

EAST MEETS WEST: THE POLITICS OF HUMAN RIGHTS ACTIVISM IN TURKEY,  
1980-2007

By

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To my family

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By

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This study explores the evolution of Turkey's grass-roots human rights movement over a period of three decades, paying particularly close attention to inter-organizational relations between Islamist and secular organizations. It asks, why and under what conditions did seemingly opposed organizations develop into an ideologically and socially more cohesive human rights movement? Which, if any, conflicting human rights perspectives blocked cooperation between Islamists and secularists, and how were these differences reconciled? Thus, the main goals of this research project were 1) to analyze the similarities and differences in the way Islam-rooted and secular organizations engaged human rights norms and articulated their claims, and 2) to investigate the social implications of the Islam-secular divide by examining inter-organizational relations within the movement.

I explore areas of convergence and divergence especially among Islam-rooted and secular organizations by analyzing different organizations' approaches to four specific issues: the death penalty, torture, Kurdish rights, and the headscarf ban. In addition, I analyze the factors that shaped each organization's particular articulation of rights claims, as well as the factors that enabled and constrained coalition-building among disparate organizations.

The study concludes that ideas concerning universal human rights - ideas rooted in international human rights norms and Islamic norms of justice - provided the language for local groups to articulate their grievances and the tools to devise solutions for Turkey's human rights problem. More importantly, once grievances were expressed in terms of universal rights, these similar articulations formed the ideational building blocks that were used by organization leaders to transcend past models of advocacy work based on in-group solidarity. Additionally, discourses on civil society and democratization, as well as the shared experience of being political outsiders and victims of state abuse were also used by organization leaders to facilitate positive relations between disparate Islam-rooted and non-religious organizations. Over time, a movement collective identity emerged and crystallized around the idea of non-partisan human rights activism, which sustained movement cohesion even during periods of intense polarization between Islamists and secularists in Turkish society.

CHAPTER 1  
THE POLITICS OF HUMAN RIGHTS ACTIVISM IN TURKEY: A SOCIAL MOVEMENT  
APPROACH

**Introduction**

*In early 2004, Turkey's Prime Minister Erdogan publicly criticized Amnesty International for failing to come to his aid when he was convicted for using Islam in a political speech. His implication that the human rights organization was plagued by secular bias and practiced double standards sparked some controversy, not least among the leaders of Turkey's largest Islamic human rights organization, Mazlum Der. In retaliation, Mazlum Der quickly issued a press release chastising the prime minister in defense of its secular counterparts, stating that, "his allegations that human rights organizations had double standards and acted ideologically cannot be accepted... Prime Minister Tayyip Erdogan seems to have forgotten the fact that because of his conviction for his thoughts, Amnesty International declared him a 'prisoner of conscience' on February 4, 1999 and that many AI members campaigned for him with letters from various countries..."<sup>1</sup>*

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*The audience laughed as all eyes turned to the right side of the almost-full conference room to watch the reaction of two gentlemen to the speaker's comments. Gleaming with pride they playfully patted one another on the back as audience members nodded their heads in approval. These reactions by the audience and gentlemen followed the speaker's funny anecdote that was offered as a confirmation of his claim that he had witnessed firsthand the genuine friendship between these two men. I too had witnessed their comradery at various functions and I had come to the conference to hear the speaker's remarks on an observation I had made while in Istanbul the summer of 2003. After the panel discussion ended, various audience members approached the gentlemen to tease them about their fifteen minutes of fame as the two walked side by side to lunch. What kind of friendship could be of such import that one would present a speech about it at a human rights conference?<sup>2</sup> The speaker's presentation concerned the relations between the Turkish Human Rights Association and Mazlum Der, two organizations with membership profiles from opposite sides of the political ideological spectrum that have forged a deep connection in spite of their differences- a rather rare phenomenon in Turkey's polarized civil society.*

Prime Minister Erdogan's controversial accusation concerning Amnesty International's double standards toward Muslims reflects a prevalent theme in global Islamist discourses that

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<sup>1</sup> Mazlum Der's press release was summarized in "Mazlum Der to Erdogan: You should not forget your past" *Turkish Daily News*, Feb. 16, 2004, online edition.

<sup>2</sup> Yucel Demirer presented a paper at TODAIE's human rights conference held in Ankara on Dec. 14-15, 2006 entitled, "Rekabet mi, Destek mi? IHD ve Mazlum Der'in Hak Mucadelesi Soylemlerinin Insan Haklari /Yurtaslik Haklari Gerilimi Eksendinde Karsilastirilmesi/Competition or Collaboration? A Comparison of IHD and Mazlum Der's Human Rights/Civil Rights Discourse." See also, B. Didem Yalin, Nilnur Tandac Gunes, and Oyku Gul. 2004. "IHD ve Mazlum Der'in Insan Haklari Soylemi/ HRA and Mazlum Der's Human Rights Discourse." *Human Rights Review* (August-December): 185-190.

highlights the purported double standard toward Muslims by Western human rights activists. Indeed, even the founders of Mazlum Der, which speedily defended Amnesty International, had publicly expressed the same sentiment regarding bias among secular rights-based organizations only a decade earlier. Prime Minister Erdogan's statements and the interest shown in cross-factional collaboration between Islamic and non-religious organizations and activists at the aforementioned conference illustrate the long-standing tension between Islam-oriented and secular groups in Turkey.

The abovementioned vignettes also reflect a common accusation made by critics that human rights organizations merely use human rights instrumentally to advance their political agendas. In Turkey and indeed throughout the Muslim world there is a widespread perception that human rights provides a convenient pretext for Western powers to meddle in the affairs of sovereign nations. Rooted in Ottoman times, there is a still-prevalent sense of fear that permeates Turkish political culture regarding the Western plot to tarnish Turkey's image and ruin its international standing by portraying it as a land of uncivilized peoples through the use of human rights investigations. The distrust toward human rights groups extends to domestic activists as well. The stereotype that rights-based organizations and activists have only strategic interests at heart rather than a genuine commitment to universal human rights is well-established in Turkey. Suspicions abound because of the negative image of social groups that have employed human rights discourse in Turkey, an image encouraged by pro-establishment elites. Indeed, the stereotype that only radicals pro-actively pursue human rights exists in large part because it has primarily been political outsiders seeking inclusion or full-fledged revolution that have used human rights to advance their cause. For example, human rights language was used by radical leftists during the 1970s to advance their ultimate goal of installing a communist system in

Turkey, by Marxist-Leninist Kurdish insurgents in the 1980s and 90s, and today it is increasingly relied upon by Islamist groups.

In addition, some self-avowed human rights activists and organizations have indeed used human rights discourse as a tool to achieve parochial goals, thereby undermining the legitimacy of human rights advocates more broadly (Plagemann 2000). To complicate matters further, during the early phase of the human rights movement after the 1980 coup, rights-based organizations were ideologically and socially segregated and this reinforced the negative stereotype that claims-making groups were not seeking rights across the board but only for their own group. For example, the Human Rights Association (*Insan Haklari Dernegi*, IHD), founded in 1986 as Turkey's first grass-roots "human rights" organization was considered a leftist organization, since it "functioned rather like a reservoir" for radical leftists (Plagemann 2000, 436-7). Similarly, the Association for Human Rights and Solidarity for Oppressed Peoples (*Insan Haklari ve Mazlumlarla Dayanisma Dernegi*) or Mazlum Der, was established by Islamists on the far right, in part due to the belief that secular organizations such as the HRA were biased and inattentive to the needs of Islamists.<sup>3</sup> Given the mistrust and intense polarization rampant in Turkey, the human rights movement has been fragmented along Turkey's most pronounced social cleavages: Islam-secular, Turk-Kurd, Alevi-Sunni.<sup>4</sup>

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<sup>3</sup> I use "Islamic" and "Islamist" to signify two different types of groups. "Islamist" denotes a group or organization that promotes Islamism, or political Islam. Although there are different types of Islamist movements in Turkey, they all share a vision of a political system structured according to Islamic principles, including Islamic law (*seriat* in Turkish, *shariah* in Arabic). I use "Islamic" to denote a group or organization that is Islam-oriented but which does not overtly promote Islamism. Mazlum Der was established by Islamists and ultra-nationalists (*ulkucular*) associated with the Necmettin Erbakan's National Outlook Movement (*Milli Gorus*); however, the organization has not promoted Islamism. Because it has not promoted Islamism, I regard it as an Islamic organization since it blends international human rights norms with Islamic notions of human rights.

<sup>4</sup> Most of Turkey's Muslims are Sunni-Hanefi. However, Alevi comprise an estimated 20% of Turkey's population. Turkey's Alevi are closer to Shia Islam, although debates abound regarding how to classify Alevi (e.g., as a distinct *religious* minority of Shia among Turkey's majority Sunni population; or as a sub-group within Sunni Islam; or as fully distinct and unique *cultural* minority that fuses pre-Islamic shamanism, Christianity and Islam). The debate remains unresolved even among Alevi. Moreover, some Alevi consider Turkish Alevi and Kurdish Alevi

Although the human rights movement remains diffuse, in part due to the numerous and varied violations and groups affected, there is more cohesion among rights-based organizations today. Moreover, the Human Rights Association and Mazlum Der, the largest and most active human rights organizations in Turkey, are also the most closely linked despite their differences.<sup>5</sup> In fact, along with Amnesty International-Turkey and Helsinki Citizens Assembly-Turkey, these organizations formed in 2005 Turkey's first grass-roots umbrella organization dealing specifically with rights abuses, the Human Rights Joint Platform (*Insan Haklari Ortak Platformu*, IHOP).<sup>6</sup> The diversity among this foursome even drew a reaction from Human Rights Watch, which applauded Mazlum Der and the HRA for overcoming deep social cleavages. The recent attention that Mazlum Der and the Turkish Human Rights Association have attracted in both national and international circles illustrates what an anomaly it is for religious and non-religious groups in Turkey to collaborate and even communicate.

The deep social cleavage which divides Islamists and secularists not only in Turkey but throughout the Muslim world has resulted in polarized societies in which vast amounts of energy are invested in attempts to stamp out the influence of the other rather than reconcile differences in the pursuit of shared interests. Monshipouri, a prominent scholar of human rights in the Muslim world, claims "there is no real alternative to coexistence between secularists and Islamists" (1999, 473). Indeed, these groups must come to terms with their differences and find common ground in order to not only stabilize the region but also improve the quality of life of its

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to be distinct groups. Alevis were persecuted under the Ottoman Empire, as they do not follow Sunni orthodox traditions; consequently, they supported Mustafa Kemal's secularization program and have historically supported secular left-wing political parties, which positions them on the opposite side of the spectrum from Sunni Muslims.

<sup>5</sup> Human Rights Association has 29 branches throughout Turkey. Mazlum Der has 16 branches.

<sup>6</sup> Early talks included the Human Rights Foundation of Turkey, the Human Rights Association's sister organization. However, the foundation opted out of official membership of the platform, but enjoys a close and informal relationship with the platform.

citizens. It is for this reason that the institutionalized cross-factional ties between religious conservative and non-religious organizations in Turkey's human rights movement merits serious attention.

In order to understand the present it is necessary to look to the past. Accordingly, this dissertation traces the evolution of Turkey's human rights movement from its emergence in the 1980s until the present. It asks, why and under what conditions did seemingly opposed organizations develop into an ideologically and socially more cohesive human rights movement? Which, if any, conflicting human rights perspectives blocked cooperation between Islamists and secularists, and how were these differences reconciled? Thus, the main goals of this research project were 1) to analyze the discursive similarities and differences in the way Islam-rooted and secular organizations engaged human rights norms and articulated their claims, and 2) to investigate the social implications of the Islam-secular divide by examining inter-organizational relations. I explore areas of convergence and divergence especially among Islam-rooted and secular organizations by analyzing different organizations' approaches to four specific issues: the death penalty, torture, Kurdish rights, and the headscarf ban. In addition, I analyze the factors that shaped each organization's particular articulation of rights claims, as well as the factors that enabled and constrained coalition-building among disparate organizations.

### **Social Movement Theory: Classical Movement Analysis and Beyond**

My analysis of the emergence and development of Turkey's human rights movement the past three decades draws heavily on the literature on social movements in order to explain movement dynamics. Over time, three sets of factors have come to be regarded as the over key ingredients to social movement emergence and ongoing development. These three factors are 1) political opportunity structures; 2) the mobilizing structures (social networks and organizations) through which activists spread their message; and 3) framing processes (the collective processes

of interpretation, attribution, and social construction that mediate between political opportunity and mobilizing structures) (McAdam, McCarthy and Zald 1996, 2). There is a wide-ranging consensus among movement analysts that the interactive effects of political opportunities, mobilizing structures and framing determine movement dynamics, although different analysts emphasize the importance of particular factors over others.

In classical movement analysis, a change in some aspect of a political system which opens up previously closed channels of protest was deemed a determinative factor in movement emergence (Tilly 1978; McAdam 1982; Tarrow 1994; Kitschelt 1986). “Political opportunity structures” have been metaphorically treated as “open” or “closed” windows, and have been defined rather broadly to incorporate factors such as, 1) the relative openness or closure of the institutionalized political system; 2) the stability of elite alignments; 3) the presence of elite allies; and 4) the state’s capacity and propensity for repression (McAdam, McCarthy and Zald 1996, 10). While open political opportunity structures can certainly play a role in movement emergence, opportunity structures do not in themselves cause collective action (Goodwin and Jasper 2004). Other factors interact with opportunity structures and facilitate or undermine movement emergence and sustainability. In addition, once collective action is underway, movements acquire the strength to open up closed windows of opportunity (Tarrow 1994).

More recent analyses have pointed to the way in which political opportunity structures expand as a consequence of globalization (Keck and Sikkink 1998; Risse, Ropp and Sikkink 1999; Smith and Johnston 2002; Tarrow 2005; della Porta et al. 2006). For example, in countries where domestic political opportunity structures are closed, activists may shift their attention to a wide range of open windows of opportunity at the international level. Inter-governmental organizations such as the United Nations are often a means to acquire leverage against an

authoritarian government. In the Turkish case, despite closed opportunity structures at the local level Turkish groups had the option of lobbying Turkey's European allies in the Council of Europe and other regional entities to which Turkey was a party. In addition, beginning in 1987, aggrieved individuals in Turkey were granted the right to seek legal redress at the European Court of Human Rights.

A serious problem with many analyses of political opportunity structures is that opportunity structures are treated as objective. This makes it difficult to decipher whether "open" or "closed" opportunity structures can be expected to catalyze collective action. For example, do closed political opportunity structures and harsh state repression serve as an incentive or disincentive for collective action? Closed opportunity structures may provide strong motivation for a response; therefore, both open and closed windows can serve to stimulate collective action. Clearly, the effect of political opportunity structures depends upon the perceptions of activists rather than some invariant list of opportunities compiled by analysts (McAdam, Tarrow and Tilly 2001; Goodwin and Jasper 2004). That is to say, it is the attribution of opportunity or threat to a particular situation that is a key activating mechanism.

Similarly, some analysts assumed a change in the broader environment was a necessary "trigger" (Tarrow 1994) of movement emergence or a change in strategy. However, a decision to launch an uprising or change strategy is not always a reaction to an event or change in opportunity structures. A movement may emerge or change direction in the absence of an "open window" or triggering event occurring in the broader environment (Goodwin and Jasper 2004). For example, a breakaway faction may create a new movement due to the internal dynamics of an organization or movement, irrespective of whether there has been a change in the broader political environment.

In sum, although earlier movement literature placed emphasis on opportunity structures external to the movement and considered these to be a necessary condition for movement emergence and subsequent development, critics have pointed out that these may not be so necessary after all. Although opportunity structures and watershed events undeniably impact movements, insofar as subjective responses to an opening or closing in the broader political opportunity structures cannot be predicted, it is difficult to determine *a priori* how circumstances in the broader political environment will shape movement activity.

In addition to the role played by local, national and international opportunity structures in movement dynamics, analysts have stressed the importance of mobilizing structures. Movement scholars argued that when would-be activists have mobilizing structures available to them, collective action is more likely and more successful (McAdam, McCarthy and Zald 1996). Mobilizing structures are defined as, “those collective vehicles, informal as well as formal, through which people mobilize and engage in collective action (McAdam, McCarthy and Zald 1996, 3). These include “family units, friendship networks, voluntary associations, work units, and elements of the state structure itself (McCarthy 1996, 141). For example, black churches and colleges and friendship networks were vehicles of movement ideas and activity in the context of expanding opportunities during the American civil rights movement (McAdam 1982).

Similar to political opportunity structures, mobilizing structures have expanded transnationally due to globalization. Today, local groups in remote areas have greater opportunities to transnationally link with activists in other movements throughout the world and also with international non-governmental organizations. Keck and Sikkink’s (1998) seminal work on transnational advocacy networks (TAN) - loosely structured, informal configurations of non-state actors linked across national boundaries in common cause- ushered in a wave of

studies clarifying how local groups mobilize international groups and how TANs provide local actors with political leverage (della Porta 2006; Tarrow 2005; Risse, Ropp and Sikkink 1999; Finnemore and Sikkink 1998; Smith and Johnston 2002; della Porta, Kriesi and Rucht 1999).

