiences of the social imagination and its related 'moral law', largely dividable from notions of self-interested gain, also excludes the purely conceptual reductionism of rights as an expression of ulterior motive or the 'idea behind ideal' approach. This consequently results in a partial solution to the overriding scepticism of sociology Turner outlines in his citation of Karl Marx's *On The Jewish Question*, which saw the French *Declaration of the Rights of Man* as ' . . . an individualistic concept of western (liberal) philosophy . . . covertly but inevitably tied to the idea of (private) property' (Turner 1993: 499). This rather negative foundation for human rights has been argued here as capable of inspiring and providing the social conditions in which parity can be

drawn with the social adoption and protection of universally recognised religious beliefs and moral ideals, which, paradoxically, do not need an explicit recognition of capitalism in order for them to be believed in and experienced in capitalist societies.

Barbalet recognises that 'rights are claims made on others which have to be accepted by them in order to be effective' (Barbalet 2001: 127), and a phenomenological understanding of rights and their related sense of moral code or law has been outlined in this process as crucial. Claims may be accepted, in intellectual terms, by those who have the same phenomenologically based sense of their validity. However, following claims to human rights violation, it is necessary to build a related field of social actors in order to understand the social character and involvement of other social actors in relation to a particular claim or broader issue of human rights institutionalisation. It is in an explanation of the economic division of labour available to support human rights societally that institutionalisation is also understood.

From violation to institutionalisation

Part of Turner's original argument for the construction of human rights sociology was that T. H. Marshall's theory of citizenship had served in place of a more developed sociology of rights (1993: 496). Given the present book's argument for the importance of self-interest and its essentially economic characterisation, how can this broaden a citizenship-based understanding of the factors relevant to the protection of human rights? This will be addressed in three separate sections. First, the basis already existing in Adam Smith's writing to ground such an approach is acknowledged. Second, the manner in which a division of labour can be constructed to understand the support available to human rights institutionalisation is presented. Third, a view of globalisation is adopted, which allows this constructed division of labour to be seen in terms of the position of global social actors within the 'peripheralisation' of economic relations.

Adam Smith famously claimed that 'It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest. We address ourselves not to their humanity, but to their self-love' ([1776] 1999: 118). While

recognising from *The Theory of Moral Sentiments* that human sympathy is an identifiable reality and that 'the greatest ruffian, the most hardened violator of the laws of society is not altogether without it' (Smith [1759] 2005: 4), Smith argued that the social reality of consistently attaining the help man asks of society is based on a different understanding. This is why Smith tells us that Man, when he is in need of help from others, 'will be more likely to prevail if he can interest their self-love in his favour, and show them that it is for their own advantage to do for him what he requires of them' ([1776] 1999: 118).

That the institutionalisation process of human rights is similarly reliant on the economically self-interested aims of bourgeois capitalism and market society is argued here, on this basis, as a departure point for the sociological understanding of human rights. In the previous chapter, the emergence of capitalism and the inherent challenge it presented to top-down forms of societal power was extensively demonstrated. It was also demonstrated that central human rights values such as equality and freedom also potentially 'intertwine' with the societal demands of capitalism. The adoption of this approach represents a significant departure from citizenship-based sociological theory beginning with T. H. Marshall ([1950] 1992), who saw civil rights as supported by the judiciary, political rights as a function of parliament, and welfare or social rights as supported by social and educational services.

More modern sociological human rights theory can also sometimes focus on the institutions explicitly related to the protection of rights. Turner, for example, in a development of the Marshallian understanding of rights, sees sociology as 'well placed to study the failure of institutions which exist to protect vulnerability' (Turner 2006: 6). The relevance of bourgeois self-interest has therefore been neglected in the wider Marshallian tradition of sociology. Indeed, the influence of the crucial and commonly accepted division between 'state and market' has been left largely unexplored as it influences sociological understandings of human rights. The argument built here is that human rights will see a foundation of societal protection as long as there is a strong, wealth-producing, bourgeois presence that demands the reduction of top-down forms of societal control. Without this, or with a failing bourgeois class, the state may become societally more influential or other forms of oppressive government may come to the fore, and a less liberal society may emerge.

This valuation of the role of bourgeois self-interest over the 'institutional' emphasis of T. H. Marshall places the general theoretical stance taken by the present book more in the tradition of Barrington Moore, whose study of the development of democracy in his classic work *The Social Origins of Dictatorship and Democracy* notes that 'long before Adam Smith, scattered groups of Englishmen living in the countryside began to accept self-interest and economic freedom as the natural basis of human society' (1969: 8). Moore has been oddly neglected as a potential inspiration for modern human rights sociology, especially when one considers that his work has been described as having 'a rightful place on the bookshelf beside such works as Max Weber's *Protestant Ethic and the Spirit of Capitalism* and Emile Durkheim's *Suicide*' (Smith 1983: 3).

In contrast, this argument for bourgeois self-interest as a potentially important part of human rights sociology is to some extent surprising because these ideas, in their relationship to Smith's 'invisible hand' theory of the self-regulation of the free market and its production of the 'public good', have come under heavy criticism. An example of this is James S. Coleman's modern sociological view of the concept as

> a broadly perpetrated fiction in modern society, which is compatible with the development of the political philosophy of natural rights, with classical and neoclassical economic theory, and with many of the intellectual developments (and the social changes which generated them) that have occurred since the seventeenth century. This fiction is that society consists of a set of independent individuals, each of whom acts to achieve goals that are independently arrived at, and that the functioning of the social system consists of the combination of these actions of independent individuals.
>
> (Coleman 1990: 300)

Coleman is to some extent unfair in ranking Smith as a thinker in the tradition of 'Hobbes and his followers' (1990: 301) because he makes no mention in this passage of the broader sweep of Smith's focus on self-interest as Smith set it in the context of sympathy. However, Coleman is justified in his view that self-interest and market society do not lead inevitably to the 'public good' or, indeed, by extension

of this argument to the universal realisation of human rights. It may simply be the case that without effective regulation of their capitalist objectives, the bourgeoisie themselves may transgress the very rights they are able to protect and become oppressive themselves. A situation may arise where, as in the 19th century, all manner of abuses occurred in the pursuit of the maximisation of profit.

While the worst abuses, for example against workers, committed by the bourgeois of the 19th century have arguably been eradicated in the West, the 21st century has seen banks behaving irresponsibly in mortgage and other types of lending, leading to a world financial crisis. Unfettered 'freedom' for the capitalist often implies a rather loose application of the freedom granted by democratic societies to the market. In *On the Jewish Question,* Marx's protests against the rights of man and the 'naked self-interest' (Marx [1848] 2002: 222) of the bourgeois class see some reflection in these modern examples of the irresponsible usage of bourgeois freedom. Polanyi's ([1944] 2001) account of market society producing the great depression and the rise of fascism also endures as an important account of the pitfalls of laissez-faire economics.

The lesson to be drawn here in terms of the construction of human rights sociology is that theory needs to take into account, in order to explain the development of human rights, not only bourgeois and market freedom, but also the presence of institutions that are explicitly set up to protect human rights. This brings the argument of this section to its second point. Beyond the issue of their conscious existence in the social imagination, the institutionalisation of human rights can be seen as broadly related to the idea of the division of labour. In this sense, both broadly 'functional' and 'conflictual' characteristics can be analysed in the process of rights institutionalisation. So, for example, a society in which a reduced state prevailed would be a society in which the opportunity for human rights to take hold would be facilitated. In contrast, conflict with the basic freedoms demanded by human rights would be seen in a society that had excessive forms of top-down power. Indeed, it would also be possible to analyse a society in such a transition stage between the two extremes.

The sociological utility of such an approach is in the facilitation of an account of the institutional basis for an understanding of rights. Moreover, if 'sociology is well placed to study the failure of

institutions' (Turner 2006: 6), sociology is also well placed to study the conflict that occurs as human rights, and the economic individualism they are typically associated with, expand and seek assimilation globally. It has been shown that the purpose of adopting Adam Smith's ideas as a starting point for human rights sociology is to broaden traditional understandings of human rights institutionalisation. This section has shown that bourgeois self-interest has often been the paradoxical protector of human rights values against oppressive top-down forms of societal power. It has shown the human rights advantages of 'naked self-interest' (Marx [1848] 2002: 246), while arguing that self-interest is not enough in the protection of human rights. It needs to be accompanied by the institutions that are more typically part of the Marshallian tradition of sociological understanding. It is also important to recognise that, as part of an interdisciplinary endeavour, the theory here claims to provide a basis for understanding, rather than a comprehensive account of its subject.

These ideas are developed now into their role in globalisation, which sees capitalist expansion, often legitimated by core human rights values, affect societies in the dualistic moral/economic fashion outlined by this book. This helps to expand the theoretical analysis across a division of labour acting beyond the nation-state. In this focus on economic globalisation, and while retaining the book's core Smithian approach, some parity is to be found with Immanuel Wallerstein's 'world-systems' theory. It is the purpose of this section to outline the use of some Wallersteinian terms, which will help to 'globalise' the ideas that form the theoretical core established in this chapter.

Wallerstein built a sociological view of globalisation that focused on economic flows relating larger 'core' – most notably European – economies to their effect on smaller – or 'periphery' – economies. He describes this as 'a world system not because it encompasses the whole world, but because it is larger than any juridicially defined political unit. And it is a world economy because the basic linkage between parts of the system is economic' (1974: 15). Societies on the 'periphery' are seen from an economic perspective where the economic practices of the core economy are adopted. 'Peripheralisation' is therefore a term which recognises that, as they become part of the world-system, societies have the opportunity to develop (if the

adoption of capitalism is accepted as such) as well as encounter the problem of exploitation.

It is especially the term 'peripheralisation' that will be occasionally employed in this book, as it neatly implies a relationship between core and periphery. It also recognises the dual effect of 'exploitation' and 'advantage', which results from the linkage of human rights to economically self-interested social processes. This Wallersteinian conceptualisation of Turkey as part of a world economy will therefore help to build up a view of the historical aspect of rights as they have merged into the contemporary influences on the modern Turkish state. Indeed, Wallerstein has already been lauded for his understanding of the Ottoman empire as 'internalized' or at best 'peripheralised' rather than framing capitalist expansion processes in terms of Ottoman decline (Islamoğlu-Inan 2004: 11).

In a more general sense, Wallerstein's ideas may be considered to be outdated in more modern sociological theory. For example, Beck and Sznaider see world systems theory as opposed to their ideas of cosmopolitanism because 'Cosmopolitanism must not be equalized with the global (or globalization), with "world system theory" (Wallerstein), with "world polity" (Meyer and others), or with "world society" (Luhmann). All of those concepts presuppose basic dualisms, such as domestic/foreign or national/international, which in reality have become ambiguous' (2006: 1). Despite Beck and Sznaider's understanding of the ambiguity of transnational boundaries, human rights institutionalisation still has to face the empirical certainty of the continued dominance of 'core–periphery' relations (the separation between the European Union and Turkey and the barriers to their integration being a prime example), which is why this book looks at issues of economic globalisation rather than cosmopolitan integration in the sense outlined by Beck and Sznaider here.

Joining the human rights debate: Cosmopolitan responsibility, sociology and morality

Sociologists have already expressed concern over the possibility of establishing a convincing relationship between the empirical basis of sociology as a discipline and the seemingly incongruous 'moral' issues central to human rights discourse (Sjoberg and Vaughan 1986;

Turner 1993, 2006; Waters 1996). This book's analysis has so far seen the need to turn sociologically away from Rawls' ([1971] 2005) or Dworkin's ([1977] 2005) attempts at foundationalism and, in philosophical terms, this book leans rather towards Richard Rorty's (1998) acknowledgement that, despite our favouring of human rights as a superior morality, we can be strong enough to sympathise with the suffering of others, even 'people whose appearance or habits or beliefs at first seemed an insult to our own moral identity, our sense of the limits of permissible human variation' (Rorty 1998: 185). Indeed, Adam Smith himself recognised that 'pity or compassion' (2005: 11) was such an ingrained characteristic in man that even 'the most hardened violator of the laws of society is not altogether without it' (2005: 11). This section argues that we have a 'cosmopolitan responsibility' – related to world economy expansion – to understand and sympathise with the struggles of those in societies who are experiencing a difficult transition in relating human rights to their potentially incongruous forms of social structure and morality.

Sociological theory has variously interpreted the meaning of responsibility. Durkheim (1966) wrote of individual responsibility in relation to one's place in the societal division of labour. Max Weber ([1919] 1991) most famously claimed an ethic of responsibility would involve potential moral compromise of the means employed in reaching defined political ends. Contemporarily, the sociological problems of discussing responsibility have been outlined by, for example, Piet Strydom (1999) who sees responsibility as implied by the risk discourse of the 20th century. Turner, while not specifically adopting the concept of responsibility, develops a normative dimension to his work because sociology is 'well positioned to study the failure of institutions that exist to protect human vulnerability' (2006: 6). In another development of the sociological capacity to study the success and failure of institutions, it is argued that, in the attempt to comprehensively account for the global range of influences affecting human rights violation, human rights sociology develops from the point of view of what might described as a moral discourse, a cosmopolitan perspective because cosmopolitanism is, essentially, 'an ethical stance' (Kendall et al. 2009: 1).

Relatedly, the initial 'by-product' of the causal, empirical account of sociology is that it is likely to broaden commonly received opinions about where responsibility for human rights violation[3]

ultimately lies (seen typically as the social actors of the nation-state) in its account of the interdependence of 'provocative' influences on acts of human rights violation. This is initially achieved through the construction of a division of labour, which, in accordance with this book's development of the Marshallian institutional approach, will go beyond the analysis of specific institutions set up to protect human rights. It will include all other identified socio-economic actors argued as influencing the societal potential for human rights violation or, indeed, institutionalisation. It is the interdependence of an identified global 'division of labour' that provides, ultimately, a sense of 'cosmopolitan responsibility' for the development of human rights.

In the example of this book, added to the Turkish state are wider global influences that have acted upon the Ottoman Empire and Turkey through history to the present day. This will include, for example, the IMF and the newly emerging Turkish bourgeoisie. This does not mean that local responsibility for violation is abdicated or 'excused' by a cosmopolitan perspective. It means, rather, that elements of different social actors' interdependence are to be taken into account in the full range of reasons for a final outcome. It provides a perspective in which the opportunity to prevent further violation as well as condemn those that commit it is realised. It offers a sociological method, beyond the paradigm of local responsibility, for achieving the Kantian objective of cosmopolitanism: peace.

That modern sociology supports this discourse in which human rights are worthy of study as a means to the advancement of human welfare is assumed here, especially in view of the preceding sociological literature's requirement to find a theoretical underpinning for when rights have been violated or transgressed. Moreover, Sjoberg and Vaughan argue that in reviving the spirit of classical theory 'sociologists must actively engage in the construction of new and more human social arrangements' (1986: 140).

The prominent Enlightenment exponent of cosmopolitanism, Immanuel Kant, is seen by Ulrich Beck as advocating a form of cosmopolitanism, which 'takes aim at the horror of war and violence which has left a trail of blood through the centuries' (2006: 46). Beck views human rights as having the potential to realise such ideals on a modern world stage. It is an ideology that also has the potential,

however, to 'easily flip over into depacification and destabilisation through perpetual war' (Beck 2006: 47). This is because different forms of societal structure and arrangement are challenged in the process – the prime contemporary example being Islam and other world religions that may have difficulties assimilating individual rights and freedom over the more collective forms of social cohesion they can advocate.

If Kant's Enlightenment ideals are to be realised, they may be aided by responsible sociological analysis, which reveals the dangers of change in social consciousness as well as the dangers of economic peripheralisation through the adverse interrelation of a field of social actors with the potential to provoke human rights violation. It is in this sense that human rights sociology may develop its own 'cosmopolitan responsibility' to account for global social processes and contribute to the moral debate accordingly.

Moreover, in terms of modern human rights academia, sociology exists within an interdisciplinary context where its interdisciplinary effect can only be determined through the reaction of other disciplines themselves. As human rights is an 'interdisciplinary concept par excellence' (Freeman 2011: 13), the understanding of the effect of this discourse on a general understanding of human rights is still at an experimental stage. This book suggests that, in this dialogue, a traditionally causative sociological approach will similarly affect more explicit discussions on responsibility.

It is in this way that the drawing of sociology into its more normative interdisciplinary context on the basis of the expanded sense of causation it presents may also affect other normatively based discussions in other disciplines such as law, economics, development studies or philosophy. The initial framework of 'cosmopolitan responsibility' is argued as a departure point from which, in the example of this book, issues needing 'resolution' and the 'preservation' of greater human rights protection can be approached. Aside from the very useful and effective paradigm of local responsibility for violation, a cosmopolitan perspective is seen to enable a more developed understanding of how the interdependence of other social actors contributes to the emergence of problems of violation. With this expanded sense of responsibility as a departure point, the advancement of human rights institutionalisation and the prospect for their long-term preservation may be analysed.

Conclusion

In this chapter, a contribution has been made to the sociology of human rights, which identifies the dominance of economic self-interest in capitalist globalisation processes and relates this to the expansion of human rights values. To aid explanation of the expansion of human rights in this manner, a new grounding from the sociology of emotion has been attempted through the employment of Denzin's (2007) phenomenological theory of 'self-feelings'. This maintains a link to the work of Turner (1993, 2006) by recognising the universal importance of the body in the expression of emotion. Denzin's work also provides a foundation for theory that relates Barbalet's (2001) human rights sociology, grounded in the satisfaction of basic needs for status in society, to the identification of positive and negative emotional reaction to particular human rights values. Consequently, a phenomenological element has been introduced to theory that allows the presence or absence of the societal belief in the importance of human rights to be recognised as part of social process.

Beyond typical Marshallian conceptions of the institutions set up specifically to protect rights, the concept of economic self-interest has been argued as an important part of the construction of a global division of labour which facilitates an understanding of the social character of, and potential for, both human rights violation and institutionalisation. The account of social process that the theory facilitates has been argued as producing the likelihood that the social discourse over responsibility for human rights violation and institutionalisation will be enriched accordingly. The responsibility of social science to account comprehensively for social process has been argued as potentially encouraging a discourse in relation to the idea of 'cosmopolitan responsibility' relevant to the alleviation of human rights violation and the related problems of achieving human rights institutionalisation. This has been argued as the contribution of sociology to the general social discourse on the subject as well as the interdisciplinary debate of human rights academia.

4
Transition to 'Equality'

This chapter presents a socio-historical background to the era of Ottoman Empire peripheralisation, which preceded the founding of the Turkish Republic. It is shown how, in this period, secular rights to 'equality' were being assimilated among an essentially religious conception of social cohesion. As Chapter 1 demonstrated, sociological research in this period has predominantly focused on the 'local' perspective of Turkish responsibility for the Armenian Genocide. This chapter is concerned, then, to portray the broader context of the challenges with which not only the Armenians, but also the Turks, and other Ottoman groups, found themselves presented. Therefore, in understanding this period of social dislocation and reconstruction, a new sociological perspective on the background to human rights violation in modern Turkey is presented.

The first section deals with changes in the Ottoman social imagination, and attempts to understand how ideas of 'equality' affected the interrelation of different social groups across the Ottoman Empire. The analysis of this change recognises both the opportunities and the problems that were inherent in the shift from Sharia law to a predominantly secular, ethnic basis for social cohesion. Through a description of the Ottoman *millet* system and the understanding of social cohesion it provided for the Empire's inhabitants, a view of the Ottoman social imagination is established. This portrayal is then contrasted with the influence of the 1839 Tanzimat reforms (through which ideas of secular equality were introduced), and some conclusion drawn as to how the changed basis for social cohesion can consequently be seen as contributing a

foundation for understanding the human rights problems of modern Turkey.

The portrayal is then enhanced by an examination of the world economy background which heavily influenced the social changes identifiable within late Ottoman society. The analysis develops in relation to world economy demands for expansion of the free market, along with evidence both for the Ottoman attraction to the opportunities presented by Europeanisation and for the financial mismanagement of the Empire internally. This consequently provides a background for understanding the 'division of labour' that emerged and influenced the potential for human rights violation or institutionalisation in Turkey's future.

The third section examines how different social groups made claims for independence in the post-Sharia law-bound territory of the Ottoman Empire. The attempt of these groups to re-establish themselves according to the rise of ethno-nationalism in the late Ottoman period is seen to lead to the formation of revolutionary groups and internecine resentment. Despite a history of tension, the previously clear Turkish, Jewish and Kurdish sense of symbiosis, which accompanied the Islamic rationale for their relationship, is recast in a manner that leaves them with a reduced social and economic basis for the harmonious occupation of the same territory.

Consequently, an attempt is made to understand how the Armenian Genocide emerged against this newly created sense of social dislocation. The Armenian Genocide is set in the context of not only the actions of the Turkish state, but also against their backdrop of early 20th-century globalisation. From this perspective, the more general Armenian struggle for re-establishment during this period of Ottoman decline is seen as emerging in a manner similar to the struggle of other groups in the Empire, and thus can be more fully understood in a wider, global perspective.

The application of the theoretical position developed in Chapter 3, in underpinning this characterisation of the decline of the Ottoman Empire, attempts to broaden sociological understanding of the outcomes of the period through a more consistent inclusion of the social actors influencing the emerging Turkish state. The construction of a new social imagination affecting Ottoman groups, vying with conceptions of Ottoman society, which had been lost, provides a foundation for the continued understanding of the problems of

Turkish human rights violation in later chapters. The linking of this to economic impoverishment and the global context in which this is understood constructs a sociological view where the local, in terms of human rights violation, is consistently understood from a global and socio-historical perspective. It is the delineation of the combination of changed social values, their attendant emotional reaction, peripheralisation processes and economic impoverishment that is argued here as providing a foundation for the sociological understanding of human rights violation beyond the Armenian Genocide, and, consequently, a clearer understanding of prospects for human rights institutionalisation in modern Turkey.

The reconstruction of the Ottoman social imagination

That Westernisation had a profound effect on the decline of the Ottoman Empire and the formation of modern Turkey is part of standard historical accounts of the period (Zürcher 2004; Lewis 2002). In terms of the 'world economy' approach adopted by this book, some indication of the need to expand related Wallersteinian accounts of the development of the Ottoman Empire have already been outlined by Sunar, for example, who draws attention to the simplicity of Immanuel Wallerstein's and Andre Günder Frank's account of the Ottoman Empire as restructured according to the introduction of capitalism alone (2004: 73). Sunar's solution is to undertake an analysis that recognises the clash between the influence of capitalism and the resistance of Ottoman society in its redistributive state-centred structure. Sunar's criticisms can also be addressed by this book's attempt to understand human rights violation through identifiable changes in the Ottoman 'social imagination'. It is shown here that these changes related to alterations within the general Sharia-based rationale for social cohesion, which characterised the Empire until the Enlightenment.

The Ottoman Empire was bound by a system of Sharia law in which social groups could find an understanding of their social status, essentially in accordance with their religious beliefs. Between 1300 and 1600, the ascendancy period of the Ottoman Empire, the social importance of ethnicity was superseded by that of religious identity. In this way, Turkish and Kurdish identity was recognised as superior due to their acceptance of Islam. As 'people of the book' (and

thus being part of religions recognised as legitimate in the Koran), Jews, and Armenian and Greek Christians were given a subservient but recognised place in the overarching Islamic government of the Empire. The *millet* system meant in essence, according to M. Macit Kenanoğlu, 'the acceptance of the religious freedom of non-Muslims as part of the basis of that with which one is fundamentally identified' (2004: 31).[1] It was a system in which the autocratic power of the Sultan saw its diffusion through the *Ulema*: officials who implicated the word of the sultan across the Empire and had the responsibility of ensuring that it did not conflict with Sharia law (Berkes 1964: 9).

It was, therefore, as Berkes points out, a system with 'the emphasis on non-equality' (1964: 10). This description of the Ottoman system enables us to gain an understanding of its clear hierarchical structure, and thus the nature of the social imagination that was able to define itself according to these social rules. Whatever one's religion, whatever one's ethnic identity, some sense of one's status in relation to those from other religious or ethnic groups was possible. Indeed, this sense of identity was attainable despite the vast expanse of the Empire, its continual conquering of new peoples, and the assimilation of them and their territories.

