HUMAN RIGHTS IN TURKEY:

A Comparative Perspective on Violation and Resolution

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Abstract

This study attempts to explain the emergence and possible resolution of the issue of human rights violation in modern Turkey. Underpinned by a portrayal of human rights in their relation to the development of capitalism and the social philosophy of natural law, a theoretical framework of economic self-interest and an emotional 'social imagination' is constructed. Being a contemporary variation on Adam Smith's understanding of self-love and sympathy, this theory develops a 'world economy' based view of 'cosmopolitan responsibility' for the institutionalisation of human rights. Empirically, a comparative analysis of the emergence of social dislocation and related inter-ethnic tension during the decline of the Ottoman Empire serves to illuminate further analyses of the social character of modern Turkey, and the challenges inherent in resolving the human rights violations of which the country contemporarily stands accused.

CONTENTS

Introduction

Turkey's human rights record is often part of discussions over European Union expansion, and therefore important to the prospect of improved Western relationships with the Middle East. However, 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. This may partly be attributed to, for example, the 'lacuna' in human rights theory identified by Turner (1993) as well as, perhaps, the potentially disturbing nature of the subject matter (Mann 2005:x). This section begins to construct a theoretical approach to the sociology of human rights, and details how, in the following chapters, it will be further developed in order to underpin an analysis of Turkey's problems of human rights violation.

Identifiable within classical sociology is a struggle to observe modernity in terms of emotion or morality; or, alternatively, to argue that modernity can be more convincingly understood in terms of rational self-interest. This 'dilemma of modernity' will be demonstrated in the work of and Durkheim (1973) and Marx (McLellan 2000), and traced through T.H. Marshall's (1949) post war understanding of citizenship to its presence in the sociology of human rights beginning with Turner (1993). The discussion will show the importance of combining an understanding of the emotional

and moral character of human rights with the economic aspect of their realisation. Other issues which have been seen to be problematic by theorists since Turner's (1993) *Outline of a Theory of Human Rights* will also become part of this discussion. These include determining a sociological approach to the moral debate, defining issues of globalisation and universalism, and understanding the historical aspect of human rights development. Consequently, as sociologists attempt to theorize human rights, the opportunity arises to challenge and integrate elements of some important preceding sociological approaches (Turner 1993, 2006; Waters 1996; Barbalet 2001; Woodiwiss 2005; Beck 2005; Morris 2006) providing a new perspective contributory to this research.

In classical sociology, Emile Durkheim offers some recognition of this 'dilemma of modernity' 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 he 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' (Durkheim 1973: 48). While he argues that the 'abusive exploitation of individualism proves nothing against it' (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 1966). So it is hardly surprising that 'crass individualism' is part of the critique with which Durkheim finds himself

confronted. Indeed, in the realisation that 'crass individualism' has so often been associated with human rights, the opportunity for understanding the relation between the genuinely emotional side of the rights of man and self-interest arises.

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 does not even consider the possibility of pity as involved in the rights of man at all. They are simply the rights of 'egoistic man, man separated from other men and the community' (McLellan 2000:60). 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 (McLellan 2000: 60). 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. The rights of man lead to a divorce of the individual from society which Marx sees as solved by an acceptance of the individual as located in society. Thus 'man must recognise his own forces as social forces' (McLellan 2000: 64). For Marx, it is only in this way that real emancipation can be achieved.

The difference between Durkheim and Marx elucidates a dichotomy which persists in a different manner in T.H. Marshall's discussion of citizenship and its related criticism. Marshall's understanding of rights is broadly equated with the emergence of capitalism and economic freedom (Marshall 1992: 20). Moreover, the Marshallian association of rights with their institutional base has been seen as 'a genuine improvement on the idea

that rights intrinsically attach to persons' (Barbalet 1988: 6). However, this definition of rights in terms of market relations and specific institutional bases conflicts with more modern sociological approaches to rights which see the importance of emotion as a foundation for their understanding (Turner 1993, 2006; Barbalet 2001). Moreover, Marshall's understanding of citizenship, in its attempt to expand on the work of Alfred Marshall, has a wider context. Alfred Marshall believed in universalism. This provides a clearer link between Marshall's discussion of citizenship and its relevance to the development of human rights sociology. 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 1992:9).

Human rights are also reliant upon economic support for their realisation. Moreover, human rights are representative in a similar way, of another type of equality – that of global equality, in the belief that every person has a certain dignity and deserves to be free of human rights violation. If there is an emotion which has traditionally been argued as linking people in an understanding of this, it is sympathy, seen in the work of Turner (1993, 2006) and similarly in Durkheim's focus on pity (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' (1992:4). The preceding discussion of classical sociology shows that the challenge of human rights necessitates such a seeming crossing of boundaries in order for the issue to be properly understood. T.H. Marshall himself expresses a similar understanding of this in 'setting 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 1992:4).

Human rights sociology exists today against a background in which wider, less explicitly human rights focused theorisation again often attempts to come to some terms with this seeming dichotomy. For example, Sznaider argues that 'it is in the nature of modernity to foster compassion' (2001: 1). 20th century horrors such as the Holocaust are explained in terms of humanity moving from an era of local to global morality. Fostering compassion could indeed be interpreted as a purpose of those thinkers associated with the formation of modernity such as Adam Smith, Jean-Jacques Rousseau, and Immanuel Kant. And indeed their ideas – more especially in the case of Adam Smith - have been appropriated selectively in the justification of all manner of selfish advancement. Sznaider wishes to argue against those who believe modernity is 'corrosive of moral sentiments' (2001: 2) and the fact that Sznaider believes he should do so demonstrates that the dilemma of modernity exhibited in the work of Durkheim and Marx persists to the present day. We must turn now to examine how this dilemma is exhibited and remains unresolved in the sociology of human rights itself.

Following a similarity of approach in the preceding work of Sjoberg and Vaughan, who wanted to found 'a theoretical project informed by a human rights rather than a duties orientation' (1986: 140), it is Turner (1993) who has most prolifically raised the issue of finding a sociological approach to human rights. The search for a sociological grounding of universalization, the problem of a seemingly sceptical sociology joining the moral debate over rights and, more specifically, the issue of how human rights abuse can be sociologically identified have found themselves addressed to some extent in the ensuing literature (Turner 2006; Waters 1996; Barbalet 2001; Morris 2006).

Despite 'trenchant criticism' (Turner 2006: ix), Turner's ideas have seen continued development from their centralization on bodily frailty to *Vulnerability and Human Rights* (2006).

In his 'meta-theoretical basis for a sociological approach to human rights' (Turner 1997: 565), relating the vulnerability of the body to the precariousness of protective institutions and the empathy and sympathy he argues as emerging between them, Turner has always been reliant on a social contract approach to ground his ideas. To create a sociological theory related to the social contract may seem appropriate since most theorists associated with the emergence of human rights as enshrined in the 18th century declarations - Hobbes, Locke and Rousseau - were social contract theorists whose ideologies emerged at a time when the feudal order of the *ancien regime* was disintegrating and the opportunity for a refutation or reconceptualisation of the religious ideology that had supported it had emerged. But the social contract has notoriously provided a convenient but ultimately frail explanation in comparison with empirical evidence because 'there is not, and never has been, a social contract' (Baker 1971: xiv), and Turner's ideas equally remain abstract and easily deconstructed upon closer examination. Beyond emotion, it was not the social contract but economic individualism which formed the basis upon which the social development of human rights was based.

Turner's contribution is valuable more for his challenge to sociology than the theory of human rights he provides. However, in a similar way to Durkheim, he recognises the importance of emotion as a basis for understanding rights. Turner's focus on sympathy is well chosen and, although supported by the work of Max Scheler and his abstraction

of 'moral communities' (Turner 1993), is clearly located within a strong tradition which stretches back to the work of Enlightenment theorists who strongly argued for sympathy as the fundamental emotion in human relationships such as David Hume and Adam Smith. Moreover, while Turner's theory contains no explicit reference to the economic individualism so fundamental to the emergence of human rights, there is a clear attempt to reconcile genuine emotion with ideas of rational self-interest in an albeit abstract 'neo-Hobbesian' theoretical framework.

In the work of Barbalet (2001), 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. It will be shown here, however, that it is mainly in failing to link emotion to economics, that false conclusions are drawn 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 the recognition that sympathy is very frail in the face of self-interest. 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 and self-interest. A more positive endeavour would be to understand why communities of interest only have the means to extend so far or 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.

In a distinct contrast to the emotions based approach of Barbalet, Waters (1996) encourages a sociological account of political self-interest in which the *United Nations Declaration of Human Rights* is to be seen as a product of the aims of the allied victors after the Second World War in 'stigmatising and penalising their defeated enemies' (Waters 1996: 597). Malcolm Waters (1996) 'social constructionist' approach therefore sees political self-interest and related Western value commitments as the necessary focus for a sociological theory of human rights. However, Waters' cynical detailing of political self-interest omits the huge and sympathetic reaction to, for example, 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 which sociology, in the inherently interdisciplinary context of human rights academia (Freeman 2002), needs to surely complement rather than cross the boundary into.

Another more power focused view of the emotional or moral and rational/self-interested dichotomy under discussion here has been recognised by Woodiwiss (2005). His theoretical solution, however, creates 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). In a Foucauldian approach which consequently omits any consistent discussion of emotion or morality, Woodiwiss shows no recognition that rights are more complicated than his ideas suggest, even though the

work of theorists from Durkheim (1973) to Turner (1993, 2006) and Barbalet (2001) have suggested otherwise. 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.

Morality

Indeed, beyond these challenges of finding a solution to this dilemma of modernity in human rights sociology, the issue of entering the 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 understand 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. However, there is no discussion in Morris of how sociology may meet the demands of joining the context of interdisciplinary understanding or of how the inevitable issue of value engendered by the normative context of law or philosophy may be met by sociologists. In accepting that human rights have an inherent value, what value judgements need to be made in the interdisciplinary discourse? Where and how should sociology enter the debate? These questions also need to be answered.