Transnationalism was a feature of Turkey's human rights movement even in its early days. Because of Turkey's proximity to Western Europe and its close links to the region as a member of various European inter-governmental organizations, Turkish activists had not only local mobilizing structures available for appropriation but also Europe-based transnational advocacy networks comprised of activists, academics, politicians and bureaucrats. For example, Amnesty International and Helsinki Watch are prominent nodes in human rights TANs and have served as critical allies for Turkish human rights organizations, alerting others in the network about conditions in Turkey and also monitoring violations and directly pressuring Turkey to improve its human rights record.

The presence of mobilizing structures, according to mainstream approaches such as resource mobilization theory and political process model, make movement emergence likely. However, McAdam, Tarrow and Tilly (2001) posit that analysts should refrain from using the conventional checklist method of treating mobilizing structures as static variables and instead focus on the active appropriation of particular sites for mobilization by activists. Therefore, movement analysts must examine which pre-existing networks and/or organizations were appropriated by movement activists and how this was accomplished.

This modification, however, leaves intact the assumption that the appropriation of mobilizing structures primarily enables mobilization. Goodwin and Jasper (2004) contend that the appropriation of a mobilizing structure may actually impede wide-ranging mobilization. That is, the appropriation of one social network or organization may actually stand as an obstacle to

the mobilization of other networks or organizations. This may be particularly true for movements that begin as local initiatives or as group-specific but which seek to expand nationally, transnationally or to other social groups. For example, local groups attempting to appropriate transnational advocacy networks may find themselves alienated from indigenous networks and former supporters (Rothman and Oliver 2002; Tarrow 2005; Goodwin and Jasper 2004). Applying this to the Turkish case, it was clear that local groups took a risk in appropriating transnational advocacy networks given the high degree of suspicion of Western organizations as conduits for cultural imperialism. In short, the appropriation of pre-existing mobilizing structures may actually hamper local activists' efforts to galvanize supporters in their home country. In addition, "that people can be recruited outside pre-existing networks suggests the importance of cultural persuasion as a factor explaining mobilization" (Goodwin and Jasper 2004, 21). This underscores the need to closely examine how ideas may play a determining role in the bridging of previously disconnected social networks.

Appropriation of mobilizing structures is not possible without a message salient enough to motivate individuals to participate in protest activities. The third factor highlighted by social movement theory is collective action frames. Snow, et al. (1986) define a frame as a cognitive tool that situates complex grievances and prognoses within a simplifying framework. Frames encompass an organization's ideas concerning the diagnosis of a problem including blame attribution, the prognosis for its redress, and the audience to be mobilized for action (Snow and Benford 1988). These sub-frames are typically encapsulated within broader master frames, such as "equal rights" or "environmental sustainability". Frame alignment entails the calculated formulation by activists of an organization's discourse to fit within the larger cultural codes of an intended audience. Hence, frames are intricately tied to mobilization. Movements can exert

influence only through mobilizing the public, and the chief determinant of successful mobilization is the resonance of its message. Consequently, framing is not merely one component of movement activity it is the key factor of collective action processes. Snow, et al. (1986) posit that if frames are properly aligned with an audience's values and norms, an organization will be much more successful in its mobilization efforts, augmenting its chances for victory more generally.

Early movement literature concentrated on the importance of frame alignment with regard to local audiences. However, as more and more local organizations proactively seek support from international actors, the model has been expanded to include frame alignment for international audiences. For example, Bob (2005, 4) formulates a model of transnational mobilization that resembles Snow, et al.'s original frame alignment model. Bob contends that local movements must strategically frame "parochial demands, provincial conflicts, and particularistic identities to match the interests and agendas of distant audiences... and craft their messages to resonate abroad" in order to attain external support.<sup>7</sup> His emphasis on the strategic dimension of transnational networks is a welcome addition to the literature on transnational advocacy, as prior studies tended to paint a rosy picture of the purportedly non-hierarchical structure of transnational networks, rather than focus on the "Darwinian arena" in which local movements must compete for finite resources.

However, both Bob's model of transnational marketing and Snow et al.'s frame alignment model suffer from many of the same shortcomings. First, both models assume there is one audience of choice, or at least one highly preferred audience. Yet, the increasing reliance on international actors and transnational advocacy networks illustrates the challenge faced by

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<sup>7</sup> See also Cooley and Ron (2002).

domestic activists who are positioned between international (Western) audiences and local audiences but which nevertheless must formulate a message that will resonate among audiences with rather different norms and values. Indeed, Tarrow (2005) warns that a shift from local to global audiences can leave activists “rootless” as they lose indigenous support.

For example, Rothman and Oliver (2002) addressed this issue in their analysis of Brazil’s anti-dam movement. Once the local movement linked itself to environmental activists from the global North, there was a frame shift from a liberation theology-centered frame, which was highly salient with indigenous supporters, to an ecology frame that resonated with international supporters. Rothman and Oliver discovered that although Brazilian activists developed a hybrid ideology that fused the two together, the move away from liberation theology alienated the movement from some of its original indigenous supporters. The controversy surrounding transnational linkages to Western actors is perhaps amplified in a country like Turkey where there is a well-established culture of anti-imperialism on the far left and right as well as a strong perception among citizens of this Muslim-majority country that Western values are irreconcilable with Islamic values. Therefore, when analyzing frames used by Turkish activists one must be aware of the different audiences they are attempting to mobilize and the different views of these varied audiences.

A second criticism of frame alignment models, often made by culturalist and post-structuralist critics, is that they assume a high degree of ideational coherence among both movement participants and audiences (Melucci 1995). These culturalist critics, however, perhaps overstate the degree of incoherence and fragmentation that characterizes discourse. Pyerhin and Zirakzadeh (2006) offer a middle way, arguing that the degree of ideational coherence of discourse is an empirical question that is case specific. They contend that analysts should

examine the causal mechanisms that lead to fragmentation and integration rather than making *a priori* assumptions regarding ideational coherence or incoherence. I would make the same argument concerning the coherence between organization leaders' messages and rank and file members/ external audiences. That being said, it appears that especially during early phases of advocacy work, movement actors may be less sure-footed when crafting their message than during subsequent phases. Moreover, some sub-frames are easier to construct and are more ideationally coherent than others. For example, although diagnostic frames were cogently articulated, Turkey's human rights activists often stumbled upon prognostic frames in a piecemeal and haphazard manner that entailed much guesswork and deliberation. For some movements even subsequent phases are beset by ideational incoherence.

Thirdly, frame analysts tend to place more attention on the ways in which movement actors strategically align their frames without seriously addressing the broader cultural context. Most frame analysts seeking to identify influential aspects of the environment in which framing takes place tend to concentrate more on political factors than on cultural factors. In most studies, when culture is included in frame analysis it is typically treated as entirely subjective, malleable and as a factor that enables the powerless to challenge structure (Polletta 2004). Consequently, analysts often fail to account for the way in which culture is also structural, and hence fail to illustrate how cultural norms and values constrain as well as enable the construction of collective action frames. This is unsurprising since mainstream approaches tend to rely on rational actor models which are rather one dimensional, as they only concentrate on the strategic packaging of diagnoses and prognoses by rational actors. In addition, frame theory has primarily been concerned with mapping out the cognitive structures inferred from movement literature/discourse (Johnston 1995). Meanwhile, the context, particularly the cultural context, is often lost. Activists

do indeed strategically frame protest to match the cultural norms and values of their audiences in order to promote mobilization. However, frame analysis is ill-equipped to provide a comprehensive understanding of the ways in which culture constrains and enables collective action “in ways that are not always or even usually intentional or instrumental” (Goodwin and Jasper 2004, 24; Steinberg 1998, 1999).<sup>8</sup>

Indeed, although frame analysis only attends to specific cultural dimensions of movement activity- the conscious and strategic formulation of movement frames- it has been relied upon to include all dimensions of culture including notions of collective identity, cognitive attribution, collective blame attribution and repertoires of contention (Goodwin and Jasper 2004). Cultural norms and values are not the only constraints on framing. Identities also shape the framing process; yet mobilization models completely ignore identity. For example, Goodwin and Jasper note that following the assumptions of frame-mobilization model would lead to an implication that Martin Luther King’s use of Christian themes during the American civil rights movement was part of a strategic effort to mobilize Christians rather than the more plausible explanation that Dr. King used Christian themes because he was a Baptist minister. In other words, his reliance on Christian themes was a natural outcome of his identity as a devout Christian, rather than a strategic decision per se. Without a serious consideration of the ways in which identity and cultural norms and values shape the construction of frames, framing is portrayed as a rather straightforward process of pick-and-choose, as uncomplicated as picking fruit at the market. This dissertation takes the power of identity and social norms seriously, for as illustrated in

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<sup>8</sup> A good example of this can be found in Zdravomyslova’s (1996) piece on political opportunities and framing in Eastern European democracy movements. Following the logic of frame alignment analysis she only centers on the ways in which activists, dependent upon political opportunities, strategically chose specific symbols from folk ideology, Christianity-based rhetoric, and so on. In other words, she only emphasized the strategic use of culture and the ways in which culture enabled framing. Highlighting only the ways in which activists pick and choose from broader cultural codes and symbols misses the ways in which culture and identity also constrain choice.

subsequent chapters, identity and norms greatly shaped the choices made by movement actors in Turkey concerning frames as well as the appropriation of mobilizing structures and the responses to changing political structures.

Just as identity affects framing, framing also affects identity. Oliver and Johnston (2001, 10) rightly criticize frame alignment models because “In frame alignment theory, activists are never thought to change their actual thinking, just the way they package their thinking to make it more appealing to someone else”. Yet, we know from studies conducted on movement participants even decades after a movement has ended that an individual’s participation in a movement is often a life-changing experience (McAdam 1988).<sup>9</sup> Indeed, the social learning which occurs through participation is largely overlooked despite the fact activism often changes an individual’s perception of the world. Activists’ identities and interests are reconfigured as participants encounter new ways of defining themselves and their environment. Organizational identities also change as a result of this. This study is interested in exploring whether the eventual decision to appropriate human rights frames had any impact on the identities of those organizations (especially Islam-rooted ones) deploying international human rights norms in their struggles against the authoritarian Turkish state, and so must delve deeper than frame analysis allows.

To summarize, the three sets of factors (political opportunity structures, mobilizing structures and frames) found in mainstream movement analyses should not be treated as a checklist of pre-determined factors that explain movement emergence and sustainability (McAdam, Tarrow and Tilly 2001). Analysts should pay attention to the ways activists interpret opportunity structures, and to the decisions to appropriate some mobilizing structures and frames

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<sup>9</sup> McAdam’s (1988) interviews with Freedom Summer participants illustrate the great impact participation had on these activists.

but not others. Furthermore, the aforementioned shortcomings of frame analysis point to the need to move beyond rational actor assumptions and to take cultural context and identity seriously. The next section discusses the reformulations of social movement theory that are used in this dissertation.

### **Modifying the Framework: Discursive Repertoires and Collective Identity**

#### **From Cognitive Frames to Discursive Repertoires**

As mentioned earlier, a frame is a problem-solving cognitive schema that is hierarchically structured and stable over time. Frame analysts have sought to reconstruct cognitive frames through inference by analyzing movement literature, speeches and public statements. From these datasets, an analyst can map out the relations between various diagnostic, prognostic and mobilization sub-frames in a frame (Johnston 1995). As stated earlier, some movement analysts find the assumptions of coherence and stability as well as the strong instrumentalism in frame alignment models to be problematic. For example, Billig (1996; 2003) argues that rather than follow frame analysts' presuppositions about the nature of mentality, movement analysts should focus on rhetorical processes, for it is through dialogue within a particular context that individuals craft their messages.

Steinberg (1999; 2002, 208) echoes the need for movement analysts to move beyond the treatment of frames as ultimately a matter of individual cognition. He argues that the assumption of strong ideational coherence within an individual's mind and between individuals is far too rigid. Moreover, discourse constructed through collective action is "only partly the product of calculated action." Like Polletta (2004) and Goodwin and Jasper (2004), he argues that frame analysis has turned culture into a resource, which obscures the ways cultural contexts constrain activists' interpretation and discussion of the situation at hand and also their role in solving social problems. In other words, discourse can both enable and constrain. "Discourse is enabling

because through it we give the social world meaning for action; it can provide opportunities to create new meaning leading to new forms of challenge. But actors cannot make meaning just as they would wish, because discursive practices necessarily limit the vision of what is necessary, plausible and justifiable” (Steinberg 2002, 213).<sup>10</sup>

These are fair criticisms of frame theory, although as mentioned earlier, post-structuralist critics of frame theory perhaps place too much emphasis on the lack of ideational coherence. Steinberg offers an alternative dialogic perspective that shifts attention from cognitive frames to what he has coined “discursive repertoires”. Discursive repertoires are like frames- they help individuals define themselves and their circumstances- but an analysis of discursive repertoires entails much more than simply mapping out cognitive structures inferred from movement discourse. Steinberg’s dialogic approach illustrates that anything a challenger says is said in response to something someone else said and in anticipation of things that will be said in response. Activists do not construct their discourses in a vacuum; context matters. Analysis of discursive repertoires emphasizes the continual relational struggle over meaning and focuses on the genres and discursive fields through which activists construct repertoires.<sup>11</sup>

A discursive field is like a master frame; accordingly, human rights constitutes a discursive field. The concept of discursive field is different, however, from master frame in that it emphasizes 1) multivocality (there are different meanings attached to a master frame), 2) the relational aspect of meaning production (between challengers and power-holders, and between challengers themselves), and 3) the dynamic and fuzzy nature of the boundaries of discourses,

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<sup>10</sup> Benford and Snow (2000) make a similar argument, claiming that ideology is a resource and constraint in relation to framing processes.

<sup>11</sup> Bakhtin’s *speech genres* are conventions, or modes of speaking or writing that people learn to mimic, mix together and manipulate (i.e., personal anecdote, university lecture, newspaper article, etc.) . Genres are specific to a culture or community. Each genre carries with it widely accepted norms concerning who is eligible to speak and how genres can be combined.

which challenges the assumption in frame theory that belief systems are structured and orderly. The emphasis on multivocality, relationality and fuzzy discursive boundaries captures the inherent messiness in processes of meaning production.

Although I do not wholly follow Steinberg's approach nor attempt to resolve the dispute between frame analysts and their post-structuralist critics, this dissertation is an improvement over frame analysis in that it follows Steinberg's insights regarding the multivocality and relationality of repertoire construction, and the importance of examining broader discursive fields when analyzing the construction of discursive repertoires. This approach is better suited to explore the ways cultural norms and values not only enabled but also constrained Turkish activists' choices regarding the ways they crafted their messages. I not only analyzed each Turkish organization's literature during different time periods but also placed it within its specific discursive context in order to illustrate the way these groups drew upon and combined discourses emanating from different sources.

Steinberg also notes that because movement participants are embedded within a particular cultural context that is shaped by dominant discourses, activists' repertoires are punctuated with ideas that reinforce some features of hegemonic discourses even as they pose a challenge to them.<sup>12</sup> Indeed, rights activists in Turkey borrowed and refashioned ideas rooted in Turkey's official ideology (Kemalism) concerning modernity, state-society relations and individual rights to make their claims; hence, their discourses "bore the marks of hegemony" even as they confronted and disputed them. Turkish activists' discursive repertoires did not only reflect official ideology but also the discourses that were propagated by their identity groups.

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<sup>12</sup> For example, Steinberg notes that although 18<sup>th</sup> century English weavers' and spinners' challenged the economic orthodoxy of the period in order to challenge factory owners, their repertoires upheld conventional notions regarding gender hierarchy.

Indeed, different ideas were espoused by different activists based on their identity. For example, Islamists constructed discursive repertoires that heavily relied upon moralistic, Islamist discourses in addition to those of law and citizenship. This affected not only the overall tenor of their discourse but also their capacity to mobilize fellow Islamists and non-Islamists. In sum, a study of discursive repertoires shifts the focus away from cognitive mechanisms to discursive ones, and rather than depict frames as static, emphasizes the relational and multivocal nature of discourse and the ongoing process of meaning construction.

I specifically examine each social movement organization's discourse in order to juxtapose disparate organizations' discursive repertoires regarding particular issue areas. Organizational discourse in movement studies refers to the sum total of the "manifestos, records of debates at meetings, actions of political demonstrations, newspaper articles, slogans, speeches, posters, satirical prints, statutes of associations, [and] pamphlets" (Sewell 1980). Discourse studies in social movement literature tend to analyze texts more closely than frame analysis, and sometimes expand the focal point of analysis to include not only texts of interests but also the arrangement of text. For example, "compositional analysis" examines the arrangement of text relative to other symbolic elements, which can provide clues for interpretation (Daniels 1999). In addition, this approach pays closer attention to the context within which the text is produced. This is important since activists may change their written or spoken words depending on the audience they are addressing. Lastly, discourse analysis can also incorporate tone, emphasis, silences and contradictions. Attention to silences is critical, as what is not being said (e.g., what grievances are not included in an organization's annual human rights reports, or which group is excluded from "we" statements that indicate in-group attribution) is just as informative as what is being expressed.