The system led to a measure of success in the integration of the array of social groups that characterised the Ottoman Empire. The Armenians came to be recognised as 'The Loyal Community'– the church being given autonomy in the local management of Armenian affairs (Lewy 2005: 4). Jews built solid relations with their Ottoman rulers, who often provided shelter to them against European religious persecution. This was a history that stretched back to the expulsion of European Jewry from Hungary in 1360, and intensified as the Christian West became more insecure in the face of Ottoman religious opposition. The relationship strengthened after the conquering of Istanbul by Fatih Sultan Mehmed in 1492, and the calling of Christian powers to rally together in the face of any potentially aggressive religiously motivated threat. The Kurds also established themselves firmly as part of the Empire for centuries after the Battle of Çaldiran in 1514. By 1850, their population had risen to 1 million (Heper 2007: 35). They had a privileged position as the only other Muslim population in a predominantly Turkish Empire.

However, criticism of this religiously based social structure is also prevalent in accounts of the period. Indeed, the Ottoman social

realisation of the word of Islam has been criticised in comparison to Arabic examples in which minorities were clearly given more freedom by their Muslim rulers (Lewis 2002: 15). Research into the social reality for minorities in the Ottoman Empire increasingly reveals that they were not as autonomous as was once thought, and that the law of Islam had, by the 18th century, been confined to matters of family law and of ownership (Zürcher 2004: 10).

Indeed, in many accounts of the period, it is made clear that Christians were seen by their Muslim rulers as inferior to the point where they suffered at times accordingly. Thus, a Christians' fate, as has been documented in the Armenian case, was the subjection to derogatory language such as 'gavur', a term that denoted infidel status (Suny 2011: 25). Stephen Runciman in *The Great Church in Captivity* tells of how successive sultans, after the conquering of Istanbul in 1453, struggled with the prospect of leaving Greek Christians with privileges in the wake of their victory. Bayezit II, for example, became tempted to try to force Istanbul Christians to convert to Islam but was advised that this would be impracticable. Ottoman corruption led to the Greek population being 'less and less able to rely on good treatment from above and less and less certain that their rights would be regarded. In their hopelessness they began to forget the need for mutual loyalties' (Runciman 1968: 187).

Deportation or resettlement (*sürgün*) for unruly populations was also a well-established practice in the Ottoman Empire (Heper 2007: 22). However, any social unrest occurred within the context of the framework giving social cohesion to the Ottoman Empire. In this sense, resentment was expressed in terms of perceived transgressions of the rules (or, in Denzinian terms, 'moral law') that bound the Empire, and consequently the privileges that its citizens believed they should be accorded. Revolt by minority groups led to the broad restoration of a Sharia-based status quo (Sunar 2004: 63; Ahmad 2005: 17).

With the 1839 *Tanzimat* reforms, European conceptions of rights to equality were officially introduced. This essentially benefited the non-Muslim elements of the Empire, especially in the facilitation of ease of trade between Christian minorities and the West (Zürcher 2004; Berkes 1964). The new European values of equality led to a greater sense of the importance of ethnicity over the Caliphate and thus the slow disintegration of the empire and the *millet* system

in which the Turks, Armenians, Kurds, Jews and Greeks had been accommodated. There were, at least intellectually, it has to be noted, important attempts at compromise. An early example of an Ottoman impressed by Europe was Sadık Rifat Paşa. In the mid-19th century, he wrote on the differences between Europe and the Ottoman Empire and made suggestions as to how the Empire could change in order to benefit from the advances that had been made by European civilisation. Namık Kemal, a staunch defender of Islam around the time of the Tanzimat reforms, found some parity with the French *Declaration of the Rights of Man* and Islam. He was interested in combining Montesquieu with the Sharia law and even saw the Sharia law as equivalent to natural law (Lewis 2002: 144).

Yet such attempts at compromise were also adapted, in practice, to the pursuit of radical social change. Mustafa Kemal Atatürk read Namık Kemal's works while in War College, at a time when the Sultan had banned his works (Mango 2004: 42). He, and other members of the Young Turks, became more and more dissatisfied with the rule of Sultan Abdülhamit, who, in the late 19th century, limited freedoms and caused the sense of violation in them, which was focused and given confirmation and encouragement by the French revolution and the belief in social entitlements that it held, resulting in the rise of, at times, revolutionary nationalism. Revolutionary resentment among former Ottoman minorities was further aggravated in the early 20th century when Kemalism, which wanted to reframe the Ottoman Empire as the Turkish nation-state, automatically assumed that the Kurds would be assimilated within a nation-state framework; and not as Kurds, but as Turks. Studies of the rise of Kurdish nationalism typically begin in the early 20th century, for example, with the formation of the Society for the Advancement of Kurdistan (SAK) (Özoğlu 2001).

This explanation of the reconstruction of the Ottoman social imagination enables us to frame an understanding of why human rights and democracy have had such difficulty in establishing a broad social acceptance in modern Turkey. While clearly there were problems in the effective administration of the *millet* system, the tolerance that was accorded to social groups in the hierarchical structure of Sharia law has, to some extent, been lost. Further evidence of the dislocation caused by the *Tanzimat* values of equality are found in accounts of the decline of the Ottoman Empire, which are simply full of descriptions

of the breakdown of Ottoman social organisation and the consequent further unrest (Zürcher 2004; Lewis 2002, and other similar works).

The Kurds no longer have a distinctive and privileged position as part of the Ottoman Empire. There have been huge problems with Turkish denial of Kurdish identity, and the Kurdish struggles to re-establish themselves as a distinct ethnic minority with its own language and culture have persisted to this day. In the Ottoman Empire, before the European Enlightenment, while clearly harbouring inter-ethnic unrest, this type of rebellion would have been unimaginable. Indeed, an acceptance of the social norms of modern Turkish society entails a willingness to give up privileges and conceptions of social status that were previously accorded without question in the Ottoman era.

The proponents of Islam, in their advocacy of Sharia law-based government, understandably find it hard to accept and assimilate secular change. As a religion providing not only a way of life for its believers on a personal level, but also a related basis for a system of government, changes towards secularity encounter the likelihood of resistance. Whereas Christianity could accommodate changes in the secular state, because it had not such an explicit basis for government, secular contradictions of the laws of Islam had the potential for seeing long-term resentment influence the actions of its believers. Political Islam can consequently be understood as a clear representation of a continued unwillingness to concede what are seen as the divinely ordained societal privileges of the past. In *The Crisis of Islam*, Bernard Lewis draws attention to the words of Osama Bin Laden on 7th October 2001 after the attacks on the World Trade Centre. He points out that very few Westerners were aware that Bin Laden's description of the 'humiliation and disgrace' (Lewis 2004: xv) of Islam over the previous 80 years referred to the fall of the Ottoman Empire – one of the greatest societal manifestations of Islam in history.

The Turkish examples of attempts to return to Sharia government are also understandable within this framework. The resentment of Ottoman minorities such as the Kurds and Armenians at the loss of tolerance accorded by the social rules of the Sharia, with the Turkish change to secularism, have continued from the period of the foundation of the republic to the present day. Thus, Erich J. Zürcher tells how, during the post-war period until 1950, resentment was 'exacerbated because the state's secularist policies, especially the

suppression of popular faith, severed the most important ideological bond between state and subject' (2004: 207). This was a period in which industrialisation became more pronounced and the country population were forced to move to the cities to find work. It was also a period in which secular ideals were not showing to be providing a higher standard of living for the population of the new republic generally.

The felt repression of Islam by the demands of secular government extends to the problems of modern Turkey. It is common knowledge, for example, that the Turkish prime minister, Tayyıp Erdoğan, and Abdullah Gül, now president of the Turkish Republic, were part of the Refah party that led to the most recent Islamic government in Turkey and the military decision to restore secular government on 28th February 1997. While the AKP is supported by MÜSIAD, a recently emerged Anatolia-based group of small businessmen, with stated demands of entering the EU in order to expand its business interests, near-military action to restore military power was threatened once again in 2008. This came as Abdullah Gül, who stated, as recently as 1995, his intention to 'end secularism',[2] became a serious candidate for the position of president of the Republic of Turkey (*Cumhurbaşkanı*).

While the majority of today's population of ethnic minorities in Turkey are not revolutionary, the status accorded to them through ideas of equality, human rights and democracy is clearly different from that which was accorded to them under the social rules of the Ottoman Empire. A general willingness to accept new social norms, or at least act in accordance with one's allotted place within them, is a prerequisite of social stability in modern Turkey. For those conscious of their history, the privileges accorded to them in the past and the consequent loss of social status of the Ottoman minorities have to be accepted through an appreciation of the Turkish attempt to realise human rights and genuine democracy for its citizens. The Turkish failure to replace Sharia law with acceptable human rights and democratic standards has consequently, at times, led to rebellion. With the failure of secular government, religious demands for change in Turkey involve a return to Islamic belief in the social privileges bestowed by Sharia law or the acceptance of, for example, the rather more compromising form of Islam exhibited by the AKP in recent Turkish history.

The reconstruction of the Ottoman Empire in the world economy

The purpose of this section is to integrate an understanding of how human rights problems in Turkey have been related to the economic peripheralisation that helped to facilitate the country's emergence from the Ottoman Empire. Crucial in the understanding of this process is the influence of European capitalist practices alongside the Tanzimat reforms that underlay the change from the religiously based Caliphate, under which minorities were assimilated, to a secular system. While the peripheralisation process enriched the Ottoman Empire with new learning and trade relations, the influence of European business practices and values destroyed the social harmony of the Ottoman Empire, and helped to bring it under the aegis of often exploitative European economic objectives. That the way became open for the peripheralisation, as opposed to the simple imposition, of European economic relations and related values on the Ottoman Empire can be partly understood through some Ottoman and later Turkish attitudes that encouraged the Europeanisation of Ottoman society:

> For the 19th century, we may argue that the liberal commercial treaties dislocated the self-sufficient, provisionist and fiscalist Ottoman with a local market. Integration of urban centres and part of the hinterland to the world economy dismantled the autarkic internal inertia and paved the way for a structural change through speedy commercialization and monetization. The basic changes in material civilization went hand in hand with changes in habits of mind. The classical Ottoman mentality withered away and an enlightened bureaucracy functioning under rational and impersonal rules took over. Achievement and mobility became the main concerns. Without a liberal capitalistic framework borrowed from the Western experience, this transformation could not have taken place.
>
> (Toprak 1999: 190)

However, there was a more negative effect resulting from the 'withered away' Ottoman mentality. Another deciding factor encouraging the influence of European economic strength on Ottoman society also came in the form of necessity. The inability of the Ottoman

state to fund its many commitments led to increased borrowing from European companies and the eventual bankruptcy of the Ottoman state towards the end of the 19th century. This led to the increased power of European business practices and interests (Owen 1981: 100). The influence of European power ultimately led to the destruction of the Caliphate under which the Kurds and Armenians and other minority groups such as Jews and Christians found acceptance. The related economic impoverishment caused by debt led to the general inability of rights to be supported by the state, as they had the potential to be in the more robust economies of Europe.

Ottoman bankruptcy in the 1870s caused foreign financial control through the Public Debt Administration (PDA). The PDA council was made up of seven European and one Ottoman member. Its general effect was to encourage greater borrowing and development of the Turkish railway system to increase the ease and versatility of this influence (Owen 1981: 192). This process of exploitation was nearly completed in the First World War, which can easily be seen as an aggressive extension of European economic interests and imperialism (Inalcık and Quataert 1994: 763). Rather than leave the Ottoman Empire intact, it was planned have it carved up and occupied by four of the European powers. This was detailed under the 1916 Treaty of Sevres in which the Allied powers laid out clear plans for the occupation and economic exploitation of Turkey. It was an exploitation that also employed relationships with minority groups to advance its objectives. The Armenians, Greeks and Kurds were all to benefit from the partitioning of Turkey and be able, in the Kurdish and Armenian cases, to consolidate their homelands.

Moreover, the economic peripheralisation of Turkey in this manner was part of Great Power policy, which, since the early 17th century (when the Ottoman Empire can be seen to have entered decline), focused on the economic opportunities that new relations with the empire offered. The Ottoman Empire saw this as preferable to potential military conquest and domination that European military superiority could have afforded (Inalcık and Quataert 1994: 761–762). The peripheralisation process in relation to the core of economies of Europe occurred, for example, in the restructuring of Ottoman production of raw materials to suit European markets. This went along with the increased buying in of European goods to the Empire (Inalcık and Quataert 1994: 762). Great territorial losses as a result of war also led to the economy being damaged irreparably.

Between 1911 and 1913, the Empire lost some of its richest European provinces as the Ottoman Empire shrank towards the territorial borders that now define modern Turkey. The 18th century had already seen the structure of the Ottoman Empire change drastically:

> From his (Mahmud II) death until c. 1877–78, westernising bureaucrats (Men of the Tanzimat) replaced sultans as the major force of the reform program, that included the secularisation of Ottoman life and ultimately touched on every area of political, social, cultural and economic life. The changes ranged from the adoption of Western theatre plays and music to full legal equality of Muslims and non-Muslims and, among a few of the elite, to calls for equality for women and for representative government. Westernization, secularism, and centralization remained enshrined in the pantheon of Ottoman elitist values throughout most of the century. And at the very end of the era nationalism joined their ranks.
>
> (Inalcık and Quataert 1994: 765–766)

This paradoxical process of economic benefit and Great Power exploitation, along with demands for equality, caused long-term problems reflected in the difficulties of the Turkish state in realising social privileges for minority groups, and in granting the related human rights standards demanded of them by the West. Peripheralisation meant, of course, ultimately the undermining of state power in an attempt to free up market forces. Moreover, the split between state and market, necessary for ideas of equality to take hold, drove an economic wedge between the possibility of Sharia law returning and the introduction of rights to equality. The Ottoman state was essentially a redistributive state in which a hierarchical division of labour involved a state elite appropriating peasant surplus production through taxes. The state elite was essentially Muslim and Turkish, redistributing social power according to its own interests rather than the interests of minorities treated on an equal basis. The privileged position of Muslims in this redistributive system is made clear by Inalcik, who gives a broader example of how Western ideas of equality contributed to the downfall of the Empire, and the antagonistic attitudes and behaviour of the minorities it had previously far more harmoniously encompassed:

> Hoping to increase aggregate revenues, Istanbul ordered that everyone pay the same agricultural tax rate. In some ways these reform programs ironically accelerated the pace of Ottoman destruction. For they tore at the loyalty of its long-privileged Muslim subjects while straining relations between Ottoman Muslims and Christians. Vast waves of rural (and urban) unrest were unleashed, shaking the state to its very foundation and recasting whole provinces as independent states.
>
> (Inalcık and Quataert 1994: 876)

Indeed, it is clear from prominent accounts of Ottoman economic organisation, the radical change that would be necessary in order to undertake the adoption of free market economic models of behaviour. The redistributive economic structure that existed in the Ottoman Empire did not exist in the developing European world economy, which relied for maximisation of profit on greater freedom of trade. Sunar, for example, recognises the element of the peripheralisation process, which would clearly have had an effect on the treatment of minority groups within the Ottoman state. He draws attention to how the system of 'from each according to his status obligations in the system, to each according to his rights in the system' (Sunar 2004: 67) was potentially rendered unrecognisable by the influence of European powers, who logically would want to reduce the power of the state in order to facilitate greater free market trade.

Sunar also recognises the way in which free market exchange was, of course, present as 'a form of transaction' (2004: 65) in the Ottoman Empire, but was developed in relation to the peasant supporting form of commodity production and use-value rather than maximisation of profit for its own sake. Moreover, the traditionally top-down Ottoman state had problems acclimatising to the reality of bourgeois independence (Sunar 2004: 76). Inalcik further describes how the Ottoman economic mind was fundamentally different from the rationale underpinning the free market and how Islamic scholar's criticism of *homo economicus* typically focuses on Western disregard for the allocation of welfare to the poor and needy in society (Inalcık and Quataert 1994: 46).

While the economic changes that accompanied the Tanzimat reforms enabled the Ottoman Empire to enter Western trade for the first time, it has also been recognised that these reforms were a clear

opportunity for the advancement of Western economic and political interests under the guise of protection for religious minorities (Berkes 1964: 143; Ahmad 2005: 37). The process of assimilating the values, as recognised in the Tanzimat reforms, would lead the way forward for improvement economically for what would later become Turkish society, and which saw the beginning of an influence that ultimately affected Atatürk's reform of the Ottoman Empire into modern Turkey. The overriding concern of this new country was to be a modern secular state capable of institutionalising human rights and democracy (Lewis 2002: 133). However, the problems outlined of changed social values in which loss alongside gain had been experienced were clearly linked to this peripheralisation process. The introduction of secularism saw not only the prospect of freedom for minorities through equality regardless of religious faith, but freedom of economic competition in the world economy, which demanded that each ethnic group rethink its position in a previously Sharia-bound territory.

From Sharia law to nationalism: Re-establishment and the search for support

Similarly, with this understanding of the global context of Ottoman peripheralisation, it is possible to understand the plight of each Ottoman social group as it struggled to find a new sense of meaning as the Sharia law inspired consciousness of social cohesion dissipated. It is shown that there was an identifiable world 'division of labour' in which the various groups of the Ottoman Empire struggled to enhance their own individual rights and national identity. Potentially involved in Ottoman affairs were the Great Powers of France, Britain and Russia. Indeed, the influence of these powers was so strong that the very survival of the Empire itself since the 18th century has been seen as a matter of the failure of these world powers to come to terms on how the Empire should be divided between them (Kent 1996: 5). A comparison is drawn in this section between the Turkish, Kurdish, and Greek struggles in their newly acquired social terrain. This will provide a background to understanding the similar plight of the Armenians and the resultant Armenian massacres. It will also serve to underpin an understanding of the global context of Turkey's emergence within which it still struggles today, and which

later chapters serve to elaborate in a comparative understanding of the human rights issues of modern Turkey.

In the early 20th century, the Turkish position, led by the Committee of Union and Progress (CUP) and later the Kemalism of Atatürk, increasingly demonstrated the loss of religious importance previously attached by the Turks to minorities (McCarthy 2005: 74–77). The CUP emerged from a secret society opposed to the Sharia law-based rule of Sultan Abdülhamit, and achieved the proclamation of a new constitution through revolution in 1908. Their aim was to restore the Europeanising project of the 19th century and, faced with internal rebellion from previously supportive and loyal minorities, 'began to give a more definite form to their own nationalism' (Ahmad 1964: 154). Kemalism was similarly, in practice, an ideology of exclusively Turkish homogeneity in which 'equality' came to mean the attempted subjugation of ethnic diversity under a new, staunchly nationalist, conception of Turkishness (Mango 2004: 6). Kemalism was not just a successor to the demands for ethnic 'equality' of the Tanzimat reforms; it emerged out of a situation where the Turks, as an ethnic group, were threatened by not only external great power rivalry, but also economic impoverishment, and the potential for internal rebellion.

In comparison with the previous Ottoman Turkish acceptance of other religions and ethnic social groups under the millet system, and against a backdrop of world war and the expansion of bourgeois capitalism, ideas of ethnic integration were extremely difficult to realise socially when there were such large minorities present in the post-Ottoman territory and whose revolutionary groups, especially during the Turkish War of Independence, had shown, at times, hostility towards anything other than complete emancipation (McCarthy 2005: 128–148). Threatened with the virtual extinguishment of Turkish existence under the 1916 Treaty of Sevres (McCarthy 2005: 127; Wagner 2004: 9), and attacked by several European powers during the War of Independence, the Turks' objective was simply to defend or to regain as much of the Ottoman Empire as possible (Bloxham 2008: 3). In terms of outside assistance, the Turks relied on one particular advantage found in Great Power interest in maintaining their survival (Kent 1996: 1).

Despite the general problems of internal rebellion, as the Ottoman Empire disintegrated, it would be inaccurate to claim that all

minority groups were unsupportive of the Turkish position. The Jewish element of the Ottoman Empire had developed its relationship with its rulers in its sense of oppression by Christian Europe. European persecution of Jewish groups led to constant Jewish migration to the Ottoman Empire. By contrast, their long-term success has been attributed to the environment of religious freedom and the security and comfort in which different Jewish groups were able to mix and which the Ottoman state consistently provided (Levy 2002: xix). In this way, Jews came to hold responsible and trusted positions in the Ottoman state. They were responsible for development in Ottoman science, medicine, culture, technology and entertainment. Moreover, in the history of the Empire they were never persecuted for their religious beliefs. Their positive relations with the Turks were sustained through this period of disintegration and reformation into the Turkish Republic (Levy 2002).

That the Kurds, with their long history of association with the Ottoman Empire since the battle of Çaldıran in 1514, were inspired in their rebellion by little other than a new sense of their position through the rights of man and nationalism, is highly doubtful. Bruinessen has pointed out the flaws in arguments that trace the origin of Kurdish nationalism to the Kurdish poet and scholar Mehmed Xani, who, over 300 years ago, wrote *Mem u Zin*, a story lamenting the position of the Kurds and outlining his 'wish for a Kurdish king who would emerge to unite his people and force their former conquerors into submission' (2003: 41). Indeed, McDowall argues, in discussing the development of Kurdish identity, that 'there is virtually no evidence that any Kurds thought in terms of a whole Kurdish people until the later years of the nineteenth century' (McDowall 2010: 1).

The Kurdish rebellions occurred with the justification of nationalist independence – something unheard of in the Ottoman Empire at its height. Indeed, as Bozarslan notes, 'Kurdish nationalism as a program for the construction of a Kurdish state emerges only during the years 1918–1919' (2003: 15). Paul White, a Kurdish studies specialist, similarly recognises that 'It is only in comparatively recent times, with the emergence of the modern nation-states in the eighteenth century, that national minorities emerged and have become a problem. These groups had previously been seen as inoffensive parts of loose pre-capitalist states' (2000: 3). Kurdish resentment comes out

of the lack of Turkish recognition of their status as an independent ethnic group and the Turkish state's desire to recast Kurdish identity through underhand policies of Turkification in which the Kurds are deprived of their most basic human rights (White 2000: 81).

In the 19th century, before the Kurdish struggles for national independence, Greek revolutionary groups in the Ottoman Empire had sought independence and been successful in doing so. A deciding factor in their struggle was the support they received from the Christian Great Power intervention of Britain, France and Russia who destroyed much of the Ottoman navy at Navarino in 1827, and later helped to consolidate the territorial integrity of modern Greece. Apart from the clear imperial advantage that would come to the Great Powers by freeing Greece from Ottoman rule, the French revolution was an inspiration to the Greeks through not only ideas about 'the liberty of nations and the equality of men, but indirectly favoured Greek commerce' (Miller 1966: 24). In 1832 Greece was formerly recognised as an independent state. It signalled the end of 400 years of Ottoman rule, and formed part of continued European intervention in Ottoman–Christian affairs through, for example, the Tanzimat reforms of 1839.

The Armenian struggle and the question of genocide

The question of whether the United Nations' definition of genocide[3] is an appropriate description of the Armenian massacres of 1915 is subsidiary to the purpose of this chapter in understanding the social processes that have surrounded human rights violation in Turkey. However, it is appropriate that the sociological perspective built up here in order to understand the Armenian struggle be briefly outlined in relation to some of the main arguments that have, in this interdisciplinary endeavour, been discussed. This does not seek to decide the issue of responsibility – legal, or otherwise, for Turkish actions. It does, however, conceivably have a bearing and potential influence on that debate.

There had, in fact, been several Turkish massacres of Armenian communities before 1915, especially between 1894 and 1896. Taner Akçam, in attempting to focus on the issue of Turkish responsibility, asks 'Can we reread the history as one evolving between the

Ottoman state and its citizens?' (2004: xi). Certainly, it is true that there are certain aspects of this issue that can be related to characteristically regional behaviour. For example, the typical Ottoman reaction to revolutionary groups was to punish members of the population they were representing by deportation (Mann 2005: 143), or even massacre (Miller 1966: 74). The contribution offered here, however, is to an understanding of the social transition that turned the Ottoman Armenians, noted for their loyalty to a predominantly Turkish Empire, into 'the deadliest of all threats' (Lewis 2002: 356). It has been shown that the global influence on the Ottoman Empire in this period was so intense that the peripheralisation process that encouraged a major change in social values, and the economic impoverishment and impracticality of meeting the corresponding demands of this change have to be accounted for in understanding these events.