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 question of how human rights abuse which does not relate to the direct violation of 'reflectivity' in terms of freedom of conscience should be accounted for - 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 the American invasion to bring human rights and democracy to Iraq) the argument would be convincing. Indeed, according to Water's 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, seems unlikely to benefit from such moral formulae.

Globalization

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 sociological understanding of the globalization of human rights. Similarly, Ulrich Beck's human rights theorisation also strays into 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 September 11th that one's own national and local security is guaranteed not only by narrow, 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 institutionalisation. 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 into 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 advocating a new cosmopolitan era, omits the opportunity that arises to understand the modern world

in 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 Enlightenment. It is the issue of uncovering this understanding which sociology still has the opportunity to address and ultimately expose.

History

Turner (1993) omits an 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 disagreement 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

Contemporary sociology of human rights theory has been outlined as demonstrating a failure to address the emotional, or moral, as well as rational/self-interested, element necessary to a full and characteristically sociological theory. The relationship of sociology to the interdisciplinary context of human rights academia, and its related moral discourse, also needs to be more convincingly approached. Furthermore, there has been seen to be an omission of a sociological account of human rights historical

development in the literature. Consequently, this thesis asks how a theory which recognises these problems can be constructed. How can this then aid the empirical 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 of economic self-interest grounded in a relationship with an emotional 'social imagination' is constructed. This essentially focuses on the 'intertwining' that occurs between the requirement of both capitalism and human rights for societal freedom. It is this perspective which provides a departure point for the thesis' theoretical approach to human rights violation and institutionalisation. The 'dilemma of modernity' identified in this chapter is consequently developed through the understanding that claims to human rights will be both aided and thwarted in their realisation as part of their inevitable social relation to the economically self-interested goals of a globally relevant field of social actors.

Thomas Hobbes was not only an early exponent of the idea of self-interest through discussions of self-love (Hobbes 1991), but was one of many seventeenth century thinkers such as John Locke and Thomas Wright who have been described as part of 'an intellectual milieu in which the passions were regarded as an overbearing and inescapable part of human nature' (James 1997:1). However, the theoretical perspective developed here, rather than grounded in Turner's (2006) Hobbesian portrayal of the social contract, finds itself located in a contemporary approach to Adam Smith's (2002) post-Hobbesian, and eighteenth century understanding, of self-love and sympathy. Moreover, rather than focusing on political self-interest (Waters 1996:593; Woodiwiss 2005; Beck 2005), the theory attempts to overcome a sense of purely Western

domination and look more objectively at the issues.

The debate over human rights and sociology began with problem of value free sociology joining and contributing to the debate on human rights (Sjoberg and Vaughan 1986; Turner 1993). The categories introduced by the thesis in chapters 5-7 of responsibility, progress and preservation are explicitly value led and carry the assumption, in line with other sociological approaches to human rights (Turner 1993, 2006; Waters 1996; Barbalet 1998; Morris 2006) that the translation to social reality of abstract notions of human rights - as a means to the improvement of human welfare - is worth striving for. Moreover, given the arguments arising in sociology as a result of cosmopolitanism and its relation to responsibility (Beck 2005; Delanty 2006), this is argued as entirely plausible and represents a genuine opportunity for the understanding of other disciplines to be enriched by a sociological contribution on this basis.

Methodologically, a predominantly secondary, historical analysis of material related to the emergence of human rights, the decline of the Ottoman Empire, and the emergence of modern Turkey has been undertaken. This secondary material has occasionally been backed by the content analysis of newspaper articles and television programs, facilitating a comparative analysis of the background to the emergence of human rights, issues human rights violation which can be identified as part of this process, and the ensuing prospect of a positive human rights future for Turkey. Sources have been studied in both English and Turkish with translations available in the footnotes.

Chapter 1 – The Sociological Portrayal in Context has the dual purpose of giving a background to the empirical aspect of the thesis and, relatedly, identifying the

opportunities available to broaden sociological understanding of human rights in Turkey. Consequently, the problems of extra-judicial activity by the 'deep' state, the resurgence of Islamism in government and the excessive nationalism represented by Kemalism, the 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 - The Emergence of Human Rights 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 modernity' outlined at the beginning of this thesis, 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 through the work of John Locke in his *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 characterization of human rights is also attempted which draws together the economic and moral perspectives on the subject which have been discussed.

Chapter 3 – A Theory of Human Rights 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 debate over human rights. It is here that the thesis offers a means of understanding human rights sociologically as part of an interdisciplinary, and potentially moral, debate.

Chapter 4 – Transition to 'Equality' applies chapter three's development of theory 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 Shariah law and the *millet* system under which minorities were socially accepted, and had an economically viable role to play, in the Ottoman Empire. 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 thesis' 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 Turkish state and its minority groups as a result of the rise of nationalism and demands for ethnic 'equality'.

Chapter 5 – A Cosmopolitan Responsibility examines the social influences affecting the modern Turkish state, utilising the social background constructed in chapter four 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 the IMF and other external social actor influences. The Turkish state is characterized 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 behavior of the social actors outlined in this chapter.

Chapter 6 – Progess and Resolution With the cosmopolitan understanding of the setting in which human rights violation occurs in modern Turkey, and with 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 characterized by a similar array of influences which have meant that 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.

Chapter 7 - Preservation Having identified the importance of a world economy linked bourgeoisie as a potential foundation in the resolution of issues of human rights violation and long term institutionalisation of human rights in Turkey, a comparison of the similarity of the challenge being mounted by the Turkish business organizations TÜSIAD and MÜSIAD is undertaken. 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 organizations, 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 provides 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 realize the societal changes outlined in chapter two 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 eventual realization of this positive human rights future.

Chapter One – The Sociological Portrayal in Context

This chapter has two aims. Firstly, 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.

Secondly, 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 questions is seen to neglect the wider, more 'global' perspective influencing Turkish attempts to improve 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.

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[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 existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union" (quoted in Arat 2007: 300).

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 focus on the Armenian and Kurdish questions and consequently focus on the more general problem of human rights standards in Turkey. Given the current hiatus of sociological attention to the subject, the value of the present thesis as an attempt to fill this gap in understanding is made clear. The importance of a single case study is further underlined by the representative nature of this country 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 it 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 has become seen by some of Europe's foremost politicians as representing a potential benefit to the European Union expansion process (Kaleagasi in Hug 2008: 44). The country still struggles, however, with its poor human rights record.

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[2]. The failure of Turkey's secular but often corrupt governments has led to insecurities over the return of Shariah 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[3] (which has threatened through civil war 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 war criminals (Akçam 2006: 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 its accession to membership of the European Union[4].

The apparent problems in the Turkish construction of a free society, meeting with European standards of human rights and democracy, have arisen at the beginning of the 21st century through the criminal prosecution of the 'deep' state *Ergenokon* organisation 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

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[2] 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 2005: 322). The *Ergenokon* organisation exposed in 2008 revealed high level government officials were planning the overthrow of the AKP government.
[3] Partiya Karakarên Kurdistan (Kurdish Workers' Party)

attempting to construct ran against the basic principles of the Turkish Constitution[5]. Whereas the *Ergenokon* investigation represents 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 recent criticism of this problem in Turkey (Kumkale 2007; Akar 2008) 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 recognised 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' (quoted in Kumkale 2007: 18)[6].

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,

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[4] The Commission of the European Communities' 'Turkey 2008 Progress Report' cites some of these shortcomings.
[5] This related to objections over the AKP's intention to allow students wearing headscarves to enter University.
[6] Bu zaten gelenekten gelen bir şeydir. Ama bunu minimize etmek, mumkünse yok etmek, bunu başarmak gerekir.

the largest 'deep' state organisation known in Turkish history has been uncovered. Plans of the ultra-nationalist *Ergenokon* allegedly involved the assassination of the Turkish Nobel Prize winning novelist Orhan Pamuk, and the destabilisation of the AKP government. It was led by 'die hard' Kemalists such as retired military figures, and consisted of ultra-nationalist lawyers such as Kemal Kerinçsiz. It was also assisted by various sympathisers in the media, mafia and academia[7].

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 it 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

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[7] Radikal 27th July 2008 'Işte Ergenekon Şeması'

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 *Cumhuriyret,* 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[8] 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. It 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).

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[8] Kahraman's book in Turkish is entitled 'Türk Sağı ve AKP'

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 civil war 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 solution to the situation[9].

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 until very recently. The

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[9] For example, the phrase was reported in the newspaper *Hurriyet* (15.09.09) as part of a wall poster advert for Mete Aslan, a representative of the DP (Democrat Party). Mete Aslan was asked, following protests, to give an explanation of his views. The poster was interpreted as indicating the belief that everyone in Turkey must be Turkish.

concept seems self-contradictory in Kemalism which portrays itself generally as based on Western ideas of the Enlightenment, where forms of top down power were reduced and a clear state/society divide identifiable. Indeed, Ottoman reform to accommodate Westernisation was 'a "top down" system of change' (McCarthy 2005: 12). It was even described by Adnan Menderes, one of the first Turkish Prime Ministers who strongly advocated democracy, 'as a discredited relic of fascism' (Zürcher 2005: 215). With Turkish society 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, and Kurdish questions 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 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 twentieth century, there is constant 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 in Diaz et al 2008:114).

However, 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[10]. Indeed, the most long standing Turkish issue of human rights violation has been the Armenian question.