## **Collective Identity Formation**

This dissertation seeks not only to explore the construction of discursive repertoires by activists affiliated with different organizations in Turkey's human rights movement, but also seeks to examine the issue of unity among disparate actors, which necessarily entails a broader discussion concerning collective identity. According to Melucci (1996, 49) collective identity fulfills important functions for a movement, such as regulating the membership of individuals and defining the requirements for membership, creating a collective actor and specifying its relationship to its social environment, and ensuring the continuity of the movement over time.

Resource mobilization theory and political process theory assumed an already-existing collective actor, which seeks to maximize its access to integral resources and take full advantage of political opportunity structures in order to achieve its goals. However, as Melucci has long argued, analysts must not take the empirical unity of a movement as given, but rather explain "how acting together makes sense for the participants" by analyzing the "processes through which a collective becomes a collective" (1995, 43). Some movements need to work a bit harder at this than others. For example Morris & Braine (2001, 21) state that movements based on things like environmentalism or opposition to nuclear weapons "have to build identity, solidarity, and consciousness 'from the ground up' because generally they are not mobilizing in the context of either personal identities that have an existing subordinate meaning in the social system or entrenched oppositional communities." The same is true of human rights movements. Part of the reason Turkey's human rights movement was so fragmented was because it was comprised of numerous identity groups –Kurdish nationalists, Islamists, socialists, etc. - which were highlighting different human rights abuses and attempting to mobilize their own "entrenched oppositional communities".

A movement or organization's collective identity is constructed through the framing process (construction of discursive repertoires) (Polletta and Jasper 2001). Collective identity, according to Polletta and Jasper is evident in organizations' and movements' self-labels, collective narratives, rituals, songs and symbols. Identity is constructed specifically in reference to an adversary(s) through what Gamson (1992) has called "adversarial framing". That is, frames/discursive repertoires provide an us-them framework through which collective actors and their adversaries are defined. Accordingly, it is important to examine the use of "us" and "them" in the "language of othering" observed in organizational discourses (Billig 2003, 236). External agents also have a role to play in identity-formation since they can reinforce or challenge identity labels.

It is important to note that collective identity is related to but distinct from collective interests. Different groups may work together because they share collective interests; however, shared interests do not necessarily imply a collective identity exists or will result from collaboration. Collective identity among a group of people is characterized by a "we" feeling that goes deeper than a mere alignment of interests. That being said, it is exceedingly difficult to pry apart collective interests and collective identity in order to ascertain which forms the foundation of a coalition among different social movement organizations. My solution to this problem was to conduct participant observation at joint functions (e.g., conferences, demonstrations, etc.) in order to supplement my analysis of discursive repertoires and self-labeling. This issue is further elaborated in chapter six.

Clearly, identity is critically important in terms of mobilization of specific audiences and it is also intricately tied to a movement's structure. A collective identity based on some type of collective action can act as the "glue" holding together a diverse array of individuals from

various in-groups within an organization, and similarly may serve as a link between diverse organizations within a broader movement. In contrast to past depictions of movements as unified, the diffuse nature of movements is increasingly highlighted by analysts; however, this does not imply an absence of a collective identity. For example, della Porta, et al. (2006, 28) describe social movement structure as “*segmented*, with groups arising, mobilizing, and declining continually; it is *multicentric*, for the presence of multiple nodes linked horizontally and the absence of a single dominant leadership; and it is *networked*, with groups and individuals connected through multiple ties”.<sup>13</sup> Yet, they also contend that the diffuse nature of social movements does not preclude collective identity. In fact, collective identity is integral to a movement’s ongoing development and sustainability for reasons stated earlier.

Collective interests, collective identity or both may link disparate organizations together. Tarrow’s work on transnational movements suggests that the formation of a transnational movement is a product of two mechanisms, *diffusion* (the transfer of information along established lines of interaction) and *brokerage* (the linking of two or more unconnected social sites) (Tarrow 2005). I believe Tarrow’s framework can also be applied at the local level in analyzing the formation of a local social movement such as Turkey’s human rights movement. In addition, Della Porta et al. modify Tarrow’s framework by arguing that brokerage is facilitated by a master frame. They claim a master frame holds together different sectorial frames used by activists in various sectors of a social movement, and in doing so the master frame also facilitates the bridging of networks/organizations and a collective identity. Consequently, ideas can engender bridging and aid in the social construction of a collective identity among otherwise

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<sup>13</sup> The degree to which these features are found in a specific movement may vary significantly.

disparate actors.<sup>14</sup> Della Porta et al.'s analysis on the role of ideas in movement dynamics is a welcome modification, since previous analyses merely assumed a collective identity, and stressed social conditions, participation, or the organization itself as explanatory variables in network formation rather than addressing the role that ideas play in network bridging.

This dissertation seeks to determine whether or not the concept of human rights facilitated network bridging and the social construction of a collective identity among Islamists and secularists making rights claims in Turkey. Some analysts have argued that human rights particularly has the potential to initiate dialogue among diverse groups because it places limits on its adherents since it rejects exclusivist political visions that would leave out others from rights protection (Hicks 2002), and also because it is general enough to provide the cultural resources necessary to bridge ideological divisions (Keck and Sikkink 1998). Indeed, according to Cali (2007), human rights initiated a dialogue among diverse actors in Turkey, which suggests that it may have also facilitated movement integration and collective identity.

My analysis goes further than Cali's descriptive account of Turkey's human rights movement by situating this empirical reality into social movement theory in order to explain the process of dialogue and also ascertain the outcome of this dialogue, such as its impact on movement cohesion. If master frames (discursive fields) can have a unifying effect and form the basis for collective identity as della Porta, et al. claim, then my analysis must examine whether

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<sup>14</sup> Della Porta, et al. use frame analysis. Accordingly, in arguing that master frames serve to link networks, they claim "cognitive mechanisms" (frames) influence "relational mechanisms" (networks) because cognitive frames alter the perception of people, fostering the identification of individuals with a movement (2006, 62). Della Porta, et al. conduct a survey among participants of the global anti-globalization movement. They distributed the surveys to a random sample of participants at various international events and demonstrations in order to gauge the degree to which individual participants shared the movement's frames. Although I have argued, following Steinberg (1999), against a cognitive approach, I believe their analysis does provide valuable information in that it offers a snapshot in time regarding the level of knowledge of movement discourse among participants. However, their analysis does not inform us about the degree of frame resonance among casual participants or those activists who did not attend the demonstrations.

or not the human rights master frame (discursive field) helped to bridge previously unconnected social networks/organizations (mobilizing structures) and also helped to form the basis of a collective movement identity among diverse organizations in Turkey. I argue that once rights-based organizations in Turkey mobilized human rights norms/law, this common language initiated a dialogue, which in addition to other factors specified in chapter six, had a unifying effect that facilitated brokerage. Increased interaction and common discourses eventually generated a collective identity based on non-partisan human rights activism rather than ideological solidarity among in-groups.

### **Significance and Framework of the Study**

I had two main objectives in conducting this research. First, I sought to fill a gap in the literature on human rights in Turkey. Most of the extant literature on human rights in Turkey concentrates on legal reform, and more specifically on how legal reform has been anchored in the European Union process (Arat 2007; Eralp 2006; Rumford 2003; Carkoglu 2004; Magnarella 1994). Consequently, the impact of human rights at the civil societal level is often eclipsed by this concentration on state and inter-state processes. Because of the diversity of ideological actors within the human rights movement it is an ideal site to explore the ways distinct groups in Turkey's civil society have engaged international human rights norms and the effect this has had on civil society organizations. Additionally, because the human rights struggle began in the mid-1980s, well before Turkey gained official European Union candidate status in 1999, this study illuminates the influence of European Union democracy-promotion efforts on the movement before and after Turkey's candidacy.

My second main objective was to explore the manifestation of the ever-prevalent Islam-secular divide within the movement, and more specifically examine if and how rights-based organizations were reconciling their differences. A focus on the transnational and local-level

bridging (or lack thereof) among secular and Islamist civil society organizations in a Muslim country shines a spotlight on a critically important issue in debates concerning democratization in the Muslim world. Theories of democratization and civil society posit the importance of not only a robust civil society but perhaps more importantly one in which there are cross-cleavage connections that facilitate interpersonal trust and norms of reciprocity, as these greatly contribute to democratization/democracy (Putnam 2000). Clearly, the intense polarization between Islamists and secularists threatens the vitality of civil society by impeding the creation of cross-cleavage connections believed to be a critical component of a healthy democracy. While many studies emphasize the animosity between Islamists and non-Islamists in the Muslim world, this study tells a different story. It presents a story of reconciliation and attempts to explain what generated this change.

In addition to its contribution to studies of democratization in Turkey, this dissertation contributes to social movement theory by applying social movement theory to a non-Western context. At a more theoretical level, this study also provides an opportunity to fine-tune analytical frameworks by addressing the impact of ideational context and identity to movement dynamics. It is an improvement in that it shifts attention from cognitive frames to ideational context by focusing on the “discursive fields” through which activists socially construct discursive repertoires. This approach is better suited to explore the ways cultural norms and values not only enabled but also constrained Turkish activists’ choices regarding the ways they framed their protest and the solutions they offered to ameliorate the human rights problem in Turkey.

In addition, this study improves upon previous movement studies in that it addresses the way identity impacts the construction of discursive repertoires, the appropriation of mobilizing

structures, and the decision to take advantage of new political opportunities. For example, despite the availability of international and domestic human rights law and “open” political opportunity structures such as the European Court of Human Rights, Islamists were initially quite leery of taking advantage of these opportunities, or of appropriating transnational advocacy networks rooted in Western countries. This, I believe, was because to do so would contradict the strong anti-Western component of their Islamist identity.

Perhaps the best example of this is illustrated in chapter five on the headscarf ban, which shows that Islamists did not initially mobilize international or domestic rights-based law and did not frame their protest of the ban in terms of human rights and democracy. Instead they couched their protest in terms of Islamist rhetoric popular at the time, which framed the headscarf ban as a battle within a larger war between Islamists and their secularist detractors. Islamists also did not initially appropriate Western-based transnational advocacy networks. In theory, these opportunity structures were open to them, these mobilizing structures were available to them and a well-established discourse of human rights was also available. However, the pursuit of their goals through these open channels, and the appropriation of Western discourse and networks/organizations would have undermined the Islamists’ strong anti-Western identity. In social movement parlance, identity was a principal determinant of organizational strategy, discourses available for deployment, and of potential allies. Even today after significant changes to Islamism in Turkey have resulted in the softening of anti-Westernism, most Turkish NGOs run by religious conservatives choose not to apply for European Union funding despite this open window of opportunity.

Lastly, this study contributes to social movement studies by providing a richly detailed and comprehensive analysis of the interplay between framing processes and brokerage. It also

explores the formation of collective identity among movement participants, arguing that ideas and common discursive repertoires functioned as a centripetal force drawing disparate organizations together.

A caveat is in order before moving forward. Because this study analyzes organizational literature, it necessarily highlights the ideas of each organization's leaders and key members. Although organizational literature ostensibly reflects all members' ideas, organization leaders play a disproportionately large role in constructing discursive repertoires, and the opinions of rank and file members may in fact be quite different from those of leaders. Particularly for organizations in which leaders do not have strong links to rank and file members, the degree of fit between leaders' and members' ideas remains unclear. That being said, even hierarchically organized organizations such as Mazlum Der and the Human Rights Association have annual general assembly meetings and numerous opportunities for rank and file members to contribute to the decision-making process, not to mention that they can vote with their feet, so to speak, and abandon the organization if they are deeply opposed to developments within it. Thus, one can surmise that continued membership and participation by rank and file members signifies approval of the decisions being made by elites within the organization.

The next chapter maps out Turkey's political and intellectual landscape before and after the 1980 military coup, and provides an overview of official ideology in Turkey, which is based upon the ideas of the "father" of modern Turkey, Mustafa Kemal. The official ideology of the Turkish state, called Kemalism, forms the ideational backdrop of all public discussions in Turkey, and claims-making groups' discursive repertoires were formulated in response to and disputation of Kemalist principles. The chapter also provides a synopsis of the conditions leading to the birth of the movement.

Chapters three, four and five explore different organization's discursive repertoires concerning specific rights issues. Human rights activism in Turkey encompasses a wide range of rights. In order to gain traction in this whirlwind of discourses concerning everything from torture to Kurdish language rights to the rights of the disabled, I have divided the chapters according to the main areas of advocacy work: the death penalty, freedom from torture (chapter three); Kurdish rights (chapter four); and the ban on the Islamic headscarf (chapter five).<sup>15</sup> I explore specific issues because a shared master frame does not necessarily lead to an identical stance on a particular issue. In this way, I can specify points of convergence and divergence concerning a particular issue among different organizations, while still tending to the broader ideas about human rights philosophy that inform stances on key issues.

Each chapter consists of analyses of key human rights organizations' discursive repertoires (diagnostic, prognostic and mobilization dimensions) pertaining to the specified issue. I link each organization's discursive repertoires to the broader discursive fields from which they were culled, especially those discourses emanating from the main audience(s) the organization is attempting to mobilize. For example, discussions among Islamist intellectuals found in Islamist publications such as pro-Islamic newspapers (e.g., *Zaman* and *Yeni Safak*) are relied upon to provide the broader contours of an Islamist discursive field in Turkey from which Mazlum Der drew ideas and also contributed. Special attention is paid to broader discourses because context and mobilization strategies greatly shape the construction of organizational repertoires, and can help illuminate why repertoires changed over time.

The final chapter explores collective identity formation over the past three decades since the movement's emergence. The methods used to analyze identity formation include analysis of

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<sup>15</sup> Kurdish rights and the headscarf ban are directly linked to freedom of expression so this will be also be covered in these chapters, as well as chapter six, which explores collective identity-formation.

texts, interviews with activists and participant observation at movement/organization events and activities.<sup>16</sup> I argue that ideas concerning universal rights- ideas rooted in international human rights norms and also in Islamic notions of justice- had a unifying effect on some of the disparate social groups making rights-based claims in Turkey. A movement identity gradually emerged among the movement's key organizations. That is to say, ideas facilitated brokerage, and these in turn facilitated the development of a collective identity.

My findings suggest several factors had an integrative affect, contributing to both identity and movement structure, which are interrelated. Human rights discourse provided the building blocks for dialogue. In addition, discourses concerning civil society and democratization played a unifying role because they presented a transformation of Turkey's civil society from an overly politicized sphere of left-right tension to be a prerequisite for democratic consolidation. The activists' similar position as political outsiders and victims of rights violations further facilitated the construction of similarity by "bridge workers" (organization leaders who worked to link together disparate groups). These factors contributed to identity-formation. Lastly, the institutionalization of informal ties through the creation of the Human Rights Joint Platform was made possible by a financial assistance offered by the Danish Human Rights Institute. The Human Rights Joint Platform is Turkey's first grass-roots human rights umbrella organization

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<sup>16</sup> I used primary sources in the form of pamphlets, bulletins, newsletters, annual reports and other organizational literature obtained directly from the organizations or culled from their websites. I used HRA literature dating back to 1988 and up through 2007; HRFT literature from 1991 to 2007; Mazlum Der literature from 1992 to 2007; and Helsinki literature from 1993 to 2007. I also conducted formal interviews with fifty activists/individuals from the following organizations: HRA (Ankara headquarters, Istanbul, Diyarbakir); HRFT (Ankara headquarters, Istanbul, Diyarbakir); Mazlum Der (Ankara headquarters, Istanbul, Diyarbakir); Helsinki-Turkey (Istanbul headquarters); Amnesty-Turkey (Ankara headquarters, Diyarbakir working group); Human Rights Joint Platform (Ankara headquarters); Human Rights Agenda Association (Ankara headquarters); Peace Mothers (Diyarbakir); TUHAD Federation (Diyarbakir); Diyarbakir Bar Association; Ozgur Der (Istanbul headquarters, Diyarbakir); Liberal Thought Association (Ankara headquarters); Ak Der (Istanbul headquarters); Women for Women's Human Rights/New Ways (Istanbul headquarters); Ka Der (Ankara headquarters, Istanbul); Flying Broom (Ankara headquarters); Capital City Women's Platform (Ankara headquarters); Turkish Union of Women (Ankara headquarters); TESEV (Istanbul headquarters); EU Commission in Turkey (Ankara headquarters); Danish Human Rights Institute (in Ankara).

and one of its stated goals is to further integrate the movement and deepen solidarity among its constituent parts.