This scenario of both changed social values and economic desperation into which the Ottoman Empire was plunged clearly had the potential to provoke what would be termed from a modern perspective as human rights violation. The plight of the Kurds, Greeks, Jews and Turks in essentially re-establishing themselves accordingly sheds light on the situation of the Armenians. It demonstrates that a full account of the massacres committed towards them can be more fully understood in a global context. This can be seen as influencing both the changed reactions represented by the stated aims of Armenian revolutionary groups and the impact that economic impoverishment had on the Armenian ability to find some societal realisation for their new demands.

During the 19th century, Armenians increasingly became involved in military action against the ruling Ottoman power in order to fulfil their ambitions of nationalist independence. As a Christian minority, some parallel can be drawn with the situation of the Greek contingent of the Ottoman Empire in the 19th century. This logically placed them in opposition to the overwhelming Turkish majority with any hope of opposition drawing on the potential aid of the Christian powers of Britain Russia and France. Help was sporadic and lasted as long as it ran in parity with the interests of the Great Powers (Bloxham 2007: 171).

One example of the stark change in Armenian relations with the Turks came through the emergence of groups of Armenian

revolutionaries who were united as the Armenian Revolutionary Federation (ARF) founded in 1890. The ARF was a group that was formed out of smaller organisations, which were campaigning for better conditions for Armenians as the Ottoman Empire declined and ultimately the founding of an independent Armenian state within its former territories. It is important to note here that, while the ARF was organised according to Marxist–socialist principles, the change of Armenian attitude from loyal subservience to one looking for absolute independence from the Turkish state, and indeed – as it exists today –reparations for genocide, can be explained at a deeper level within the change of social values and economic desperation in realising the social reality of this consciousness.

Evidence of Armenian hope for Great Power intervention comes from the Hunchak revolutionary Armenian group, which stated that the time for revolution would be when the Ottoman Empire is attacked from outside.[4] There are many arguments stating that the Hunchak statements may have been found by the CUP spies with the Armenian Genocide resulting, or at least this being used by the CUP as an excuse for genocide (Lewy 2005: 12). However, for the purposes of underlining the global nature of the event we can usefully take as evidence that the Armenians saw the global context of potential foreign power intervention as an important framework for their situation. The hopes for successful revolution by the minority of Armenians who formed radical groups in the late Ottoman period are evident.

Indeed, Armenian resentment providing an inspiration for revolutionary groups was further aggravated by the internal actions of Sultan Abdülhamit II, whose actions themselves can only be understood in a global context. Arman J. Kirakossian draws attention to the actions of the Sultan having realised just before the Armenian massacres of 1894–1896 that the Armenian question had become part of Great Power foreign policy. The Sultan's reaction included 'inciting Muslim fundamentalism, spreading anti-Armenian propaganda, permitting robberies and murders, forced conversion of Armenians to Islam, stricter censorship, settling Muslim refugees from the Balkans in the Armenian populated villages and lands, unleashing the Kurdish tribes.... assured of legal immunity for acts of oppression against the Christian population' (2008: 23). Further evidence of the global perspective of the influence of other groups

on the Armenian massacres is easy to find in contemporary literature (for example, Bloxham 2005).

In terms of the responsibility that ought to be attributed to the Turkish position, the range of views relating to genocide are manifold and the task of locating the presence of genocidal intent is compounded by the vagueness of the definition itself that focuses on 'intent to destroy, *in whole or in part*, a national, ethnical, racial or religious group' (1948 UN Convention on the Prevention and Punishment of the Crime of Genocide, emphasis added). In reviewing the literature available on the subject, one is confronted by determinedly 'genocidist' approaches to the problem most prominently exhibited by Taner Akçam and Vahakn Dadrian, to approaches that question the truth of the genocide in the work of, for example, Justin McCarthy or Guenter Lewy.

Those views that steer away from the issue of genocide generally emphasise the background to events and the mitigating circumstances, which make the massacres seem a matter of war or simply of incompetence. Guenter Lewy draws attention to the ineptness of the CUP as the main reason why, for the Armenians, 'an orderly deportation became impossible' (2005: 254). This was a government that caused the deaths of at least 80,000 of their own soldiers as they were marched towards the Russian border poorly equipped and in freezing temperatures. A historian such as McCarthy does not even recognise the word 'genocide' or even his position as 'revisionist' as he recounts the greater Muslim suffering due to the exile that was caused by the slow contraction of the Ottoman Empire 1821–1922 (2008: 23).

However, Taner Akçam is adamant that genocide must be admitted by the Turks 'regardless of what others might have done to them. It is this that prevents renewed eruptions of violence' (2007: x). Moreover, the argument for consigning the Armenian deaths to an unfortunate result of war seems to play straight into the hands of Adolf Hitler, who famously said 'Who now remembers the Armenians?' (Margalit 2002: 78); it also demonstrates a blatant disregard for the Turkish Republic's founder Mustafa Kemal Ataturk's description of the events as 'a shameful act' (Akçam 2007: xxii). The recognition of genocide may act as a deterrent to future tyrants who are tempted, in the course of war, to use their power to conveniently extinguish a people. Indeed,

to argue that a crime did not occur on the basis of the recognition of background events is both unfair and unconvincing. Is it possible to argue that the deaths of approximately one million Armenians in the Ottoman Empire could have occurred entirely without state involvement? It seems highly unlikely.

However, contemporarily, the only solid conclusion that one can draw from this discussion, in which the most prolific and respected academics are so split on the issues, is that there is no solid proof to settle the argument over the extent of Turkish responsibility for the Armenian deaths of 1915. Such lack of proof is reflected by the title of one prominent work of recent scholarship – *A Question of Genocide*, which describes 'the certainty of some and the ambiguity of others, not so much on the nature of the killings, but how they might most convincingly be described' (Suny and Göçek 2011: 10). The account of this chapter also provides some contribution to the interdisciplinary understanding of this regrettable act of extermination carried out, whether intentionally or not, against the Armenians. The greatest challenge now in understanding whether a crime occurred in 1915, and the exact magnitude of that crime, is to research what exactly happened. Knowledge of events, therefore, is what needs to be gained and disseminated. The danger, in the attempt to prove genocide, is that the Turkish 'denial' of genocide is to seen simply as a 'cover up' (Cohen 2001: 135) and consequently not properly understood. In Chapter 6, the reasons for Turkish resentment towards this type of argument are explored further.

In any case, the point of the account is one of understanding the issue of human rights violation more generally and in laying the foundations for further chapters, which also hold the objective of furthering this more general analysis of the problems of human rights in Turkey. From the perspective developed in this chapter, it is certainly hard to understand why the Armenian Genocide, if the Turks and Armenians had continued to live under Islamic law, would have occurred at all. Therefore, the understanding of its occurrence, beyond local concerns over responsibility, starts to take a cosmopolitan perspective in the account of social process related to it. It is the purpose of later chapters to link the violations against the Armenians in a comparative understanding, which offers some prospect for their general resolution.

Conclusions

This chapter's portrayal of the late Ottoman period has formed a prism for understanding human rights violation in modern Turkey. Peripheralisation processes and demands for equality had undermined the harmony of the Ottoman Caliphate and raised, from a Turkish perspective, the question of how minority groups were now to be related to on equal terms when, at the same, time filled with a sense of their own righteousness in making claims for nationalist independence. While market relations had undoubtedly been, to some extent, welcomed by the Ottoman Empire, the economic interests of the European powers aggravated the prospect of social stability, whether this was made viable through the Tanzimat reforms of the 19th century or the more aggressive and direct actions of the First World War. The 1920 treaty of Sevres, moreover, made it quite clear that the Empire was to be divided between some of the major European powers under a series of mandates.

From this perspective, it is possible to build the beginnings of a comparative understanding of the character of human rights violation that clearly has roots in this period of social dislocation. What is now mainly contested as the 'Armenian Genocide' can also be understood as provoked by the influence of European powers, as well as any Ottoman mismanagement or 'intent' to extinguish the entire Armenian population and thus commit genocide against them. The Kurdish issue, and indeed any other problem of human rights violation, can also be related to the economic impoverishment, which lies as a source of provocation behind the actions of the governments that have emerged and the change in social imagination, which still shows evidence of the social dislocation that it caused. It becomes clear against this comparative background that we are talking about the problems of the Kurds and Armenians in Turkey contemporarily because of the paradoxical process of classic human rights values such as equality and liberty causing social dislocation, which then has the potential to provoke human rights violation. The reasons we are not talking about Turkish persecution of the Jews and the Greeks today also becomes more understandable only in a global view of social process in which European influence was clear.

The Turkish Republic in this way emerged as a draconian state, still unsure of itself and without the security to draw back and

allow the free economic competition that might see the integration of its minorities and the chance to compete economically as a successful partner in the countries that ranked as, in the hopes of Ataturk, the best in contemporary civilisation. The perspective developed here, in terms of expanding capitalist 'world economy' relations, demonstrates a related change of 'moral law', which had led to the nationalistic and individualised thinking of the Armenians and Kurds (who had developed among certain of their groups the desire to be independent of the Turks). The problems of the Turkish state contemporarily must be set within this social terrain in order to achieve a full understanding of the issues. A more developed perspective on this dislocation and, indeed, attempt at reconstruction, occupies the next chapter.

5
Responsibility

The purpose of the present chapter is to build up a field of social actors influencing the character of the Turkish Republic contemporarily. While each of the social actors identified typically behaves in their own self-interest, it is argued that their interdependence is also demonstrable. The interrelation of the social actors discussed, as bound by the influence of the world economy, necessitates a cosmopolitan appraisal of prospects for a Turkish state oriented towards the free market and thus increasingly capable of improving human rights standards.

The 'division'[1] of social actors detailed here is not argued as exhaustive, but serves to demonstrate the determining effect of the world economy on the behaviour of the social actors identified within it. The discussion includes an examination of groups within the Turkish bourgeoisie, the Turkish state, the 'deep' state, the media, military and Islamic movements. All of these social actors are seen to be heavily influenced not only by an internal attempt to reach higher standards of human rights and democracy, but also by the external action of the IMF and the EU. The emergence of the new 'Islamic bourgeoisie', the extra-judicial activity of the alleged 'deep' state, the greater freedom that has emerged in the media and the likely reduction of military power and Islamic fundamentalism are all seen in an appraisal of the changes occurring interdependently among them.

In this manner, the conclusion drawn is that responsibility for the improvement of human rights standards in Turkey occurs not just within Turkey but through this cosmopolitan paradigm. It suggests

that through its continued link to, and domination by, the world economy, the likelihood of a continued restructuring of Turkish society will continue towards the predominance of bourgeois self-interest and its associated values of societal freedom.

The European Union

Contemporary accounts of the European Union's treatment of Turkey's accession process often lament the seeming lack of a fair EU assessment of Turkey's readiness to enter the European Union. Human rights standards are typically seen as a way of keeping Turkey at a distance from the West, especially in view of the burden of Turkey's economic problems and cultural differences, which would be taken on in the EU enlargement process. A policy of 'containment' forms the view of Harun Arikan (2006), for example, who argues that the EU needs to keep Turkey as an ally because of her utility in regard to security issues. Arikan sees the impracticality of assimilating Turkey into the EU on the basis of economic and cultural factors as meaning that a constantly empty promise of entry needs to be made in order to achieve this underlying security objective (2006: 2). While the argument for economic problems and cultural difference as guiding the process of accession has certainly been persuasive, it is shown here that Turkey's continual economic improvement is likely to be the determining factor in the country's future EU entry prospects.

Arikan's conclusions rest on a comparative study, which shows that the behaviour of the EU in the accession process of similar countries is markedly different than in the case of Turkey. For example, Arikan points out that when Turkey decided to join the EU, 'the EU started to pursue a more coherent and a stronger human rights policy towards Turkey' (Arikan 2006: 131), whereas this was not the case with other countries. His view of Turkey as essentially treated 'differently' in the accession process is reflected in the work of other academics who recognise that, despite the fact that culture has not been mentioned at all in the accession processes of other countries, in the case of Turkey, 'cultural factors figure prominently among master variables, sometimes almost by default, constituting the seemingly most relevant or powerful factor' (LaGro and Jorgensen 2007: 11). This seemingly dominant problem in Turkey's EU accession prospects forms an argument, which is deconstructed by recognition of the

very rarely mentioned benefits that Turkey has the potential to offer the EU. In the words of Michael Lake, the EU entrance of Turkey is 'regarded as essentially in the interests of the European Union – it will enhance stability strategically, politically, socially and economically – and it will also be of great benefit to Turkey, which is at the same time in the interest of the EU' (2005: 13).

This argument for the long-term importance of EU's economic interest beyond security issues, a poor Turkish economy or problems of cultural difference is certainly buttressed by the socio-historical 'world economy' understanding as developed in Chapter 4, which elucidated the manner in which Turkey emerged in relation to claims to individual rights, the end of Sharia law and the disarray into which the emergence of ethno-nationalism and laissez-faire business practices threw the Ottoman Empire. Reducing the EU importance of Turkey to the continued security of the West becomes unconvincing from this more complex socio-historical perspective. The introduction of the 1839 Tanzimat reforms and the values of equality and rights for minorities began to free up trade relations with all ethnic and religious groups in the empire. This ultimately had the effect of reconstructing the redistributive economic system of the Ottomans into a system that began to mirror the free market society within which Europeans had come to achieve economic strength. Capitalism rather than cultural difference was dominant as the underlying inspiration to this process of social change.

The peripheralisation process detailed in the previous chapter also shows evidence of continued development contemporarily. The huge influence of the world economy, of which the EU is partly representative, is evident in the behaviour of the groups detailed in the remainder of this chapter. Indeed, it is argued here that a split can be defined among the interests of those groups who oppose integration ('deep' state, state and military) and those who are taking steps towards it (bourgeois, media and IMF). Turkey is a key country in the EU enlargement process. While it has been recognised that 'the mechanisms that favour the emergence and diffusion of norms in a supranational setting' (Ruzza 2006: 111) are complex, the European Union (successor to the European Economic Community) is ultimately led by its own economic self-interest and should have every reason to accept Turkey when it sees its own economic advantage in doing so.

International Monetary Fund

This section looks at Turkey's contemporary relationship with the IMF. The 19th-century development of private banking in Turkey was initiated with the interests of European business in mind and consequently formed part of the initial economic peripheralisation of the country (Owen 1981: 192). A similar process affecting the modern economy of Turkey is reflected in the demands of the IMF in the modern era. It is shown here that debt has never been an aid to the possibility of human rights institutionalisation and that the continued influence of this is ultimately detrimental. However, at the same time, IMF involvement has led to a situation where more top-down (typically state-led) forms of financial management have been increasingly reduced. It has, therefore, beyond the problems of debt, which work in opposition to a positive human rights future, caused the possibility of a positive structural change in Turkish society. As part of this change, the emergence of a new bourgeois class indicates the possibility of attaining higher human rights standards for Turkey in the long term.

It was the neoliberal 'turn' of the IMF in the 1980s that led to the implementation of the structural adjustment programmes (hereafter SAPs), which have drawn criticism from several quarters because of their social effect and the emergence of what seem to be broken promises in relation to them. Organisations campaigning for change in these programmes have sprung up such as The 50 Years is Enough Network, who describe themselves as 'a coalition of over 200 U.S. grassroots, women's solidarity, faith-based, policy, social and economic justice, youth, labour and development organizations dedicated to the profound transformation and development of the World Bank and the IMF' (2004: 1). Allegations include the claim that the effects of privatisation through SAPs cause greater inequalities in already poor countries. Moreover, the implementation of these programmes, it is argued, often turn a blind eye to increased corruption, undermining the fight against HIV and AIDS, and neglecting the provision of free services to the poor.

The development of the Turkish economy through this aspect of the process of peripheralisation has certainly always been in the interests of the related lending organisation rather than the economy itself. The influence of the IMF and World Bank – ultimately under

the aegis of the votes of the group of seven (UK, Japan et al.) has not enabled Turkey to see an end to its debt, which began with the 19th-century Tanzimat reforms. It is in this sense that these organisations are the modern-day continuants of the process described in Chapter 4, in which capitalism was seen to cause the social dislocation of the Ottoman Empire and the problems of debt and internecine resentment, which still trouble Turkey today.

At the same time, beyond the literature of protest groups such as The 50 Years is Enough Network, academic texts have emerged where concerns over the social effects of SAPs are detailed. However, not only human rights violations, but also the raising of human rights standards are seen as following their implementation. The findings of a study by Abouharb and Cingranelli, for example, detail the evidence for the provocation of human rights violation – a finding that is reflected in other studies they rely upon, and is very clearly detailed:

> Our findings confirm that the implementation of Structural Adjustment Agreements leads to less respect for most but not all human rights we examined. More specifically, we show that governments undergoing structural adjustment for the longest period of time have murdered, tortured, politically imprisoned, and disappeared more of their citizens. In addition, the execution of structural adjustment programs has caused governments to reduce their levels of respect for economic and social rights, created higher levels of civil conflict, and more abuse of internationally recognised worker rights.
>
> (2007: 4)

However, what is also revelatory about Abouharb and Cingranelli's study is that the eventual outcome in the successful implementation of these programmes is the real prospect of the institutionalisation of human rights and the opportunity to compete on a world stage economically. Structural adjustment involves the forcing out of top-down forms of economic management. In terms of the effect SAPs have had on Turkey, Sadi Uzunoğlu (2005) details several ways in which the top-down state management of various businesses has been avoided through related privatisation. In 2001, for example, after the economic crisis, the privatisation of what were major nationalised organisations, such as Türk Telekom (the largest

telecommunications company in Turkey), occurred as a condition of IMF lending. Privatisation necessitates not only a reduced state, but also an increasingly dominant bourgeois class to manage increasingly large business concerns.

In the previous chapter, the Public Debt Administration of the 19th century was identified as ' . . . .a system of international financial controls which, in a number of ways, led to an equivalent loss of sovereignty' (Owen 1981: 192). This indicates that some form of 'structural adjustment' in order to bring the Ottoman Empire in line with European thinking had been occurring long before the formation of the neoliberalisation of the IMF in the 1980s. Contemporarily, loss of state power has been essential to a new bourgeois capitalist business class, which has the opportunity to become the dominant group in Turkey and reflect the values and needs of the West in its associated advocation of human rights.[2]

In the success of the AKP, for example, the IMF is mentioned as a chief influence (Yavuz 2006: 225). In this sense, while structural adjustment is hardly a perfect solution, its long-term effects – if the problems of restructuring can be ridden out – are the prospect of a country bringing itself out of debt and on to a world stage where the prospect of a degree of economic success and freedom for its population occurs. Indeed, Turkey itself is typically commented on as one of the IMF's success stories (Abouharb and Cingranelli 2007: 15).

Turkish bourgeoisie

Both Western and Turkish press reports often blame the European Union for its failure to give Turkey a clear and fair sense of the parameters of its accession process. *The Financial Times*[3] on 3 July 2008 held the EU to blame for the growing unrest in Turkey, while overlooking that, at the same time, a military coup seemed possible in reaction to the rise of Islamism. This was echoed on the same day in the Turkish newspaper *Radikal*.[4] However, it is not simply EU procrastination or encouragement that is the major contributory factor in the ability of Turkey to advance towards higher standards of human rights and democracy. It is also the case that, with the resurgence of Islamism since the 1990s, is to be seen a new bourgeoisie, which has arguably enabled the ruling AKP to find the confidence to take on the challenge of entrance to the EU and has consequently helped to

threaten the stability of nationalist institutions such as the military and, indeed, the statism and nationalism of Kemalism (Yavuz 2006). It is the purpose of this section to explore the emergence of this type of social group and then show the implications it may have for the future of human rights in Turkey.

Given the argument of the book thus far, there are several reasons why a strong bourgeoisie is necessary for the human rights future of Turkey. They may form a societal influence that would logically, as with the expansion of the bourgeois in 18th-century Europe, mount a challenge to top-down forms of government and form a path to the attainment of higher human rights standards. It may be the case that the emergent bourgeoisie could help develop, as a by-product of their expansion, the achievement of the human rights standards expected by the European Union. By extension of this argument, it is possible to speculate that the form of the challenge to top-down power in the case of Turkey would occur against the state and military apparatus, which currently sees a stricter control on the free market economy than is generally the case in Europe. The European Union – through the Copenhagen criteria – requires not only that Turkey's human rights standards be higher but also that Turkey is able to compete successfully in European markets. While Europe is sometimes criticised for unfairly delaying membership for Turkey (Arikan 2006), it is clearly the case that Turkey's improvement economically, through bourgeois expansion, is a little explored avenue worthy of further analysis.

M. Hakan Yavuz has specifically drawn attention to the emergence of such a bourgeois class in a collected edition of essays entitled *The Emergence of a New Turkey: Democracy and the AK Party*. He stresses that it is

> a sociological error to reduce the compass of political change solely to the Copenhagen criteria. In this sense, the AKP is not the cause of the silent revolution occurring in Turkey but rather the outcome. The prime agent of this transformation is the newly emerging bourgeoisie rooted in Anatolia. This new Anatolian business class evolved as a result of Prime Minister Turgut Özal's neoliberal economic revolution.
>
> (2006: 1)

White describes how this process has led to the emergence of 'Islamic Yuppies' on the streets of Istanbul (2002: 47). Television programmes

on new Turkish private television channels such as HaberTürk (for example, *Akıl Defteri*) had Turkish intellectuals discussing sensitive political issues such as the role of the military.[5]

This recognition of the role of the Turkish bourgeoisie in facilitating greater societal freedom in Turkey forms an important part of the sociological account of human rights in Turkey presented in this book. The relevance of this emergent group to the development of human rights, however, has not been fully explored. The present book has demonstrated already that the effect of capitalism on the formation of modern Turkey runs far beyond the emergence of a new Turkish bourgeois class. While Yavuz and, indeed, White (2002) focus predominantly on MÜSIAD (Independent Industrialists and Businessmen's Association), it is also the case that the largest business organisation in Turkey remains as TÜSIAD (Turkish Industrialists and Businessmen's Association).

The power of TÜSIAD to overthrow governments is something that is well documented in studies of the organisation (Öniş and Türem 2002; Buğra 1998: 139). The most prominent example of such an ability is TÜSIAD's opposition to the economic policies of Bülent Ecevit in the 1970s, which led to a backlash and the removal of his government from office. Both MÜSIAD and TÜSIAD demonstrate that the force of liberal capitalism in Turkey can be very strong in the pursuit of its aims. It means also that they, and organisations like them, both now and in the future, could form the basis of much higher human rights standards for the Turkish people.

Assessments of the importance of TÜSIAD and MÜSIAD to human rights in Turkey can be found in the work of prominent Turkish academics, but these analyses are not focused on the importance of these business organisations to the reduction of human rights violation. They are focused, for example, on *Entrepreneurs, Democracy and Citizenship in Turkey* (Öniş and Türem 2002). In this article, Ziya Öniş sees the expansion of business organisations as contributory to democracy but in some ways neglectful of social rights with an overemphasis on 'property rights' and 'consumer rights' where 'there is no serious threat to the position of business in society' (Öniş and Türem 2002: 26). Ayşe Buğra (1998) has made a comparative study of TÜSIAD and MÜSIAD in which she outlines how these organisations' emergence cannot be understood in terms of solely economic processes of capitalist globalisation. In order to understand their

cohesiveness and potential impact on Turkish society, Buğra argues that we need to look at the local level to, for example, the influence of Islam as a binding force in the formation and continued expansion of MÜSIAD. So the opportunity to expand the understanding offered here through the work of these and other social scientists, in relation to human rights, is evident.

TÜSIAD and MÜSIAD are important in the consolidation of human rights in Turkey because they represent organisations of an essentially capitalist nature, which were formed in some distinction, and contemporarily in increasing opposition, to the 'top-down' power of the Turkish state and military. TÜSIAD was formed much earlier than MÜSIAD in the 1970s. It represents and recognises the interests of 'big business' predominantly based in Istanbul. In contrast, MÜSIAD was formed in the 1990s after IMF intervention in terms of structural adjustment and the Premiership of Türgut Özal, whose policies facilitated the increasing deregulation seen during this decade (Yavuz 2006: 5). Its membership is more widely spread and is characterised predominantly by a petty bourgeoisie who represent companies with no more than 20 employees (Yavuz 2006: 5).