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

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[10] The Guardian Monday 6 April 2009

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 the war with 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 civil war 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 war, 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). This is confirmed by some Turkish interpretation of the situation itself. An article, typical of a confrontational Turkish view of the Kurdish issue, can be seen in this extract from *Taraf*:

'If we leave to one side the lives that have been lost in the struggle with the PKK (because this, in the focus on the cost of the struggle, is a valueless 'product'), the money that has been directly spent is 300 billion dollars; which itself meant the finding of a trillion dollars. Even a primary school child is able to work out the implications of this: for the 30,000 that 'have been rendered ineffective' (this number probably exaggerated by government need to fight its psychological war; although let us still count this as accurate) 300 million dollars have gone to the PKK! This means that the value of one PKK member is 10 million dollars! To the system's focus on the

difficulties, a Kurd not worth five kurush, when moving back to the mountains, is worth 10 million dollars'.[11]

Apart from the major concerns of resolving the Armenian and Kurdish questions, it is also clear that human rights abuse is present in Turkish society generally. The Kurdish question 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 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

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[11] PKK ile mücadeleye harcanan hayatları bir tarafa bırakırsak (çünkü bu, güç odaklarının hesap defterinde değeri olmayan bir "mal"dır), doğrudan harcanan para, üçyüz milyar dolardır; ki bu yan giderlerle birlikte bir trilyon doları bulmaktadır. Bir ilkokul çocuğunun bile yapabileceği basitlikte bir hesaptır bu: **"Etkisiz hale getirilen"** 30 bin (bu sayı, kuvvetle muhtemel psikolojik savaş gereği abartılmaktadır; fakat biz yine de doğru sayalım) PKK'liye giden üçyüz milyar dolar! Tek bir PKK'linin değeri on milyon dolar. Sistem ve kimi güç odakları için, ovada vatandaşken beş kuruş etmeyen bir Kürt, dağda gerillayken on milyon dolar ediyor. Taraf 20.02.09

provide adequate and equal access' (Gök and Ilgaz 2007: 136); and 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[12]* (tr. Yavuz Önen: Police Damage the Organs of those in Custody). Önen is the Director of TIHV – the Turkish Human Rights Organization[13]. 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 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 1,128 persons in 1994, and a total of 3,430 persons between 1990 and 1994' (Physicians for Human Rights 1996: 22).

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[12] Taraf 3rd November 2008
[13] Türkiye Insan Hakları Vakfı

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 treating 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 3,500 villages has led to the displacement of approximately 350,000 people (Jacoby and Özerdem in Arat 2008: 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[14].

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 and Kurdish questions, have remained largely unresolved. There is a huge sociological opportunity available to unravel the means by which the 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 sociological studies of Turkey in terms of its state formation. These have drawn on the theory of Norbert Elias and Max Weber (Jung 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 question has been the prime focus of sociological criticism. It is considered often in isolation with at best only brief comparative

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[14] The Guardian 26.08.1999

references made to the Kurdish issue (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 including 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 standing 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 downfall 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 these ethnic groups under a 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 question and even the modern day problems of Turkey. As it will be shown, he 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. It is therefore reasonable to look at these influences on the Armenian question in order to understand it. For example, it is pertinent to ask what external factors relevant to other parts of the world played in the provocation of the eventual massacres. This is not easily accommodated by the local focus of Mann's theory.

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' (1999: 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 1999: 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 1999: 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. His writing has led to his lengthy imprisonment and it was one of his most important books, *International Colony Kurdistan,* which saw him incarcered 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 also 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. The broad character of the prominent contemporary sociological position has been illuminated here.

Beyond Contemporary Sociology

Although this local perspective underpins the discourse to which sociologists have often 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 question, 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 that will inevitably follow[15]. Stone sees the Armenian question 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'[16] 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 speaks 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[17]. 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*

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[15] Zaman 20th October 2006

[16] 'Emperyalizimin oyuncağı Ermeni sorunu' Hurriyet 14th June 2009.

[17] 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 cıkıyorsun' 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.

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' (2005: 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 question as 'genocide' and that it is ultimately at this time 'a matter for historians.'[18]

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 change in the 19th century, and which in itself led from the respected and valued role of the Armenians in relation to the Turks towards massacre and the ethnic annihilation of the Armenians from 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' (2005: i).

You're selling out on your country, you're selling out on your history; you're opposing your own people (Skytürk 13.10.2006).
[18] The Times June 18 2005

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 in Turkey. It is for almost a century that the Armenian question 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 twentieth century to the rise of the PKK in the late twentieth century and years of civil war. 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 Shariah based conception of social cohesion has confronted the challenges of adapting to Western ideas of equality, human rights and democracy. It is disappointing therefore that in sociology, despite its current trend towards a theoretical focus on globalisation, 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 "democratisation", 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 1998; 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 future and consequently some new perspectives on how individual issues of human rights violation 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 that such an endeavour is necessarily most relevant to. 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' (2006:2).

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. To sociologically account for human rights violation in Turkey without a pronounced 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 its relationship to 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 then attempted to show that sociologists have represented human rights violation in Turkey predominantly within the emerging nation-state parameters of Ottoman-Turkish and later Turkish 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 has also been no sociological approach developed to the problem of human rights in Turkey beyond the Armenian and Kurdish issues, and no 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 sociological theorisation.

The opportunity arises not only to contribute to the sociology of rights, but also to make a valuable empirical contribution on the basis of the constructed theory to contemporary issues. It is through understanding human rights violation in Turkey that the debate over Turkey's EU entrance can be illuminated. 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 relevance of Turkey to the EU expansion process, and as the first Islamic country to attempt a prolonged process of Westernisation, the importance of a case study of this particular location of human rights violation has been supported.

Chapter 2 – The Emergence of Human Rights

This chapter attempts to develop a social characterisation of human rights through some further exploration of the 'dilemma of modernity' identified in the introduction to this thesis. The discussion is organised in a manner which is consistent with the thesis' contention that, in sociologically understanding human rights, a compromise position can be found between emotional or moral and rational/self-interested theorisation. Moreover, given the current interdisciplinary diversity in approaching human rights which contextualises the disparity which 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 thesis.

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 which they encompass. In this section the moral, emotional side of the dilemma of modernity will be investigated, and the way in which the social philosophy of human rights has emerged from Enlightenment ideas of natural law will be examined. In the second section, the question is posed: why human rights?

This is concerned to identify 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 modernity and outlines how the expansion of bourgeois capitalism has given strength to the institutionalisation of human rights principles.

In the third section, the question is posed: 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 upon 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 which have facilitated the expansion of human rights related ideas since the 18th century. This is especially relevant in understanding the prospects for the 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 which 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 upon the basic right to freedom 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 which underpins it[19]. 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 2005: 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 which inspired it. The essence of human rights is that their existence is claimed independently of rights which are conferred in the fulfilment of duties contained in citizenship (Turner 1993: 489; Barbalet 2001: 128). Consequently, that man has basic rights to freedom such as life, liberty, equality and the numerous rights which flow 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 1988:63).

John Locke is typically recognised as the first advocate of the secular acceptance of the values of life, liberty and property (Hunt 1996; Bobbio 1998; Ishay 2004). It is Locke's ideas which help to form an understanding of the seventeenth and eighteenth century European and American revolutions which led to the global advocation of rights reflected in the modern United Nations' human rights declarations (Ishay 2004: 94). John Locke was later to inspire important figures in the history of human rights such as Thomas Paine, Thomas Jefferson, and Jean-Jacques Rousseau. Through an analysis of the social contract - part of the undisputed inspiration in the development of human rights - let us 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

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[19] For example, Karl Marx is sometimes translated as speaking of human rights when referring to the

nature' upon 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' (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 which 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' (2003:112), he is ultimately appealing not only to his rather abstract statement that 'every man has a property in his own person'(2003: 111) and consequent argument that 'the labour of his body and the work of his hands are rightfully his' (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 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.

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rights of man –one rendering of *On the Jewish Question* being an example (McLellan 2000).

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 seventeenth century opponents of ideas of individual freedom and democracy which would in the twentieth 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 towards 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' (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 which caused change, it was also this Enlightenment philosophy and its imaginative social constructions inciting sympathy for natural law which 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' (Paine 1997:2).

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 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 1988: 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 which 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' (quoted in Kramer 1988: 63).

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 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). And 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 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 freedom, life, liberty and property are paramount. The continuing hold of the philosophical idea of natural

law and ideas of the social contract are demonstrated by their revitalisation in the twentieth 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: viii). The emotional sense of the validity of human rights principles 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 which 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).

With this power came the intellectual possibility of conceiving more individual rights -

something which 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 which 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' (2005) Foucaultian 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 which 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 modernity 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' (2001: 1).

The French influence on Adam Smith's writing has been recognised by Pierre Force in his discussion of self-interest and how Rousseau's understanding of *pitie* and *amour de soi* has more than a passing resemblance with 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 presaging 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 eighteenth century, and the social thought of revolutionary France. This is demonstrated through evidence of correspondence thanking Adam Smith for his influence on the inspiration of the revolution (Rothschild 2001: 54).

Indeed the 'intertwining' which Rothschild speaks of giving rise to the marriage of the concept of moral value and economics is something which is still debated by the most reputable academics today. The Nobel prize winning economist Amartya Sen, for

example, in *On Ethics and Economics* calls for a return to a more morally informed understanding of economics in which 'it is hard not to notice the eschewal of deep normative analysis, and the neglect of the influence of ethical considerations in the characterization of actual human behaviour' (1988: 7). Moreover, in addressing the idea of self-interest in Adam Smith, Sen argues that 'there are many other activities inside economics and outside it in which the simple pursuit of self-interest is not the great redeemer' (1988: 25).

In another work entitled *Inequality Re-examined,* Sen asks his famous question 'equality of what?' – It is a question which has some parallel with the paradox identified in the 'dilemma of modernity.' 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 which 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 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 which 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 whole of the common affairs of the bourgeoisie' (Marx quoted in Miliband 1973:7), is thus becoming a thing of the past, neo-liberalism has often won out over more socialist forms of government in western societies. In the twentieth 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 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 (McLellan 2000: 46-82). 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' (quoted in Waldron 1987: 44).