## CHAPTER 2 THE HISTORY OF HUMAN RIGHTS IN TURKEY AND THE EMERGENCE OF THE HUMAN RIGHTS MOVEMENT

### **Introduction**

Unlike political revolutions in America or France, which placed an emphasis on individual rights as the foundational concept for the development of the state, the founding of the Turkish state was centered on the right of the nation to self-determination. *Mudaffa-i hukuk-u milleye*, or *defense of national rights*, was used by the nationalist independence movement as a rallying call for Anatolians to join forces in order to take advantage of Wilson's Fourteen Points, which guaranteed sovereignty to the people of Anatolia. According to the statutes agreed upon during the nationalist independence movement's first congress in Erzurum in 1919, the movement's goal was first and foremost to "defend the historic and national rights of the Muslim population," or *millet* (Zurcher 2000). The term *millet* was central to the discourse during this period, as it was crucial to legitimate the independence movement as one defending the Anatolian Turkish and Kurdish Muslim community's international right to sovereignty. Nationalism was still a rather newfangled notion to the Ottoman peoples. The Ottoman Empire had been divided into religio-ethnic communities, or *millet*; hence, a Turkish nation had to be created. The urgency to establish national sovereignty and the lack of extensive conceptualizations of individual rights in both Ottoman Turkey and also in global discourse precluded the emergence of a discourse of individual human rights in Turkey's independence movement.

This chapter begins by providing an introductory overview of the history of human rights discourse and activism in Turkey before the emergence of the grass-roots human rights movement in the 1980s. A synopsis of the radical movements which preceded the human rights movement helps to contextualize the subsequent movement's emergence and development for it was these radical movements that morphed into a human rights movement following the 1980

coup d'état. The last section of the chapter explains the birth of the movement with the creation of Turkey's largest and most resilient human rights organization, Human Rights Association; and expounds upon the movement's subsequent development as other organizations were established.

### **Rights in the Republican Period**

Following Turkey's independence in 1923, Mustafa Kemal and his advisors embarked on the arduous task to craft a modern nation-state from the ruins of the empire. This entailed nation and state-building projects that would be achieved through a radical modernization program to lift the Anatolian peoples to a point of "civilization" analogous to their European neighbors. Modernization, interpreted in terms of Westernization, involved a broad social engineering plan which aimed toward the complete elimination of past social and political arrangements structured by Ottoman Islamic traditions.<sup>1</sup> Accordingly, the Arabic alphabet was changed to Latin script, Ottoman style dress was banned and Western-style dress codes were enforced, and Islamic institutions such as *seriat* courts<sup>2</sup>, Sufi brotherhoods and the Caliphate were dismantled and outlawed. *Halkevler*, or public houses, were established throughout the country to inform and indoctrinate, and thereby create the modern Turkish nation. Similarly, the term *millet* with its religious connotation and Ottoman pedigree could no longer be used to classify the Anatolian people. Instead, *ulus*, or nation, would heretofore be used to describe the peoples of Anatolia, who now regardless of ethnicity constituted the Turkish nation.

Such sweeping reforms could not possibly have been carried out within a context of individual rights, and notions of individualism remained limited under the force of nationalist

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<sup>1</sup> The drive toward Westernization was actually first implemented by the Ottomans in the late eighteenth and early nineteenth centuries; however, the Ottoman policies never advocated such broad-ranging social engineering.

<sup>2</sup> *Shariah* in Arabic, or Islamic law.

zeal and longstanding communalism. These radical reforms were legitimated by its promoters as an imperative to the development of a modern society, which would benefit all Turkish citizens. In effect, the idea undergirding these efforts was that individual needs and rights could and should be sacrificed for the good of the nation-state, and what was good for the nation-state would be determined by a small group of state elites. As Yavuz (2003, 48) aptly claims, Turkey's Kemalist elite, in the tradition of French positivism "came to view the state as an end in itself and society as simultaneously a threat and a means to enhance the state and its new elite." This culminated in a political culture that prioritized state-building over the preservation of fundamental individual rights (Cizre-Sakallioglu 1996).

The "strong-state tradition" in Turkey was created by Turkey's founder, Mustafa Kemal, or Ataturk. Ataturk outlined his vision for the Turkish republic in his "six arrows": republicanism, laicism, progressivism/revolution, populism, statism and nationalism.<sup>3</sup> According to the Kemalist vision, the transformation of Turkey from a pre-modern, uncivilized society to a modern, civilized nation-state would occur through several transitions. Politically, there needed to be a transition from personal rule to impersonal rule and rule of law. This meant a shift from religious thinking to positivist and rational thinking, not only at the state level but also within society. A transition was also needed in the structure of society, from a community founded upon an "elite-mass" cleavage to a populist-based community, in which society was depicted as a monolithic, classless entity. Lastly, and related to this, Anatolian society needed to make the transition from a religious community to a modern nation-state. These social transitions were

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<sup>3</sup> *Laicism* is often mistranslated into secularism; however, there are important differences between Anglo-American secularism and the French model of *laicite*. Moreover, French *laicite* should be distinguished from the Turkish model. These differences and the pressing issues surrounding religious freedom that emerge from laicism are discussed at length in the chapter on the headscarf issue. Turkish laicism is a model in which organized religion is wholly subordinate to the state and any symbolic representation of religion in the public sphere, such as the Islamic headscarf, is outlawed.

believed to be pre-conditions for Turkey to achieve the status of contemporary civilization, and these transitions were to be facilitated and guided by the state (Mardin 1994). That is, the Turkish state was considered to be the active agent in the complete restructuring of political, social, cultural and economic life. This “strong-state tradition” which charged state elites with the daunting task of fomenting revolutionary change in Anatolia was first articulated by a group of soldiers in Ottoman Turkey known as Young Turks, but this vision was really brought to fruition after Turkey’s independence in 1923. The ideas espoused by radical reformers, led by Ataturk, became part of Turkey’s official ideology and are enshrined in its constitution (Keyman and Onis 2007, 310).

The values embodied in Ataturk’s six arrows guided the development of the Turkish nation-state and to ensure their execution Ataturk ruled over his one-party state as, according to some critics, a benevolent dictator. His legacy is felt everywhere in Turkey where the ubiquitous Ataturk portrait adorns almost every public or private establishment, and points to what some observers have coined “the cult of Ataturk”. Two “arrows”, nationalism and laicism are of particular import and form the cornerstones of the Kemalist cultural revolution. Challenges to these ideas enshrined as legal principles may even today result in a prison sentence. Hence, many observers note that Kemalist authoritarianism now stymies progress toward democratic consolidation and ironically poses an obstacle to Mustafa Kemal’s biggest goal: the modernization of Turkey and a firm spot in the civilized (Western) world. For example, Yavuz (2003, 46) argues that the Kemalist worldview has prevented open and participatory public debate over the formation of a social contract, is intolerant to different identities or lifestyles, limits political participation to those who promote the Kemalist agenda, and treats politics as a

management issue to realize predetermined Kemalist ends. Indeed, these are the same criticisms launched by human rights activists.

While there is certainly truth behind these criticisms, it is important to note that Kemalism has been interpreted and used differently by different people. It does not constitute a coherent or monolithic official ideology and various segments of society have interpreted Ataturk's vision in rather distinctive ways, some infusing it with a dose of liberalism and others with a dose of fascism. As the people of Turkey continue to struggle with the reconciliation of Kemalism's contradictory goals, the military astutely guards the Kemalist legacy, especially in the face of its two biggest threats: Kurdish nationalism, which undermines the nationalism principle, and political Islam, which challenges the laic system. The most egregious human rights violations in Turkey are tied to these two issues, as Kurdish nationalists and Islamists have continually been perceived as the gravest threats to the homogenous Turkish nation and the integrity of the laic state.

The 1924 constitution reflected Turkey's founding fathers' conservatism in the way of civil and political freedoms and several years after the death of Ataturk in 1932, his six arrows were enshrined in the constitution. In the interest of nation and state-building, the Grand National Assembly was endowed with unlimited power to enact and interpret laws as members of parliament saw fit. As Tuncay (1981) argues, the 1924 constitution granted some fundamental rights and freedoms, however, it did not specify the sanctions in case of their breach, and was rather susceptible to "dictatorship." Nevertheless, the constitution's vague references to political and civil rights, especially in the realm of women's rights, did establish some significant gains, if only on paper.

This is true especially in the realm of women's status as equals, which Ataturk believed

was an indicator of a modern nation. For example, Turkish women were granted suffrage by 1934, well before many European countries. Notwithstanding these advances, women's rights were defended not in terms of individualism, but rather, in terms of the positive effects on the nation that resulted from recognizing women as contributors to society. Women especially had a role to play as the caregivers and teachers of morality to the men who would be the nation's political and economic leaders. Moreover, women freed from the dictates of religious custom were deemed an important signifier of a civilized society, an issue addressed in chapter five's analysis of the headscarf ban. In spite of the far-reaching changes that in certain legal domains elevated women to equal status with men, women largely remained extensions of their family rather than individuals under the law. This changed in 2002 when the government made extensive amendments to the civil code following specific demands from the women's movement in the context of European Union Copenhagen criteria.<sup>4</sup>

By 1945 Turkey became a signatory to the United Nations Universal Declaration of Human Rights. This was followed by some early initiatives by political elites to create a human rights organization, and they were part of Turkey's strategy to conform to the new international standards created by Western states, and thereby further Atatürk's goal of tying Turkey firmly to the West. The first human rights organization was founded in Turkey by a constitutional law professor from Istanbul University who was also a columnist for the right-wing *Vakit* newspaper. The organization, however, was stillborn. Shortly thereafter in 1946 a group of parliamentarians and bureaucrats formed a parliamentary group called the *BM İnsan Haklarını ve Ana Hürriyetleri Sağlama ve Koruma Türk Grubu* (Turkish Group for the Defense and Achievement

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<sup>4</sup> For a complete appraisal of the demands made by women's organizations and the changes made to Turkey's civil and penal codes, see Women for Women's Human Rights/New Ways report, *Turkish Civil and Penal Code Reforms From a Gender Perspective: The Success of Two Nationwide Campaigns* (2005).

of the UN's Human Rights and Fundamental Freedoms), which attempted to publish a monthly journal simply titled "Human Rights". However, this too was short-lived (Ensaroglu 2006). The same year a small group of diplomats, academics, and state elites tied to the Republican People's Party founded *Insan Haklari ve Temel Hak ve Özgürlükler Dernegi* (Association for Human Rights and Fundamental Freedoms).

In response, another group comprised of former parliamentarians, retired generals and former ambassadors established the *Insan Haklarin Koruma Cemiyeti* (the Association for the Protection of Human Rights). The president of this association, Independence War hero Marshall Fevzi Çakmak, was a religious conservative voice in opposition to the Republican People's Party's staunch secularism, and as a result, this second association emphasized the importance of freedom of religious expression. If that was not enough to jeopardize the organization's legitimacy, Çakmak's questioning of Turkey's new NATO membership and his view that aligning with the Soviet Union was more advantageous resulted in him being branded a communist. This led to his resignation as president and within months the organization collapsed due to accusations of close relations to leftist intelligentsia. Nevertheless, the short-lived organization's membership was unique in that it consisted of elites from left- and right-wing circles.

## **1960-1980: Radicals, Polarization and the Decades of Coups**

### **The Radical Left**

Human rights remained a topic for discussion primarily among elites, and human rights discourse would not be popularized for another few decades. After Turkey's experiment with multi-party politics ended with the 1960 coup, the junta appointed a committee of law professors to write a new constitution. The 1961 constitution was the most liberal in Turkey's history (Magnarella 1994) and provided new opportunities for politically excluded groups to seek

inclusion in the political process.<sup>5</sup> Along with providing a more detailed definition of political and civil rights than the previous constitution, the new constitution also legalized unionization and introduced social and economic rights. Moreover, it granted autonomous status to radio and television stations and to the universities and it emphasized human rights, stating that the Turkish state was “based on human rights.” Nevertheless, it also institutionalized the military’s role in political affairs through the creation of a National Security Council (Magnarella 1994).

Shortly after power was handed over to civilians in 1962, a new organization, *Insan Haklari Dernegi* (Human Rights Association) was established. Although the significantly more liberal 1961 constitution provided new opportunities for groups to assemble, this new human rights organization had a short life span and collapsed the same year due to its inability to mobilize mass support. In sharp contrast to the unsuccessful attempt to establish a human rights organization, disaffected workers effectively expanded Turkey’s labor movement, taking full advantage of the new legal opportunities as well as new opportunities emerging from Turkey’s industrialization.

According to Foweraker and Landman (1999), labor mobilization often precedes the first wave of mobilization by other movements; therefore, labor has often played a facilitative role in subsequent movements for individual rights in many Latin American countries. This was also the case in Turkey. The newly gained right to strike contributed to the increased political consciousness of a previously apolitical and historically submissive populace as unions mobilized workers to stage mass strikes and protests. In addition, the more liberal 1961

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<sup>5</sup> In pursuing a more liberal agenda, the military sought to achieve two contradictory goals through the new constitution: the de-politicization of society by balancing the power wielded by elected officials with bureaucrats, including an independent judiciary, and the deepening of associational life which would also provide a counterweight to parliamentary majoritarianism (Yavuz 2006).

constitution allowed for more ideological debate outside the boundaries of Kemalism and provided legal protection for the newly emerging socialist groups advocating radical change.

During the 1960s the political trends within Turkey increasingly followed the global trend of class politics. The appeal of socialism swept through the country and radicalized Turkey's youth during the 60s and 70s. However, socialism was never strongly represented in parliament and the effectiveness of far left political parties was crippled by fragmentation (Ahmad 1981). During the early sixties, attempts were made to bring radical change through legitimate means such as the ballot box. The largest and most organized socialist party, *Turkiye Isci Partisi/TIP* (Turkish Workers' Party) was founded by an activist politician, Mehmet Ali Aybar, who was one of the Turkish Human Rights Association's founders two decades later. The Workers' Party advocated non-violent means and even won fifteen seats in parliament in 1965. However, after the party's program was reformulated to better reflect its members' socialist intentions, the party lost favor with some of its previous voters and performed poorly during the next election. In addition, there were serious disagreements among leftists regarding the best strategy to achieve socialism, violent revolution or evolutionary peaceful change, which further alienated the party from previous supporters. The Workers' Party's dismal showing in the 1969 election lent credence to its critics' claim that evolutionary change through parliamentary influence was an illusion.

Accordingly, the masses were harkened to join the revolution as more and more radical leftists eschewed a strategy of non-violence. Countless revolutionary organizations that adhered to various alternative socialist visions sprouted throughout the country. Influenced by revolutionaries such as Marx, Lenin, Stalin, Mao and Che Guevara, these radical organizations propagated a message centered on social justice, redistribution of wealth and the restructuring of

state and society (Cali 2007). Even today, the image of Che Guevara is a powerful symbol of the left in Turkey. Che trinkets are a dime a dozen in Turkey and his image can be found on banners during labor demonstrations, anti-imperialism rallies and even on the bookshelf of the chairperson at a Human Rights Association branch office (“it’s an homage to a time when I was a different type of revolutionary”).

Human rights were regarded by socialists in Turkey as a means to an end rather than an end in their own right (Cali 2007). Irrespective of their particular affiliation, whether Maoist or Marxist-Leninist, these radical groups followed Marx’s denunciation of the concept of inalienable individual rights as bourgeois ideology, and they interpreted rights as important inasmuch as they advanced the socialist project. For example, organizations such as *Baris Dernegi* (Peace Association) and *Cagdas Hukukcular Dernegi* (Contemporary Lawyer’s Association) framed human rights within a broader socialist ideological framework in much the same way as organizations active during the late 1960s had done. Human rights were regarded by socialists in Turkey as a means to an end rather than an end in their own right (Cali 2007).

As the prioritization of workers’ rights was characteristic of this era, labor unions were on the front lines of battle. The most aggressive labor union confederation was DISK, the *Turkiye Devrimci Isci Sendikolari Konfederasyonu* (Turkish Confederation of Revolutionary Trade Unions), which was founded in 1967 by the same people who had previously created in 1961 the *Turkiye Isci Partisi* (Turkish Worker’s Party). Considering itself the instrument of worker unity DISK leaders worked diligently to harmonize antagonistic elements within Turkey’s fragmented left. Socialist activists in DISK and elsewhere fashioned their discursive repertoires from the broader Marxist-Leninist discursive field. Consequently, discursive repertoires highlighting human rights were utilized as an instrument of class struggle. Following Lenin’s adage that

democracy and socialism are inseparable, Turkey's socialists emphasized the need for democracy, and DISK's charter implored Turks to act, stating that professional struggle is not sufficient for attaining the full rights of workers. Professional struggle must be complemented by political struggle, and workers must utilize all of the democratic rights enumerated in the Constitution (Kara and Kum 1984).

The call to work not only through unions but also through other political channels and civil society organizations facilitated the growth of civil society, and attracted young idealists of all kinds who went on to become career activists of various issue areas, particularly human rights and women's rights. Indeed, almost every organization leader I interviewed from approximately two dozen civil society organizations pointed to their activities in this era as their initial foray into political life. However, the spread of revolutionary fervor in Turkey during this period and the concomitant anti-imperialism associated with emancipation meant that from a mobilization perspective a human rights centered discourse was unnecessary and unappealing. Given the widespread support for aggressive tactics among Turkey's politically active youth, human rights activism based on non-violence was regarded as too soft a strategy when what was needed was radical change achieved through force.