MÜSIAD also emerged out of the dissatisfaction with state policies that limited exports, and the problems that this caused for the small businesses now represented by this organisation. The challenge to the traditional Kemalist Turkish state presented by MÜSIAD is potentially greater than that of TÜSIAD because Islam is part of the identity that underlies the cohesion of the companies that form MÜSIAD's membership. MÜSIAD's willingness to work beyond nationalist ideals of internal production means that it should increasingly forge links with the 'world economy' of the West. It has expanded to such an extent that the AKP are seen as having come to power on the back of its success (Yavuz 2006). Having been the driving force and justification behind a party that has seen parity with previously more Islamic roots take power, MÜSIAD logically therefore has the potential to pose a threat to the military and even Kemalism and the concept of laicism, which demands clear state control of religion.

To some extent, identifying TÜSIAD as state opposed may seem odd because it has always had a strong relationship with the state. Indeed, TÜSIAD has been described as 'a largely state-created bourgeoisie' (Buğra 1998: 526). The military assisted with their creation in the early 1980s as a result of a coup in their attempt to set Turkey

back on the path of human rights and democracy. While Kemalism has ostensibly been the *raison d'être* of the Turkish state since the founding of the republic in 1923, the Turkish top-down form of government cannot be separated wholly from the expansion of capitalism and the challenge that this logically presents to the Kemalist form of power. With the aims of capitalist expansion naturally an objective of the organisation, the reduction of what has been a typically domineering state into what TÜSIAD has come to describe as the 'optimal state' has resulted in many TÜSIAD demands for state reform in favour of human rights, especially in terms of the demand for individual rights, claiming that 'a State limited to defence, justice and judicial authority is a dream at least for today and the next century' (TÜSIAD 1995: 26).

This position is reflected in the analysis of Ziya Öniş, a well-known and highly respected economist in Turkey. In Öniş's criticism, it is possible to identify parallels with the emergence of human rights in terms of the societal support it received from the bourgeois elite. Öniş identifies three reasons why democracy is important to TÜSIAD. The first reason concerns the manner in which democracy is very useful to the organisation in 'legitimizing the position of big business in society' (Öniş and Türem 2002: 13). It enables a positive public image to be created in the reduction of state power. This is highly reminiscent of the process by which the central human rights values of equality and liberty legitimised 'the triumph of bourgeois liberal capitalism' (Hobsbawm 2008: 14) in the 18th century.

The other main advantage of this alignment of TÜSIAD with democratic values identified by Öniş is that TÜSIAD was able to 'check the power of the state and render it more transparent and accountable' (2002: 13). Öniş (occasionally in articles with Umut Türem) recognises that while TÜSIAD had received a lot of support from the state during the Republican era, the 1990s heralded a period when it needed to break free of state control due to its increasing links with 'internationally competitive firms, with an increasingly global orientation' (Öniş and Türem 2002: 13). The issue of state corruption is mentioned also as a problem in the further expansion of the organisation because, whereas global trade demanded a stable economic and legal basis, state-related business often depended on 'large favours often distributed on a highly arbitrary and clientelistic basis' (Öniş and Türem 2002: 13). Ultimately, freedom from state domination

enabled TÜSIAD to consolidate its position and defend itself against 'possible threats originating from other segments of society' (Öniş and Türem 2002: 13).

In this section, evidence has been presented showing that, in a comparative study with the development of human rights outlined in Chapter 2, the top-down governmental apparatus of the Turkish nation-state is being continually challenged. Indeed, we may now begin to explore the possibility that, just as ideas of individual rights began to challenge Western religious thought (for example, the 'Divine Right of Kings') with the advent of capitalism, Islam itself may logically undergo a revival and reconstruction in order to join successfully with the modern world economy and the advantages it presents to Turkey.

Islamic movements

The basis for Muslim resentment towards the social changes, which have occurred in the transition from the Ottoman Empire to the present form of the Turkish Republic, was outlined in Chapter 4. The reduction of Muslim social privileges came with the influence of the European Enlightenment, expressed legislatively in the 1839 Tanzimat reforms. The redistributive economic system of the Ottoman Empire began to disintegrate in the face of legislative demands for ethnic 'equality' as Christian minorities found their opportunities expanded in terms of trade with Europe. Before the foundation of the Turkish Republic in 1923, it was a process that led to the Turkish Nationalist CUP (Committee of Union and Progress) being responsible for a violent turn towards nationalistic principles in which several minorities were aggressively removed from the disintegrating Ottoman Empire. However, it is argued here that Islamic groups in Turkey now pose no serious threat to the secular basis of the modern Turkish state.

Such a conclusion may seem surprising because the process of Islamic rejection was continued under Atatürk, who performed what may be described as a veritable 'cultural lobotomy', on an already dispirited, predominantly Muslim, population. Indeed, it was a population who had its past, in terms of language and culture, Westernised in a sweeping array of reforms, which established the new Turkish Republic. An important step in the reduction of Muslim influence was the final institutionalisation of state power over religious

authority through the adaptation of French *laicite* (laicism), which essentially implied not only the separation of state and religion, but also state control over religion in which anything from the content of religious education to the wearing of religious symbols could be criticised (White 2002: 35). Even after the Second World War, resentment against the state continued because 'its secularist policies, especially the suppressions of popular faith, severed the most important ideological bond between state and subject' (Zürcher 2004: 207).

The extent of Muslim dissatisfaction, towards what is proclaimed as a laic state based on the rule of human rights and democracy, is exhibited by landslide victories for the Islamic Welfare party in 1997 and the AKP in 2002. The success of the AKP has led prominent academics to view the recent turn of events in terms of the 'vernacularization of modernity' by Islamic groups. Thus, M. Hakan Yavuz in *Islamic Political Identity in Turkey* describes these emergent groups as 'Janus-faced: modern and progressive in one aspect, with yearning for democracy and economic development; and in the other aspect conservative, with a potentially authoritarian agenda for establishing a religiously defined moral code for society' (2003: 6). Similarly, Jenny B. White in *Islamist mobilisation in Turkey: A Study in Vernacular Politics* more prominently cites this vernacular turn since the policies of Özal in the early 1990s as worthy of being placed at the centre of understandings of modern Turkish politics.

These latest developments, occurring under the domineering influence of the world economy, indicate that, despite the concerns of the military and the uncovering of 'deep' state activity during the AKP's period of government, any serious threat to the current Western basis of Turkish society as a result of revolutionary action to reinstitute Sharia law in the country is unlikely to emerge. Indeed, Turkey has shown itself able to elect to power a government that seems willing not only to recognise Turkey's need to continue the Westernisation process begun by Atatürk, but also to curb the seemingly uncompromising demands of the Kemalist state *vis-à-vis* the complete separation from any Islamic influence upon itself.

Turkish state

Taner Akçam draws attention to the illusion of Turkey as a secular unity, arguing that it is more effectively characterised as a conglomerate of social groupings – typically Islamists, Kurdish and

Turkish ultra-nationalist separatists, which only form a social whole in fear of the ultimate power in Turkey – the military. It is without the military that Akçam believes of these groups 'none would be able to tolerate the other's existence in the idealized societies they hope to establish' (2004: 14). The state, in other Turkish criticism, similarly draws attention to it as an 'idea' insofar as it refers to the influence of a heavy deep state presence, and the pursuit of interests that are not palatable to exposure to public opinion. This may lead us to conclude that a definition of the state is 'something that could not be pinned down' (Navaro-Yashin 2002: 174). Yet this perspective, advocating reductionism on the basis of how the state deviates from what it purports to be, can be taken too far. However cynical one is about the reality of the state as a political entity, there are clearly reasons identifiable that explain changes in Turkish society in relation to the state and the Kemalist principles on which it was founded, and which aid an understanding of human rights violation in Turkey. The challenge initially is to identify the nature and aims of the state in order to understand what the state in Turkey really is.

The Turkish state today still exhibits several characteristics that, when compared with the type of states in the West supporting human rights, have several areas of deviation, which logically lead to the lack of support necessary for the raising of human rights standards. A typical description of the state is given by Human Rights Watch:

> The notion of an all-powerful state, which appears to exist as a goal in and of itself, is sown throughout the 1982 constitution. Until amended in 1995, the preamble of the constitution even spoke of a 'sacred state'. Such concepts are also found in Turkey's legal framework. The penal code, for example, grants corporate state bodies such as the judiciary or the army 'moral identities' that can be 'insulted.' Aptly titled State Security Courts (Devlet Güvenlik Mahkemesi) exist to protect the state. In an effort to protect the inner workings of the state from prying eyes, civil servants are forbidden by law from speaking to the press.
>
> Human Rights Watch (1999: 3)

There are certain aspects of this description of the general character of the Turkish state built up here, which clearly resemble the

centralised authority of the Ottoman Empire. Lockean ideas of revolution, as justified if the people should so wish it, are unthinkable in this context. It is thus clear that Kemalism, while turning Turkey towards Europe, found several elements of Ottoman political thought useful, especially in the period of insecurity as the Turkish Republic was founded. The emergent Turkish state, from the coming to power of the CUP in 1908, found the nationalist protectionist economics of Friedrich List, rather than of Adam Smith, appropriate as a model for development because 'it was necessary to acquire a national consciousness and to further economic goals from the top; freedom of enterprise for individuals would come later' (Keyder 1987: 61).

This is another reason why the Turkish state may benefit from moving to a more free-market-oriented economic basis, if it wishes to see greater improvement in its human rights standards. Whereas the societies discussed in Chapter 2 were seen to be emancipated from various forms of top-down government, according to the power of a rising bourgeoisie, the Kemalist state has found itself gradually eroded through external pressure from the IMF or World Bank to free up private enterprise. Indeed, this change towards greater societal freedom has been aided and refined by the more morally guided protests of Turkish minority groups, who find themselves oppressed by a society that has insisted on, for example, ethnic homogeneity. While the main minority group in Turkey with human rights grievances has most prolifically, in recent years, been the Kurds, the rights of women, and educational standards, for example, have also formed prominent areas of concern and demand for change (Arat 2007).

'Deep' state

The Turkish state has, since the latter half of the 20th century, as Turkey began to evolve into a more open society, been subject to a struggle with 'deep state' influences. The 'deep' state (derin devlet) is characterised by the interests of usually high-ranking members of Turkish society who form illegal alliances in order to secure nationalistic interests against, for example, the prospect of increased rights for minorities, or the continued prospect of global integration through the European Union, Turko-American relations, or otherwise. It employs extra-judicial means to find solutions to problems that the normal state apparatus of police, judiciary and other forms of

legally sanctioned action are unable to involve themselves in (Human Rights Watch 1999: 41).

An early example of the alliance between seemingly disparate members of Turkish society is exemplified by the 1996 Susurluk scandal. This involved a car crash killing an unexpected mix of passengers. It included both the head of the Istanbul Police Academy, Hüseyin Kocadağ, and Abdullah Çatlı, a wanted perpetrator of several politically motivated murders committed before 1980. There was also Gonca Us (supposedly Çatlı's girlfriend) and Sedat Bucak, a Kurdish parliamentarian and tribal leader. Also suspicious was that the four had returned from a seaside resort where the Interior Minister Mehmet Ağar had been staying (Zürcher 2004: 322).

The 'Susurluk scandal' came on the back of suspicions that, in its desperation to win in the conflict with the PKK in the early 1990s, the government had decided to employ extra-judicial means to ensure its success. The statement of the Turkish prime minister, Tansu Çiller, that 'We have in our hands a list of businessmen helping the PKK' has been seen as an indication of this 'deep' state emergence, especially since the deaths of many of those businessmen followed this statement (Human Rights Watch 1999: 38).

Problems with 'deep' state occurrences may therefore logically become especially prominent during times when the Turkish state is making strides towards the successful institutionalisation of human rights and democracy. The period since the AKP party came to power has seen a clear increase in events that have been linked to possible 'deep' state activity. Apart from the ultra-nationalist-motivated murder of Hrant Dink in 2007, the recent moves to close down the Islamic rooted, yet pro-European, AKP party through Constitutional Court action has also been linked to the Ergenekon, an allegedly 'deep state' organisation of senior politicians, military officials and influential legal practitioners. Many of these people have now been tried in an investigation that has revealed the involvement of figures prominent in Turkish life such as Bedrettin Dalan, the owner of a major private university in Istanbul, Yedi Tepe.[6]

The threat perceived by this organisation was not only the possibility of improved human rights for minorities, but also the greater erosion of the Turkish nation-state through what is seen as European encroachment and consequent loss of Turkish authority over Turkish affairs. The method of restoration of a more nationalist stance against

Europe was to be allegedly achieved through the assassination of key public figures.

The media

The development of television, radio and newspaper production increased greatly in Turkey during the latter half of the 20th century. The first television channel began in 1963, and since then the government controlled 'TRT 1'[7] has expanded to include four further 'TRT' channels. However, the greatest increase in television channels occurred mainly following a move by Prime Minister Turgut Özal to relax restrictions on broadcasting and open up the airwaves to private channels. With Özal following policies of market deregulation, this development has been noted as consequently increasing freedom of expression in the 1990s (Human Rights Watch 1999: 29).

Although the violation of free expression is a chief criticism of Turkey's human rights record, nonetheless lively, free debate is clearly possible on Turkish television and in the newspapers. It is shown here that, while freedom of expression in Turkey still reflects the courage of certain individuals, it is also possible to identify the influence of 'world economy' actors such as the IMF, which have inadvertently joined with, and done much to develop, this particular human right.

For example, *Akıl defteri* is a regular television programme in which three intellectuals – Professor Mehmet Altan and Dr Şahin Alpay, both political scientists, and Professor Eser Karakaş, an economist – regularly debate current affairs, some with political sensitivity. Nihat Genç on *Ne Var Ne Yok* regularly spoke openly, indeed with clear passion, about topics ranging from the Armenian Genocide to the emergence of the *Ergenekon* organisation as the new face of the 'deep' state in Turkey. In the Turkish press, Murat Belge is quite capable of publishing damming remarks about powerful figures in Turkish society. He describes Kemal Kerinçsiz, one of Turkey's top lawyers who introduced article 301 limiting freedom of expression and who was uncovered as part of the Ergenekon organisation, as 'saliva escaped to the (political) extremes which we can always discard from our society.'[8] It is perhaps, therefore, a preparedness to speak out despite possible consequences, as much as any conferred freedom, which leads to such free expression of opinion.

Indeed, the majority of newspaper and television station owner-ship has fallen away from the state and towards private business – in particular, the billionaire Aydın Doğan. The change has been so marked that concerns are now sometimes raised that 'broadcasting cannot be seen as threatened only by the political pressures but must be defended against powerful interest groups as well' (Çatalbaş 2007: 34). Despite Aydın Doğan's monopoly, from time to time, newspa-pers emerge, which are more independent and thrive on a readership that appreciates the greater freedom of expression that their indepen-dence in relation to both state and big business can bring. *Taraf* is an example of one of these exceptions, and a relatively new newspaper enjoying such popularity. *Radikal* also enjoyed such a status earlier in the mid-1990s, publishing revelatory articles on contemporary issues. It is now part of the Doğan group and some of its outspoken critics, such as Murat Belge, have moved on (in Belge's case to *Taraf*).

The current state of media freedom in Turkey is therefore reflective of this change of policy in the 1990s (itself linked to IMF pressure). However, the freedom of business to influence media is a very positive development for the continued expansion of the basic human right of freedom in Turkey. State dominance in broadcasting is coming to an end under a more dominant 'world economy' of influence. The positive future of free expression in Turkey has, to this extent, seen its foundations laid.

Turkish military

The Turkish military has been the ultimate guardian of secularity in Turkey, as outlined by Atatürk. Its existence is based on the protec-tion of the principles of Kemalism: the 'Six Arrows' on which modern Turkey is founded. The prominence of the army in Turkish life is, at the same time, a clear extension of a tradition extending from the Ottoman Empire 'which began as a military state and all the early sultans through the reign of Süleyman distinguished themselves as military leaders' (McCarthy 1997: 123). While the military has tradi-tionally commanded huge respect and a primary position in Turkish culture, even through the change from Ottoman Sharia-bound to Turkish secular rule, the military has increasingly run up against crit-icism from within Turkey and from the West, especially as a result of Turkey's bid to enter the European Union. Today, while the military

has demonstrated a history of opposition to Islam and bourgeois politics, the emergent AKP and Islamic bourgeoisie have been the latest examples of the Turkish bourgeois class's challenge to its power (Yavuz 2006).

While the period up to the beginnings of Turkish democracy saw a broad agreement with Kemalism as a guiding ideology for the development of the country, there has been a challenge to military strength since the latter half of the 20th century due to bourgeois class expansion. The emergence of this conflict between the state/military and the bourgeoisie can be dated back to 1942 and the introduction of the varlık vergisi (wealth tax) that was levied upon, and drew a negative reaction from, the Turkish bourgeoisie in general (Zürcher 2004: 207). This conflict can also be understood as motivating military interventions to preserve the Kemalist nature of the Republic, which began most prolifically with the execution of Adnan Menderes, the Turkish prime minister, who first attempted to achieve reforms that 'were essentially designed to serve the interests of such economically dominant groups as large landowners and businessmen' (Özbudun 1996: 18).

The similarity of the conflict in Turkey contemporarily is demonstrated by the fact that the military was still prepared to act, even against the broad and democratic sway of public opinion, over the problematic appointment of Abdullah Gül in 2008 to the presidency of the Republic (Cumhubaşkanı). The eventual appointment of Gül to this position means that the governmental representative of the National Security Council (MGK Milli Güvenlik Kurumu) of which half is made of military representatives consists of a party suspected by the military of 'fundamentalist' objectives in transferring Turkey back to the rule of Islamic government.

As Ergun Özbudun noted, more than 40 years ago, the military of the time were 'deeply disturbed by the concessions made to religious conservatives and by the use of religious issues for political purposes' (1966: 17). Their concerns continue today. While Turkish democracy seems to have moved on from the time when a prime minister (Adnan Menderes) could be hung through accusations of Constitutional transgression, the *Ergenekon*, which was allegedly organised by certain elements in the (albeit sometimes retired) military, is alleged to have had plans to destabilise the government through the assassination of Tayyıp Erdoğan, the Turkish prime minister. This was

to be at a time when the newly formed Islamic business conglomerate, MÜSIAD, has been generally recognised as essential in the AKP's success (Yavuz 2006).

Paradoxically, the military's prominent and potentially interventionist role seems indicative, according to the examples above, of the increased failure of Kemalism to take hold as an acceptable form of government for the Turkish population. Despite the tradition of respect for the military in Turkey, and despite its irreverence for rising Islamic forms of political power, it is hard to see a prominent role for the military in Turkey's future. An expanding Turkish bourgeois class has already, in this chapter, been demonstrated as likely to achieve increasing links with the modern world economy of development. This is a process that is likely to be hard for the Turkish military of the future to find the strength to oppose. Indeed, the appointment in 2011 of the openly democratic Necdet Özel, as the Turkish Army's Chief of Staff, is generally regarded as evidence that the military no longer presents a serious threat to any democratically elected government in Turkey.[9]

A concluding view of modern Turkey

In the array of social actors built up in this chapter, there is one determining factor that can be identified in recent years as changing the character of modern Turkey. This is the expansion of the free market, the emergence of social actors in Turkey that benefit from it, and the consequent challenge this process presents to more top-down forms of societal power. The forced expansion of bourgeois economic self-interest through the IMF or internally, through the demands of business (often represented by chambers of commerce such as MÜSIAD and TÜSIAD), provides, as it did in the examples of Chapter 2, the prospect of a societal structure being demanded within which higher human rights standards may be achieved. Turkey is still undergoing the shock of social change, which began with the decline of the Ottoman Empire, but it is at the same time seeing the beginnings of a more positive human rights future. This process has also been linked to the behaviour of the other social actors discussed here.

It may be argued, as a result of this analysis, that Turkey could enter the European Union when it is in the economic interests of the European Union to move forward with the accession process.

There are some countries in Europe (in recent years, typically, France and Germany) that raise objections to Turkey's entrance on grounds of cultural and religious difference, but the eventual prospect of the EU inclusion of an economically strong country may well overcome these objections. The portrayal of the breakdown of the Ottoman Empire and the increasing integration of Europe with Turkey contemporarily suggests that this process will not likely be judged by cultural difference alone.

The process, which has facilitated change towards recognisable improvement in human rights standards for Turkey, has come as a result of the structural adjustment demanded as a condition of IMF intervention. In the preceding analysis, greater freedom can be seen to have affected the media as deregulation brought numerous privately owned channels to Turkish television broadcasting. The production of a new business class, independent of major state influence, can be seen in the formation of MÜSIAD and, relatedly, the founding of a party has emerged, which, in a seeming progression from the Erbakan–Çiller coalition of the late 1990s, has managed to recognise an Islamic identity for a new Turkey. Not only that, with this clear Islamic identity, it has made a firm decision to progress with Turkey's bid for EU membership.

The behaviour of other social actors contemporarily has been linked to this process. There has come about strong evidence that 'deep' state activity arises when the state appears unable to achieve its aims according to overtly secular means. It is no accident that the stronger activity of 'deep' state influences has occurred as military concern over the rising of the AKP has been sidestepped, a Constitutional Court case to close the party down won and the revelation of the *Ergenekon* with its planned coup in 2009 thwarted. While the AKP towards the end of 2008 began to see a decline in Turkish support despite its ability to cope with such fervent internal opposition, it is clear not only from the progress of the AKP in meeting its objectives (the AKP was eventually re-elected in 2011), but from the social characterisation of Turkey since it was founded, that there is a movement towards Westernization and the reform of Islam accordingly, which is managing to overcome the oppositional groups, whether 'deep' state, military or otherwise, that have come to challenge its progression.

The expectation would be therefore that, if the process continues, Turkey would develop in line with EU demands for reform and

successfully achieve EU entry. In the 20th century, Turkey has made moves beyond Kemalism to a more genuine form of democracy since Adnan Menderes became prime minister in 1951 (itself reflective of a rising bourgeois class). Military and 'deep' state insecurity about the real prospect of democracy have seen the process of democratisation checked in Turkey at various stages and in various ways.

Yet today, the guiding ideology in Turkey is no longer state- and military-centred Kemalism, but a resurgence of Islam, reformed in a manner that allows the Turkish people to regain a sense of their Muslim religious identity, while maintaining a stronger relationship with the West, through an acceptance of free market competition. A major condition of EU entry is that human rights standards improve significantly, and the likelihood of this occurring through bourgeois expansion has been demonstrated. It is the purpose of the next chapter to further understand how, in terms of some long-standing accusation of human rights violation, progress and resolution may be expected to occur.

6
Resolution

Previous chapters have established that the Turkish human rights violations committed since the era of Ottoman decline often have an identifiable link with the growing influence of the 'world economy', and its implied change in social values. This chapter expands locally based portrayals of the Armenian and Kurdish issues, and indicates the need for a more global and comparative perspective on their potential resolution.

In the first section's narration of local responsibility for violation, the resentment that emerges from the victim's perspective (and those who similarly sympathise with it), while certainly genuine and justifiable, predominantly identifies only one social actor as relevant to any particular crime. From the perspective of the victim, it is the Turkish state that is often seen as solely responsible. Moreover, those who are identified as defending the actions of the Turkish state are also seen to do so from a local perspective.

The 'local' perspective, in which claims to human rights violation by the Armenians and Kurds define themselves, and the more general resentment against the Turks identified, is then compared with the more cosmopolitan context in which these violations were committed. It is shown that, in the endeavour to prove moral responsibility for violation, the issue of self-interest is neglected. This omission is important because recognition of the role of Turkish self-interest in these issues leads to an expanded understanding of the issue of Turkish denial and an argument for greater recognition of 'mitigating circumstances', which allows us to face more squarely the reality of

the conditions under which Turkish compensation for human rights violation may more easily occur.

'Local' responsibility in the Armenian and Kurdish issues

Genocide is a human rights violation, which relies on the proving of an overriding 'intent' to destroy a group in whole or in part.[1] The argument for the acceptance of the Armenian deaths of 1915 as genocide is recognised by many countries. It is also supported in the research of scholars worldwide (Balakian 2009: xix). Turkish mistreatment of the Kurds is, as we have seen, well documented, and there have been many recent accusations of human rights violation that have occurred during the struggles with the PKK in the southeast of the country during the 1990s (Human Rights Watch 1999) and, indeed, into the 21st century, as Turkey's treatment of the Kurds becomes an issue of EU accession (Yildiz and Muller 2008: 191–199; Gunter 2011: 94). This section initially constructs a narration of the social imagination in its understanding of these human rights violations through a portrayal of the arguments that typically attempt to prove or draw attention to Turkish responsibility in these issues.