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 he was trying to argue were the real rights of man as supported in society and in relation to culture. In the twentieth century such cynicism towards human rights principles 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 only real rights were the rights of Englishmen according to Burke because protection ultimately existed within the confines of one's own country. 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 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. The excesses typically associated with Western freedom are generally anathema to some in Islamic societies which criticise the openness and moral reprehensibility of Western 'freedom' typically leading to excessive alcohol consumption and sexual licentiousness. Contemporary literature on human rights in modern Turkey, for example, reflects a more general cynicism on the subject. Mehmet Suat Ilhan's *Human Rights: The Contemporary Weapon of Imperialism*[20] for example, questions the political behaviour of America and Europe in relation to the proclamations of human rights. Another example one could choose is Sadiye Furkan Demirtas's *Are there Any Human Rights? If there are human rights why did the Palestinians abandon Israel to injustice?*[21]

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' (2007: 2). Axel Honneth, in *Disrespect,* considers the

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[20] *Insan Hakklari Cagdas Emperializmin Silahi*
[21] *Insan Hakklari Var Mi? Insan Hakklari varsa.....*

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, it legitimates capitalist expansion in a manner which religion has not been able to do. In this way, the myth of market society leaves those who are not directly beneficiaries of bourgeois capitalist expansion not only the opportunity to pursue their own ambitions, but vulnerable to the problems of societal restructuring, alienation and the potential violence entailed as a new self-understanding, emotion 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 not just to

developing societies themselves, but also to 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 will characterise 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 2004: 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 world system of development in which capitalism repeatedly gained power over more top down forms of government as its process of globalisation expanded. 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. It was subjugated largely to the self-interested economic expansion of Western economies. Any seeming concession to morality was often adopted in order to conceal self-interested ends. China, Japan and Korea all had what came to be known as 'unequal treaties' imposed on them. This included, for example, the 'right' of foreign navies to sail up the Chinese rivers and waterways. Modern sociological theory also draws attention to the contemporary use of human rights in the continued legitimation of self-interested ends (Waters 1996; Beck 2006).

Moreover, laissez-faire economics had a devastating effect on economies which 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 hinder developing economies. It is especially since the IMF's neo-liberal turn of the 1980s that human rights have been less of a concern in its structural adjustment programs.

'....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 which not only help but also stunt economic development in the pursuit of their own self-interested goals. Certainly those countries which 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 which 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, on the other hand, 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 which 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 programs conclude that despite the clear neglect of human rights demonstrated by governments in their attempt to implement structural adjustment programs, there are several countries which, 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 program 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 which can only be explained, not in terms of an explicit social contract, but 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 associated with human rights – freedom, 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 which 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 human rights treaties bodies 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. 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, parenthesis added). The core values of human rights in freedom, liberty and equality also intersect with various religious beliefs which in themselves require, of course, no reference to capitalism. 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 thesis 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 which is completed by other disciplines, it is this process which needs to be focused on at both 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, liberty, equality and the capitalist forms of economy which 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 which they come to dominate. That this is unlikely is shown not only by the brief portrayal of the experience of the countries described above, 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 which 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 which would logically be focused on. While Turner (2006) employs the latest sociological theorisation in a modernisation of the Hobbesian social contract, there is another Enlightenment figure whose ideas represent the economic basis upon 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 thesis will turn 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 thesis'

sociological understanding of the globalisation of human rights. To this end, it was initially demonstrated that the development of natural law doctrine from Hobbes to Locke and Rousseau saw an increasing reliance on the force 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 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 which 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 human rights related literature, 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 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 which 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 world economic system of which they have become a part.

Chapter 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 second section's discussion will establish 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 section discusses the moral relevance of the thesis' 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 thesis 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 1977). 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 thesis' theory of 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. Firstly, 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. Secondly, 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, in his *Maxims,* tells us that 'self-love is love of oneself and of all things in terms of oneself' (1959:112) and that 'self-interest is the soul of self-love' (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 which has come to form a foundation stone of economics in the conception of *homo economicus*[22] 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*

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[22] This is a term which 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' (1986: 119). Friedrich List is a prominent example of an economist who opposed this idea which is typically criticised by List, and other notable economists, as neglecting the vagaries of culture and the fact that economic behaviour is not, as in the theory of *homo economicus*, universally self-interested (Barbalet 2008: 111).

Sentiments (Small 1907:8). 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' (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, in his *Enquiries*, draws attention to the fact that 'Hobbes and Locke, who maintained the selfish system of morals, lived irreproachable lives' (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!' (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 his statement that 'Every man is first and principally recommended to his own care' (2005: 96). Moreover, what is regarded as more traditional classical sociology bears some reflection of this idea. Max Weber (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 twentieth 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' (1977: 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, in his 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 thesis, 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 which is by and large dominant in capitalist socio-economic relations and which consequently, as chapter two evidenced in its discussion of the development of human rights, has the potential even to influence the moral values which 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' which 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. A foundation has

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, will be discussed here and a resolution to this debate offered.

It will be argued, firstly, that Turner's (1993, 2006) ideas of vulnerability need a stronger, less abstract, theoretical foundation. Secondly, 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 are argued as useful contributions which, as with Turner's focus on the body and sympathy, can be accounted for in a manner which 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. On the other hand, 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 which 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 ultimately the expansion, of human rights into other

cultures. A particular type of moral education (emphasising the importance of freedom) has been the by-product of this process which 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. Universalization 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 which 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, firstly, 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.

Secondly, 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[23]. 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' (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

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[23] See Introduction.

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 which 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 conceptualization of sympathy, from which Norman K. Denzin's sociology of emotion emerges, is based on an understanding of sympathy which is very 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' (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 two, 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 which 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 two, 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 upon social rules, but 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, on the other hand, 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' (2007: 27). Turner's ideas are not developed enough to distinguish violations of Islamic Shariah 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 - 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 recognize 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 are 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 dignity. 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). It could, on the other hand, be more appropriate to identify 'negative' emotions related to resentment from 'hatred', for example, to 'dissatisfaction' at the denial of certain expectations (denial of expected sympathy) that an individual or group may have in society.

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 provides 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 recognizes 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 TH Marshall's theory of citizenship had served in place of a more developed sociology of rights (1993: 496). Given the present thesis' argument for the importance of self-interest and its essentially economic characterization, 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. Firstly, the basis already existing in Adam Smith's writing to ground such an approach will be acknowledged. Secondly, the manner in which a division of labour can be constructed to understand the support available to human rights institutionalisation will be presented. Thirdly, 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' (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 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

shew them that it is for their own advantage to do for him what he requires of them'
(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 TH Marshall (1949) 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 which 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 thesis 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* traces the related effect of the emergence, or absence, of bourgeois capitalism through as diverse a range of societies as Britain, America, France, China, Japan and India. 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).

On the other hand, 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 realization 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 maximization of profit (Marx 2005).

While the worst abuses, for example against workers, committed by the bourgeois of the 19th Century have arguably been eradicated in the West, the twenty first century has seen banks behaving irresponsibly in mortgage and other types 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' (McLellan 2000: 247) of the bourgeois class see some reflection in these modern examples of the irresponsible usage of bourgeois freedom. Polanyi's (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 which 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. On the other hand, conflict with the basic freedoms demanded by human rights would be seen in a society which 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.

Part of such an analysis – as in the tradition of T.H. Marshall – is the recognition of the role of strong institutions which act more explicitly in different socially defined areas of human rights institutionalisation. Having established the importance of the state/society divide, the reality of human rights institutionalisation in society will depend on the provision of not only this structure but other more traditionally 'rights supporting' institutions. Without non-governmental organisations and other types of direct institutional support, there will be no consistent attention to specific human rights issues. With a bourgeois class protecting society from oppressive forms of top-down power, institutions to protect children, the homeless, and every other social group deserving of protection will be necessary. However, beyond institutions such as these, it is also possible analyse organisations which are not so clearly linked to the

institutionalisation of human rights. The role of the media, as it affects freedom of expression, would be an example of one of these organisations.

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), it 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 in McLellan 2000: 246), while arguing that self-interest is not enough in the protection of human rights. It needs to be accompanied by the institutions which 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 the main thesis. 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 thesis' 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 which form the theoretical core established in this chapter.

Wallerstein built a sociological view of globalisation which 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' which will be occasionally employed in this thesis, 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 thesis 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

Turner draws attention in his earlier work to the scepticism of sociology towards human rights which have generally been seen '....merely as claims for services or privileges by social groups involved in competitive struggles' (1993: 496). This thesis' position, defining rights as emerging through self-interested objectives, an emotional sense of their validity and the parity this achieves with the social reality of religious and morally held beliefs, helps to alleviate such scepticism. It is now the purpose of this section to examine exactly how the discourse on responsibility for the expansion of human rights

may be enhanced by sociology in this interdisciplinary endeavour.

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). The problem has, at times, been directly approached by the construction of moral 'formulae' for understanding human rights abuse. We have seen how Sjoberg and Vaughan, for example, 'take the capacity for social reflectivity to be the most essential characteristic of humankind' (1984: 138). Therefore, any social arrangement that denies this capacity is understood by these theorists as morally wrong. On the other hand, in another example, Malcolm Waters tells us that 'If interest groups generally can come to terms on a single set of principles that will govern human arrangements, then the morality of these principles need not be in doubt' (1996: 598). As a further contribution to this endeavour, a more general focus on the 'responsibility' for the successful institutionalisation of human rights is offered here as another starting point from which questions of 'morality', from an interdisciplinary perspective, may be approached.

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 (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 twentieth 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[24] 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 thesis' 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' which provides, ultimately, a sense of 'cosmopolitan responsibility' for the development of human rights.

In the example of this thesis, added to the Turkish state are wider global influences

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[24] 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 i.e. a free market supported by a reduced state.

which 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 provides 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). Turner begins his latest study of rights by stating 'the concepts of vulnerability and institutional precariousness are employed to grasp both the importance of human rights and defend their universalism' (2006:1).

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 which 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 which 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 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. In this 'interdisciplinary context par excellence' (Freeman 2002), the understanding of the effect of this discourse on a general understanding of human rights is still at an experimental stage. Conferences have been set up especially by the London School of Economics in which 'problems and possibilities' (LSE Conference March 2007) are being explored. This thesis 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, political science or philosophy. The initial framework of 'cosmopolitan responsibility' is argued as a departure point from which, in the example of this thesis, issues of 'progress and 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 (most notably freedom, equality and the right to property). 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 which 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 which allows the presence or absence of the societal belief in the importance of human rights to be recognised as part of social process. Moreover, sympathy has been argued as the emotion fundamental in establishing the potential unity of humankind (through the recognition and respect of both similarity and difference) and 'negative' emotions, such as resentment, seen as indicators in the social imagination of the failure of sympathy to achieve this bond. The failure of sympathy to bind humanity has consequently also been set within the commonly understood link between economic impoverishment, social breakdown and the transgression of societal rules.