A rights-based movement was emerging but it was firmly placed within the broader socialist agenda. Human rights were regarded as a means to an end rather than an end in their own right (Cali 2007). Irrespective of their particular affiliation, whether Maoist or Marxist-Leninist, these radical groups followed Marx's denunciation of the concept of inalienable individual rights as bourgeois ideology, and they interpreted rights as important inasmuch as they advanced the socialist project. For example, organizations such as *Baris Dernegi* (Peace Association) and *Cagdas Hukukcular Dernegi* (Contemporary Lawyer's Association) framed

human rights within a broader socialist ideological framework and carried out advocacy work to support various factions of the radical left.

When human rights were explicitly mentioned by radical leftists they more often than not concerned the collectivist rights of the working class rather than the individual. For example, the DISK federation organized rallies and strikes including two demonstrations held in Istanbul and Izmir in September 1975 for the “Struggle for Human Rights and Freedoms”, which framed workers’ rights as human rights. At its general assembly held that same year DISK leaders adopted a series of important resolutions on women’s rights, universal holiday on Saturdays, democratization of the labor code, recognition of the right to general, solidarity and similar strike forms, banning of lockouts, trade union rights for civil servants, re-regulation of industrial branches, etc. The congress stressed the importance of closer relations with the international trade union movement, and particularly the unions of Third World countries (Kara and Kum 1984).

It is easy to lose sight of the individual in this rights discourse, as it is characterized by its orientation toward groups of workers ostensibly made homogenous through their subjugation under the capitalist system. Social and economic rights, such as the right to employment and unionization, were stressed as chiefly important and political rights were vital inasmuch as rights to press and association were necessary to disseminate socialist ideas and thereby raise worker consciousness. The discourses emerging from unions and student groups promoting socialism clearly followed as their point of reference the global socialist discourses of the day in their emphasis on positive rights, which are associated with collectivism, over negative rights, which are based on the belief that rights are observed not through the actions of the state but rather through the absence of the state’s interference with individual choices.

Despite the gaps in the radical left's rights discourse, these groups tended to be the most vocal defenders of rights in Turkey. Indeed, during this period, human rights were generally dealt with only in the far left's discourse and even then tended to be a marginal issue. The lack of attention to human rights by political actors other than radical leftists resulted in a widespread perception in Turkey that human rights was the purview of the radical left, and "demanding human rights was seen as a propaganda weapon for communists and enemies of the state" (Plagemann 2000, 434). This perception has had important consequences in the subsequent cycle of human rights advocacy following the 1980 coup.

Revolutionary organizations, such as the notorious *Devrimci Sol* (Revolutionary Left) introduced much civil unrest to Turkey and greatly contributed to the instability that led to both the 1971 and 1980 coups. To complicate matters further, because mainstream parties refused to entertain their calls for justice, Kurdish youth appropriated radical leftist mobilizing structures to disseminate their demands for the recognition of Kurdish identity. For example, the Kurds in the Turkish Workers' Party convinced its leaders to publicly address the Kurdish issue- a move that worked to further marginalize the party. The party was closed after the 1971 coup for propagating communist propaganda and advocating autonomy for Kurds. Despite the obstacles, including frequent closures, radical leftist parties and organizations continued their struggle until the 1980 coup.

### **The Radical Right**

With regard to the conservative right during the 1960 and 70s, human rights were even less relevant, as Islam provided a route to social justice and an escape from both Western bourgeois notions of rights and godless communism (Cali 2007). Moreover, there was no public debate concerning Islam and human rights until well into the 1980s (Plagemann 2000). Human rights were deemed a Western political construct that was not only unsuccessful at eradicating

injustice, evidenced by the double standards and bigotries in Western countries, but was also inherently inadequate due its secular roots. Islamic sacred texts were believed to provide a divinely-inspired comprehensive guide for individual rights and responsibilities and are beyond the realm of politics. The Islamic discourses during this period addressed social and political issues from an Islamic perspective rather than strictly emphasizing religion or religious issues, and class politics were approached from a perspective advocating an “Islamic solution” that was ideologically situated between socialism and neo-liberalism but which bore the imprint of Kemalist inspired state capitalism. At the center of Islamist discourses was an anti-Russian Turkish nationalism and, similar to the radical leftists, a fiery discourse of anti-imperialism.

Outrage over the silencing of Muslims during the Republican era by state elites provided the impetus for Muslim communities to assert a place for themselves on the political stage. The 60s and 70s saw three trends develop: 1) the diffusion of ideas emanating from the larger Arab and Muslim worlds, especially the Muslim Brotherhood in Egypt and Syria, in which Islam was seen as a unique and all-encompassing ideology that rejected nationalism, 2) the Islamization of the Turkish nationalist movement, and 3) the nationalization of Islamic movements (Yavuz 2003b).

Sufi *tarikats*, or brotherhoods, had been outlawed after the creation of the secular Turkish state and as a result went underground; however, they increasingly began to surface and to take on a more political character during this period. Individuals affiliated with various Sufi brotherhoods, particularly the Naksibendi order, has proactively been reformulating the hegemonic Republican discourse to promote Islamic goals since the 1950s. By the late 1960s key figures began to articulate a modernist political Islam. For example, a key figure among conservatives in Turkey, Fethullah Gulen, steered clear of formal party politics but encouraged a

social Islam that emphasized the establishment of a moral society based on peace and family harmony, and that encouraged the creation of civil society organizations. Gulenist summer camps, schools, student dormitories and publishing enterprises, etc. are spread throughout the country even today.<sup>6</sup> Although he and his followers have been known to have ties to some center-right parties, the Gulen movement generally espoused then and now an inward-looking Islam that does not focus its efforts on attempting to radically transform the Turkish state (Yavuz 2003a). In recent years, the Gulen movement has increasingly appropriated human rights and democratization rhetoric which are fused with its inward-looking Islam.

Other Islamists such as Professor Necmettin Erbakan basked in the political spotlight. Erbakan was the central figure of the political Islam movement and established Turkey's first Islamic party in 1970. The *Milli Nizam* (National Order) party was closed in 1971 due to the coup but reappeared in 1973 under the name *Milli Selamet Partisi* (National Salvation Party). These were the first parties in a chain of Islamist parties that span from 1970 to the present.<sup>7</sup> Erbakan has wielded immense influence and was Turkey's first Islamist prime minister for a short stint in 1996-7, after which he was forced to resign for purportedly threatening the secular state in what is widely called the February 28<sup>th</sup> Process. Mazlum Der, Turkey's largest and most influential human rights organization with a religious membership profile was created by individuals affiliated with Erbakan's National Outlook movement, an issue that will subsequently be addressed.

Debates concerning religion and the state, and personal piety in the public sphere have

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<sup>6</sup> Gulenists have also opened over a hundred Turkish schools in the developing world, especially in Central Asia and Africa. Gulen is also the owner of the *Zaman* publishing giant, which publishes dailies in Turkish and English. Gulen has been regarded by various news magazines as one of the most influential Muslim thinkers in the world.

<sup>7</sup> Erbakan's parties include *Milli Nizam*, *Milli Selamet*, *Refah*, *Fazilet*, and the present-day *Saadet*. Each of these, except *Saadet*, has been closed and banned due to its purported threat to the secular state.

been at the center of various strains of both the political and social Islamic movement's discourses. However, the social and political Islamisms differ in the methods utilized to erect a moral order in Turkey, with Gulenist-style social Islam generally encouraging personal piety rather than the capture of the state. Nevertheless, it is sometimes difficult to gauge whether the social and political Islamic movements differ greatly in their vision to Islamize not only Turkish society but also the state. This is mainly due to the diffuse nature of the Gulen "movement", which is actually a conglomeration of similar yet distinct networks.

Where Erbakan's political Islam and Gulen's social Islam meet is their spirited Turkish nationalism. In fact, Turkish nationalism punctuates in some way the discourse of every wing of every ideological movement in Turkey since it is at the center of Kemalist official ideology. One of the primary goals of Turkey's modernizers was to eliminate the "backward" Islamic identity and replace it with a "modern secularist" Turkish nationalist identity. That lofty goal was never fully achieved, although modernization theorists (Lerner 1954, Lewis 1961) purported otherwise until a new generation of scholars (Mardin 1982; Gole 1996; White 2002; Yavuz 2003; Yavuz and Esposito 2003) offered a more nuanced analysis of Islam in Turkey. What emerged from the Ottoman Islamic legacy and the Kemalist Turkish nationalist project is a complex relationship between nationalism and Islam, one which has had a profound impact on the way Islamists view the Kurdish question, discussed in chapter four.

The relationship between Turkish Islam and Turkish ultra-nationalism must be understood in the context of the Cold War. The surge in socialism/communism throughout the country constituted a real threat in the eyes of some, and similar to other parts of the Muslim world, Islam provided a natural antidote to communism. Consequently, more and more Islamist leaders began to infuse their Islamism with Turkish nationalism. For example, by the 1969 national

election, Erbakan's National Order Party campaign slogan was "to create a nationalist and sacredist Turkey." According to Yavuz (2003a, 181-84), Gulen initially wished to maintain distance between his community of followers and the increasingly more politicized Islamic movement, was compelled in the polarized political climate of the Cold War to espouse a more anticommunist and ultra-nationalist rhetoric. For example, Gulen and other individuals associated with the Sufi Nurcu movement became involved in the *Turkiye Kominizmlle Mucadele Dernekleri* (Turkish Association for Struggle Against Communism) (Yavuz 2003b, 22). Houston (2001) contends that Gulen's Turkish nationalism is so pronounced today that some of his more nationalist statements are indistinguishable from those of Ataturk and other Kemalist elites.

Conversely, the Turkish ultra-nationalist National Action Party (NAP) began to appropriate Islamic symbols to mobilize voters and by the 1970s Islam had found a prominent position within the contours of Turkish ultra-nationalist identity, which had formerly been dominated by Kemalist (secularist) interpretations of Turkish nationalism. Although certain left-wing groups maintained a secularist Turkish nationalism, an ultra-nationalist, or *ulkucu* (translated as *idealist*) identity which drew on Turkish nationalism *and* Islam became rooted in the Turkish political landscape.

Although in subsequent years the ultra-nationalist National Action Party's emphasis oscillated between secular and Islamist Turkish nationalism and it became highly critical of Islamist parties, it nevertheless appropriated Islamic symbols and discourse in its anti-communist statements. For instance, in the words of one of the *ulkucus'* most influential figures during the 1970s, Turkish nationalism meant the "Turkish-Islamic ideal" and their guiding principle was "Turkishness is our body, Islam is our soul" (Cetinsaya 1999). These idealists established a civil society organization in 1970 to compliment the activities of the National Action Party. The

*Aydinlar Ocagi*, or Intellectuals' Hearth, further strengthened the tie between Islam and Turkish nationalism. Its doctrine, the Turkish-Islamic Synthesis, had its roots in the Ottoman Tanzimat period. However, the synthesis was more concretely recorded in a publication later institutionalized by the 1980 coup leaders in order to deal the last blow to the communist threat in Turkey. The Turkish-Islamic Synthesis is based on the belief that, "Turkishness and Islam cannot be split from each other; cannot be thought separately; and cannot be listed in order of priority." However, this group was distinct from Islamists in its firm stance on maintaining the status quo rather than attempting to radically transform the Turkish state into a theocratic one. Indeed, according to the Turkish-Islamic Synthesis, "Turkey will remain religious but will never be a theocracy" (Cetinsaya 1999, 16). The Turkish-Islamic synthesis has had a significant impact not only among radical Turkish nationalists. Linked to Ataturk's vision of national homogeneity, the Turkish-Islamic synthesis has shaped the contours of discussions in Turkey regarding Kurdish nationalism and cultural and linguistic rights for ethnic Kurds.

Although the ultra-nationalist NAP denied formal ties, a militant right-wing youth organizations called the Grey Wolves advocated eliminating the communist threat by any means necessary. The *ulkucu* Grey Wolves were responsible for countless terrorist attacks against anyone associated with leftist politics, even those who did not promote socialism per se. Grey Wolves' members were said to occupy key positions within the state and especially the security forces. According to the word on the street, the Grey Wolves and other "shadowy networks" constitute what is known in Turkey as *derin devlet*, or "deep state". The deep state is prominent focal point of political discourses in Turkey. The deep state is said to be the contra-guerilla or *gladio* forces within the state apparatus that were allegedly set up by the CIA in order to eliminate the communist threat. The deep state has been implicated by various groups in almost

every major violent act over the past decades. For leftists, the deep state is a right-wing entity, whereas Islamists regard it as a left-wing entity. Human rights activists have especially blamed the deep state for myriad controversies and calamities, and continue to do so even today.<sup>8</sup>

The war of words between those on the far right who spoke out against the revolutionary left reveals the enmity between the two groups during this period. Political newspapers filled newspaper stands. In the view of religious conservatives such as the Nur and Gulen communities and also secular ultra-nationalists, communism was an alien force that would be purged from the fatherland by building a common front. For example, in *Bu Vatana Kastedenler (Those Who Intend to Undermine This Country)* published in 1976, Ali Elverdi claims the communist threat strikes at the heart of “our Turkishness, our religion, our customs, our history, our family life, our honor and our nationalism” (quoted in Kafadar 1981). Anti-communists disseminated and reinforced a long-held view in Turkey that Russia has desired to capture Turkey since the days of Peter the Great; and consequently all resources must be summoned in order to counter the ideology propagated by the Soviets (Kafadar 1981).

There is an important commonality between the three most influential ideological movements in modern Turkish history: Kemalism, socialism and Islamism.<sup>9</sup> In much the same way that the group, in the form of the nation, is prioritized by Kemalist thinkers, under Marxism the working class’s needs are prioritized. Similarly, as Arat (1998, 127) explains, “both

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<sup>8</sup> Although the deep state is regarded by all critics to be Turkish ultra-nationalist and anti-democratic, different groups have attributed to it other distinct and contradictory characteristics. Islamists claim the deep state is militantly secularist while leftists (secularists) claim the deep state is Islamist. The deep state was most recently been blamed for the Semdinli incidents in 2006 and Armenian human rights activist Hrant Dink’s assassination in 2007. In 2008, after I had already returned from fieldwork in Turkey, knowledge of the Ergenekon “gang” surfaced in Turkey. Alas, the deep state was infiltrated. Figures associated with the Ergenekon terrorist network (the deep state), included retired military officers, journalists, judges and politicians (almost 100 individuals thus far), all of whom are currently on trial. The significance of the Ergenekon trial for Turkey’s citizens and the implications of the trial for Turkey’s democratic development cannot be overstated. It is the most important trial in the history of the republic.

<sup>9</sup> There are variants to each of these ideologies. None represents a fixed, coherent system of meaning.

[Kemalism and Islamism] have a transcendental conception of society and see themselves as responsible for transforming the polity in the way they think the ideal society should be. A unitary solidarist conception of the polity prevails in both the Kemalist and Islamist discourses... Liberal individualism is replaced by an ethos of militant solidarism and elitist transcendentalism.” Hence, when taking a step back to examine the broad ideological movements that have vied for loyalty in Turkey, we find three movements that despite their vast differences are nonetheless all characterized by radical communitarianism and the totalitarian belief that it holds a monopoly on truth. This explains why proponents of these ideologies were so vehemently opposed to each other and justified the use of force to defeat competing interests.

Liberal individualism as a moral good in itself only existed within the more liberal factions of each of these three ideological movements, which were historically marginal. Nevertheless, socialists and Kemalists have utilized human rights rhetoric as a tool to advance their respective projects. For example, Kemalist elites then and now extol the virtues of human rights and democracy, as these are signs of a “civilized nation”, and state elites have made cosmetic legal changes in order to impress their Western allies. Socialists, as mentioned earlier, employed human rights and democracy rhetoric as a means to achieve socialism.

In contrast, Islamists did not use the language of human rights to advance their political agenda during this period. They did, however, point to gaps and contradictions within international human rights norms to bolster their claims that Western notions of human rights are incomplete and only Islam provides universal justice. Moreover, like radical leftists, they pointed to the contradictory foreign policies of the West to argue that human rights were merely a convenient mechanism for imperial intervention in sovereign states. Anti-Western claims such as these illustrate the “language of othering” in which the West is lucidly presented as foe and its

claims to justice branded as lies. This anti-Western component of Islamist identity effectively blocked the use of human rights and democracy discourses during this period, although this began to change during the 1990s.

In short, the global socialist/communist and Islamist discourses prevalent during the 1970s provided Turkey's disaffected masses with the language to express collective grievances. However, discourse constrains even as it enables since it bounds the ways in which social, political and economic conditions are made intelligible and acted upon. Consequently, while socialist and Islamist discourses provided the language to articulate grievances they also barred the development of a more liberal-individualist ethos. Moreover, the radical communitarianism of these movements' discourses solidified each group's exclusivist collective identity.

The proclivity towards strong communitarianism can be traced back to the Ottoman millet system. For example, according to Mardin (1978, 233), one of the key factors that contributed to the development of severe polarization during this period was the inadequacy of the system of education to inculcate values that would facilitate inter-group relations to replace the Ottoman legacy of a segmented society. In fact, he goes on to say that the Republican education system indoctrinated students to be "priggish little ideologues by the fifth grade".<sup>10</sup> This argument is also propagated by a slew of human rights activists today.