The advent of Turkish nationalism involved the driving out of minorities by the most draconian means possible. One of the strongest arguments for seeing the mass Armenian deaths of 1915 as genocide is that these Armenian deaths seem to have been part of a plan of action both before and after 1915. The massacres of the Armenians began in the late 19th century and continued until 1923 with the founding of the Turkish Republic. Not only this, there were massacres of Ottoman Assyrians – which have also been described as a genocide (Akçam 2007: xviii; Gaunt 2011).

It was only in 1923, with the end of war and the establishment of the Turkish Republic, that the Turks demonstrated the ability to organise population transfers in a more peaceful manner. In these transfers 'about 400,000 Muslims were forced to move from Greece to Turkey, while at least 1.2 million Greek Orthodox Christians were either shifted from Turkey to Greece or, if they had moved already, told they could never return to their old homes' (Clark 2006: xii). Yet during wartime, whatever provocation the Turks found themselves under through the clear evidence of Armenian

aggression against them and the deaths of many Turks, this does not negate, as Hovannisian notes, responsibility for the likely genocide (2007: 112).

There is even the emergence in recent years of a Turkish campaign to admit and compensate for genocide. The campaign for an apology for the Armenian Genocide (Özur dileme Kampanyası) emerged in 2008 and requested signatures for the statement: 'My conscience does not accept the insensitivity shown 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'.[2]

At the time the campaign led to documentaries and debate on Turkish television in programmes such as *Beyin Fırtınası* (Brain Storm),[3] in which prominent Turkish academics such as Professor Yusuf Halaçoğlu commented that there is no reason to apologise because of aggressive Armenian actions towards Turks at the time. Indeed, Halaçoğlu, in his work on the Armenians, has drawn attention to the fact that the Armenians and Kurds had lived in peace for centuries and questions why Turks would want to commit genocide against the Armenians (2002: 6). The Turkish position on the Armenian Genocide has also often been one focused on the provocative actions of the Armenians in a wartime scenario in which what has come to be called the 'Armenian Genocide' is seen as an act of war necessary to protect the Turks from imperial domination and to save what is now part of northeast Turkey from being handed over to the Armenians under the Treaty of Sevres.

Attempts to play down the importance of the claims for genocide and the possibility of any sympathy for the plight of the Armenians in the early 20th century have included attempts by other Turkish academics to outline Armenian aggression towards the Turks (Gürün 2007). This is an effort supported by a political campaign through newspapers and other popular literature in an appeal to a 'Western sense of fair play in insisting that "the other side" of a grossly misrepresented situation be taken into consideration' (Hovannisian 2007: 113). This is quite apart from the continual revelation of increased evidence for the cover up of the genocide at the time. This cover up is alleged to have included Istanbul press reports that the Armenians were in league with foreign powers, and that the 'deportations' and 'relocations' were simply euphemistic ways to describe the

death marches which the Turkish government had carefully planned (Dadrian 2007; Balakian 2009).

Armenian resentment, then, focuses on lack of sympathy for the validity of the epithet 'Armenian Genocide' – essentially denial that a crime was committed against the Armenian people, as estimates seem to average that one million Armenians perished in 1915 (Lewy 2005: 240). 'Turkish nationalist' positions on the issue hold that, because of external threats there was no choice left to the state except a widespread policy of extermination (Bloxham 2008: 19). Related arguments say that it is impossible to label these deaths as genocide because the word 'genocide' did not exist in 1915. In this sense, how can Turks be accused of a crime when the crime was not in existence when it was supposedly committed? These views exist despite eye witness accounts, such as that of Henry Morgenthau, which describe 'the annihilation of the Armenian race' (2008: 224), and the widespread condemnation by Western powers at the time (Payaslian 2007: 137).

Moreover, the problem of resolving accusations of genocide has not receded and resigning this event to history on the basis of the Armenian Genocide's normally unrecognised 'mitigating circumstances' does not address the very real issue of responsibility in an era when 'genocide' is now regularly used as an epithet for war crimes (most recently in Bosnia, Rwanda and Darfur) and the strong evidence in support of the likely 'Armenian Genocide' means that the Armenian deaths of 1915 are often argued as a prime example of this form of mass extermination (Balakian 2009; Akçam 2004, 2007).

Further accentuating Armenian resentment towards the Turks is the material loss experienced by the Armenians in 1915. Armenians feel that the lands they inhabited under Ottoman rule have been unfairly taken from them as a result of the preceding years of massacre and, ultimately, in 1915, genocide. The scale of this loss has been described as running to the Armenians' 'entire cultural infrastructure – countless libraries and monasteries, priceless manuscripts, more than 1,100 churches and monasteries totally demolished and 691 partially destroyed, 1,717 convents and churches ransacked, property looted and occupied' (Osgahan 2007: 169).

Indeed, the Armenians had felt increasingly persecuted as the Ottoman Empire declined. Simon Payaslian, for example, describes how in the First World War Armenians had felt themselves to have

suffered for many decades from 'official and unofficial persecution' (2007: 133) and that 'It was not surprising therefore that at the outbreak of the war, most Armenians in the region hoped for an allied victory in order to secure some degree of autonomy' (2007: 133).

The sometimes extreme extent of the Armenian resentment felt is clearly evident in violent actions towards the Turks. 'Operation Nemesis' was part of the Armenian Revolutionary Federation's successful plan to exact vengeance on those who it had decided were responsible for the Armenian Genocide. Talaat Pasha, Enver Pasha and Jemal Pasha were among the prominent CUP leaders who were assassinated as part of this plan. The continued Turkish denial of genocide has led, from 1975, to the assassination of those who would decry the Armenian cause and is reflected by the formation of the Armenian Secret Army for the Liberation of Armenia (ASALA) terrorist organisation and the deaths of more than 30 Turkish diplomats, which resulted thereafter. The demands of this organisation were essentially 'Turkish recognition that the genocide had been perpetrated and the establishment of an Armenian state in northeast Anatolia' (Zürcher 2004: 277).

The Kurdish issue similarly has a locally based focus on a history of highly emotional and contemporarily enduring relevance that has persisted since ethno-nationalism overtook the Ottoman Empire in the early 20th century. Indeed, ignorance and a generally adjudged lack of Turkish sympathy towards the Kurdish predicament is what led to outbreaks of Kurdish violence against the Turks in the 20th century. The Kurdish issue sees a similar characterisation of claims to compensation. While the Armenian grievances centre on the denial of genocide, Kurdish grievances centre on the denial of Kurdish identity itself, and the consequent suppression of language and culture.

To speak of a unified Kurdish identity is to forget that the Kurds have, as yet, failed to 'integrate all ethno-linguistic (Zaza, Kurmanji, Sorani) and ethno-religious (Sunni, Shi'a, Alevi) communities, or establish unitary strategies across state borders' (Bozarslan 2003: 38). However, one struggle that has united these groups is the Turkish resistance to recognising Kurdish identity in general. Article 66 of the 1982 Turkish Constitution (*Ana Yasa*), following the institution of military rule, notoriously represents the determination of the Turkish attempt to impose ethnic homogeneity upon the Turks

in its assertion that 'everyone linked to the Turkish state through citizenship is a Turk' (Gözübüyük 2009: 84).[4]

The promises of an independent Kurdistan under the Treaty of Sevres and the loss of this after Ataturk's War of Independence, to the point of the implied legal denial of Kurdish identity, have fuelled Kurdish resentment against the Turkish state ever since. Academic criticism of the human rights violations against the Kurds finds examples, as we have seen, in the criticism of Ismail Beşikçi. The root of Beşikçi's criticism is evidenced by the Preface to Beşikçi's work *International Colony Kurdistan* in which Kani Xulam describes the moment when Beşikçi encounters the plight of the Kurds in a country where he believed that everyone is Turkish. He 'observed a profoundly cowed and frightened population who had to use the help of translators to communicate with his boss. Something snapped in Mr. Beşikçi there and then. The Kurds acquired a friend in this diminutive and steely man. The Turks, lucky for them, put on the path of truth, by one of their own' (Xulam 2004: 6). Bruinessen comments further that 'Beşikçi's bitterness and apparent radicalism have their reasons, which are not difficult to discern. They reflect the increasing bitterness and anger of Turkey's Kurds, their growing despair of the possibility of gradual reform and the widespread conviction that only violent action can lead to the attainment of some rights' (Bruinessen 2005: 20).

The Kurdish Human Rights Project (KHRP) is a modern Kurdish supporting organisation set up in 1992 during the struggle between Turkish army and the PKK in southeast Turkey from which many of the human rights abuses such as the internal displacement of persons (typically due to Turkish forces burning villages down) and other torture and ill treatment of Kurds that resulted as part of this period of civil unrest. A document entitled *Kurdish Human Rights Project Responds to the European Commission's 2006 Progress Report on Turkey's Accession Bid* is typical of the approach of the organisation that comments on 'the sense of complacency that has pervaded the Turkish government's attitude towards full implementation of the reforms' (2006: 2) and makes a series of recommendations to not only the Turkish government but also the European Union for their own plans of change. Another work sees not only Kurds but also human rights lawyers adding their weight to the argument. In a work entitled *The European Union and Turkish Accession: Human Rights and the Kurds* Kerim Yildiz, who set up the KHRP, and human

rights lawyer, Mark Muller, maintain the state-centred onslaught of accusation:

> the birth of the new republic under the tutelage of Kemal Ataturk in 1923 saw the imposition of a mono-ethnic nationalism which sought to extinguish the notion of a distinctly Kurdish people. 'Security concerns', inspired by the location of Kurdish communities in Turkey's sensitive border regions bolstered this aim. This came to a head after 1984, when a government-declared state of emergency in the south-east provided a framework for torture, killings, forced displacement, and severe restrictions on Kurdish cultural and political expression, against a backdrop of ongoing armed conflict.
>
> (2008: 4)

In this passage, while Yildiz and Muller justifiably draw attention to these atrocities, it is the local perspective that they give in their indication of responsibility for Turkish treatment of the Kurds. A subsection of Chapter 5 of this work purports to deal with 'The Kurdish Question from a Turkish Perspective' (2008: 122). It draws attention to the Reintegration Law of 2003, which offered partial Amnesty for those involved in the conflict, and reduced sentences for PKK combatants who agreed to lay down their weapons and give information to the authorities. However, it characterises the refusal of the Turkish authorities to give cultural rights to the Kurds as due to an unfair Turkish belief that this would involve 'subversion or separatism' (2008: 123). But is the situation so easily and justifiably described in terms of 'wrong' and 'right'? This is typical of the local perspective for responsibility, which sees only one social actor involved in the resolution of human rights violation.

  What is made clear, then, from these examples from the academic and wider criticism focused on human rights violation in Turkey is that the Turkish state, or simply and more crudely 'the Turks', are often responsible for the human rights violations experienced by the Armenians, the Kurds and even the problems of Turkish people in modern Turkey. Indeed, these examples *do* demonstrate that there are many strong arguments that justifiably draw attention to Turkish responsibility in these issues. Human rights, the violation of which implies legally based punishment, also focus on the importance of the local perspective on the issues. If one is to bring a case to the

European Court of Human Rights, the determination of guilt focuses, as in any case in law, on the immediate perpetrator of the crime and the compensation demanded from them. However, our socio-logical purpose here has, as in previous chapters, been to develop a broader perspective, which encompasses a more cosmopolitan sense of responsibility for violation in order not to devalue the relevance of local or individual responsibility, but to find the most convincing path to a socially, as well as legally, focused resolution of the issues.

While the state-centred criticism identified here has been success-ful to some extent in finding punishment for perpetrators of human rights violation, and even encouraged changes in Turkish law (which has been identified in Chapter 1 as containing transgressions of basic human rights principles), the long-term irresolution of human rights violation in Turkey is something that cannot be ignored. It is argued here that a more developed understanding of the issues is needed if these violations are to be conceived in a manner that may see an end to their enduring and socially manifested legacy.

From local responsibility to resolution: Resolving accusations of Genocide, eliminating persecution of the Kurds and raising human rights standards in Turkey

Human rights violation has been a facet of the behaviour of the Turkish state, which has been variously characterised as 'a monstros-ity worthy of horror movies that goes by the name of a government' (Xulam 2004: 7), the root of a 'totalitarian democracy' (Navaro-Yashin 2002: 163) or simply as 'ominously portentous' (Dadrian 2007: 166). While the human rights abuses of the Turkish govern-ment are often reported, rarely considered is the Turkish perspective on these issues in any comparable depth. In relation to the Armenian Genocide, the potential disingenuousness of an appeal to a 'Western sense of fair play in insisting that "the other side" of a grossly misrepresented situation be taken into consideration' (Hovannisian 2007: 113) has already been noted. However, 'the other side' of the enduring problems of Turkish human rights violation need not be accompanied only by disingenuousness, and not only constitute a denial of the very real issue of local responsibility. A more careful consideration of the role of self-interest and the wider cosmopoli-tan context of these issues is seen here, alongside the issue of local

responsibility, to lead to a potentially worthwhile perspective on their eventual resolution.

Some recognition of the need to understand this wider perspective can already be found in contemporary criticism of possible paths to the successful resolution of accusations over the Armenian Genocide. Açar and Rüma, for example, draw attention to 'the uselessness of external pressure' (2007: 449) in forcing Turkey to admit the Armenian Genocide and suggest that 'external interventions have fed reactionary nationalism, hindered dialogue between Turks and Armenians and limited developments in the democratisation process' (2007: 449). Similar sentiments have been expressed, perhaps unsurprisingly, by Turkish politicians. A previous president of Turkey, Ahmet Necdet Sezer, has been quoted as saying that 'It is wrong and unjust for our European friends to press Turkey on these issues. What needs to be done is research and to investigate and discuss history, based on documents and without prejudice'.[5] More recently, Turkey reacted with promises of political sanctions in light of the French decision in January 2012 to criminalise denial of the Armenian Genocide with punishments of up to a €45,000 fine and 1-year imprisonment.[6]

Apart from the natural feelings of resentment at the deaths of so many of their people, Armenian resentment towards the Turks is clearly linked to the loss of their ancestral lands, which were once part of the Ottoman Empire, but are now part of modern Turkey. It is, therefore, likely that these issues and others of expected compensation will need to be addressed if any sense of genuine reconciliation is to be found between these two ethnic groups. It has been explained in earlier chapters how accusations of genocide have many reasons to be seen as essentially an act of war, which is as regrettable and as condemnable as any other act of war committed against civilians. If a situation does come about where the Turks make reparations, then it is an economically strong Turkey that will be able to address this more effectively. And it is likely only a strong Armenia that will be able to face up to the damage it caused the Ottoman Empire during the time of its decline and the mitigating circumstances that will inevitably form part of any reasonable settlement. The internet campaign for a Turkish apology in 2008 was answered by another website citing Armenian aggression against the Turks during the same period and entitled 'We are waiting for an apology'[7]

However, to expect the Turkish government to have a choice in approaching the issue of responsibility for the Armenian Genocide may seem morally reprehensible because, in legal and moral terms, to be guilty of a crime does not, of course, give one the right to accept guilt when it is in one's own best interests to do so. Also from a moral perspective, it should not be the place of other countries to be acting out of fear that recognition of the Armenian Genocide will affect their political and economic interests. Indeed, the importance of the effort to remove a state's economic and political interests from this issue has been expressed by some important academics. Guenter Lewy, for example, ends his work on what he describes as 'the disputed genocide' by stating 'the task of thus rescuing history from the grip and polemics of the politicians and nationalists is not an easy assignment. If and when it succeeds it may pave the way toward to the reconciliation of Armenians and Turks and bring about the settlement of a conflict that has lasted all too long' (2005: 272). This dilemma is also mentioned at the end of Taner Akçam's most prolific work *A Shameful Act: the Armenian Question and the Issue of Turkish Responsibility*, which attempts to prove the reality of the Armenian Genocide:

> If it is not possible to draw a clear line of division between humanitarian goals, on the one hand, and a state's economic and political interests on the other, then how are we to come to consensus about ethical norms? And on what legal and theoretical grounds shall we justify international interventions? These questions remain unanswered.
>
> (2007: 424)

The influence of economic and political self-interest on humanitarian goals is demonstrated in recent history. The latter day response of the American government to the question of genocide, for example, has been heavily affected by wider American interests in the region. During the Bush Administration, Armenian pressure was put on the American government to accept the genocide allegations. At the same time, Turkish pressure emerged in the form of warnings that the issue 'could seriously damage diplomatic ties'.[8] As a result, despite a resolution being passed by Congress to recognise the events as genocide in 2007, the reasons for the contradictory and enduring White House stance on the subject was underlined by the comments

of Robert Gates, one of the Bush Administration's defence secretaries, who mentioned that 70 per cent of American air cargo headed for Iraq (to support the Iraq War), as well as one-third of the fuel for the troops there, passed through Turkey.[9]

   Such behaviour has also been reflected throughout the history of the question of genocide towards the Armenians in 1915. A firm stance on the issue during the Cold War would simply not have made political sense. The strategic importance of Turkey to NATO has been such that any pressure to hold Turkey to account over the Armenian Genocide has paled in significance alongside the need to maintain Turkey's role as protector of the West against the potential Communist threat. And one can easily find more modern evidence of Western demands for raised human rights standards being trounced by a conflict with Western interests more generally in relation to Turkey and beyond. The whole tenor of a work by Katerina Delacoura, *Engagement or Coercion? Weighing Western Human Rights Policies towards Turkey, Iran and Egypt*, demonstrates this 'finding':

> The fact that national interests often overshadowed human rights considerations often led to inconsistencies and double standards in Western foreign policies towards the Middle East. These shortcomings in turn reduced the effectiveness of Western policies ....
>
> (2003: 6)

Indeed, when news of the Armenian massacres reached the British, French and Russian governments, for example, universal condemnation was heard and promises of bringing the Turks to justice followed. Simon Payaslian notes that though 'the Allied declaration represented a strong condemnation of Turkish atrocities against the Armenians, its purpose extended beyond humanitarian considerations' (2007: 138). There was no later fulfilment of the Allied declaration upon hearing of what was happening to the Armenians in 1915. As Akçam states, at the Paris Peace Conference the attempt to bring the Ottoman members to justice was thwarted by 'Allied conflicts of interest' (2007: xi) as well as the fact there was no provision in international law to cover such crimes against a state's own people. Instead, the members of the CUP associated with the massacres were tracked down by Armenian assassins and murdered in what was ultimately an extra-judicial response to the situation.

Given that this type of behaviour has characterised the reaction of countries beyond Turkey in their own commitment to the fulfilment of human rights standards generally, is it so surprising that the Turkish 'denial' should have endured for so long? This book applies the theory that if one is to see benevolent action from another, that other generally needs see some self-interested advantage for them in 'helping'.[10] In the repeated denials and continued human rights violations attributed to the Turkish government, which have ultimately led to little resolution of the issues, it is the application of this sociological approach that offers one more perspective on a possible resolution to the deadlock.

The theory adopted here offers a solution to this dilemma, then, by setting abstract ideas of morality within the context of the criteria necessary for their social realisation. It is understandable, therefore, why the issue of responsibility over the Armenian Genocide has not been resolved for nearly a century. The societal realisation of moral norms emerging as a by-product of the self-interest of others is an understanding that runs back at least to the time of Adam Smith and helps to form the basis of modern Western civilisation. The Armenian Genocide, moreover, is a classic example of condemnation stopped short when the interests of those taking the moral high ground are adversely affected by the standpoint, which, from a purely moral perspective, 'ought' to be taken.

One major reason for Turkish 'denial' in these issues relates to the financial claims that may be made; and it is this that Taner Akçam, for example, does not fully address in his moral reasoning for the necessity of the Turkish recognition of the genocide. While informing us that 'Setting aside the territorial claims, which have no validity in international law, the issue of financial compensation is real' (Akçam 2007: xx), Akçam then avoids any consideration of how an improved economic situation may be brought into reality, enabling the Turkish state to at least have the opportunity to address the issues more squarely. Moreover, if part of the resolution of this problem is economic, it is not wholly sensible for sociologists to exacerbate the problem by emphasising the issue of blame and entering the realm of providing further evidence for what is, in the effort to determine whether this was a crime, essentially a legal issue.

The importance of dealing with the issue of the financial claims possible if the Turkish government were to accept the Armenian

Genocide is highlighted by the fact that they are, quite simply, considerable. In recent history, independent law suits filed in the United States against the Turkish government and two Turkish banks by only three descendents of Armenian Genocide victims amounted to $65 million dollars 'for the property seized from their relatives and untold millions more for the profits their land generated'.[11] From the time of the Paris Peace Conference in 1919, territorial demands have been made and have been reiterated throughout the history of Armenian grievances against the Turks. Indeed, Turkish diplomats have been cited as feeling that the establishment of moral culpability for the genocide will swiftly be followed by material demands by the Armenian government. This is hardly surprising since they were the object of ASALA assassinations until the mid-1980s and the ASALA claimed at that time that it wanted the return of Armenian lands, which had become part of modern Turkey; financial reparations; and an apology from the Turkish government (Zürcher 2004: 277).

In this context, Cohen's (2001) many decades of 'denial', which has been 'perpetrated' by the Turkish government, is a denial that has also been perpetrated, to some extent, by anyone or any nation that has similarly not found it in their own interests to assume the moral high ground over this issue. Consequently, the question of genocide against the Armenians may more realistically see a solution not only when the Turkish government is prepared to face the issues more squarely, but also when it sees that it has the resources to compensate those it has been accused of wronging appropriately. The promise or guarantee of more favourable relations with Armenia would conceivably also be part of the reconciliation process that would bring Turkey into a position where a proper discussion of the issues could occur and the extent of Turkish responsibility determined. In this case, judging by the evidence of the preceding discussion, it is possible to predict that it is highly likely that a compromise position would be found.

The issue of state self-interest is also present in dealing with the problems over claims for compensation by the Kurds. Kurds were promised land under the Treaty of Sevres and have expressed a desire for the modern Turkish Republic to reconsider its territorial boundaries accordingly. However, the chances of the Turkish state giving up a large proportion of the Turkish Republic's land to the Kurds have

seemed historically highly unlikely, especially in the face of Kurdish activism for greater freedom in Turkey and associated Turkish state fears of 'territorial dismemberment' (Watts 2010: xiii). Indeed, the Turkish state's moves towards granting greater rights to the Kurds have often been viewed negatively, even in scholarly criticism of Turkey's Kurdish issue, and have, in Turkish society, even been met with some form of retributive or disrespectful action.

While for most scholars in the 20th century 'the very terms (Kurdish) "question", "problem", "issue" were state oriented words' (Olson 2011: xvi, word in parenthesis added), the politics of the Turkish state also has a history of being regarded not only parochially, but also as essentially suspect. For example, in Kurt Sorunu: Kökeni ve Gelişimi (tr. The Kurdish Problem: its Roots and Development), a book written to address the silence on Turkish publications on the subject, even Western reaction to the issue is described as 'generally showing sympathy to the Kurds while holding a position which is essentially that of *an enemy* to the politics of the Turkish state' (Kirişçi and Winrow 1997: 3, italics added).The period of Turgut Özal's prime ministership in which a Federal system was suggested as a resolution to the problem was a particularly notable attempt to find a solution to Kurdish grievances. Yet a continued ban on the circulation of material in Kurdish, along with the death of Özal in 1993, saw nothing less than a return to fighting with the PKK (White 2000: 162). Moves were made in 2008 to give the right of recognition to Kurdish identity and correlatively language and broadcasting rights. Unfortunately, there were problems evident at the time with Kurdish respect for these moves as Kurdish was spoken in the Turkish parliament by Ahmet Türk, the leader of the Democratic Society Party (*Demokratik Toplum Partisi* (DTP)) at the time.

The issue of the Turkish state granting more rights to the Kurds is therefore not only simply one of the Turkish state being responsible for recognising basic human rights standards, but also touches upon the issue of how those rights will be respected once they are granted, and relates to the issue of Turkish state self-interest in the realistic attainment and support of greater human rights standards in Turkey. In these and other concerns over human rights violation in Turkey, the issue is clearly more complex than what the state 'ought' to do.