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 which 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 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.

Chapter 4 – Transition to 'Equality'

This chapter presents a socio-historical background to the era of Ottoman peripheralisation from the European Enlightenment to the founding of the Turkish republic. It is argued here that in this period secular rights to 'equality' were being assimilated among an essentially religious conception of social cohesion. As chapter one demonstrated, sociological research in this period has predominantly focused on Turkish responsibility in terms of the issue of 'intent' with regard to the matter of genocide. This chapter is concerned to portray the broader context of the challenges with which not only the Armenians, but the Turks and other Ottoman groups found themselves presented. Therefore, in understanding this period of social dislocation and reconstruction, a perspective on the social 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 problems that were inherent in the shift from Shariah law to a predominantly ethnic sense of social identity and cohesion. Through a description of the Ottoman *millet* system and the sense of social cohesion it provided for the

predominantly Turkish Empire's minorities, 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.

This perspective is then combined with 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 Europeanization and 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 Shariah 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 which 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 question emerged against this newly

created sense of social dislocation. The Armenian massacres are set in the context of not only the actions of the Turkish state, but also their backdrop of early twentieth century globalisation. From this perspective, the Armenian struggle 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 three, 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 which is argued here as providing a foundation for the sociological understanding of human rights violation beyond the Armenian massacres, 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 thesis, 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 (Islamoğlu-Inan 2004: 73). Sunar's solution is to undertake an analysis which 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 thesis' 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 Shariah-based rationale for social cohesion, which characterised the Empire until the Enlightenment.

The Ottoman Empire was bound by a system of Shariah 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)[25]. 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 Shariah 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 which was able to define itself according to these social rules. Whatever one's religion, whatever one's ethnic identity, some sense of one's place 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 which 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 which 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 the threat of any potentially aggressive religiously motivated

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[25] din olarak benimsedikleri şeylerde gayrimuslumanları serbest bırakılması

threat. The Kurds also established themselves firmly as part of the Empire for centuries after the Battle of Çaldiran in 1591. 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 eighteenth 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 Moslem 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 verbal insults such as *gavir* or *kafir*, along with the requirement to wear pointed hats (Lewy 2005: 4). 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' (Runciman1968: 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 social framework surrounding 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 which its citizens believed they should be accorded. Revolt by minority groups led to the broad restoration of a Shariah based status quo (Sunar in Islamoğlu-Inan 2004: 63).

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 (Zurcher 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-nineteenth 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 Shariah law and even saw the Shariah 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 while in War College, at a time when the Sultan had banned Namık Kemal's works (Mango 1999:42). He, and other members of the Young Turks, became more and more dissatisfied with the rule of Sultan Abdülhamit who, in the late nineteenth 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. The rise of, at times, revolutionary nationalism was the result. Revolutionary resentment among former Ottoman minorities was further aggravated in the early twentieth 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 twentieth century, for example with the formation of the 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 Shariah 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 further unrest this caused (Zürcher 2004; Lewis 2002 et al).

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. Calls for freedom, democracy and human rights, are at the forefront of recent movements such as the PKK, and its leader Abdullah Öcalan has consistently framed his protests in this manner (Öcalan 2007). 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 which were previously accorded without question in the Ottoman era.

The proponents of Islam, in their advocacy of Shariah 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 October 7th 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" of Islam over the previous 80 years referred to the fall of the

Ottoman Empire – the fullest societal manifestation of Islam in history.

The Turkish examples of attempts to return to Shariah 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 Shariah, 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 which 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 Anatolian 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',[26] 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 to 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 Ottoman minorities' consequent loss of social status, 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 Shariah 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 Shariah 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 which 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

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[26] The Guardian 6th May 2007 'Behind the Billboard Lies the True Struggle for Turkey'

the *Tanzimat* reforms which 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 which encouraged the Europeanization 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 2004:11).

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 as a result (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 PDA (Public Debt Administration). 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 World War I, which can easily be seen as an aggressive extension of European economic interests and imperialism (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 which 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 seventeenth century (when the Ottoman Empire can be seen to have entered decline), focused on the economic opportunities which new relations with the empire offered. The Ottoman Empire saw this as preferable to potential military conquest and domination which European military superiority could have afforded (Quataert 1994:761-2). 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 (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 eighteenth century had already seen the structure of the Ottoman Empire changed 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' (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 Shariah 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 an essentially Muslim and Turkish elite, 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' (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 in Islamoglu-Inan 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* 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 in Islamoglu-Inan 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 (1994: 46).

While the economic changes which 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). 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 which 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 was 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 Shariah bound territory.

From Shariah 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 Shariah inspired consciousness of social cohesion dissipated. It will be 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 will be 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 twentieth 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 Shariah 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 1969: 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 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 toward 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. 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 2006: 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. Van Bruinessen has pointed out the flaws in arguments which 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' (1980:41). Metin Heper argues that acculturative processes have meant that the Kurds can be subsumed under a Turkish identity, but he constructs a rare argument, as he admits himself, against much current literature on the subject which holds 'that ethnic conflict is virtually a never ending conflict and that it lingers on until either a voluntary or a forceful assimilation occurs' (Heper 2007: 2).

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' (in Vali 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).

Indeed, Abdullah Öcalan, the leader of the Kurdistan Workers' Party (*Partiya Karkaren Kurdistan*-PKK) and the latest organised Kurdish rebellions which led to civil war in the 1990s, cites the struggle of Kurdish independence as justified by the Kurds' rights

to human rights and democracy. Öcalan's *Prison Writings: the Roots of Civilisation* concludes that democracy is the way forward for the Middle East. Kurdish resentment comes out of the lack of Turkish recognition of their status as an independent 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 between these groups helped to consolidate reasons for support for the War of Independence, 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 'Armenian question'

The issue of whether the United Nations definition of genocide[27] is an appropriate description of the Armenian massacres of 1915 is subsidiary to the purpose of this chapter in understanding the social processes which 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 which 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 which 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 which 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

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[27] The definition of genocide, according to the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide. In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group.

in this period was so intense that the peripheralisation process which encouraged a major change in social values, and the economic impoverishment and impracticality of meeting the corresponding demands of this change has 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 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 2005: 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 which 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[28]. There are many arguments stating that the Hunchak statements may have been found by the Committee of Union and Progress 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, which 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' (2004: 23). Further evidence of the global perspective of the influence of other groups on the Armenian massacres is easy to find in contemporary literature (eg. 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 which 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 Gwenter 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

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[28] "The time for general revolution (in Armenia) will be when a foreign power attacks Turkey externally.

ineptness of the CUP as the main reason why, for the Armenians, 'an orderly deportation became impossible' (2005: 254). This was a government which caused the deaths of at least 80,000 of their own soldiers as they were marched toward 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).

On the other hand, 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?' (quoted in Margalit 2002: 78), let alone the founder Mustafa Kemal Ataturk's description of the events as 'a shameful act' (Akçam 1999: 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 seems 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,

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The party shall revolt internally" (Lewy 2005: 12).

is that there is has been no solid proof to settle the argument over the extent of Turkish responsibility for the Armenian deaths of 1915. The account of this chapter provides a 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 sort 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 imagine how the Armenian genocide, if the Turks and Armenians had continued to live under Islamic law, could have occurred at all. Therefore, the understanding of its occurrence, beyond local concerns over responsibility, start 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 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 18th century or the more aggressive and direct actions of the First World War. The 1916 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 which might see the integration of its minorities and the chance to compete economically as a successful partner in the countries which 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, is developed in the next chapter.

Chapter 5 – A Cosmopolitan 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 discussed is shown to behave typically 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 orientated towards the free market and capable of improving human rights standards.

The 'division'[29] 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 'deep' state, the greater freedom which has emerged in the media, and the likely reduction of military power and Islamic

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[29] This reflects the idea of the division of labour discussed in chapter 3.

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-system of economic globalisation, 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 the European Union 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' (Jorgensen in 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 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 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 Four which elucidated the manner in which Turkey emerged in relation to claims to individual rights, the end of the Shariah, 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 which 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. The European Union (successor to the European Economic Community) is led by its own economic self-interest and will 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 to be 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 neo-liberal 'turn' of the IMF in the 1980s which led to the implementation of the structural adjustment programs (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 programs 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 structural adjustment programs cause greater inequalities in already poor countries. Moreover, the implementation of these programs, 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 7 (UK, Japan etc.) 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 Four, in which capitalism was seen to cause the social dislocation of the Ottoman Empire and the problems of debt, internecine resentment, and the legacy of genocide which still troubles 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 which 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 programs 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 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 neo-liberalization 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[30].

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 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* on July 3 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*. However, it is not simply EU procrastination or encouragement which is the

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[30] See websites of MÜSIAD (www.musiad.org.tr) and TÜSIAD (www.tusiad.org.tr).

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 thesis thus far, there are several reasons why a strong bourgeoisie is necessary to the human rights future of Turkey. They may form a societal influence which 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 as '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 programs on new Turkish private television channels such as HaberTürk (for example, *Akıl Defteri* and *Ne Var Ne Yok*) have Turkish intellectuals discussing sensitive political issues such as the role of the military[31].

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 thesis. The relevance of this emergent group to the development of human rights, however, has not been fully explored. The present thesis 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 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 2001). 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 2001: 26). Ayşe Buğra (1998) has written 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

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[31] On the Turkish TV channel Mehtap TV on 18 May 2009 the subject of 'bedelli askerlik' (paying to avoid

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. On the other hand, 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 which limited exports, and the problems which this caused for the small businesses now represented by this organisation. The challenge to the state presented by MÜSIAD is potentially greater than that of TÜSIAD because Islam is part of the identity which underlies the cohesion of the companies which form MÜSIAD's membership. MÜSIAD's willingness to work beyond nationalist ideals of internal production mean that it should increasingly forge links with the economic 'world system' 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

military service) was discussed.

which 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 nineteen-eighties 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 eighteenth century.