Had the animosity between radical left and right-wing movements in Turkey merely been expressed through words, perhaps civil unrest would not have reached distressing levels. However, the war of words was only one dimension of the severe polarization. According to Yavuz (2003a, 62), the main goal of Islamists became fighting against leftist forces. The same was true of the radical left whose members were known to attack people wearing Islamic attire

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<sup>10</sup> The other factors that contributed to a polarized society were rapid urbanization, which led to "major cultural dislocation" and the new configurations on the left. See Mardin (1978).

(beard or skull cap). The ideological rivalry during the 1970s was so intense at both societal and political levels that militant factions within the radical left and right frequently carried out attacks against one another, resulting in widespread violence. Thousands lost their lives in the crossfire as the decade came to an end.

During this tumultuous period, various Turkish and international voices joined forces to criticize the increasing number of labor union activists being tried under Articles 141 and 142. The support given to radical leftists by international actors worked to reinforce Islamists' position that the West was biased. Amnesty International began to publish annual reports on Turkey beginning in 1974 as radical leftists in Turkey enjoyed interpersonal links with Amnesty activists in Europe. The Council of Europe, of which Turkey is a founding member, was particularly interested in political developments and in 1978 it partnered with the Istanbul Bar Association to organize a human rights meeting held in Istanbul. The participants called on the Turkish parliament to abolish certain articles, as they were clear contradictions to the European Convention on Human Rights, and also called on Turkey to recognize the right of individual petition to the ECHR and the jurisdiction of the European Court of Human Rights (Aksoy 2003). The demands by the meeting's participants, however, were ignored and state repression of dissent continued unabated as political violence spiraled out of control culminating in the 1980 military coup.

In sum, the politics of the 1960s and 70s were shaped by extreme polarization and the confrontation of left- and right-wing anti-system movements whose radicalized youth took to the streets in violent protest. Massacres, martial law and overall chaos characterized the 1970s in Turkey. During this period, particular social divisions crystallized. Kurdish nationalists appropriated radical left-wing mobilizing structures, just as Turkish ultra-nationalists

appropriated Islamist mobilizing structures. Alevi Muslims (akin to Shia) sided with leftists and fought against right-wing Sunni Muslims. Although there were varying degrees of overlap among groups embedded in this complex web of intergroup relations, the lines of division tended to be drawn as follows: radical leftists/Kurdish nationalists/Alevi Muslims were loosely connected to each other and defined themselves in opposition to loosely connected radical Islamists/Turkish nationalists/Sunni Muslims. Furthermore, these two amorphous collections of movements in turn defined themselves in opposition to the authoritarian Kemalist state. These social cleavages endured after the 1980 coup and were manifested within the human rights movement that emerged during this period, with the Human Rights Association representing the first camp (left/Kurd/Alevi) and Mazlum Der representing the second camp (Islamist/Turk/Sunni).

### **The 1980 Coup and its Aftereffects: Transnational Advocacy Networks**

On Friday September 12, 1980 shortly after midnight the military seized power from the civilian government, an action that enjoyed initial support from the majority of citizens who wanted an end to the political violence on the streets and the political stalemate between the parties in parliament whose impotence was making matters worse. The generals dissolved parliament and erected a six-man National Security Council.<sup>11</sup> The constitution was suspended,

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<sup>11</sup> The National Security Council maintained extensive power even after authority was formally transferred to a civilian government in 1983. Article 118 of 1982 Constitution reads, "...The Council of Ministers shall give priority consideration to the decisions of the National Security Council concerning measures that it deems necessary for the preservation of the existence and independence of the State, the integrity of the country, and the peace and security of society..." The generals' cunning in securitizing countless domestic issues over the next two decades resulted in far-reaching military power over subsequent civilian governments. Only the influence of the European Union membership process could formally limit the power enjoyed by the Council and also by the state security courts that tried civilians under courts administered by military and civil judges. The Article was amended on October 17, 2001 in line with Copenhagen Criteria to read, "... The National Security Council shall submit to the Council of Ministers its views on the advisory decisions that are taken and ensuring the necessary coordination with regard to the formulation, establishment, and implementation of the national security policy of the state. The Council of Ministers shall evaluate decisions of the National Security Council..." In addition, the Council members would heretofore be composed of more civilian than military members. Despite this change to the Council, which transformed it into just an advisory group whose suggestions do not need to be given top priority, the military continues to exert influence

martial law, which had already been in place in some provinces, was extended to the entire country, and political parties and civil society organizations were banned, especially organizations associated with radical leftwing politics. The military junta explicitly blamed the dissolution of the country on the extensive rights granted in the liberal 1961 constitution, which had been exploited by groups within civil society and had led to polarization and the decay of state authority. The chief architect of the coup, General Evren, stated that although individuals have rights, the state itself has certain rights and obligations as far as its continuity and future is concerned. Accordingly, individual freedoms can be protected to the extent that the will and sovereignty of the state are maintained. (Heper 1985, 131). Although the 1982 Constitution, which is still used today, includes fundamental rights pertaining to assembly, press, expression, religion and so on, Article 5 sums up the general tone of the 1982 constitution, “The fundamental aims and duties of the State are: to safeguard the independence and integrity of the Turkish Nation, the indivisibility of the country...”.<sup>12</sup> The duty of state elites is to uphold Ataturk’s principles especially in the face of challengers such as Islamists and ethnic Kurds who pose a direct threat to the integrity and indivisibility of the nation-state. It is this legal document which shapes all claims-making groups’ discursive repertoires in Turkey.

Given the state’s inability to eradicate revolutionary leftist activity through the 1971 coup, the military regime exerted full force against left-wing activists after the 1980 coup, resulting in unprecedented levels of state violence. Torture, which had already been deemed a problem by Amnesty International before the coup, increased exponentially and became widespread and systematic. According to a 1998 *Milliyet* newspaper article, following the coup, an estimated

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through informal mechanisms, even as recently as the infamous “e-memorandum” posted on its website on April 27, 2007 in order to derail the presidential election.

<sup>12</sup> For a complete copy of the constitution see Turkey’s official government website at <http://www.tbmm.gov.tr/anayasa/constitution.htm>

650,000 people were arrested (primarily alleged radical leftists); 1,683,000 cases were prepared; 517 people were sentenced to death; 49 of them were executed; and 30,000 people were fired from their jobs on account of their political views (Paul 1981). This was before the Kurdish insurgency, which began in 1984 and resulted in even worse human rights atrocities.

The atrocities generated a great deal of attention in Europe, and transnational advocacy networks shifted into high gear as individuals worked through various NGOs and IGOs to apply an unprecedented amount of pressure on the Turkish state. According to Keck and Sikkink (1998), transnational advocacy networks function by employing “information politics” (providing information) and “leverage politics” (calling on a stronger actor’s assistance). Moreover, TANs employ “symbolic politics” (framing) and “accountability politics” in their quest to engender change. The Turkish case supports this, and the TAN challenging Turkey used information culled from local activists’ reports and eyewitness accounts. In turn, resource-poor local actors called on stronger INGOs, such as Amnesty International, which in turn called on stronger IGOs, such as the Council of Europe to directly apply pressure to the Turkish government.

Trials at state security courts of radical left-wing groups such as the DISK labor union and the Peace Association attracted a great deal of international attention. For example, Amnesty International, the principal NGO monitoring and pressuring Turkey at this time, sent delegations in January and August 1982 and April 1983 to attend the trials of members of DISK, the Peace Association and the Labor Party of Kurdistan (*Human Rights Violations* 1983, 279-280). As stated earlier, Amnesty had been pressuring Turkey since the 1970s. During that time it supported left-wing political prisoners by demanding the abolition of Penal Code Articles 141 and 142, which prohibited ‘forming organizations aimed at establishing the domination of a

social class over other social classes' and 'making communist propaganda and/or praising communism' (Aksoy 2003, 57).<sup>13</sup> Amnesty also called for an end to the ill-treatment of prisoners and the eradication of the death penalty. The organization's presence in Turkey and the connection between some Turkish leftist intellectuals within Amnesty was evident in the 1970s with the election in 1974 of a Turkish citizen, Mumtaz Sosyal, to Amnesty's International Executive Committee. Sosyal was the first ever former prisoner of conscience elected to Amnesty's IEC. By 1978, Sosyal and several of his radical leftist colleagues established an Amnesty group in Turkey (Ensaroglu 2006).<sup>14</sup> However, according to Amnesty's bylaws, country chapters are prohibited from carrying out activities that target their respective countries. Consequently, Turkey's Amnesty group was unable to directly tackle Turkey's human rights violations. The group dissolved by the time of the coup.

Nevertheless, Amnesty International's attention to Turkey is almost unparalleled. According to Ronand, et al. (2005, 568), Amnesty published more human right reports on Turkey than any other country in the period from 1986 to 2000. In addition, Turkey is ranked third (tied with Indonesia/East Timor) for the number of press releases submitted by AI, falling behind the USA and Israel (Ronand, et. al 2005, 568). Following the 1980 coup, Amnesty placed greater emphasis on the issue of torture. Given the dearth of domestic watchdog groups and the clampdown on journalists, Amnesty's reports were heavily relied upon by European officials. For example, in April 1981, the Political Affairs Committee of the Council of Europe's Parliamentary Assembly invited Amnesty to address the Assembly. European institutions would

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<sup>13</sup> The Turkish penal code established during the republic's early years was taken from Mussolini's Italian penal code. Although a new constitution was created after the 1960 coup, these articles and others were not abolished even after the 1961 constitution was put into practice.

<sup>14</sup> This Amnesty-Turkey group differs from the new Amnesty-Turkey group that was established informally in Turkey in the mid-1990s and given official status in 2002 (Amnesty-Turkey leader, interview by author, Ankara, Turkey, February 12, 2007).

continue to rely on Amnesty reports. In response, Turkish officials worked diligently to tarnish Amnesty's reputation.

The Parliamentary Assembly of the Council of Europe (PACE) was Turkey's harshest international critic outside the NGO community during the 1980s. Turkish participation in PACE meetings was suspended from 1981 to 1984 due to the military coup and the concomitant human rights abuses that followed. PACE was also deeply involved in monitoring conditions in the post-coup environment, and like Amnesty conducted a fact-finding mission to Istanbul and Ankara to observe the DISK and Peace Association's trails on January 7-14<sup>th</sup> in 1982. A week later, on January 22<sup>nd</sup> the European Parliament joined Turkey's critics and issued a strongly-worded resolution to the European Commission and the Council of Europe to suspend the Community's financial aid to Turkey (Aksoy 2003, 126). Moreover, five members of the Council of Europe (France, Norway, Denmark, Sweden and The Netherlands) submitted applications to the European Commission of Human Rights alleging major violations of several of ECHR's articles.

Interestingly, the junta's response to the fierce criticism, unlike other initial responses from human rights abusing states, was not to deny charges of torture and abuse outright, but rather to assure the international community that it would investigate these allegations of what were certainly only sporadic cases of mistreatment (Aksoy 2003).<sup>15</sup> Of course, the promises made to conduct serious investigations were made to sidestep further dialogue between Turkey and its many international and domestic critics, and the regime had to increasingly evade inquiries and

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<sup>15</sup> While European powers were in fact Turkey's harshest critics, it must be mentioned that overall, because of its geo-strategic importance in the context of the Cold War, many observers have noted that pressure on Turkey, either by the US or Europe, was grossly inadequate given the wide-ranging scale of abuse. One bitter journalist wrote a scathing assessment of the coverage in the Western press, which he argued relied on sugarcoated statements by diplomats stationed in Ankara. See Barchard (1984). See also the un-authored, "Turkish Regime Pursues Journalists" in *MERIP*'s edition on "Turkey Under Military Rule" (Mar-Apr 1984); and Amnesty International Turkey Reports 1980-1985.

allegations emerging from the overwhelming evidence that abuse was not sporadic but rather was widespread and systematic.

External pressure from the transnational advocacy network comprised of NGOs such as Amnesty International, Human Rights Watch, and the International Commission of Jurists and also IGOs such as the Council of Europe, all emphasized Turkey's obligations to comply with ECHR human rights standards. Turkey's membership in key European inter-governmental organizations whose members are required to uphold a set standard of human rights provided the Europeans with a great incentive and legal standing from which to base their criticisms and monitor activities. Given the robust nature of human rights law and the presence of enforcement mechanisms, it is no coincidence that the Council of Europe was one of the first institutions informed of the coup, and that Turkey's generals deliberately invoked Article 15 of the ECHR as justification for the coup.<sup>16</sup> The European face of these external forces was in part a consequence of America's tacit approval of the curtailment of the communist threat in its NATO ally even if by military coup. Europe has been a much harsher critic than the US, which has primarily used gentle hand-slapping policies and vague rhetoric.<sup>17</sup>

As a result of Turkey's integration into European international institutions and treaties, the inter-state dialogue between Turkey's political elites and their European counterparts was couched in terms of Europe-based international human rights law, which set the discursive

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<sup>16</sup> Article 15 allows member states to suspend civil and political rights in times of war and other dire public emergencies, with the exceptions of the right to life, freedom from torture or degrading or inhuman treatment, freedom from slavery or servitude and protection against retroactivity of the criminal law.

<sup>17</sup> Although American *encouragement* for the coup is debated, it does appear likely that the US was at least *aware* of the general's concerns and plans. One of the junta members visited Washington on September 3, 1980, only days before the coup and NATO military exercises were scheduled to begin a few days later. In addition, General Evren was a Korean War veteran, pro-West and anti-Communist, and perhaps even more importantly, he was an avid supporter of austerity measures. (Paul 1981). Incidentally, because the Military Mutual Assistance Association (OYAK) was intimately connected to Turkish and international economies because of its investments in various industries, its interests extended into labor law, trade unionism, monetary policy, and so on (Magnarella 1994), which may suggest an economic incentive to carry out a coup.

foundations for claims-making groups in Turkey. Most Islamists, however, did not engage international human rights norms until the 1990s. The influence of European institutional mechanisms, such the European Convention on Human Rights, on developments in Turkey can not be overstated.<sup>18</sup> Nevertheless, the liberal, individual model of rights enshrined in the Convention “clashes with the hard-communitarian Kemalist model of civic nationalism” and restrained the speed of compliance (Smith 2007, 264). The liberal model of individual rights also clashed with the hard-communitarian elements in socialism and Islamism.

### **The Emergence of the Human Rights Movement**

#### **The Human Rights Association**

A return to civilian government in 1983 did not result in the significant changes promised by state elites, and the transnational advocacy network continued to apply pressure on Turkey’s political elites. The domestic segment of the transnational advocacy network pressuring Turkey included various domestic organizations, such as the Istanbul and Izmir Bar Associations as well as individual lawyers, artists and intellectuals formally unaffiliated with any organization. However, the international forces within this network certainly played a leading role over the domestic forces, which were limited in size and scope of their activities. This was primarily a consequence of the extensive detainment and imprisonment of the state’s fiercest domestic critics. In addition, “so efficiently controlled [was] the flow of information in Turkey” that the public was largely kept in the dark concerning the more egregious violations as well as the occurrences of dissent in the form of hunger strikes and civil disobedience (Barchard 1984). The political climate and the legal measures taken by the military regime to not only outlaw all leftist

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<sup>18</sup> As compared to the United Nations human rights regime, which lacks a mechanism for enforcement, the ECHR has been regarded as the “most effective and advanced” human rights regime in the world. In fact, the ECHR analyzed the effect of its rulings on 18 member states between 1960 and 1994 and found that these resulted in legislative, administrative, judicial, or constitutional reforms about 80% of the time. See Smith (2007).

organizations but also to establish legal obstacles to the creation of any civil organizations via the new Law of Associations effectively impeded the opportunity for legal collective action. As one observer noted after his visit in 1987, “the headlines of the 1982 Constitution mouth a democratic discourse, while the small print locks civil society in a vice of authoritarian discipline” (Mephram 1987).

Legal impediments were not the only obstacles to organized collective action during the early 1980s. The historical fragmentation within Turkey’s radical left also inhibited mass collective action during the years following the coup. Nevertheless, the unrelenting state repression eventually worked as an impetus to bring the crippled and fragmented left together as attempts were made during the mid-1980s to establish formal organizations that could challenge state abuse. For example, in 1986, *Tutuklu ve Hükümlü Aileleri Dayanisma Dernegi* (Solidarity Association of the Families of the Detained and Imprisoned, TAYAD) was founded to assist left-wing political prisoners. TAYAD concentrated its efforts on supporting the defendants and prisoners associated with *Devrimci Sol* (Revolutionary Left) military trials. TAYAD, however, was unabashedly revolutionary and supported the political aims of the imprisoned militants. Consequently, it faced intense pressure from the state and experienced an arson attack on its office in 1988. TAYAD was even isolated within leftist circles, and it rejected the campaign created by the Human Rights Association for a general amnesty (Plagemann 2000, 435). The organization was finally banned following a police raid in 1990, although it continued its mission under various different names.<sup>19</sup>

Other organizations, including *Haklar ve Özgürlükler Dernegi* (Association for Rights and

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<sup>19</sup> TAYAD underwent several name changes but has managed to survive on the fringes, forming an alliance with other marginal socialist organizations in 2005 under the name *Temel Haklar Federasyonu* (Basic Rights Federation). See <http://istanbul.indymedia.org/print.php?id=50974>.