Self-interest and the wider cosmopolitan perspective in the resolution of human rights violation

The world economy background and influence on these violations is outlined in Chapter 4 of this book. It was demonstrated that human rights violation increased, paradoxically, during the introduction of what have formed part of the central inspiration of human rights conventions and declarations – ideas of 'Equality'. With the broad reconstruction of the Ottoman 'self', feelings of resentment for the 'sub-Turk' Ottoman predicament of its minorities such as the Armenians and Kurds greatly increased. These emergent problems were compounded by Muslim resentment for the improved economic opportunities which the influence of the European Enlightenment had afforded the Christian element of the Empire. It was a situation that has formed the bedrock for much of the potential outbreak of inter-ethnic tension and human rights violation ever since.

Chapter 5 demonstrated that the provocation in the modern era of 'deep' state activity and military intervention in government can be seen as a continuation of this world economy influence. It is a situation that still demands a resolution nearly two centuries after the official Turkish adoption of 'Equality' in the 1839 Tanzimat reforms and later human rights and democracy. The cosmopolitan failure to manage this social change without huge bloodshed and suffering has been demonstrated. Moreover, given the analysis in the present chapter of the continuing irresolution of the two foremost issues of human rights in Turkey, it ultimately begs the question: Does punishment for the Turks, along with a continual insistence that they alone are responsible for improved human rights standards, provide an effective resolution to this problem? Some conclusions are drawn here, and some further evidence provided for why a cosmopolitan perspective on these issues and recognition of the role of Turkish self-interest within them is essential.

It has often been argued that the crime of genocide and other human rights violations would, if proven, potentially have an effect on the consolidation of international law against the recurrence of similar violations. This is the expressed purpose of Akçam's work in proving the case against the Turkish government over the Armenian Genocide (2004: x). Indeed, Akçam's work is representative of the broad swath of current writing on the human rights violation in

Turkey. This, we have established, essentially seeks to prove that the Turks are not doing enough to maintain the rights of its minorities, or even to support the rights of the Turks themselves. The issue seems very clear cut. To state that laws and their attendant punishment, however, are to provide an end to the situation is rather like claiming that laws against crime will end crime. The cause of crime needs to be addressed as another means to understanding the serious reduction of its occurrence and this is something that cannot be approached solely, and most effectively, through accusation and recompense at only the local level.

The word 'genocide' was coined by Raphael Lemkin, the lawyer of Soghomon Teilirian, an Armenian student whose family had been killed during 1915. According to reports in the New York Times in 1921, Talaat Pasha's assassination by Teilirian 'was witnessed by many passersby, who seized the assassin, beat him and had almost lynched him when the police intervened'.[12] And there is an obvious difference here between this reaction to the crime and the consideration of the mitigating circumstances involved in Teilirian's trial, where Teilirian was seen as 'possessed by a fanatical, revengeful idea that drew him like a magnet to the home and doorway of (his) victim' (Ünal 2007: 21, parenthesis added) and was later acquitted after a verdict of temporary insanity caused by the death of his family as a result of Talaat Pasha's alleged orders during 1915.

It is not purported to decide here whether the question of genocide needs to be decided in terms of a crime committed against the Armenians. The question now, if the acceptance by nation after nation of the Armenian Genocide is to continue, is what are the mitigating circumstances relevant to the alleged crime? Are there to be eventually genocide memorial days in which there is nothing to save Turkish people from being labelled as mass murderers, or is there going to be some more reasonable discussion of what the Armenian Genocide actually consists in and a world understanding of the social changes that underlay it? Are Turkish people to be potentially left beaten and nearly lynched like Tehlirian because a clear understanding of who may have given the orders for genocide and the mitigating circumstances relevant to the crime?

According to Açar and Rüma's summary of the thought of Hrant Dink on these issues, (Dink himself was tragically murdered in 2007 despite his sensitivity to the issues of reconciliation),

the problem in Turkey was not 'denial' or 'acceptance' of the 'Armenian Genocide', rather it was one of reciprocal 'comprehension'. These three words had a very similar sound in Ottoman Turkish: '*inkâr-ikrar-idrak*'. In his opinion, a 'misunderstood denial or acceptance' was useless and, hence, forcing a society undergoing a process of comprehension (to admit the Armenian Genocide) was a real mistake.

(2007: 460, parentheses added)

The matter has become the subject of international law and the management of relationships between nations: a deterrent against future genocide being an important objective in this process (Dobkin 1987: 108). However, Dink's arguments should at least educate us that if we are to use the word 'genocide', it should be with a full understanding of its meaning, and the circumstances that led to the crime. In the cosmopolitan paradigm of interdependence described here, the Turkish opportunity to argue for 'mitigating circumstances' in this understanding is certainly present. Paradoxically, an admission of them may lead to the increased chance of a settlement with the Turkish government if genocide, in terms of some concrete evidence of state action, was to be proven.

In contemporary criticism of the question of genocide, sociologists such as Taner Akçam and Vahakn Dadrian, in vociferously arguing for the reality of Turkish intent as behind the massacres of 1915, deal with the opposing arguments they come across in a manner that is often self-contradictory and at times simply biased in its treatment of the issues. Taner Akçam argues that 'the view that relative peace prevailed prior to the emergence of nineteenth century nationalism is not only incorrect but misleading' (2007 4). Yet the theocratic nature of the Empire in which tax collection was part of what he describes as its despotism could never have, and indeed did not, lead to anything resembling genocide towards the Armenian communities. It has been shown here that it took the influence of Western capitalism and a general belief in rights to equality to bring the situation to the point where the near extermination of a people became seen as legitimate by the CUP – something that is similarly ignored by Vahakn N. Dadrian in his description of the destructive effects of Islam and its apparently 'inexorable divisiveness' (2007: 133).

'Türkiye iyileşmez' (Turkey doesn't get better) or 'iyileşemiyoruz' (We're unable to improve) might be phrases you would hear (indeed which the present author has heard) Turkish people utter at the onset of another financial crisis, minority problem resurfacing or, even as a general comment on the state of the country generally. Such discourse betrays, however, the clear moves towards democracy and human rights that the country is making. In the late 19th century, the Ottoman Empire was already seeing a move towards government that resembled more clearly the structures of European society. While much human rights violation has been committed in Turkey, and understanding it as a crime is incontrovertibly important, Turkey needs also to be given the chance to recognise its opportunities and potential for development. Part of this is the outlining of a path not to eternal stigma for past wrongs, but to the manner in which human rights and democracy can be seen as an integral part of future Turkish society.

It is evident, therefore, that a continued cosmopolitan perspective on the issues, rather than the accepted Turko-Armenian, Turko-Kurdish or *claimant versus state* paradigms in which they have come to be understood in human rights discourse, would enable a more effective assessment of prospects for conflict resolution at the local level and ultimately the more effective institutionalisation of human rights standards in Turkey more generally. A major key in the realisation of these changes is a strong capitalist Turkish state in which state power has been accordingly shifted to a position of support for a free society. This would have implications for the nature of local settlements to the problems human rights violation of which Turkey is accused, and which have persisted, certainly in the Armenian and Kurdish cases, since before the founding of the republic, and which have ultimately threatened the consolidation of Turkey's territorial integrity.

Conclusion

This chapter has sought to further understand the prospects for progress in the human rights claims against modern Turkey in three sections. First, the reasons for the resentment relevant to the Armenian, Kurdish and more general claims against human rights violation were understood in relation to some of the arguments

relevant to these respective claims. A construction of the issues occurs in which claims are made against the Turkish state, in which the recognition of any issue of provocation or mitigating circumstances for the Turkish nation is often lacking.

Second, the book's understanding of the societal resolution of these issues was applied in order to understand better how they may, through an alternative perspective, be addressed. It was shown that the denial of the Turkish government – if indeed it is to be proven as such – has been part of the denial of other powers who were involved in the Armenian and Kurdish issues. The reason for this is that the self-interest of these social actors, when weighed against the consequences of pursuing or accepting claims, has led to the denial or at least avoidance of the issues. It is, therefore, the general avoidance of responsibility by a range of social actors who can be identified as involved in these issues that has most likely barred the chance of progress.

Finally, the issues were set in a wider context of 'cosmopolitan responsibility' in order to understand possibilities for their effective resolution. It was argued that a satisfactory outcome to the Armenian and Kurdish issues will almost inevitably be one that is negotiated in a settlement, which recognises the part that many social actors played in the related human rights violations, which need to see some form of resolution. Moreover, it will also in all probability be institutionalised with any prospect of long-term agreement on all sides if some more positive outcome for the Turks beyond the simple acceptance of blame is established.

7
Preservation

In the previous chapter, part of the resolution of the problems of human rights violation that have occurred during the Ottoman Empire's transition from Sharia law to Turkish human rights and democracy were argued as potentially lying in Turkey's need to find itself strong enough to consider the demands of claimants against its state more effectively. This strength to compensate for violation and institutionalise human rights values more effectively is further discussed here in relation to the emergence of Turkish capitalism. In a final comparative perspective on the applicability of this book's theorisation to the many human rights issues identified in Chapter 1, this chapter builds further evidence for the likely realisation and preservation of higher human rights standards in Turkey in three sections.

First, in an identification of the potential for the existent bourgeois and increasingly liberal element of Turkish society to challenge the top-down state/military apparatus of the country, the organisations of TÜSIAD and MÜSIAD are discussed, and their link with the world economy is argued as one of their fundamental defining characteristics, despite the individual identities that separate them as organisations.

Second, an assessment is carried out of the potential for the ideology of human rights to be accepted not only alongside, but as part of, the Islamic identity of Turkish society. This outlines evidence consistently present in academic criticism of the nature of Islam in Turkey, and in the Turkish press, which suggests that the expansion of these organisations as a part of globalisation processes, is

underpinning a 'reconstruction' of the Turkish social imagination towards an increasing acceptance of human rights values.

Third, a discussion of the possibility of the general resolution of human rights issues on the basis of the continuation of this process of improvement in human rights standards is made. This summarises the possibility of a resolution to the Kurdish issue, accusations over the Armenian Genocide, and the more general problems inherent in raising human rights standards in Turkey.

The challenge to top-down power in MÜSIAD and TÜSIAD

In Chapter 2, it was outlined how challenges to top-down power created greater freedom in societies from Britain in the 17th century to the Soviet Union as it fell in the 20th century. The freeing of bourgeois economic self-interest as the lynchpin of this process, leading to the necessity of a reduced state, is the main change in societal structure that is now logically needed to link Turkey more successfully to the modern world economy of capitalist expansion. It is in this system that Turkey has the potential to flourish with the opportunity to achieve higher human rights standards as a result. It will be shown here that, despite the seeming differences between TÜSIAD and MÜSIAD, the evidence for their unity in mounting this challenge to top-down power in Turkey is based on their central driving objective of capitalist wealth creation which, beyond any cultural and religious identity, is at the heart of these organisations *raison d'être* in the domineering world economy relations of which they have become a part. That this is so can be demonstrated in an analysis of some contemporary criticism of the separate identities of TÜSIAD and MÜSIAD, which, while tending to focus on the importance of the unique nature of these organisations through cultural ties and other characteristics locating them as based in opposing societal groups, betrays at the same time recognition of their similarities as capitalist organisations (for example, Buğra 1998; Yavuz 2006).

For example, Ayşe Buğra, a prominent Turkish academic, who sees these organisations as essentially distinct from Western business organisations, defines capitalism as follows:

> Capitalism is generally described as a rational order that presents a decisive break with traditionalism, an order in which individual

> pursuit of self-interest dominates impersonal relations between
> anonymous individuals and rules out ethnicity, religion, kinship,
> and other factors that define communal sentiments of trust and
> loyalty and that blurs the boundaries between the economic and
> the non-economic.
>
>   (1998: 522)

Buğra cites such a definition as clear evidence that both MÜSIAD
and TÜSIAD, in their emergence from an Islamic culture, cannot
be viewed as organisations that subscribe to the traditional bour-
geois mould, which typically characterises 'bourgeois culture and
capitalist hegemony' (1998: 2), but her criticism fails to recognise
this fundamental link between these organisations, which is, in the
end, the reason they are both mentioned in relation to each other:
they are associations of businessmen and their business interests are
supported rather than dominated by their identity.

   Unwittingly, Buğra gives further evidence contradictory to her own
argument when she says that

> capitalism not only appears as an order in which economy appears
> 'disembedded' from society but also one in which the logic of the
> exchange relation in its universalist character comes to dominate
> the totality of social life and renders the reliance on culturally
> shared values or personal ties increasingly irrelevant. This leads
> to the advent of a bourgeois society formed by individuals anony-
> mous in their equality in front of impersonal and universal laws
> of property and contract.
>
>   Buğra (1998: 522)

Buğra is justified in claiming that Islam has been useful as a bind-
ing force for MÜSIAD, but given that it is ultimately a capitalist
organisation, its definition of itself in terms of *Homo Islamicus*
(an understanding of successful economic behaviour based on the
Koran), can relatedly been seen to parallel, in some ways, the idea of
Homo Economicus emerging from Adam Smith because 'By invoking
the example of the Prophet as a merchant, MÜSIAD seeks to justify
a free market system and to oppose the state's intrusive role in the
economy' (Yavuz 2003: 93).

   This justification of the Islamic adoption of the free market system
has, in a more cynical interpretation, been seen to be motivated by
more basic beliefs expressed by MÜSIAD that 'Muslims, too, deserve

to live well' (quoted in Buğra 1998: 532). Further evidence of the 'bottom line' that the Islamic bourgeoisie were prepared to support came in the 1990s when the military became concerned about the potential uses that the emerging Islamic-based business practices could be put to. At this time, the founding member of MÜSIAD proclaimed that 'money has no religion, no faith, no ideology' (quoted in Buğra 1998: 535). This statement underlines the similarity between *Homo Economicus* and *Homo Islamicus* and demonstrates the reality that MÜSIAD is a modern example of adaptation of modern Turkish business to the rationale of the world economy.

Moreover, despite its Islamic binding and principles, MÜSIAD has been accused of clientelism, dishonesty and general corruption (Yavuz 2006: 54). Indeed, the behaviour of MÜSIAD, as a capitalist wealth-producing entity, is reflected in the behaviour of capitalist organisations around the world. Controversies over arms sales to countries, for example, where the soldiers of the Arms industry's country are fighting is but one example of the manner in which capitalist expansion logically cuts across boundaries of loyalty and identity. The controversy over arms sales to Iraq probably allowed by the British Tory government of the 1990s is one example of this capitalist betrayal of national loyalties. Reports continue by Amnesty International, for example, which state that 'Iraq is being flooded with weapons despite human rights violations by all in the conflict there, and without any proper monitoring by the US and Britain over where the weapons end up'.[1] The point is that, in such sales, loyalty to religious and national identity is strained in the pursuit of wealth creation.

So while Buğra argues that the obvious cultural specificity of MÜSIAD and TÜSIAD means that these organisations cannot be understood under the normal definitions of bourgeois capitalism, this overlooks the fact that any capitalist organisation relies for the fulfilment of its objectives on binding principles, which are cultural and ultimately local in origin. More specifically, in terms of the use of Islam as a cohesive force for Turkish capitalism, it is possible to locate the use of Islam by MÜSIAD as part of what Ziya Öniş describes when he comments on the reasons for the resurgence of political Islam:

A number of observers of Islamic movements have drawn attention to the fact that a significant component of these movements

> are individuals based in urban areas, who are at the same time extremely well educated professionals or businessmen well versed in modern technology. These are clearly people with a modernist orientation who are experiencing a rising status in society, and yet are not fully incorporated into an elite group.
>
> (1997: 748)

The Islamic MÜSIAD, emerging as it does out of the needs of small business people from a range of interests and backgrounds, previously unrecognised and unsupported by the state, ideally binds such disparate groups in a common economic purpose. In this sense, while Öniş does not explicitly recognise it, the membership of MÜSIAD,

> are (also) part of a rising potential or secondary elite who are trying to consolidate their position in society on the basis of a common Islamic identity. It is important to acknowledge, therefore, that political Islam is a movement that binds together individuals at very different levels of the social strata as part of a broadly based political movement. The religious symbolism associated with political Islam provides the unifying bond that helps to engineer a cross-class alliance, bringing together individuals with markedly different status in society.
>
> (1997: 748, parenthesis added)

Other contemporary criticism of the nature of the increasing societal freedom found in Turkey points to the greater importance of particular organisations in the formation of a new Turkish society, but this fails to recognise that these new organisations are part of a more general socio-historical process of world economy expansion. For example, Yavuz (2006) argues that it is MÜSIAD that is predominantly behind the success of the AK Party and the newly emerging Turkey in its appeal to the ordinary businessman who needs to operate in a deregulated environment. Yavuz's criticism is primarily concerned with reasons for *The Emergence of a New Turkey* and the role of the AKP and MÜSIAD within that, but this is logically the next stage in a process that, as has been detailed in this book, has been continuing from the expansion of Western capitalism into the Ottoman Empire.

Yavuz does acknowledge that, in the construction of MÜSIAD, market forces were most evident saying that 'Islamic identity was not

a cause but rather was used as the lubricant to prime the workings of market forces and as an instrument of carving their share of the market' (2006: 6). However, it is also important to recognise that the wider world economy influence also led to the emergence of TÜSIAD in the 1970s as an organisation, which began the process of defining business in distinction from, rather than as part of, the state, is clearly an important part of the process that Yavuz sees as represented by MÜSIAD and the AKP. Recognising that the process has a greater depth is also an encouraging point for the expansion of capitalism in other parts of Turkey. With wealth creation as the primary attraction of the capitalist foundation of new business enterprise, and the world economy an increasing influence on Turkish society, there is no reason to see why other groups in Turkey may not adopt new economic practices and benefit from the economic liberalism that is beginning to pervade the country.

The important issue to recognise here is that while the contemporary organisations of MÜSIAD and TÜSIAD have many differences to set them apart, their fundamental link to the world economy through IMF intervention and European Union demands for change, as we also saw in Chapter 5, mean that they are working together to slowly create a free market economy, which would have the potential to support greater human rights standards in Turkey. Their influence has primarily been in Istanbul and Anatolia. It is a logical correlation of this argument that other parts of Turkey now need to be developed in a similar manner by these or other new organisations, which represent other areas of the country and their identity. The evidence of changes in values in this process is also apparent and it is to evidence of this that the discussion turns now.

The modern reconstruction of the 'social imagination'

The Turks have experienced great challenges to their socio-religious Islamic values since the Enlightenment. An Empire based on the law of Islam has been reduced to a struggling secular state where some Turkish people still express a painful awareness that secular government is not congruent with their religious beliefs (White 2002: 13). Yet changes in the role of Islam in Turkish society have clearly been possible and several parallels have been drawn in the present book between the Turkish experience and the process of change in which

secular ideas of rights came to dominate Enlightenment Europe. These changes today are evident not only in the explicit adoption of human rights principles that are stated in the Turkish Constitution, but also in the constant amendments that are made to that Constitution, and in the reconstruction of Islam,[2] which the AKP have attempted as a consequence of Turkey's ongoing Westernization process, and continued attempt to enter the European Union.

Most significantly, then, as was indicated in this and earlier chapters, Islam is constantly changing: it is not only surviving as a defining pillar of identity in Turkish society, it is being reformed and revitalised to bind what is becoming one of the main sections of the Turkish bourgeois elite, and join with the rationale of human rights that has attended economic globalisation processes. This process signifies ultimately a reconstruction of social value, which is demonstrated in the emphasis that is placed by the AKP and MÜSIAD on the parity Islam has with human rights and capitalism. Moreover, despite reservations about human rights expressed by some Turkish scholars (Yıldız 2002; Ayengin 2007; ŞenTürk 2006), and recurrent concerns over the resurgence of Islamic and nationalist extremism, the influence that the world economy has on Turkish beliefs and political behaviour seems likely to ensure that Turkey is constantly raising its human rights standards and is generally accepting of the ideology of human rights. Consequently, the Turkish 'social imagination' is ultimately shown, with further evidence here, to be engaged in a struggle to preserve its own cultural and religious heritage as the demands of globalisation, and the advantages it offers, erode the Turkish sense of its Ottoman Islamic past.

Some of the literature available on human rights to be found in modern Turkey reflects this ambiguity in the Turkish reaction to Westernisation. Mustafa Yıldız, for example, in *Alternative Human Rights Theory*[3] sees human rights as an imperialist vehicle of expansion driving a wedge between Islam and the West, and argues that Islam, and not human rights, presents the only solution to those who have lost their way (2002: 140). In another Turkish assessment of human rights, Dr Tevhit Ayengin (2007) concludes his work with a presentation of human rights, whether one agrees with them or not, as simply unavoidable in the modern world. Ayengin's assessment of human rights includes the argument that human rights are not solely the preserve of Western culture and have much parity with

the law of Islam, which the Turks themselves hold as part of their identity (2007: 258). Similarly, Recep ŞenTürk (2006) in *Human Rights and Islam,*[4] in which Islam is ultimately seen to be a developed and essentially more worthy guide for 'human rights'-related principles and conduct, actually goes one step further. He argues that it is the Muslim responsibility to understand the culture of the foreigner just as much as it is the foreigner's duty to respect Islam. In this sense, Şen-Türk sees human rights as a point from which some sort of dialogue between East and West can be initiated.

Despite this evidence of occasional compromise in the Turkish literature, it is noteworthy that, in these examples, human rights are not seen as 'inalienable' or 'universal'. They are regarded as culturally grounded and potentially questionable as an ideology. So it perhaps not surprising that there are still concerns more generally about the survival of Turkey's Westernisation process. The insecurity towards the AKP in Turkey has been demonstrated in Chapter 5 as expressed in the emergence of 'deep' state organisations. It is also possible to point to certain challenges that the AKP has faced during its period in office. Such fears are expressed in concerns over Abdullah Gül's and Tayyıp Erdoğan's membership of the more Islamic Welfare Party in the 1990s. It has become occasionally the subject of newspaper reports to quote the anti-democratic stance of these men previously – something that may be viewed as increasingly concerning as the AKP gain an increasingly stronger foothold in Turkish society. The prospect of Abdullah Gül becoming president of the Republic (Cumhubaşkanı) was confronted with military threats of a new coup. Erdoğan's famous summary of democracy as 'a train which you get off once you have reached your destination'[5] may seem an indication that the true purpose of the AKP is a return to Sharia law once they are able to attain sufficient power.

However, these concerns can be seen to be largely unfounded in light of the fact that Turkey is part of a world economy that necessitates adherence to human rights and capitalism. The reason for the AKP's success is the emergence of economic social actors (as we have seen essentially under the umbrella of MÜSIAD), which are the Islamic representatives of a new capitalism. The AKP's reconstruction of the Hadith is one example of the contradiction emerging between the idea of the AKP having fundamentalist objectives and the clear evidence of actions to the contrary. The Hadith is a representation

of the controversial aspects of Islam in its portrayal of the societal role of women. Entry to the EU is a prime objective of these organisations, and certainly this will mean that no return to fundamentalist Islamic culture will be possible, which would threaten the adoption of the European Union's Copenhagen criteria. Although the AKP's proclaimed intent to reconstruct the Hadith was regarded somewhat cynically in, for example, the British newspaper, *The Guardian*, which said that AKP adjustments to the Hadith have 'more to do with Turkey's AKP party getting into the European Union',[6] the direction of the AKP is clear and the prospect of Sharia law being returned to in this manner simply implausible. So whether the members of the AKP and MÜSIAD want greater integration is really rather redundant: their survival as a successful part of the world economy depends on it.