The other main advantage of this alignment of TÜSIAD with democratic values identified by Öniş is that TÜSIAD became 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 alot 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 upon '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 two, 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 four. 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 which 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 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

Shariah law in the country is unlikely to emerge. Indeed, Turkey has shown itself able to elect to power a government which seems willing not only to recognise Turkey's need to continue the Westernisation process begun by Atatürk, but also curb the seemingly uncompromising demands of the Kemalist state *vis-a-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 which 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 which 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 which, 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, is 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 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 orientated economic basis, if it wishes to see greater improvement in its human rights standards. Whereas the societies in chapter two 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 become 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 which 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 2005: 322).

The "Susurluk scandal" came on the back of suspicions that, in its desperation to win the war against 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 1997: 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 which 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

organisation of senior politicians, military officials and influential legal practitioners. Many of these people have now been tried in an investigation which 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[32].

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. Orhan Pamuk, the Nobel Prize winning novelist, was to be among those assassinated. The murders were to be blamed on the AKP government in a prelude to a coup in 2009.

The Media

The development of television, radio and newspaper production increased greatly in Turkey during the latter half of the twentieth century. The first television channel began in 1963, and since then the government controlled 'TRT 1'[33] 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).

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[32] Radikal 05.08.2009

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 program 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 speaks 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 recently uncovered as part of the *Ergenekon* organisation, as 'saliva escaped to the (political) extremes which we can always discard from our society.'[34] 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 ownership has fallen away from the state and towards private business – in particular the billionaire Aydın Doğan.

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[33] Turkish Radio Television (Türk Radyo ve Televizyonu)

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 in Arat 2007: 34). Despite Aydın Doğan's monopoly, from time to time newspapers emerge which are more independent and thrive on a readership which appreciates the greater freedom of expression that their independence 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 protection of the principles of Kemalism: the 'Six Arrows' upon which modern Turkey is founded. The prominence of the army in

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[34] Kerinçsiz gibi aşırıya kaçan safraları her zaman atabiliriz arabamızdan (Radikal 26.01.2007).

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 traditionally commanded huge respect and a primary position in Turkish culture, even through the change from Ottoman Shariah-bound to Turkish secular rule, the military has increasingly run up against criticism 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 twentieth 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) which 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 which '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 forty 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 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[35]. 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

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[35] Reported in the Turkish newspaper *Zaman* 04.09.09. Lieutenant Colonel Mustafa Dönmez turned in documents to the Turkish police detailing plans to assassinate the Prime Minister 200 metres from his residence.

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 which is likely to be hard for the Turkish military of the future to find the strength to oppose.

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 which 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 groups such as MÜSIAD and TÜSIAD), provides, as it did in the examples of chapter two, 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) which 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 analysis above, 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 occurred 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, 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 twentieth century, Turkey 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 has 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 which 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 might occur.

Chapter 6 – Progress and Resolution

Previous chapters have established that the human rights violations committed from the era of Ottoman decline to modern day Turkey have an identifiable link with the growing influence of the 'world economy', and the change in social values associated with it. This chapter applies the idea of 'cosmopolitan responsibility' and its relation to self-interest to the possible resolution of accusations of human rights violation with a comparison of the Armenian question and the Kurdish issue. In the first section's narration of local responsibility for violation, the resentment which emerges from the victim's perspective (and those who similarly sympathise with it), while often genuine and justifiable, generally identifies only one social actor as relevant to any particular crime. From the perspective of the victim, it is the Turkish state or, more simply, "the Turks'', who are often seen as solely responsible. This is very important to recognise because it serves to set the thesis clearly apart from accounts of human rights violation which refuse to recognise the possibility, especially in the Armenian case, of some Turkish responsibility for a crime: reconstructing the idea of genocide purely in terms of an act of war (McCarthy 2008: Lewy 2005).

The 'local' perspective in which claims to human rights violation against 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 endeavor to prove moral responsibility for violation, the issue of self-interest is neglected. This omission is important because recognition of the role of self-interest in these issues leads to an expanded understanding of the issue of Turkish denial and an argument which allows us to face the reality of the conditions under which Turkish acceptance of human rights violation may more easily occur.

By expanding the local paradigm of accusation and punishment, a cosmopolitan account of social process sees a greater recognition of 'mitigating circumstances' which broadens the perspective of local responsibility and provides an additional path to the potential resolution of these problems. The failure of current criticism to come to terms with the role of self-interest, and the cosmopolitan view of responsibility to which it relates, leads to further support for the theory of human rights violation advocated by the thesis.

'Local' Responsibility in the Armenian and Kurdish questions

Genocide is a human rights violation which relies on the proving of an overriding 'intent' to destroy a group in whole or in part. 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 also, as we have seen, well documented and there have been many recent accusations of human rights abuse which have occurred during the war with the PKK in the southeast of the country during the 1990s (Human Rights

Watch 1999) and, indeed, into the twenty-first century, as Turkey's treatment of the Kurds becomes an issue of EU accession (Yıldız and Muller 2008: 191-199). This section initially constructs a narration of the social imagination in its understanding of these human rights violations and the arguments and actions which typically accompany it in an attempt to prove or draw attention to Turkish responsibility in these issues.

One of the strongest arguments for seeing the Armenian massacres as genocide is that the Armenian deaths of 1915 seem to have been part of a plan of action both before and after 1915. The Armenian massacres began in the late nineteenth century and continued until 1923 with the founding of the Turkish republic. Not only this, there were massacres of Greek and Assyrian minorities – which themselves have also been described as genocides (Akçam 2007: xviii). The advent of Turkish nationalism involved the driving out of many minorities by the most draconian means possible. It was only in 1923 with the end of war and the establishment of the Turkish republic that the Turks demonstrated the ability to organize 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 (1987: 112).

The Turkish position on the Armenian question has often been one focused on the

provocative actions of the Armenians in a war time 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 North East Turkey from being handed over to the Armenians under the Treaty of Sevres. 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' (www.ozurdiliyoruz.com).

The campaign led to documentaries and debate on Turkish television in programs such as *Beyin Fırtınası* (Brain Storm)[36] in which prominent Turkish academics such as Professor Yusuf Halaçoğlu commented that there is no reason to say sorry because of the Armenian actions 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 (2002: 6). However, the problem of resolving accusations of genocide does not recede in any real sense and resigning this event to history on basis of the normally unrecognised 'mitigating circumstances' does not address the very real issue of responsibility in an era when 'genocide' is now 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).

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[36] HaberTürk 08.09.08

Moreover, there is a sense of material loss that underpins Armenian resentment towards the Turks. The 1916 Treaty of Sevres, in which the European Powers promised a large part of North East Turkey to the Armenians, was never enacted due to Ataturk's successful execution of the War of Independence. Armenians also feel that the lands they inhabited under Ottoman rule have been unfairly taken from them as a result of the years of massacre and, ultimately, 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' (Oshagan in Hovannisian 1987: 169).

It is also the case that 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).

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 twentieth century have also 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 1987: 113). This is quite apart from the continual

revelation of increased evidence for the cover up of the genocide at the time. This 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).

Beyond these arguments to prove Turkish responsibility, resentment is also evident in violent Armenian 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. In the modern day, these murders can be viewed on one radical Armenian websites with the description 'Justice, thwarted by the Genocide of the Armenian people, was at least partially restored, while the shame of having walked like sheep to the slaughterhouse was wiped away from the face of the Armenian nation. The settlement of accounts with those responsible for the Genocide was incomplete, of course, but it was successful overall, with the success also bringing honour to the ARF. It was in the parallel drawn by Simon Vratsian, "The Armenian Nuremburg"' (www.hyeetch.nareg.com).

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 ASALA (Armenian Secret Army for the Liberation of Armenia) terrorist organization and the deaths of more than 30 Turkish diplomats which resulted. The demands of this organization 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 history of highly emotional and contemporarily enduring relevance which has persisted since ethno-nationalism overtook the Ottoman Empire in the early twentieth 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 twentieth century. The Kurdish issue sees a similar characterization of claims to compensation. While the Armenian grievances centre on the denial of genocide, Kurdish grievances centre upon 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 recognizing 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)[37].

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' (Beşikçi 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 KHRP (Kurdish Human Rights Project) is a modern Kurdish supporting organization set up in 1992 during the war 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 which 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

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[37] 'Türk Devletine vatandaşlık bağı ile bağlı olan herkes Türktür'

their own plans of change. Another work sees not only Kurds but 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 Yıldız, 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 Yıldız 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 five 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 characterizes 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 is that the Turkish state, or simply 'the Turks', are often responsible for the human rights violations experienced by the Armenians, the Kurds and the problems of Turkish people in modern Turkey. And indeed, these examples 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 a 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 sociological aim here has, in previous chapters, developed a broader focus towards a more cosmopolitan sense of responsibility 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 successful 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 one 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 which may see an end to their enduring and socially manifested

legacy. It is in this way that sociologists can attempt to find a distinctive voice as part of the interdisciplinary debate on the issues.

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 monstrosity worthy of horror movies that goes by the name of a government' (Xulam in Beşikçi 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 government 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 1987: 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 cosmopolitan 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 the Armenian question. 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'[38]. The Prime Minister of Turkey, Recep Tayyıp Erdoğan, has called for the setting up of a commission of historians to establish if the genocide occurred and, in 2009, began to engage in talks with the Armenian Prime Minister, Serj Sarkisyan, to find a mutually beneficial settlement which does not involve the simple Turkish admission of 'genocide'[39].