Freedoms) and *Devrimci Tutsaklarla Dayanisma Platformu* (Platform of Solidarity for the Revolutionary Prisoners), also emphasized their solidarity with the revolutionary leftist political prisoners and did not frame their struggle in terms of universal human rights. As a consequence of their solidarity with not only the radical leftist prisoners but also with their cause, these types of organizations were primary targets of the state and most were closed shortly after their creation (Plagemann 2000; Cali 2007).

*Insan Haklari Dernegi* (Human Rights Association/HRA), founded on July 17, 1986, was the first grass-roots organization to frame its organizational mission in terms of universal human rights. This decision, however, came after months of intense debate among prisoners' relatives, their attorneys and left-leaning intellectuals.<sup>20</sup> The organization was initially intended to be a prisoner solidarity association, as the idea to create an organization was first proposed by prisoners' lawyers and relatives. However, after many months of discussion, the founders decided to develop a more wide-ranging agenda. Moreover, they managed to appropriate various left-wing factions. In fact, according to Plagemann (2000, 436-7), the Human Rights Association "functioned rather like a reservoir" for radical leftists because it was virtually the only legal organization open to them due to the criminalization of political organizations following the coup.

Of course, as Goodwin and Jasper (2004) assert, the appropriation of a particular mobilizing structure does not only enable mobilization but may impede the appropriation of others. The stigma attached to being branded a radical organization surely discouraged potential allies, although, it is unclear whether the HRA actually attempted to mobilize those outside its

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<sup>20</sup> The HRA constituted a conglomerate of far left and center-left individuals, including former politicians, such as Mehmet Ali Aybar (Istanbul deputy 1969-1972) and well-known leftist intellectuals such as Murat Belge and Emir Sandalci.

social milieu. Despite the state's success in rounding up radical leftists and crushing their social infrastructure, there remained plenty of leftist allies. Indeed, an examination of HRA collaborators during its first decade in operation reveals a strong tendency to partner with trade unions and professional organizations even on issues such as capital punishment which do not ordinarily occupy a central position in unions' agendas.

According to the HRA's creation narrative states in its twentieth anniversary book, the HRA was the result of a process among intellectuals initiated when Aziz Nesin, one of Turkey's most beloved left-wing writers began to hold house meetings that resulted in the circulation of two petitions signed by over a thousand individuals, which were then sent to various media organs and the president's office. The ability to muster up that many signatures in a period before the Internet points to the mobilization capacity of informal friendship networks in an environment where almost all formal organizations were banned. The first petition, "Intellectuals' Demands", was presented to the president's office. The use of "intellectuals" rather than "leftists" may reflect a decision to capitalize on the special place intellectuals hold in Turkey, as official ideology stresses the importance of science and education, and it is assumed intellectuals make demands based on careful deliberation. Nevertheless, a lawsuit was opened against the group. Nesin and his colleagues held more house meetings and the second petition, "Bread and Rights Demands" stated that intellectuals wanted democracy, a state based on the rule of law and human rights, and the eradication of hunger, unemployment and poverty (Helvacı 2006, 49). High priority elements of the socialist agenda were clearly encapsulated within the informal group's demands.

The house meetings led to discussions among a group of lawyers and intellectuals regarding the creation of a formal organization. Nevzat Helvacı, one of the HRA's founders and

its first president recalls how one of his “revolutionary” lawyer friends approached him to ask if he would prepare the statutes for a formal organization that would support the convicted prisoners and their families, but three or four months later he had to inform his friend that he did not have any ideas about how to prepare appropriate statutes (Helvaci 2006, 50). Undeterred, the group continued to meet and discuss their options. Helvaci explains that while the narrow and rather short-term goal of prisoner solidarity was the original aim, it was also clear that a permanent organization was needed to effectively address the complex issues.

The main area of disagreement among the informal group members concerned the decision to create a member-based or non-member-based organization. Some individuals expressed their desire for a membership organization with affiliated branches throughout the country where intellectuals as well as prisoners’ relatives and attorneys could pool their resources at the local level. Two greatly respected writers and highly visible public figures, Yasar Kemal and Aziz Nesin, disagreed. Nesin was especially concerned that if the organization allowed the establishment of affiliated branches throughout the country, factionalism along political ideological lines could evolve within or between branches and thereby undermine the organization’s mission.

The organizational structure was the most debated topic at the house meetings, which suggests that the potential rift(s) among left-wing factions was deemed the most serious threat to organizational stability and mobilization efforts. Group members finally decided to create a branch-based membership organization. Local branches could be opened independently; however, they would be subject to approval by the headquarters and would be expected to establish a branch administration without discriminating along the political ideological lines that separated various left-wing groups. In this way, an overarching central authority could ensure

that that various leftist factions worked harmoniously. This continues to be the structure of the HRA today.

After the statutes were prepared and signatures collected, the statutes were sent for approval. The review board at the Ministry of Internal Affairs took nine months to approve the organization's statutes, rejecting the statutes twice due to the stated goals and other complications, such as having a few convicted felons as signatories. The review board also claimed that human rights were protected under Article 13 of the constitution, therefore, a human rights based association was unnecessary and redundant. The ministry also stated that because it was illegal for a civil society organization to pursue political aims, a human rights organization that addressed issues such as prison conditions would be pursuing political aims and would therefore be illegal. Paradoxically, the first two sets of organization bylaws, although detailed, were deemed too general and vague, whereas the final revision accepted was in fact the broadest edict, stating simply that "the organization's mission is to carry out work pertaining to human rights" (Helvaci 2006, 51). In this way, the state dictated the association's official goal, and ironically equipped the association (originally planned to be just an organization for prisoner solidarity) for its development into Turkey's largest human rights organization covering the most extensive set of violations throughout its 33 branches.

The group of founding members consisted of many legal professionals who were experienced in defending imprisoned radicals, and the new association did not waste any time organizing panels and symposia in order to educate lay people about the international treaties Turkey was obligated to comply with. Signature campaigns were also a tactic of choice, following a well-established collective action repertoire in Turkey. The HRA collected 250,000 signatures by September 1987 for its first campaign, "The Campaign to Lift the Death Penalty

and for General Amnesty”. The association regularly referenced key international texts that philosophically and legally specified the contents of international human rights norms. The key text was the European Convention on Human Rights, which the association translated into Turkish and distributed, and which drew the association’s attention toward Europe rather than the US or the UN. International observers from Amnesty, the Council of Europe, and similar institutions had been coming to Turkey to observe trials and this had given the opportunity to some HRA members to develop ties to figures in the international human rights community. Moreover, many leftists had sought asylum in Europe and had developed ties to officials and European human rights activists in order to pressure them to harden their stance against Turkey’s human rights violations.

The activities carried out by the HRA coincided with an increased interest by the Turkish state in human rights as it moved toward its goal to become part of the European Community. State discussions were underway during the mid-1980s to formally apply to the European Community and in order to do so Turkish state officials had to improve, or at least give the impression of improving, its dismal human rights record. Consequently, once power was handed over in 1983 to Prime Minister Ozal’s civilian government, the Prime Minister took measures to convince the Europeans the worst was over and democracy had prevailed. For example, despite continued death sentences being handed down from the military courts, parliament did not ratify any death sentences after October 1984, much to the chagrin of the coup leader-turned-president Evren who publicly berated the Prime Minister for bowing to European pressure. By 1986 some banned left-wing political parties were allowed to be represented in parliament and a partial amnesty was granted which led to the release of some DISK and Peace Association political prisoners (Dagi 2001, 7).

Moreover, months before applying for membership to the European Economic Community in 1987, Turkey recognized the right to individual petition (except for those in the state of emergency regions) under the European Convention of Human Rights. In fact, perhaps not so coincidentally, Prime Minister Ozal delivered a speech shortly thereafter in which he explicitly justified Turkey's fit with European democratic and human rights standards as evidenced by the right to individual petition under the ECHR recently granted to Turkish citizens (Dagi 2001, 15-17). The unprecedented opportunity was not lost on HRA members, who speedily coordinated panels and training on ECHR procedures.

As Turkey's only official human rights organization and because of the transnational links developed in the 1970s between some Turkish and European leftist intellectuals, the HRA quickly earned the attention of European activists. Although the HRA could not legally solicit funds from international donors due to the laws of assembly, its members placed high value on its transnational linkages. The Turkish case differs, however, from many developing countries regarding the ease with which the HRA appropriated transnational advocacy networks, which belies the difficulty normally experienced by local activists in the developing world. Only one year after its creation, one of the HRA's founding members was awarded the European Human Rights and Freedoms Award including a small financial contribution by the Danish Human Rights Institute. In 1989, the HRA was chosen as a candidate for the Human Rights Award of the Council of Europe.

Bob (2005) argues that often times the local movements which successfully garner international attention are structurally predisposed to do so for several reasons. Their respective countries are geo-strategically important and therefore media worthy, and locals are often at an advantage concerning superior knowledge and resources. This certainly seems to be the case in

Turkey. There was a constant flow of American and European diplomats, journalists, politicians and activists due to Turkey's geo-strategic importance to the West, its ties to the US via NATO membership, and especially its proximity and historical institutional ties to Europe through IGOs such as the Council of Europe. These external agents sought dialogue with civil society and victims and they achieved both by corresponding with the HRA, which was seen as a mouthpiece of the victims. European human rights organizations were especially interested in fostering relations with Turkish advocacy groups given Turkey's proximity and the implications of Turkey's instability for the region.

Bob's (2005) model also emphasizes the decisive role of strategic framing, or the "marketing of rebellion", as the primary tool to galvanize international support. The ECHR was the natural legal instrument for advocacy and human rights rhetoric was the logical discursive tool, since the state regularly expressed its commitment to these international human rights standards due to European pressure. However, HRA activists during this period did not necessarily propagate a more compelling story of abuse compared to the dire situations in other developing countries during this period; nor did they espouse a more intellectually sophisticated rights discourse. After all, the HRA's pragmatic use of international human rights norms did not signal an attempt to develop an ideological movement that would advance international human rights norms in Turkey per se. Recall, human rights were viewed by many socialists as a means to an end rather than an end in themselves, and Western notions of human rights were patently rejected by some radicals. In the words of one founder, "we could not have envisioned where this advocacy would take us in the coming decade. The more abuse intensified and diversified, the more we had to learn and adapt."<sup>21</sup> Hence, it appears that Turkey's geo-strategic importance was

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<sup>21</sup> President of HRA Headquarters, interviewed by author, Ankara, Turkey, March 22, 2007.

a determinative factor in the early links between local actors such as the HRA and their international partners.

As the HRA developed and strengthened its ties to international human rights groups, it was regarded as a puppet of the West, an ironic situation given the strong anti-imperialist current in leftwing discourse. The HRA was also branded a radical organization of “traitors” and “terrorists” disguised as human rights activists. There was, of course, a grain of truth to the allegation that some HRA members were radicals and remained loyal to the socialist agenda and maintained their old rivalries against the right. Perhaps the clearest indicator of the lingering antagonism against Islamists occurred when several headscarved students paid a visit to HRA to ask for assistance. Before addressing this issue, the creation of the HRA’s sister organization is discussed.

### **Human Rights Foundation of Turkey**

In the fall of 1987, only a year after its creation, the Turkish Human Rights Association had an emergency meeting in which members decided to begin the process to create an organization dedicated solely to the treatment and rehabilitation of torture victims. Due to legal obstacles and lack of funds, the Human Rights Foundation of Turkey was officially established two years later by the HRA and the Turkish Medical Chamber with the assistance of the Denmark-based Rehabilitation Council for Torture Victims. The organization was deliberately set up as a *vakif*, or foundation, rather than as an association in order to legally accept funds from external donors.<sup>22</sup> The first rehabilitation center was founded in Ankara in 1990 and centers were then established in Istanbul and Izmir (1991), Adana (1995) and Diyarbakir (1998). The Istanbul branch has received the largest proportion of applications and most of these applications are from

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<sup>22</sup>Human Rights Foundation of Turkey Headquarters Secretary-General, interview by author, Ankara, Turkey, August 2, 2007.

displaced Kurds.<sup>23</sup>

At the time of the HRFT's creation there were only three torture rehabilitation centers in the world, located in Copenhagen, Toronto and Minnesota. Nevertheless, the need for a center in Turkey had become all too clear, as Amnesty International branded Turkey one of the world's leading offenders among the almost 100 states that practice torture (Iran, Chile, Libya and Pakistan were the other named leading offenders) (Leo 1985). From a legal perspective the prohibition of torture and ill-treatment is rather well-defined in various international conventions, although international laws do leave room for interpretation. However, during the 1980s, techniques for effective investigation into torture allegations were still rudimentary, as were methods of torture rehabilitation, and there was little study in the medical and mental health professions concerning the specific physical and psychological effects of exposure to torture. In fact, the first international working group on torture was established in Denmark in 1978, and the International Rehabilitation Center for Torture (IRCT) was founded in 1985, only five years prior to the creation of the HRFT ([www.irct.org](http://www.irct.org)). The HRFT, founded in 1990, then, entered at a time when torture rehabilitation was still in its infancy.

The HRFT provides free medical treatment and psychological rehabilitation to torture survivors and has physicians and mental health professionals on its staff in addition to a nationwide network of volunteer doctors, psychologists, forensic medical experts and lawyers. Rehabilitation generally last six months but may continue for years as needed. The rehabilitation program takes a holistic approach since “we can not separate psychological and physical trauma”<sup>24</sup>

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<sup>23</sup> Human Rights Foundation of Turkey-Diyarbakir Medical Staffer, interview by author, Diyarbakir, Turkey, Feb. 3, 2006.

<sup>24</sup> Ibid.

The organization did not receive any external funding during its first two years; however, as HRFT staff built upon HRA international contacts and developed new ones, the foundation successfully solicited support first from the United Nations and subsequently from the EC and international organizations such as the Amnesty International Switzerland chapter, the Red Cross and Physicians for Human Rights. Since its inception it has provided rehabilitative services to 10,786 torture survivors, although its staff estimates that over a million people in Turkey have been physically or psychologically tortured.<sup>25</sup>

The organization became increasingly professionalized, and gradually developed into a prominent node on the anti-torture transnational advocacy network due to its innovative methods of torture documentation. It developed the concept of “alternative medical reports” to document torture because the medical reports furnished by public health officials often avoided the mention of torture even in cases where there existed clear evidence of torture.<sup>26</sup>

The HRFT has been and continues to be the HRA’s closest partner since it is its sister organization. However, the two organizations do not frequently collaborate on campaigns, given the Human Rights Association’s wide-ranging agenda and the social-service centered nature of the HRFT. Nevertheless, Human Rights Foundation members can typically be found at HRA activities, as members tend to travel in the same social circles. Moreover, since 1998 the two organizations have jointly sponsored an annual “Human Rights Movement” conference which draws together human rights theorists and practitioners to discuss pertinent issues.

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<sup>25</sup> Human Rights Foundation of Turkey Headquarters Secretary-General, interview by author, Ankara, Turkey, August 2, 2007.

<sup>26</sup> The HRFT also established a documentation center, in which it records accounts of abuse and publishes annual reports. Its reports are the most comprehensive human rights reports on violations in Turkey (the average report in the 1990s was 400+ pages).

## **Mazlum Der**

As mentioned earlier, during the late 1980s a group of university students who wore the illegal headscarf to campus paid a visit to the Human Rights Association to inquire about assistance with their troubles at school. They were turned away by the HRA's president, which created an adverse reaction within Islamist circles. People affiliated with Erbakan's National Outlook movement had been discussing the establishment of a formal organization to address state abuse toward Islamists, and this incident provided further impetus. An organization called *Temel Haklari Dernegi* (Association for Fundamental Rights) was subsequently established. Another group of Islamists affiliated with National Outlook who were also exploring options for the creation of a new organization preferred not to formally work with the National Outlook movement and it created a second organization called *Insan Haklari ve Mazlumlar Icin Dayanisma Dernegi* (Association for Human Rights and Support for Oppressed Peoples), or Mazlum Der.

The use of the word, *mazlumlar*, or oppressed people, in the new organization's name was highly significant in that it was a term emanating from Islamist circles. *Mazlumlar* was deliberately used because the Quran explicitly commands Muslims to assist the oppressed.<sup>27</sup> The use of this word, then, signified the organization's religious orientation and thereby distinguished it from other rights-based organizations. This would in turn aid in the appropriation of Islamist mobilizing structures, which were perhaps the most robust in Turkey by the 1990s, and which provided Mazlum Der with its primary source of funds through membership dues and private donations.

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<sup>27</sup> Mazlum Der Headquarters President, interview by author, Ankara, Turkey, February 1, 2007.