That the challenge to Turkey's top-down form of government by TÜSIAD and MÜSIAD is relentless and continuing can be seen in these organisations' constant demands for reform of the Turkish Constitution. TÜSIAD, for example, was cited in the newspaper *Radikal* as supporting the judgement freeing the AKP from closure in 2008, commenting that 'the test of the maturity of Turkey's democracy has been completed successfully'[7] and demanding further that 'the Constitution must be changed in a manner fitting the European Union'.[8] Other measures that see communication between the Turkish state and these organisations necessitated are also evident in the Turkish press. For example, TÜSIAD has its own interests connected with the problem of unemployment in Turkey, which logically affects the country's economic success. Arzuhan Doğan Yalçındağ, for example, in March 2009 accepted the comprehensive suggestions of Deniz Baykal, the leader of the opposition CHP party, for employment reform commenting that 'unemployment cannot any longer be a matter of a few precautionary changes to be made to employment law. The real problems of unemployment affect the freezing of the economy and the shrinking of investment.'[9] With such enthusiastic and self-interested business backing, the rising of human rights standards for the Turkish population is likely, in this manner, to be attainable. In 2011, demands for action to attain higher Turkish human rights standards across Turkey became evident in a TÜSIAD document stating 'with the problems created by the 1982 Constitution clearly in mind, a new Constitution should be penned for the individual and the people and not for the state' (TÜSIAD 2011: 16).

MÜSIAD can also be seen to demand changes to the Constitution. In 2008, the organisation produced a report entitled *Suggestions for a New Constitution*,[10] which demanded the general freeing up of the economy so that 'the government's duty be the provision of low inflation, high employment, and the development of the economy' (Karatepe 2008: 19).[11] The document goes on to describe part of the means to the achievement of these objectives as lying in the freedom of the central banks, the bringing of the population's debt to an end and the basic principles of taxation to be linked to the Constitution. Of course, here, the central message of the necessity of greater freedom tacitly necessitates the reduction of state involvement, even in taxation (a perennially problematic issue related to corruption in the Turkish government). More explicit suggestions can be seen in another MÜSIAD document entitled '*Suggestions for a New Constitution*' published in 2011, which, in a similar manner to TUSIAD's requirements for Constitutional change, refers to the importance of 'the individual over the state.'[12]

As Turkish society westernises through the spread of capitalism, it is important to note that the successful institutionalisation of human rights standards will not *necessarily* be the result of bourgeois and free market expansion. A stated commitment to human rights and democracy by business organisations is not enough to guarantee the societal fulfilment of human rights standards in their entirety. However, the general demand by these organisations of a greater valuation of freedom for all – essential to Lockean natural law – is clearly being supported by both TÜSIAD and MÜSIAD. In this way, the Ottoman and Kemalist understanding of the 'sacred state' as being paramount in the conscience of the Turkish population is undergoing considerable challenges under the demands of the bourgeois elite of the country who have economic freedom as their primary concern.

Expected consequences of expansion: A comparative solution to violation

While Buğra's summary of the rationale behind capitalism reminds us of the seemingly vacuous moral nature of a bourgeois-led free market economy, there is a paradox developed by this book, which means that 'a bourgeois society formed by individuals anonymous in their equality in front of impersonal and universal laws of property and

contract' (Buğra 1998: 522) may lead to raised human rights standards. As has been demonstrated from Chapter 5, with demands of economic freedom come, potentially, freedom of conscience; and, of course, successful capitalist expansion means the production of an economically wealthier society, which would logically demand freedom of trade between its ethnic groups. In this way, the continued expansion of MÜSIAD and TÜSIAD, or indeed the formation of other similar organisations, should be recognised as potentially supportive of the achievement – and long-term preservation – of human rights standards in Turkey. Some evidence for the emergence of this comparative solution is demonstrated here by a brief discussion of the effect of Turkish capitalism on the Kurdish and Armenian issues and some of the more general changes occurring in the human rights standards of the country.

In 2009, as the ruling AKP party continued with their campaign for greater openness towards the Kurds (*Kurt açılım*) under their more general policy of 'democratic opening' (*Demokratik açılım*), protests from the nationalist CHP (*Cumhuriyet Halk Partisi*) and MHP (*Milliyet Halk Partisi*) parties were commonly reported in the Turkish media. The willingness of the AKP to recognise Turkey's minorities, with a seeming disregard for the problems that have passed in relation to them (such as the 1990s war with the PKK and the 30,000 deaths that resulted), had occurred at a time when the country had come under the influence of demands for greater economic freedom.

The contemporary programme of openness towards the Kurds is being pursued by a party that is commonly recognised as having the support of the most free market-oriented organisation in Turkey: MÜSIAD (Yavuz 2006). In this sense, there is strong evidence that capitalism has provided the root of an opening to minority freedom in Turkey. Indeed, it was reported in the Turkish press, of MÜSIAD, in 2009, visiting TÜSIAD in order to gain support for the new openness shown by the Turkish government towards the Kurds.[13] Moreover, minority rights (including language rights) have been a feature of both MÜSIAD's and TÜSIAD's demands for changes in the Constitution. A historic meeting between these chambers of commerce was held in April 2012, which, in one Turkish newspaper report, 'signaled the development of a common aim of promoting democratization'[14]

While relations between the Kurds and Turks undergo improvement, it may be argued that it is American intervention (especially

through the recent involvement of Barack Obama and Hilary Clinton) that has caused the opening of relations between not only the Turks and Kurds, but especially also the Armenians. However, it is the AKP party that has decided to accept American demands. The Turks, in recent history, have shown themselves capable of saying 'no' to America in the example of the 2003 Iraq war where American demands for Turkish bases on which to launch attacks against Iraq were refused by the Turkish parliament (and with the AKP having recently come to office in 2002).

The opening of relations between Armenian, Kurdish and Turkish people is a logical outcome of the societal conditions that need to exist for a free market to function effectively. It is an economic embargo imposed by the Turks in 1993, which has been the most recent barrier to Turkish and Armenian relations and it is this which the AKP wanted to lift as the basis for establishing better relations with Armenia. The problems with the Kurds, emerging as they have done in the Turkish refusal to recognise Kurdish identity, and integrate with a separate ethnic minority, have caused, as we have seen, related economic problems for the country (most notably the huge cost of conflict and the inability to develop mutually beneficial economic relations). So it is no surprise that the MÜSIAD-backed AKP are supporting the openness towards minorities and the greater opportunities for the expansion of Turkish business interests that should accompany it.

The Armenian and Kurdish issues raise the wider problem of the minority issue in Turkey. Baskın Oran draws attention to the shortcomings of the Turkish approach to minorities that are defined, according to the Lausanne treaty of 1923, as 'non-Muslims', and believes that Turkey has defined 'minority' in an even narrower sense than that of the 1923 Treaty of Lausanne, has constantly violated the rights of its non-Muslim minorities and has been out-of-sync with the wider global conception of the rights that minorities deserve (2007: 36). Freedom of expression – often seen as a fundamental human right 'typically demonstrated by freedom of the press' (Çatalbaş 2007: 19) – would logically be facilitated by the spread of capitalism in Turkey. This has been demonstrated by the analysis of the IMF in Chapter 5, which has forced the Turkish state/society divide to become more pronounced through the expansion of the free market.

Moreover, the free market motivation for openness towards minorities has implications for the reduction of other forms of human rights violation and the raising of Turkish human rights standards. As seen in Chapter 5, the human rights violation of extra-judicial murder has largely been the result of the fear engendered by the Kurdish PKK and loss of faith in the legal means available to the containment of the problem. At the beginning of the 21st century, with the rise of political Islam and the prospect of Turkish entry to the EU, the gradual demise of Kemalism has allegedly led to the formation of the ultra-nationalist *Ergenekon* – aiming to destabilise the AKP through assassination of prominent Turkish public figures and legitimise a coup. Apart from the societal debt that the individuals charged as part of the investigation are adjudged to owe and the individual responsibility for their actions which they bear, a stable society in which the benefits of globalisation were believed in and supported by the majority of the Turkish elite would have avoided the emergence of organisations such as this and the desperation in the individuals that it represents. The ability of the AKP to hold power since 2002 demonstrates that the Turkish predominance of this type of elite may be well emerging.

It is also conceivable how this capitalist wealth production and its associated blurring of ethnic and ideological boundaries may challenge the exclusion and mistreatment of groups in Turkish society such as women – especially the provision of education for girls, whose talent would logically become demanded by an increasingly developed and mature capitalist economy. The raising of human rights standards in this manner may also alleviate the honour killing in Turkey, which 'militates against full participation in modern democratic societies and the economic prosperity they generate' (Smith 2008: 17). Other related problems such as the debt that the Turkish state has built up over the 20th century through its reliance on IFIs would also logically be alleviated by the increased prospects of wealth production. Indeed, MÜSIAD has been the organisation most clearly stating its willingness to divorce itself from the IMF and leave Turkey free to run its future (Keyman and Öniş 2007: 202). Any redistributive or 'welfare' provision of future Turkish governments looks set to be free of the overburdening of debt, which may logically debilitate the prospect of government aid for the provision of human rights standards generally.

In this sense, the prospects seem very favourable for a Turkish future that accommodates its minorities while providing clear links to its past and sense of continued identity and pride as Islam is reconstructed to serve Turkey in an era of free market globalisation. It is the moral by-product of the ostensibly immoral rationale of the market that needs to be understood and valued in order to achieve this future. The consequences of greater market expansion would also mean potential entry to the EU as a result of the processes of globalisation, which have been shown in this book to be bearing down on Turkey. In this sense, the emotional sense of desert, the Turkish self-justification and consequent demands founded on an ideology of human rights and democracy should become more apparent as human rights standards rise and the prospect of individual dignity becomes the norm for the majority of Turkish society.

Conclusion

Based on the findings of this book, this chapter has attempted to mark the beginnings of an expected turn in the human rights standards of Turkey as a country making the transition from religious forms of social and economic cohesion to human rights, democracy and capitalism. The importance of Christianity as an influence on societal government and cohesion was essentially reconstructed and superseded during the Enlightenment by natural law and the constant references to its divinely rooted emergence by John Locke, for example, in his *Two Treatises*, or Thomas Jefferson in his speech proclaiming the *American Declaration of Independence.* This much has been seen and demonstrated in Chapter 2. Islam is inherently a religion that has a basis for not only individual fulfilment but also the administration of government and so naturally is more resistant to secular ideals than Christianity has been. It is, however, clear that a similar sense of the reconstruction of the Turkish 'social imagination' is also possible and that ideas of human rights and related secular ideas of the importance of the recognition of ethnicity are alive and well in modern Turkey.

This chapter has also attempted to show that the increased Westernisation of Turkey is possible despite the logical problems that have been presented in the retention of Islam as the dominant religion in Turkey. Apart from the clear imposition of such values by the

European powers since the 1839 Tanzimat reforms, evidence of internal acceptance and interest in Westernisation has been seen from the time of Namık Kemal to, more prolifically and recently, Atatürk. Indeed, it was Atatürk who, even in driving out European powers from Turkey, imposed his approximation of European secularism or, more precisely, laicism, upon the Turkish people. It is this combination of not only external influence but also internal acceptance that ensures the continued development of human rights and democracy and changes that are evident in the recent attempt by the AKP to rewrite the Hadith for a modern world.

It has been argued that running parallel and supporting these changes in the social imagination is the economic influence and increased presence of capitalism within Turkey. The examples of TÜSIAD and MÜSIAD were detailed in a demonstration of both the essentially laissez-faire nature of these organisations despite the influence of Islam they clearly show in their (especially MÜSIAD's) adoption of some Islamic economic principles. The implication of the presence of these institutions is that their expansion logically brings a challenge to the social influence of the state and military apparatus, which has been continually held responsible for human rights violation in Turkey.

While ultra-nationalism remains the root of the 'deep' state terrorist response to globalisation, the emergence of a reconfigured Islamic faith may help to enable an alternative fulfilment of Ataturk's dream of a Turkey that can rise to the standards of contemporary Western civilisation. The logic of the free market is just as attractive to bourgeois Turkey in its prospect for the production of wealth as it has been to the Western societies with which it is typically associated. We are seeing the emergence of a society, which, while still firmly rooted in Turkish Islamic culture, is able to adapt to the demands of capitalism and the associated ideological requirements inherent in joining a globalised world of economic advancement.

Conclusion

This book's attempt to understand the emergence and possible resolution of the issue of human rights violation in Turkey has led to a combination of theoretical and empirical analysis, which makes a contribution both to the sociology of human rights and to the sociological study of Turkey. Through the construction of a theory of human rights, based primarily on the work of Adam Smith, the book draws upon and integrates many of the ideas that have been important to the development of human rights sociology (Sjoberg and Vaughan 1986; Turner 1993, 2006; Waters 1996; Barbalet 2001; Woodiwiss 2005; Morris 2006). Empirically, it has been shown that, alongside the serious issue of local responsibility for individual crimes, the emergence of many of modern Turkey's human rights issues – including an understanding of the more general prospect for their resolution – has been broadly affected by Turkey's continuing transition from a religious to a predominantly secular understanding of social cohesion. It is now the purpose of this section to summarise and consolidate the main points that have arisen in these analyses.

According to Turner, sociology has had a problematic relationship with human rights due to sociological 'scepticism' with regard to the socially identifiable reality of universal principles (1993: 492). Turner's response, which attempts to capture sociologically 'the classical tradition of the natural-law basis for rights discourse' (1993: 489), falls one side of a dilemma in the sociological understanding of rights in which moral or emotional conceptions vie with more self-interested or rational approaches. Turner's attempt to sociologically understand universalism, which he recognises 'is an unpopular

approach in social theory' (2001: 110), is part of the continuing struggle, demonstrated at the beginning of the present book, which has existed at least from the time of Durkheim ([1898] 1973) and Marx ([1843] 1992). So it is no surprise that, in trying to construct a theory of human rights that sees universal principles in vulnerability as a social reality, an adverse reaction has occurred in the general response to Turner's theory. Not only have Turner's ideas been heavily criticised, and alternative understandings of universal rights offered, but also more rational solutions to Turner's challenge to sociologists in finding a new sociology of human rights have been constructed.

For example, while Turner has suggested the vulnerability of the body as the basis of the sociological advocation of such principles, this has so far been greeted as anything from 'completely erroneous' (Barbalet 2001: 140) to the possible basis of, perhaps at best, a 'politics of humanitarianism' (Wilkinson 2005: 109). Moreover, it has been argued by Malcolm Waters that human rights 'is an institution that is specific to cultural context just like any other, and that its very universality is itself a human construction' (1996: 593). Indeed, Turner's challenge to sociologists on the basis that 'Existing conceptualisations of citizenship require the supplement of a rights theory' (1993: 489) has been met by many sociologists who follow Lydia Morris in advocating a 'practice approach' to the sociology of rights. Morris's 'practice approach' analyses the gap 'between the recognition of the need for protection and its achievement in practice' (2006: 2) and which, compared with Turner's response to the same challenge, Morris argues as 'more in tune with the traditional strengths and interests of the discipline' (2006: 2).

The response to Turner's challenge exhibited by the present book sees the opportunity to understand human rights and their societal institutionalisation as best facilitated at their most fundamental level by a focus on the societal 'freedom' found in the reduced state presence demanded by capitalism. Relatedly, in capitalist societies, there is an intertwining between moral value and economics, which is already recognised in academia more generally (Rothschild 2002; Hobsbawm 2008). Incorporating this in sociological theory may not only help sociologists to effectively join the interdisciplinary debate over human rights, but also provide a sound basis for the sociological understanding of human rights in globalisation processes.

This perspective facilitates a critique of Turner, whose 'primary intention' (2006: 5) has always been 'to make a contribution to the study of rights from the perspective of the sociology of the human body' (2006: 5). As another foundation stone in his approach, Turner (1993, 2006) employs the social contract as a basis for theory linking the ideas of vulnerability of the body to the risk society and the sympathy that emerges between them. Turner draws on both an enduring form of social explanation as well as the most modern and prolific ideas in sociological theory. Yet the fundamental change in society forming ideas of modernity and later human rights was an economic one from religious and agrarian/feudal relations to those of capitalism. In Chapter 2, it was shown that the social contract between people and ruler was, especially in the work of John Locke, ultimately an imaginative construction which was part of the changes that were occurring as a new bourgeois class gradually gained power.

However, it has been maintained that Turner's concerns about sociological scepticism are to some extent significant because it is important to recognise that bourgeois self-interest has, as a by-product of its aims, inspired humanitarian thinking, which has come to be represented in the continuing development of human rights as a 'moral law' and the simple fact that human rights can be connected with, aid and inspire humanitarian action. The present book suggested in Chapter 2 that any sociological 'scepticism' can be tempered by the theoretical link that is drawn between the capitalist basis for human rights principles and the manner in which this then supports the expansion of a linked but distinct form of humanitarian thought. Lockean natural law may be problematic as a social philosophy, which can be exploited to give perhaps excessive freedom to the individual and selfish desire, but a belief in it has also meant that it has some potential to contribute to human welfare and the protection of individual dignity. It implies humanitarian demands that, for example, an individual be free from torture, unfair imprisonment and be provided with a basic standard of living.

Consequently, human rights, since they emerge from Enlightenment ideas of natural law, are given more credit here than in traditional Marxian interpretations of them as 'a facade to hide or mask fundamental economic and social inequalities' (Turner 1993: 492). In this way, the 'cynicism' that Turner speaks of is seen here as part of the path to capturing a sociological connection with the more

abstract social philosophy of human rights as a system of belief. It is from this point of departure that sociologically we may understand human rights more clearly, and contribute to the task of understanding how human rights may or may not contribute to human welfare more generally. Given that the emergence of capitalism was the dominant social force in this process, and without which any idea of the Rights of Man could not likely have been sustained against pre-Enlightenment forms of monarchical and religious power, it has been argued that it is Adam Smith rather than Turner's (2006) focus on Thomas Hobbes that provides a stronger Enlightenment foundation for the sociology of human rights.

The lack of sociological interest in Adam Smith has been criticised both contemporarily (Barbalet 2001, 2008) and indeed since the early 20th century when sociological theory was still being established (Small [1907] 2005). This book is also an attempt to show that Adam Smith has contemporary relevance to a theoretical endeavour, which is of considerable importance in modern sociology. With classical sociological theory providing several potential alternatives to Adam Smith, it may also be surprising that Max Weber, Karl Marx or Emile Durkheim were not chosen as the main theoretical basis of this study. Indeed, Lydia Morris has already suggested Weber as a possible foundation for the study of human rights in Weber's distinction between class, status and party (2006: 78). However, Adam Smith is chosen here because his work provides a convincing basis for representing the moral, or emotional, and rational/self-interested intertwining, which has been argued here as relevant to the realities of the emergence of human rights. Moreover, while sociology of human rights has unwittingly been concerned with this paradox, the opportunity to attempt a resolution of this dilemma in understanding rights has not so far been taken.

Another reason for seeing Adam Smith as an appropriate grounding for the sociology of human rights is that far more than Marx, Weber and Durkheim, Adam Smith has been inspirational to modern sociologists of emotion (Barbalet 2001; Denzin 2007), and at the same time, Smith is also perhaps the most prominent historical figure symbolising economic self-interest (Force 2007: 1; Hirschman 1997: 100). More specifically, as a contribution to the expansion and consolidation of the sociology of human rights, it has shown that Adam Smith can be used as a basis on which to integrate some of the ideas

that have been presented as a contribution to, but not a fully developed theory of, human rights. These ideas of sympathy (Turner 1993, 2006) and resentment (Barbalet 2001), along with more explicitly rational ideas of self-interest (Woodiwiss 2005; Waters 1996) become adapted as part of this theoretical construction.

Adapting this Smithian foundation for theory implies, therefore, a modernisation of some Enlightenment concepts. Here 'self-love' is reconceptualised as (economic) self-interest – the basis of modern economic theory and the rationale underlying capitalism. With the demands of sociology of human rights needing to account for globalisation processes, the leading of human rights values through the expansion of capitalism has been contextualised within a world economy. Some concepts from world systems theory such as 'peripheralisation' have been used to assist the understanding of an essentially Smithian world economy. Consequently, the typical criticism of world systems theory that it is overly focused on economics at the expense of an understanding of cultural difference (for example, Sunar 2004: 73) has been recognised and ameliorated in the present book through the theoretical recognition of the moral and emotional effect that accompanies the global expansion of capitalism.

In the search for inspiration from the sociology of emotion as a potential foundation in modern human rights theory, the most prominent suggestions have come from Turner (1993, 2006) and Barbalet (2001). This book has recognised the value of Turner's focus on the body through Norman K. Denzin's sociology of emotion and its understanding of the body as the 'locus of the person's feelings and presence in the lifeworld' (2007: 111). However, the phenomenological element of emotional experience, as Denzin also makes clear, is ultimately distinct from the body (2007: 113) and much more distinct from the body than Turner's ideas of 'enselfment and embodiment' (2006: 27) as a path to understanding human rights would have us understand. It has been demonstrated that transgressions of human rights are often related to value and not just acts which could equally be encompassed in religious or broadly moral terms insofar they 'destroy the conditions which make embodiment, enselfment and emplacement' (Turner 2006: 27) possible.

Furthermore, while in the sociology of human rights, Turner suggests Max Scheler as a basis for understanding sympathy and Barbalet utilises Theodore Kemper's idea of status to ground an understanding

of resentment, here Adam Smith's sociology of emotion has been argued as a basis for the further development of the emotions discussed as part of this theorisation. The emotion of sympathy is redefined for human rights sociology in two main ways. First, the book has attempted to place the 'positive' emotion of sympathy in its proper relation with 'negative' emotions such as resentment. This helps to resolve the controversy that has arisen between Turner's (1993, 2006) understanding of sympathy as a by-product of social contract philosophy and Barbalet's (2001) understanding of resentment as more important than sympathy in the sociology of human rights. While defending the importance of sympathy over Barbalet's advocation of resentment, it has ultimately been argued that sympathy needs to be understood sociologically through the work of Adam Smith (and its expansion by Norman K. Denzin) rather than Max Scheler who is indicated as an 'ontological support' for Turner in his earlier work on human rights (1993: 489).

Consequently, while the importance of sympathy is emphasised over resentment, sympathy is not seen as synonymously underlying human rights principles. While Max Scheler's understanding of sympathy attempted to identify moral principles, the Smithian understanding of sympathy, as based on learned societal standards and mores, is argued as enabling sociological engagement with the task of accounting for global social process in relation to human rights more effectively. In this sense, human rights, as based on essentially the expansion of capitalism and its necessitation of societal freedom, enables the concept to be captured sociologically and reveals both acceptance and rejection in the societal assimilation of its principles.

The more general study of the importance of globalisation in human rights expansion has revealed the interdependence of social actors beyond the nation-state and, consequently, the book has offered some contribution to the contemporary sociological debate on cosmopolitanism. Ideas of cosmopolitanism have been primarily associated with the work of Ulrich Beck in modern sociological theory. Gurminder K. Bhambra has already taken issue with Beck's work claiming that 'Beck's argument for a cosmopolitan approach is part of a long line of social theory that takes Western perspectives as the truth of global processes' (2007: 154). Bhambra goes on to present a solution to Beck's Eurocentrism in saying that 'A cosmopolitan

sociology that was open to different voices would, I suggest, be one that "provincialized" European understandings' (2007: 154).

The present book has developed ideas of cosmopolitanism by also taking the idea of cosmopolitanism out of its present contextualisation in relation to Europe, and its relevance demonstrated in the interdependence of a Muslim country with Western powers. The idea of 'cosmopolitan responsibility' in relation to the sociology of human rights offers sociologists an understanding which portrays not only local responsibility but also the wider interdependence that influences social action. It has helped to 'provincialise' Lockean natural law and human rights through recognition of the world economy of not only gain but also the loss that has been experienced by the Turks and other groups that lived within the Ottoman Empire under Islamic Sharia law.

The issue of recognising gain and loss here is important because there has been a tendency to imply (sometimes explicitly state) a moral standpoint in relation to the West in some sociology. Immanuel Wallerstein's recent work, for example, takes such a position in defining human rights and democracy not as self-evident but as 'constituting the rhetoric of the powerful throughout the world-system since at least the sixteenth century' (2006: xiv). In this Enlightenment natural law is the culprit, the villain even, in the global expansion of the West. More generally, some contemporary theorisation sees the increasing globalisation of Western modernity reduced to '*rupture* and *difference*' (Bhambra 2007: 1), which neglects the reality of acceptance and the genuine recognition of new social advantages as part of the same expansion processes. Turkey has been a prime example of a country that has suffered greatly as part of its Westernisation but which also exhibits a willingness to enter the European Union and achieve the human rights standards of Western civilisation.