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 other issues 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 only a strong Turkey that will be able to address this effectively. And it is likely only a strong Armenia which will be

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[38] The Guardian 23 April 2005

[39] Taraf 29 January 2009 – In an article entiled 'Ermenistan'la çözüm yakın' (An agreement with the Armenians is near) the Foreign Minister is quoted as saying 'If a solution is found this year to our

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' (www.ozurbekliyoruz.com).

On the other hand, 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:

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problems with Armenia, it will not surprise me' (Bu sene içinde Ermenistan'la bir çözüm olursa, bu beni şaşırtmaz doğrusu).

'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' (1999: 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 Armenian question, 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 political ties.'[40] 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% 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.[41]

Such behaviour has also been reflected throughout the history of the Armenian question. 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 the Armenian question paled in significance alongside the protection of the West against the potential Communist threat. And one can easily find more modern evidence of

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[40] The Guardian 10 October 2007
[41] The Guardian 10 October 2007

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 thesis 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"[42]. 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 which 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

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[42] In the words of Adam Smith "Man has constant need for the help of his brethren, and it is vain to

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 surely 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 question as genocide is highlighted by the fact that they are, quite simply, considerable. 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 which has been also been perpetrated, to some extent, by anyone or any nation which has similarly not found it in their own interests to assume the moral high ground over this issue. Consequently, the question of genocide may realistically see a solution not only when the Turkish government is prepared to face the issues more squarely, but when it sees that it has the resources to compensate

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expect it from his benevolence only"

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 which 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.

Compensation on this basis, however, has proven to be unlikely for the Armenians. If Turkey is to admit genocide, if research is done which shows beyond all reasonable doubt that there was 'intent' present in Turkish actions against the Armenians, the present thesis suggests that the circumstances under which the genocide occurred, along with a realistic and yet appropriate assessment of what the Armenians may be owed by the Turkish government, will form part of that admission. Part of the ease with which the Turks may come to terms with this admission has been argued as lying in improved economic circumstances – possibly the opportunity to gain improved relations with Armenia, and the guarantee of no backlash from other countries. If compensation is demanded, then it is argued here also that a cosmopolitan appraisal of the 'mitigating circumstances' may also ease this admission. If this is ultimately one of the major reasons explaining why genocide acceptance has been such a problem for the Turkish government, sociologists are in a good position to theorise about ways in which the improvement of Turkish socio-economic circumstances may occur, and the range of social actors that have been involved the provocation and irresolution of the Armenian question.

The claims for compensation of the Kurds are comparable. The problems of realising Kurdish claims to their human rights immediately resemble the Armenian intent to achieve great recompense. The chances of the Turkish government, and especially the Turkish military, giving up a large proportion of its land to the Kurds for such reasons may seem highly unlikely. Abdullah Öcalan, founder member of the PKK states 'the alternatives for Turkey seem to be a solution of the problem under the roof of a democratic republic or the refusal of membership by the EU with Turkey retreating into its shell. A democratic approach will be the only way to solve the problem. All external and internal indicators support this view' (2007: 294). While Öcalan suggests the immediate benefit of EU membership as an incentive for Turkey to recognise the Kurds as a minority with their own language and culture, the fact that 'Turkey offers the best social conditions for a successful democratisation' (Öcalan 2007: 294) has clearly not convinced successive Turkish governments of the need to recognise Kurdish claims to their most basic rights.

The period of Turgut Özal's Prime Ministership in which a Federal system was suggested as a resolution to the problem was the nearest the Turkish government has come to providing a solution at the beginning of the most recent troubles with the PKK. Yet a continued ban on the circulation of material in Kurdish, along with the death of Özal in 1993, saw a return to fighting (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 which emerged afterwards of Kurdish being spoken in the Turkish parliament by Ahmet Türk, the leader of the DTP. This has all occurred since EU pressure has been applied to Turkish attitudes. At the same time, the prospect of the Turkish state recognising Kurdistan as an independent

state is not part of EU entry criteria and begs the question of how this particular demand would benefit the Turkish state, especially if Kurdish politicians may be so quick to cause controversy.

From a Turkish perspective, the Kurdish issue is often oversimplified in western accounts. 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, 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). Indeed, this ties in with the view of local responsibility, typical of the social imagination outlined above. Kirisçi and Winrow develop this view as essentially existing between the Turkish state and the Kurds, rather than the Turkish people and the Kurds, by showing how some people may see themselves as having both a Turkish and Kurdish side to themselves.

In the light of this evidence, it is clear that the Turks have a past of territorial and financial loss, just as do the Kurds and the Armenians. Moreover, the issue of rights for the Kurds is not simply one of granting rights to Kurds as a minority, but the issue of how the Kurds will use and respect those rights once they are granted. Ahmet Türk's decision to speak Kurdish in a Turkish parliament was an intentionally provocative move which came soon after freedoms were granted by the ruling AKP party. 'Sevres syndrome' is a contemporary and arguably justifiable concern of the Turks which persists with seriousness nearly a century after the Turkish Republic was founded. It consists of a belief that the Treaty of Sevres, the European solution to the nationalistic

claims of the Armenians and Kurds to their own territory in the shattered Ottoman Empire may be enacted almost as a final response to Atatürk's Treaty of Lausanne.

This may come, for example, if the European Union gains enough power in Turkish affairs to decide that the Kurds should be given their own territory. More generally, in the support of high educational standards, and human rights in general, the state should find some reason for its own benefit in giving support to those rights which are demanded. In any of these human rights concerns, the issue is more complex than what the state 'ought' to do.

Self-Interest and the Wider Cosmopolitan Perspective in the Resolution Human Rights Violation

The world economy background and influence on these violations was outlined in chapter four of this thesis. It was demonstrated that human rights violation increased, paradoxically, during the introduction of what have become 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 which has formed the bedrock for much of the potential outbreak of inter-ethnic tension, genocide, and human rights violation ever since.

Chapter five 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 which 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: is punishment for the Turks, along with a continual insistence that they alone are responsible for improved human rights standards, an effective basis for progress? 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.

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 Armenian question, 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 which 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' (1999: 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 which 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 which the country is making. In the late 19th Century the Ottoman Empire was already seeing a move towards government which 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 recognize 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 vs. 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 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. Firstly, the reasons for the resentment relevant to the Armenian, Kurdish and more general claims to human rights 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 any issue of provocation or mitigating circumstances for the Turkish nation is often lacking.

Secondly, the thesis' 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 questions. 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 which 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 which 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.

Chapter 7 - Preservation

In the previous chapter, part of the resolution of the problems of human rights violation which have occurred during the Ottoman Empire's transition from Shariah 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 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 the thesis' theorisation to the many human rights issues identified in chapter one, this chapter builds further evidence for the likely realisation and preservation of human rights standards in Turkey in three sections.

Firstly, 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 fundamental link with the world economy is argued as their central defining characteristic despite the individual identities which separate them as organisations.

Secondly, 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 'reconstructing' the Turkish social imagination towards an acceptance of human rights values.

Thirdly, 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, the Armenian question and the more general problems of raising human rights standards in Turkey.

The Challenge to Top-Down Power in MÜSIAD and TÜSIAD

In chapter two, it was outlined how challenges to top-down power created greater individual 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 (e.g. 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 which subscribe to the traditional bourgeois 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 anonymous 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 binding 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' which the Islamic bourgeoisie were prepared to support came in the 1990s when the military became concerned about the potential uses which 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'[43]. 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:

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[43] The Guardian 17 September 2008

'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, 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 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 thesis, 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 which 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 which is beginning to pervade the country.

The important issue to recognise here then 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 five, 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 which the discussion turns to 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 thesis 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 which are stated in the Turkish Constitution, but also in the constant amendments which are made to that Constitution, and in the reconstruction of Islam[44], 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

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[44] The Guardian 26.02.2008 contains an article decribing the reconstruction of the Hadith and the removal from it of mysogynistic sayings and other problematic beliefs which potentially may form a bar to the modernisation of the country.

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 which has attended economic globalisation processes. This process signifies ultimately a reconstruction of social value which is demonstrated in the emphasis which 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 globalization, 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*[45] 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

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[45] Alternatif Insan Hakları Kuramı

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*[46]*,* 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 he 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 Westernization process. The insecurity towards the AKP in Turkey has been demonstrated in chapter five as expressed in the emergence of 'deep' state organisations. It is also possible to point to certain challenges which 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 which 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

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[46] Insan Hakları ve Islam

summary of democracy as "a train which you get off once you have reached your destination"[47] may seem an indication that the true purpose of the AKP is a return to Shariah 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 which 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'[48], the direction of the AKP is clear and the prospect of Shariah 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. The 'westernisation' of Islam is, in this manner taking place and the Turks are showing

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[47] The Times July 22 2007

that they are able to undertake the formidable task of reframing a religion which is more comprehensive than Christianity in terms of its prescriptions for not only an individual's way of life, but the form of non-democratic government that constitutes a Muslim society. Moreover, while clearly there are tendencies to look towards a more traditionally Eastern approach to business and culture, which would seem to logically reject a Western way of thinking (Buğra 1998) there has been enough parity demonstrated in MÜSIAD's aims and objectives to lead, as demonstrated in the earlier part of the present chapter, to the creation of wealth as the prime motivator in the organisations foundation.

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'[49] and demanding further that 'the Constitution must be changed in a manner fitting the European Union'[50]. Other measures which 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

[48] The Guardian February 29 2008
[49] ''Türk demokrasisi olgunluk sınavını başarıyla tamamladı'' (Radikal 30th July 2008)
[50] ''AB'ye uygun olarak Anayasa değiştirilmeli'' (Radikal 30th July 2008)

precautionary changes to be made to employment law. The real problems of unemployment affect the freezing of the economy and the shrinking of investment.'[51] 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.

MÜSIAD can also be seen to demand changes to the Constitution. In 2008, the organisation produced a report entitled *Suggestions for a New Constitution*[52] 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)[53]. 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).

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 – the central message of human rights doctrine - is clearly being supported by both TÜSIAD and MÜSIAD. In

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[51] ''İşsizlikle mücadele artık bu istihdam yasalarında yapılacak bazı önlemler olmaz. Asıl işsizlikle mücadele, ekonominin soğumamasından, yatırımların bu kadar durmamasından, daralmamasından geçiyor'' Radikal 4th March 2009
[52] Yeni bir Ana Yasa için Görüş ve Öneriler

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 the present thesis 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 five, 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

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[53] ''Devletin ekonomik görevinin düşük enflasyonda yüksek istihdamı ve ekonomik büyümeyi sağlamak''

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 are commonly reported in the press[54]. 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) has occurred at a time when the country is under the influence of demands for greater economic freedom. The program of openness towards the Kurds is being pursued by a party which is commonly recognised as having the support of the most free market orientated 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 has been 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[55].

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

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[54] The leader of the nationalist MHP, Devlet Bahçeli, is cited in the newspaper *Taraf* (14.11.2009) as saying that the separation of the Kurds from Turkey, which the PKK couldn't achieve in 25 years, the Turkish government's policy of "openness" towards the Kurdish people has seemed to have achieved in only a short time (Açılımla PKK'nın 25 yılda yapamadığı ayrışmayı hükümet kısa sürede başarmıştır). Deniz Baykal, leader of the (also nationalist) CHP party is cited in the same article as similarly dissatisfied with the AKP government's position saying 'Now, for the first time in the world, although a government has brought forth violent opposition against itself and although this is well known and, despite all this, the government refuses to give up its right to do these things. Though reproached the government discusses, distorts laws and tries to curry favour with them (the Kurds). This is what is wrong. Terror should be fought, it should not be negotiated with' (Şimdi dünyada ilk kez bir hükümet kendisine silahı doğrulttuğu halde ve doğrultmaya devam edeceğini ilan ettiği halde bu hakkımdan vazgeçmem dediği halde onu muhatap almakta, onunla birlikte müzakere yapmakta, kanunlarını çiğnemekte, onlara yaranmaya çalışmaktadır. Yanlış olan budur, terörle mücadele edilir, terörle müzakere edilmez).

[55] This is expressed in an article 'MÜSIAD ve TÜSIAD'in Tavrı' (MÜSIAD and TÜSIAD's position) by Erol Katırcıoğlu in *Taraf* 20.08.2009.

which 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 upon 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 which 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 is lifting 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 trade with a separate ethnic minority, have caused, as we have seen, related economic problems for the country (most notably the huge cost of war 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 which 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 which 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 been out-of-sync with the wider global conception of the rights

which minorities deserve (in Arat 2007: 36). Freedom of expression – often seen as a fundamental human right 'typically demonstrated by freedom of the press' (Çatalbaş in Arat 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 five 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 five, 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 led to the formation of the ultra-nationalist *Ergenokon* - 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 which it represents. The ability of the AKP to hold power since 2002 demonstrates that the Turkish predominance of this type of elite may well be 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 and potential may become demanded by an increasingly a 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 in Önal 2008: 17). Other related problems such as the debt which 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 2002: 22). Any redistributive or 'welfare' provision of future Turkish governments look 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 which 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 thesis 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 thesis, 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 two. Islam is inherently a religion which has a basis for not only individual fulfilment but 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 internal acceptance which 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 the fulfilment of Ataturk's dream of a Turkey which can rise to the standards of contemporary western civilisation. The important point to realise is that the changes in Islam are being led by capitalism and that this is not just a forced conversion – Islam itself holds beliefs which are concurrent with capitalist thought. 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 bend with the demands of capitalism and the requirements inherent in joining a globalized world of economic advancement.

Conclusion

This thesis' attempt to understand the emergence and possible resolution of human rights issues in Turkey has led to a combination of theoretical and empirical analysis, which offers a contribution both to the development of the sociology of human rights and to the sociological study of human rights in Turkey. Through the construction of a theory of human rights based primarily on the work of Adam Smith, the thesis presents a new approach which draws upon many of the main ideas which 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, the thesis has shown that – alongside the issue of local responsibility for individual crimes - much of the conflict in Turkey has emerged as part of the transition from a religious to a predominantly secular form of social cohesion. This has enabled a comparative perspective not only upon the underlying social change which helps to explain the occurrence of different violations, but consequently has also pointed the way forward to a consideration of some prospects for their resolution. It is now the purpose of this section to summarise and consolidate the main points that have emerged in this theoretical and empirical analysis.

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 understanding of modernity in which moral or emotional conceptions vye 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 thesis which has existed at least from the time of Durkheim (1973) and Marx (McLellan 2000). So it is no surprise that, in trying to construct a theory of human rights which 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 more rational/self-interested 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' 'practice approach' analyses the gap 'between the recognition of the need for protection and its achievement in practice' (2006: 2) and which, compared to 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 thesis sees the opportunity to understand human rights and their societal institutionalisation as best facilitated at their most fundamental level by a focus on the 'freedom' found in the reduced 'state versus society' social structure 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 join the interdisciplinary debate over human rights, but 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 or agrarian/feudal relations to those of capitalism. In chapter two, it was shown that the

social contract between people and ruler was, especially in the work of John Locke, ultimately an imaginative construction which were 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 doctrine and the simple fact that human rights can be connected with, aid, and inspire humanitarian action. The present thesis suggested in chapter two 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. 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 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 departure point 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 which 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 twentieth century when sociological theory was still being established (Small 1906). This thesis 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 human rights sociology has unwittingly been concerned with this paradox, the opportunity to attempt a resolution of this 'dilemma of modernity' 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 human rights sociology, it has shown that Adam Smith can be used as a basis upon which to integrate some of the ideas which 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 human rights sociology 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 in Islamoğlu-Inan 2004: 73) has been recognised and ameliorated in the present thesis through the theoretical recognition of the moral and emotional effect which 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 thesis 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 value related 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. Firstly, the thesis has attempted to place the 'positive' emotion of sympathy in its proper relation with 'negative' emotions such as resentment. This helps to resolve controversy which 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 reveal 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 thesis 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 thesis has developed ideas of cosmopolitanism by also taking it 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 the wider interdependence which influences social action. It has helped to 'provincialise' natural law and human rights through recognition of the world economy of not only gain, but also loss that has been experienced by the Turks and other groups that lived within the Ottoman Empire under Islamic Shariah 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 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 simply neglects the reality of acceptance and the recognition of new social advantages as part of the same expansion processes. Turkey has been a prime example of a country which has suffered greatly as part of its westernisation but which 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 human rights sociology, 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 the thesis' 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 thesis has demonstrated this in terms of the loss to the Ottoman Empire of Shariah law. It is conceivable that the path has been opened for other studies to adopt a similar approach.

This recognition of the "loss" experienced as the advocates of human rights and democracy impose themselves on new cultures also helps to redress an identifiable dissatisfaction in human rights sociology with the implied impartiality of empiricism itself. Sjoberg and Vaughan, for example, want to abandon the rigorous discipline of sociological inquiry in favour of a 'human rights project' (1986: 138). Such objectives do not reflect that human rights academia, as an interdisciplinary topic *par excellence*, leaves us with a responsibility, not necessarily to cross boundaries, but to ask how we may work in a 'division of labour' in order to contribute effectively to a greater whole. The thesis has attempted to give sociologists a theory which links more realistically to the interdisciplinary context of human rights academia. It could attempt to join with the views of economists, political scientists, and philosophers. 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, the contribution of the present thesis' 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. The theory reaches back to the work of Adam Smith in its simple contention that economics produce the core of societal value. And it is this linking of timeless Enlightenment social philosophy with contemporary sociological ideas which produces a theory posing both a challenge to current human rights sociology 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 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 thesis shows that the transition from Islamic law to human rights continues to resolve itself in the interdependence of many social actors – examples of which have been built up by the thesis 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 thesis 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 this seemingly fundamental 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 unity. In this way, it has been shown that it is not the AKP or the revival of Islamism which 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 thesis' 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 thesis 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 violation exhibited in modern sociology and in the broader perspective of legal responsibility, the thesis 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 modern world system of economic influence. Indeed, the evidence of the present thesis 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 entrance to a global world economy which 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 thesis has presented evidence which 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. In this sense, whether the Kurds remain part of Turkey or become free to rule their own country will depend on whether trade between the two countries can continue freely and whether such an economic symbiosis can successfully occur. 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.

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 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.

It has therefore 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 Shariah form of economy struggled to come to terms with capitalism and the ancestral representation of human rights values in terms of 'Equality' is of greater importance than has currently been acknowledged. This is because the failure to make the transition effectively has led to 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 Shariah law and the beginning of nationalism has been very much under represented by sociologists (Akçam 1999, 2004; 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 which 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 which 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 caused 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 thesis 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 thesis 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 due to their focus on genocide (Mann 2003; Dadrian 2007; Akçam 1999, 2004). The thesis has expanded this portrayal in two main ways. Firstly, 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 (2003), Dadrian (2007) and Akçam (1999, 2004). In expanding the aforementioned portrayal of contemporary human rights violation in Turkey, the thesis' 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 Shariah government, the role of Islam and other problems such as educational standards.

The facilitation of such a view arises from an approach which does not, at the outset, unnecessarily confuse sociology with law. The determination of responsibility is ultimately a legal question. The analysis of the thesis 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 liberty and equality 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 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 thesis' 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 Shariah 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 system 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 globalization processes of neo-liberalism.

The CUP (Committee of Union and Progress) 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 realization 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 civilization ever since. This much has already been recognized among the works of modern sociology (Mann 2003: 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 greater human happiness. Sociologists, despite their apparent cynicism in accounting for social process, have also acknowledged that genocide and human rights violation are never the first choice in the resolution of social conflict (Mann 2005). In the transition from Shariah 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[56]. Indeed, the idea of 'the terrible Turk' is one which has survived from the 16th and 17th century Ottoman attacks on Vienna and into modern times through enduring accusations of genocide and the reports of various forms brutality which recur in

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[56] 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 contaminated by doctrines of ethnic and racial superiority current in the contemporary West' (1999: xi).

Turkish society. Yet the potential warmth and heart 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 thesis 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.

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