In this sense, in terms of the 'moral' aspect often assumed by sociology of human rights, the position taken here is near to that of Sjoberg and Vaughan who believe that sociologists should explore 'the possibilities of enhancing human existence' (1986: 127) and Lydia Morris who wants to analyse the gap 'between the recognition of the need for protection and its achievement in practice' (2006: 2). However, with this book's operationalisation of human rights, it has been possible to recognise the advantages and differences of other forms of

social organisation or cohesion and what has been lost as a result of their replacement. This book has demonstrated this in terms of the loss to the Turks of the Ottoman Empire of Sharia law. It is conceivable that the path has been opened for other studies to adopt a similar approach.

While neglected in sociology, Adam Smith provides a departure point of interdisciplinary relevance for studying human rights. Adam Smith is, of course, recognised as fundamental to understanding economics and development studies. It is also possible to identify some possibility for dialogue with philosophy, where Richard Rorty, for example, in his discussion of human rights mentions the role of sympathy and sentiment in producing a 'human rights culture' (Rorty 1998: 181).

In *A Theory of Justice*, John Rawls, philosopher, sees Smith among the 'social theorists and economists of the first rank' (2005: vii), and Smith is mentioned by Rawls because he is part of the liberal tradition that Rawls is trying to expand upon and consolidate. Related to Rawls' *A Theory of Justice* is Ronald Dworkin's *Taking Rights Seriously*, a work of jurisprudence, which is a defence of human rights against the classic Benthamite charge of them as 'nonsense on stilts' (Dworkin 2005: vii).

Both of these works of liberal theory have been mentioned as reasons why sociology needs to find an answer to entering the human rights debate contemporarily (Waters 1996: 593). There is no doubt that Adam Smith offers a more direct link to that tradition than does any other sociological theorist, and a means of sociologically reflecting on – rather than emulating – Rawls' and Dworkin's very influential trend of elevating rights away from the 'cynicism' that has often historically characterised them.

At the same time, the essentially economic understanding of social change of this book opens up the debate to the classic, typically Weberian, criticisms, which have similarly been sustained by Marxian base/superstructure type theorisation. However, the purpose of the theory developed here is to initiate research and debate, not close off or complete it. What sociologists need is not a 'meta-theoretical basis for a sociological approach to human rights' (Turner 1997: 565), which ignores the key social changes and conflicts that have accompanied the expansion of human rights globally, but a 'skeleton structure' for interdisciplinary expansion. The aim of this endeavour

is to search for the production of better living standards for humanity and the reality of human rights as the moral facilitation of capitalism (where cultural loss is also experienced) is the sociological contribution offered here to that endeavour.

Most importantly, then, the contribution of the present book's theory to the sociological understanding of human rights is relatively modest. The theoretical framework presented provides a beginning to any understanding of the globalisation of human rights principles. This is at once a limitation of the approach as well as an opportunity for other researchers from sociology and other disciplines to continue the research begun. Recently, sociologists of human rights have expressed a clear desire for sociologists to recognise that human rights 'emerge from and reflect the social and subjective experiences and lives of Enlightenment thinkers' (Hynes et al. 2011: 5). The theory developed by this book reaches back to the work of Adam Smith in its simple contention that economics produces the core of societal value. And it is this linking of Enlightenment social philosophy with contemporary sociological ideas that produces a theory posing both a challenge to current sociology of human rights and an opportunity to integrate different facets of its theoretical development. It has, moreover, found its validity demonstrated in its application to one of the most vexing and seemingly unfathomable locations of human rights violation in modern times. It is to the findings that have been uncovered in relation to the human rights issues of modern Turkey that the discussion turns now.

The empirical aspect of this study has been broadly focused on the Ottoman social change inspired by the capitalist 'world economy' – an economic system legitimated through liberal values such as 'freedom' and 'equality', which are central to what are contemporarily described in Western societies as 'human rights and democracy', and which, during the 18th century, began to consume the Ottoman Empire. The book shows that the transition from Islamic Sharia law to human rights continues to resolve itself in the interdependence of many social actors – examples of which have been built up by the book both within and beyond the modern Turkish nation-state. It has been argued here that a focus on this transition, especially to a new bourgeois dominance in Turkey, presents the way forward to a comparative resolution of the human rights problems with which Turkey currently struggles.

The major research finding of the book is that it is the prominent groups of business organisations – TÜSIAD and MÜSIAD – that are representative of a process of capitalist expansion, which may offer this comparative solution to the major issues of human rights violation in modern Turkey. The difference between these organisations is typically highlighted in the associated literature with the Islamic foundation of MÜSIAD seen as fundamental in underlining the seemingly essential difference in comparison to the state-founded TÜSIAD (Buğra 1998; Yavuz 2006). It has been demonstrated here, however, that the essential unifying feature of these organisations is their essentially capitalist *raison d'être* and that it is this which has proven itself to be capable of overcoming any cultural or societal rationale for difference. In this way, it has been shown that it is not the AKP or the revival of Islamism that presents the prospect of a brighter human rights future for Turkey, but this recognition that capitalist organisations and the businesses and industries they support are continually taking hold in an increasingly larger area of the country. According to the book's understanding of human rights' institutionalisation, this should provide the root of the opportunity for human rights standards to be raised.

From the perspective of the world economy development of these organisations, the book links many of the human rights issues in modern Turkey in a new understanding which suggests that, as the development of capitalism continues in relation to a reduced state, the Turks will become strong enough to face not only any potential reparations that may be demanded of them for the human rights violations they are accused of, but also have the capacity to grant freedoms to themselves and the minorities Turkey encompasses in general. This logically entails the diminishing influence of Kemalism and the military and the consequent prospect of a Turkey which has a far greater degree of freedom for its citizens.

Alongside the typically local focus on human rights violation exhibited in modern sociology and in the broader perspective of legal responsibility, the book suggests that progress for human rights standards in Turkey can also be consistently and usefully described in relation to the behaviour of actors beyond Turkey. The power of the European Union, and the IMF, for example, has the potential to decide the economic prosperity of Turkey and consequently its attempt to institutionalise human rights. However successful Turkey

has become in its modernisation process, it has not separated itself from the influence of the modern world economy. Indeed, the evidence of the present book suggests that certain bourgeois groups are taking steps increasingly to join the world economy and compete as best they can within it. The continued influence of the IMF will depend not only on the stability of Turkey in its move towards a more genuinely capitalist economy, but also on the influence of global events. Modernisation means not only internal restructuring, but also entrance to a global world economy that does not adversely affect Turkey's prosperity. As the Turkish economist Sadi Uzunoğlu states quite simply:

> The structural problems in the world must change in a way that would not stir up any crisis in Turkey. Any kind of economic or political crisis that would create uncertainty should not take place, a fair competitive environment should be attained and sustainable growth should continue.
>
> (2005: 134)

The book has presented evidence that suggests the current openness towards the Kurds in Turkey is indeed based on the expansion of capitalism and that the willingness of the AKP to negotiate with the Armenians and establish more fluent links between them is also a logical outcome of bourgeois expansion. On the basis of the empirical evidence identified here, which underlies current events, Turkey may become strong enough to free the Kurdish people to rule their own country, or there may be some form of federal state created, as was suggested by Özal during his premiership. But the trend towards the recognition of Kurdish ethnic identity, however that may be manifested societally, should be expected to continue with the huge bourgeois expansion Turkey has seen in recent years.

In terms of prospects for addressing Turkey's human rights issues, it has been suggested that while the Turks have much evidence to defend themselves against accusations of genocide, progress towards reconciliation with Armenia will most confidently be made when some form of reparation for the disaster that occurred is made by both parties. It will be a strong Turkey that will be able to face this prospect. It will likely be a stronger, more open and honest Armenia that will admit the actions of its own people towards the Turks and judge this

as mitigating any compensation that Turkey should be asked to pay for what came to pass during what may well be consolidated as the 'Armenian Genocide'.

It has been suggested finally that, just as capitalism facilitated the expansion of human rights in the West, the prospect for the protection of women's rights on the same basis will become a possibility as Turkey continues its related process of Westernisation. Freedom of conscience will logically come as a result, and the evidence of this is already seen to be occurring in the greater number of television stations and the production of an Islamic bourgeoisie following IMF pressure to reduce Turkish state influence in the economy.

This study of Turkey has therefore also shown the importance of the cosmopolitan aspect of responsibility in this process, especially given the peripheralised position of Turkey in the world economy, and more specifically the might of institutions such as the IMF, which have proven their effect on the societal realisation of Turkey's human rights standards. As a background to these findings, it has been determined that the 19th century, in which the redistributive Ottoman Sharia form of economy struggled to come to terms with capitalism and the ancestral representation of human rights values is of greater importance than has currently been acknowledged. This is because the failure to make the transition effectively has led to the persistence of many of the human rights issues that plague Turkey contemporarily. Consequently, the successful adoption of capitalism and the opportunities this would provide for the improvement of minority rights through greater integration or independence is an important part of the path to understanding the improvement of human rights standards in Turkey generally.

An implication of this neglect of the comparative perspective on human rights violation is that the period of social change marking the end of Sharia law and the beginning of nationalism has been very much underrepresented by sociologists (Akçam 2004, 2007; Dadrian 2007). The tendency to represent Islam as socially divisive and oppressive in these works, which ultimately try to prove the reality of genocide, has led to the misunderstanding of the struggle that the Turks themselves faced in re-establishing a relationship with the large minorities who had been part of the empire previously. Therefore, Vahakn Dadrian's argument that Islam was 'the nexus of the correlative Eastern and Armenian questions, through

the explosion of which the issues of creed and religious affiliation for decades were catapulted into the forefront of international conflicts' (2006: 3) is simply disproved by the fact that it was not Islam but the introduction of capitalism and *the ethnic divisions it demanded against the cohesive effect of Ottoman Islamic law* that is part of a more developed understanding of the human rights violations in Turkey that are still debated today. In this sense the book adds greater evidence to, and develops, the perspective provided by some commentators that Islam had a positive cohesive effect in the Ottoman Empire (Zürcher 2004; Anderson 2008).

The problems of this Turkish struggle are still evident today, especially in terms of the Armenian and Kurdish grievances as to the treatment they received. While the tendency has been to represent these human rights violations in the existing sociological literature, the other side of the debate – in other words – what problems the Turks faced and the threat to their existence that was posed by Armenian and Kurdish aggression towards them, has been largely ignored. In the light of this reality, the book has attempted to achieve an objective view of these inter-ethnic relationships in which, according to the theory presented, a long-term resolution is expected to be found only when all parties see some self-interested rather than purely moral benefit in a solution to their differences.

Sociological accounts of human rights violation have typically not focused on this topic as such, but described the Armenian Genocide in local terms (Mann 2005; Dadrian 2007; Akçam 2004, 2007). The book has expanded this portrayal in two main ways. First, it has taken a cosmopolitan view on the predicament of the state – not to legitimate its actions, but to show the 'provocatory' part of the equation, which led to what is still debated as 'the Armenian Genocide'. It has not passed judgement on the Turkish government alone as in Mann (2005), Dadrian (2007) and Akçam (2004, 2007). In expanding the aforementioned portrayal of contemporary human rights violation in Turkey, the book's conception of 'cosmopolitan responsibility' is applied to the gradual linkage of the social character of the Kurdish issue, and the wider problems of Turkey today in its human rights standards. Indeed, in this wider perspective, it is no surprise that the human rights profile of Turkey has thrown up concerns about the return of Sharia government, the role of Islam and other problems such as educational standards.

The facilitation of such a view arises from an approach that does not, at the outset, unnecessarily confuse sociology with law. The determination of responsibility is ultimately a legal question. The analysis of the book not only has shown both why such legal analysis is important, but has also looked at a sociological view of moral realisation, which takes the discussion away from the court and, in tandem with an argument for the role of self-interest in the realisation of moral standards, looks into the realms of 'cosmopolitan responsibility' for both violation and institutionalisation. In this way, continued human rights violation will not be the responsibility of the state, but rather alleviated by the continued reduction of state influence in Turkish society. There is needed, rather, a reframing of the role of the state as a support to an essentially capitalist society. The effective support of human rights principles requires the creation of wealth, and capitalism is the most effective way of achieving this. Kemalism, while logically emerging out of an era when the very existence of Turkey as we now know it was under threat, needs to be replaced, or adapted to a more pro-Western and open system of government.

It is consequently possible to understand that opportunities could be opened up for further research on other countries. The success of human rights based on bourgeois expansion and its potential 'intertwining' with an advocation of liberal values suggests that an analysis of other countries in which this is present may reveal interesting results. Turkey is an appropriate starting point because, as a Muslim country, it has already undergone secular changes. It would be a worthwhile opportunity to apply the theoretical approach further in order to test its reliability. Iraq is but one example of another location of social dislocation and attempted reconstruction to which the book's theory could conceivably be applied.

This work has added to the evidence already present that shows a marked trend towards the view that a Turkish return to a Sharia form of government, especially in its typically redistributive centralised form of economic structure, is highly unlikely. It would be cumbersome and almost unthinkable in the world economy of neo-liberal globalisation in which Turkey is struggling to find a place, and with its history already strongly favouring a Western orientation. Such a conclusion is evidenced by the findings with regard to Turkey, which

show that Turkey's internal social actors are involved in a symbiotic relationship with the globalisation processes of neo-liberalism.

The Committee of Union and Progress (CUP) overthrew the last Ottoman sultan and began a campaign of aggression against minorities, which has led to what are now described today as the Armenian, Greek and Assyrian genocides. The warring against Ottoman minorities was continued by Atatürk, who continued military action against the Armenians and under the new national ideology, which, despite Atatürk's wish to remodel Turkey according to Western civilization, left one bar to the genuine realisation of this: Kemalism itself. The six arrows of Kemalism are well suited to the time of war and defense out of which they emerged. They ensured that Turkey would survive, despite being surrounded by enemies. Yet they have not only helped Turkey come closer, but also prevented Turkey from joining Western civilisation ever since. This much has already been recognised among the works of modern sociology (Mann 2005: 179).

It has been argued not only by modern sociologists, but as far back as Tolstoy (2007: 1), that sociology is an engagement in the study of the means to greater human happiness. Sociologists, despite their apparent cynicism in accounting for social process, have also acknowledged that human rights violations such as genocide are rarely the first choice in the resolution of social conflict (Mann 2005: 7). In the transition from Sharia law to human rights and democracy, in the failure to manage this transition in a peaceful and humane manner, the Turks that are, or may be, guilty of human rights violation emerged.[1]

Indeed, the idea of 'the terrible Turk' is one that has survived from the Ottoman era to modern times through enduring accusations of genocide, and the reports of various forms of brutality that recur in Turkish society. Yet the humanity and warmth of the Turkish people, between themselves and towards foreigners, is still evident alongside the very serious human rights issues with which Turkey currently struggles. This book has attempted to outline a new and more positive understanding of Turkey's human rights future, in which the Ottoman example of tolerance and inclusivity may be reframed and re-expressed in accordance with the social character of contemporary civilisation.

Notes

Introduction

1. In a paper given by Alfred Marshall to the Cambridge 'Reform Club' on 25 November 1873, Alfred Marshall stated the following: 'The question is not whether all men will ultimately be equal – that they certainly will not – but whether progress may not go on steadily, if slowly, till the official distinction between working man and gentleman has passed away; till, by occupation at least, every man is a gentleman. I hold that it may, and that it will' ([1873] 1925: 102). Indeed, Marshall's linking of economics with ideas of universality is further evidenced at the beginning of one of Alfred Marshall's most prominent works, *Principles of Economics*, which states 'POLITICAL ECONOMY or ECONOMICS is *a study of mankind* in the ordinary business of life; it examines that part of individual and social action which is most closely connected with the attainment and with the use of the material requisites of well being' ([1920] 1997: 1, italics added).

2. Malcolm Waters, for example, notes that 'If global society were to collapse into a mosaic of localised and relatively isolated political entities, under conditions, say of global economic or ecological catastrophe, then human rights would be the first casualty' (Waters 1996: 599).

1 The Sociological Portrayal in Context

1. 'Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for the protection of minorities'. The full text of the Copenhagen criteria can be accessed at http://ec.europa.eu/enlargement/enlargement_process/accession_process/criteria/index_en.htm, date accessed 1 May 2012.

2. Regularly updates information can be found on the European Court of Human rights website http://www.echr.coe.int/ECHR/Homepage_EN http://www.echr.coe.int/NR/rdonlyres/C2E5DFA6-B53C-42D2-8512-034 BD3C889B0/0/FICHEPARPAYS_ENG_MAI2010.pdf, date accessed 1 May 2012.

3. The 1996 Susurluk scandal occured after a car crash killing a police chief and a Kurdish mafia boss at a time when the government had been suspected of a 'dirty war' against Kurdish sympathisers (Zürcher 2004: 322). The existence of the *Ergenekon* organisation began to be suspected in 2008 in which high level government officials were allegedly planning the overthrow of the AKP government.

4. Partiya Karakarên Kurdistan (Kurdish Workers' Party).
5. See the European Commission's 'Turkey 2011 Progress Report', which cites some of these shortcomings. http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf, date accessed 1 May 2012.
6. This related to objections over the AKP's intention to allow students wearing headscarves to enter University.
7. Bu zaten gelenekten gelen bir şeydir. Ama bunu minimize etmek, mumkünse yok etmek, bunu başarmak gerekir.
8. 'Işte Ergenekon Şeması'. *Radikal*, 27 July 2008.
9. 'Barack Obama Brands Armenian Killings "Great Atrocities"'. *The Guardian*, 24 April 2009.
10. 'Yavuz Önen: Polis Gözaltında Organ Parçalıyor'. *Taraf*, 3 November 2008.
11. Türkiye Insan Hakları Vakfı.
12. 'Chaos as Rescuers Fly In'. *The Guardian*, 2 August 1999.
13. 'The Armenian Question'. *Zaman*, 20 October 2006.
14. 'Emperyalizimin oyuncağı Ermeni sorunu'. *Hurriyet*, 14 June 2009.
15. 'Ne Var Ne Yok'. *SkyTurk*, 13 October 2006. On this program Nihat Genç comments on Orhan Pamuk's Winning of the Nobel Prize: 'Türkiye'nin kaderi, bu ülke'nin siyaseti, bu ülkeyi arkadan hançerleme gibi, yani, sana diyorlar 'Şunu söylese ödül verelim., Bu kadar olmaz: halkını satıyorsun, tarihini satıyorsun, insanlarına karşı çıkıyorsun'. Turkey's destiny, the politics of this country, like an attack from behind, in other words, if they say to you, 'say this (admit the Armenian Genocide) and we'll give you the (Nobel) prize' that is unacceptable. You're selling out on your country, you're selling out on your history; you're opposing your own people (parenthesis added).
16. 'What is Turkish for Genocide?' *The Times,* 18 June 2005.

2   The Emergence of Human Rights

1. For example, Karl Marx is sometimes translated as speaking of human rights when referring to the rights of man – one rendering of *On the Jewish Question* being an example (McLellan 2000).

3   A Theory of Human Rights

1. This is a term that refers to the idea that man has a natural disposition towards economic behaviour and that, in the words of Adam Smith, 'it is by treaty, by barter, and by purchase that we obtain from one another the greater part of those mutual good offices which we stand in need of' ([1776] 1999: 119).
2. See Introduction.
3. The term 'violation' here refers both to acts of human rights abuse such as genocide or the denial of freedom of conscience as well as the absence of the societal conditions, which have been already identified in this chapter as supporting the possibility of human rights institutionalisation that is a free market supported by a reduced state.

4   Transition to 'Equality'

1. din olarak benimsedikleri şeylerde gayrimuslumanları serbest bırakılması.
2. 'Behind the Billboard Lies the True Struggle for Turkey'. *The Guardian*, 6 May 2007.
3. The definition of genocide, according to the '1948 UN Convention on the Prevention and Punishment of the Crime of Genocide' can be found at http://www2.ohchr.org/english/law/genocide.htm, date accessed 1 May 2012.
4. 'The time for general revolution (in Armenia) will be when a foreign power attacks Turkey externally. The party shall revolt internally' (Lewy 2005: 12, parenthesis added).

5   Responsibility

1. This reflects the idea of the division of labour discussed in Chapter 3.
2. See websites of MÜSİAD www.musiad.org.tr, date accessed 1 May 2012 and TÜSİAD www.tusiad.org.tr, date accessed 1 May 2012.
3. 'Arrests mark fresh phase in Turkey's struggle'. *Financial Times*, 3 July 2008.
4. 'Türkiye AB yüzünden bu hale geldi'. *Radikal*, 3 July 2008.
5. 'Akıl Defteri'. Mehtap TV, 18 May 2009. On this program the subject of 'bedelli askerlik' (paying to avoid military service) was discussed.
6. 'Dalan'ın muhasebecisi kayıplara karıştı'. *Radikal*, 5 August 2009.
7. Turkish Radio Television (Türk Radyo ve Televizyonu).
8. '301'. *Radikal*, 26 January 2007. Murat Belge's original Turkish comments in this article: 'Kerinçsiz gibi aşırıya kaçan safraları her zaman atabiliriz arabamızdan.'
9. 'Turkey Names New Military Chiefs'. *The Guardian*, 4 August 2011.

6   Resolution

1. See 'Convention on the Prevention and Punishment of the Crime of Genocide' at http://www.hrweb.org/legal/genocide.html, date accessed 1 May 2012.
2. www.ozurdiliyoruz.com, date accessed 1 May 2012.
3. 'Beyin Fırtınası'. *HaberTürk*, 8 September 2008.
4. Türk Devletine vatandaşlık bağı ile bağlı olan herkes Türktür.
5. 'Armenians look to Bush to step up Pressure over 1915 "genocide"'. *The Guardian*, 23 April 2005.
6. 'Turkey Warns France Over Armenian Genocide Law'. *The Guardian*, 24 January 2012.
7. www.ozurbekliyoruz.com, date accessed 3 January 2009.
8. 'Bush warns Congress not to recognise Armenian "genocide"'. *The Guardian*, 10 October 2007.

9. 'Bush reels as Armenian Genocide vote passed'. *The Guardian*, 10 October 2007.
10. In the words of Adam Smith 'Man has constant need for the help of his brethren, and it is vain to expect it from his benevolence only' (1999: 119).
11. 'Descendants of Armenian Genocide victims seek $65 million from Turkey for seized land'. *Los Angeles Times*, 15 December 2010.
12. 'Talaat Pasha slain in New York suburb'. *New York Times*, 16 March 1921.

7 Preservation

1. 'Amnesty warns US and UK are failing to monitor flood of arms into Iraq'. *The Guardian*, 17 September 2008.
2. 'Morning conference: the modernisation of Turkey'. *The Guardian*, 26 February 2008. This article describes the reconstruction of the Hadith and the removal from it of mysogynistic sayings.
3. Alternatif Insan Hakları Kuramı.
4. Insan Hakları ve Islam.
5. 'Turkey goes to polls in war of the veil'. *The Times*, July 22 2007.
6. 'Not quite the Reformation'. *The Guardian*, February 29 2008.
7. 'Türk demokrasisi olgunluk sınavını başarıyla tamamladı'. *Radikal*, 30 July 2008.
8. 'AB'ye uygun olarak Anayasa değiştirilmeli'. *Radikal*, 30 July 2008.
9. 'Merkez Bankası'nın tespiti: Işsizlik üç ayda Zirveyi Bulur'. *Radikal*, 4 March 2009. 'İşsizlikle mücadele artık bu istihdam yasalarında yapıla-cak bazı önlemler olmaz. Asıl işsizlikle mücadele, ekonominin soğu-mamasından, yatırımların bu kadar durmamasından, daralmamasından geçiyor'.
10. Yeni bir Ana Yasa için Görüş ve Öneriler.
11. 'Devletin ekonomik görevinin düşük enflasyonda yüksek istihdamı ve ekonomik büyümeyi sağlamak'.
12. www.musiad.org.tr/Anayasa/Default.html, date accessed 1 May 2012.
13. 'MÜSIAD ve TÜSIAD'in Tavrı'. *Taraf*, 20 August 2009.
14. 'MÜSIAD pays TÜSIAD historic visit to discuss joint projects'. *Today's Zaman*, 14 May 2010.

Conclusion

1. For example, Balakian (2009) presents a strong argument that Talaat Pasha, the leader of the CUP, was the main architect of – if it is proven to be so – the Armenian Genocide. Andrew Mango has noted that even the thought of Ataturk, the founder of the Turkish Republic, 'was con-taminated by doctrines of ethnic and racial superiority current in the contemporary West' (2004: xi).

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