The use of the term “human rights” in the new organization’s name was unprecedented in Islamist circles, as it was a term that emanated from international (Western) discourses and consequently was perceived as an imperialistic term that signified a foreign intrusion inimical to the Islamist identity and political agenda. The deployment of this term by Mazlum Der’s founders suggested a willingness to engage human rights discourse, something most Islamists avoided altogether. Thus, the name suggested at the outset that both Islamist and secular rights-centered discourses would be used, although it was clear that emphasis lay on the former.

This new organization, inspired in part by a perceived bias against Muslims which was reinforced by the HRA president’s refusal to assist the headscarved girls, vehemently proclaimed itself to be non-discriminatory. Accordingly, its members constructed the slogan, *kim olursa olsun zalime karsi, kim olursa olsun mazlumdan yana* (against the oppressor whomever it may be, on the side of the oppressed whomever it may be). Mazlum Der’s slogan reflected the Quran’s command to aid the oppressed from all walks of life irrespective of their ideology, ethnicity, religion or class and in all circumstances. It was also perhaps a way to implicitly counter the bias its members perceived toward Islamist groups. To drive the point home, Mazlum Der’s leaders made certain that its first signature campaign was a call for amnesty for leftist prisoners who were excluded from a recent amnesty in which many right-wing prisoners were freed. In addition, shortly thereafter some of the leaders from Mazlum Der paid a visit to HRA in order to introduce themselves and to make it clear that they had founded the organization to support HRAs struggle, not as a competitor.<sup>28</sup>

The creation of Mazlum Der brought a new dimension to the human rights movement. The HRA and HRFT were the only formally organized national associations addressing human

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<sup>28</sup> Mazlum Der executive member and former President, interview by author, Ankara, Turkey, December 13, 2006.

rights, and they were both created by individuals from radical left-wing circles. With the creation of Mazlum Der, the human rights movement comprised the two groups targeted most by state elites- the far right and far left activists who had fought against each other prior to the coup. It was in essence a victims' movement, and the two groups of victims did not historically see eye to eye. In fact, many of Mazlum Der's early members, including its first president, were *ulkucu* activists. This was problematic because *ulkucu* individuals were intensely opposed to the two main groups represented by the HRA and HRFT, namely communists and ethnic Kurds, just as HRA and HRFT members were deeply anti-Islamist and anti-*ulkucu*. In addition, leftists associated *ulkucu* with the cruelties of the state (especially as perpetrators of torture), given the coup leaders' tendency to court the right, overlook atrocities carried out by far right extremists, harshly punish leftists, and invoke the Turkish-Islamic Synthesis as an instrument to curb the communist threat.

Early attempts to bridge the gap between Mazlum Der, the HRA and the Human Rights Foundation of Turkey notwithstanding, the creation of an Islamist<sup>29</sup> human rights association was initially met with much skepticism. Islamists were perhaps the most fervent anti-imperialists in Turkey, and primarily defined themselves in opposition to the West. Moreover, they had not fully engaged international human rights, often relying upon patent rejections of all Western

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<sup>29</sup> I use the term "Islamist" here because I believe it better captures the nature of the organization during this early period than the term "Islamic", which in contrast does not connote political Islamism. I find "Islamist" to be more appropriate here because although Mazlum Der's founders purportedly did not create Mazlum Der as a distinctly political organization to advance the Islamist project of Islamizing the state, it is clear that very conservative proponents of political Islamism were dominant voices in the organization during this early period. This of course changed by the mid-1990s which is why I generally use the term "Islamic" to describe Mazlum Der. However, even my use of "Islamic" to describe Mazlum Der would probably be met with criticism by Mazlum Der members who would argue that Mazlum Der does not have a specifically Islamic agenda and does not proselytize. I agree with such statements; however, I use the descriptive label throughout this study merely to distinguish it from rights-based organizations that do not have a religious conservative membership profile.

concepts and ideologies in their discourses.<sup>30</sup> However, during the late 1980s Islamists increasingly looked for ways to link human rights to Islam, some going so far as proclaiming the first human rights declaration to be the Document of Medina constructed by the Prophet.

Huseyin Hatemi's book, *The Doctrine of Human Rights*, was especially influential on Mazlum Der's first president. Hatemi argued that it was absolutely impossible to hold a strong and consistent notion of human rights without the belief in God. He also traced the development of Western human rights back to its original source, Islam, which has become convoluted throughout history (Plagemann 2000, 455). Thus, Islamists maintained an anti-Western stance by claiming that the Western conception of human rights, which claims universality but falls far short, is inferior to the Islamic notion of rights which is truly universal and unlimited because it emanates from God's will. Mazlum Der's leaders also made it clear that the association was founded in order to stand as a corrective to the double standards practiced by secular human rights organizations not only in Turkey but throughout the world.

In short, the historical social cleavages which had crystallized during a period of political instability in the 1970s were manifested within the burgeoning human rights movement. Each faction initially kept its distance from old rivals, concentrating its efforts on its own group despite organizational mandates to assist all victims of abuse. The radicalism and violence that preceded the 1980 coup produced and continually reinforced essentialist notions of "self" and "other" in a rigid dichotomization of us and them that depicted the other as an enemy. Consequently, a more inclusive approach to advocacy work and a broader collective identity, as

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<sup>30</sup> By the 1990s, more sophisticated appraisals were offered by Muslim intellectuals as more and more of them sought to pinpoint the similarities and differences between so-called "Western" and "Islamic" approaches.

would be expected of a human rights movement,<sup>31</sup> did not develop early on among the new movement's members. Just as the HRA and HRFT functioned as leftist solidarity organizations, Mazlum Der was preoccupied with Muslim solidarity and abuse against Muslim communities.

It is important to note that the budding human rights organizations were not unique in their particularism or solidarity-based advocacy work. Solidarity organizations and ideology-oriented groups were the norm in Turkey (Toprak 1995). Keck and Sikkink (1998) describe a similar phenomenon in Latin America where there was a distinction between solidarity organization and rights organizations. They state, "solidarity organizations based their appeals on common ideological commitments- the notion that those being tortured or killed were defending a cause shared with the activists. Rights organizations, in principle, were committed to defending rights of individuals regardless of their ideological affinity with the ideas of the victims" (Keck and Sikkink 1998, 15). The organizations constituting Turkey's human rights movement in the late 1980s and early 1990s functioned more like solidarity organizations than rights organizations despite the fact that they claimed their organizations were rights organizations.

### **Helsinki Citizens' Assembly-Turkey**

Accusations of politicization and confrontational politics led to the creation in 1993 by former HRA founders and members of a Turkish branch of the Helsinki Citizens' Assembly. The Turkey branch was based upon an international initiative set in Prague in 1990 to establish an international network of human rights organizations focused on citizenship issues. The Helsinki Citizens' Assembly differed from the other three national organizations in that it was not a mass-based organization, but rather an elite organization comprised of professionals and intellectuals.

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<sup>31</sup> New social movement literature portrays human rights movements as quintessential "new social movements", which are characterized by non-hierarchical structures and a broad-ranging collective identity based on a culture of tolerance and pluralism.

HCA has only one branch located in Istanbul. The intimate nature of the group, the high degree of professionalism from its inception, and the insularity afforded it since it is elite-based rather than membership-based, worked to shield the organization from the rampant partisanship and polarization which has tended to permeate the realm of human rights in Turkey. Indeed, this has been its members' continuing rationale for not transforming the organization into a mass membership-based organization.<sup>32</sup> Another elite-based organization, the Human Rights Agenda Association, established in Izmir in 2003 follows the same logic, because according to its chairperson, "any mass-based organization in Turkey is going to be politicized to some degree. It's inevitable."<sup>33</sup>

Because the HCA was founded as a node in a growing Helsinki transnational network, it is organically yet loosely tied to all Helsinki branches throughout Europe. Although the HRA and HRFT have developed links to various international actors, and closely follow the discourse propagated by prominent nodes such as Human Rights Watch, the HCA has been a conduit for a more intellectual, citizenship-centered discourse. Thus, although the organization directly addressed events and circumstances in Turkey, it indirectly advocated on behalf of victims through publications characterized by a much more abstract and philosophical treatment of human rights and citizenship than found in the other organizations' literature. Indeed, its members viewed their contribution to the movement to be a deeper assessment and theoretical engagement with human rights principles, rather than purely advocacy-based activities such as press releases and demonstrations.<sup>34</sup> Moreover, they have coordinated meetings and training programs aimed at capacity-building of Turkish civil society organizations. Accordingly, the

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<sup>32</sup> Helsinki Citizens' Assembly executive member, interview by author, Istanbul, Turkey, July 24, 2007

<sup>33</sup> Human Rights Agenda Association President, interview by author, Ankara, Turkey, July 31, 2007.

<sup>34</sup> Helsinki Citizens' Assembly executive member, interview by author, Istanbul, Turkey, July 24, 2007.

HCA does not issue press statements or coordinate public demonstrations, although it has publicly supported the advocacy efforts of HRA, HRFT and Mazlum Der, and it is one of the four members of the newly formed Human Rights Joint Platform.

### **Conclusion**

This chapter reviewed the issue of human rights in Turkey and introduced the main organizations constituting Turkey's human rights movement. The triggering event that led to its emergence was the 1980 coup and the unprecedented degree of human rights violations. Prior to the emergence of a grass-roots human rights movement following the 1980 coup, the issue of human rights in Turkey was primarily the purview of state elites and radical left-wing groups. The post-coup movement was an outgrowth of the radical left-wing movements prevalent in Turkey during the 1970s. The use of human rights and democratization discourse by radicals culminated in the widespread perception that rights-based organizations were merely the mouthpieces of radicals determined to topple Turkey's political and economic system. The appropriation of human rights language by Islamists in the subsequent decade reinforced this perception. Despite fragmentation and partisanship during its formative years, the human rights movement has grown and diversified over the past three decades, and has also built upon its early ties to transnational advocacy networks. The Human Rights Association and Mazlum Der have largely guided the movement's development, along with the Human Rights Foundation of Turkey, Helsinki Citizens' Assembly and to a much lesser degree, Amnesty International-Turkey.

## CHAPTER 3 RIGHT TO LIFE AND FREEDOM FROM TORTURE AND ILL-TREATMENT

### **Introduction**

Right to life and freedom from torture and ill-treatment have been at the center of the human rights organizations' agendas since the movement's inception. This chapter highlights the international and domestic responses to Turkey's policy of capital punishment and its use of torture as a method of interrogation and intimidation. The first section explores specific organizations' stances on the death penalty and their advocacy work. The Human Rights Association has been Turkey's most vocal opponent of the death penalty, whereas other rights-based organizations largely focused their efforts elsewhere.

Despite differences surrounding the abolishment of the death penalty, all activist groups in Turkey have condemned the use of torture, and as with all violations, international legal norms concerning definitions of torture and ill-treatment constitute the foundational base from which local activists fashioned their discursive repertoires. Mazlum Der also relied upon Islamic sacred texts to condemn torture and inhumane treatment while also engaging international human rights norms; however, other Islamist groups have either remained silent on the issue of torture or have contested the practice solely through the use of Islamist rhetoric. Because torture primarily occurs in detention centers and prisons, and because deplorable prison conditions have been framed by some groups as torture or inhumane treatment, the issue of prison conditions is also briefly discussed. Torture continued to be a problem in Turkey in the post-Helsinki period (1999-present);<sup>1</sup> therefore, more recent campaigns are reviewed in the last section.

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<sup>1</sup> In December 1999, the European Union's Helsinki decision finally elevated Turkey to official candidate status, which has impacted to varying degrees every facet of Turkey's political process.

## **The Death Penalty: An Overview**

According to the Human Rights Foundation of Turkey's Documentation Center report for 1994, 588 citizens have been executed in Turkey's history. The death penalty has been disproportionately used against perceived enemies of the state, and this was certainly the case after the 1980 coup, when most of the death penalties handed down were for radical leftists.

Amnesty International had been pressuring Turkey to abolish its death penalty since the 1970s. In addition, various European inter-governmental organizations also began to apply consistent pressure to Turkey following the 1980 coup. For example, in 1985 after Turkey's return to civilian government in November 1983, relations between Turkey and the European Parliament remained strained. The abolition of the death penalty was one of five conditions for the normalization of relations demanded by the European Parliament (Turkmen 2007, 255).<sup>2</sup>

The European Parliament's demand that Turkey abolish the death penalty reflected the increase in death sentences handed down after the coup. The last execution carried out by the state prior to the 1980 coup occurred in 1972. However, following the mass imprisonment of radical leftists after the coup the number of death sentences doled out by the courts increased dramatically; hundreds of death sentences were handed down and by 1983, 41 individuals had been executed. The Ozal government paid heed to the demands of the EP, and in light of Turkey's goal to join the EC,<sup>3</sup> a de facto moratorium went into play as parliament suspended the consideration of death sentences in 1984 (Dagi 1996). The last execution occurred in 1984; however, there remained a list of prisoners theoretically awaiting execution. During the early

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<sup>2</sup> The other four conditions were the prohibition of torture, ending collective trials, recognition of right to individual petition, and the abolition of all laws restricting freedom of thought (Turkmen 2007, 255).

<sup>3</sup> Turkey first applied for full membership to the EC in 1987 and was rejected in 1989, in large part due to its poor human rights record. To prove its commitment to human rights it ratified several international conventions during the 1980s: CEDAW ratified Dec. 20, 1985; ECPT ratified Feb. 26, 1988; UNCAT ratified on August 2, 1988. Turkey signed the ICCPR on August 15, 2000.

1990s, death sentences were increasingly handed down to PKK operatives, although none were executed. Even though the state has not executed anyone since 1984, heated discussions resurfaced in 1999 following the capture of PKK leader, Abdullah Ocalan. He was not executed due to constant pressure from the EU and domestic groups.

In December 2007, the United Nations General Assembly approved a nonbinding global moratorium on the death penalty, a resolution which had failed repeatedly in past years. Similarly, capital punishment was not banned under the European Convention of Human Rights during the most intensive period of movement activity against the death penalty in Turkey.<sup>4</sup> During the 1980s, only the Council of Europe's Protocol No. 6 to the European Convention on Human Rights abolished the death penalty during peacetime. This went into effect March 1, 1985. Additionally, Article 2 of Protocol No. 6 allows a state to make provision in its law for the death penalty with regard to acts committed in times of war or of imminent threat of war. These international legal documents and enforcement mechanisms such as the European Court of Human Rights constituted political opportunities, which were used by activists.

As international laws were clarified and expanded, and Turkey was further integrated into the regional European legal system of rights, activists in Turkey and their allies in Europe took full advantage of the new legal opportunities and political channels. For example, Europe developed stricter measures concerning the death penalty, which were used by rights organizations to pressure Turkey into abolishing capital punishment in time of war and peace. On July 1, 2003 Protocol no 13 to the European Convention on Human Rights, concerning the abolition of the death penalty in all circumstances came into force. This Protocol, once ratified, is

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<sup>4</sup> Article 2 of the ECHR states, "No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law."

binding on all EU member states and all the acceding states.<sup>5</sup> Consequently, in 2004 in anticipation of eventual membership, capital punishment was outlawed in Turkey except in times of war, in accordance with the 13<sup>th</sup> Additional Protocol of the ECHR. Three days after EU-Turkey negotiations began in October 2005, parliament passed a bill to annul capital punishment even in times of war as part of one of Turkey's harmonization packages (Turkmen 2007, 259).

### **Opportunities, Discursive Repertoires and Mobilization**

#### **Human Rights Association**

The death penalty was the HRA's top priority during the mid- to late 1980s due to the high number of radical leftists being handed death sentences during this period. Accordingly, the HRA has been a supporter of Amnesty International's efforts to eliminate the death penalty in Turkey and elsewhere. The HRA framed capital punishment as murder and as a crime against humanity. For example, it sent numerous petitions to the National Assembly as part of its 1987 "Lift the Death penalty Campaign", and made press statements claiming, "the death penalty is not punishment, it is murder. Because no legal system can decide who lives or dies" ("A Proud Voice" 1992, 7). HRA demands for the abolition of capital punishment were often coupled with calls for prisoner amnesty. By the late 1980s more death sentences were being handed to Kurdish guerrillas due to the intensification of the Kurdistan Workers' Party (PKK) insurgency. The HRA's growing interest in the Kurdish problem resulted in more campaigns to challenge the death penalty, even after the Ozal government's decision to refrain from ratifying death penalties during the late 1980s.

Public officials responded to HRA activities by invoking the security-rights problematic in their counter-framing efforts. For example, public officials outlawed HRA posters, claiming they

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<sup>5</sup> For Council of Europe legislation on capital punishment see <http://www.legislationline.org/?tid=144&jid=60&less=false>.

were in violation of principles concerning the indivisibility of the nation and the state's national security (A Proud Voice 1992, 8). That is, because the death penalty served as a mechanism to ensure national security, any opposition to this practice was itself a threat to national security. Indeed, like pro-establishment elites in other authoritarian countries, public officials have primarily responded to claims-making groups by invoking the language of national security in their attempts to legitimate the encroachment of rights and freedoms.

By the early 1990s two things became clear. First, given the de facto moratorium on capital punishment, it was highly probable that death sentences handed down would not be carried out. Secondly, there were more dire issues that needed to be addressed, such as the growing number of extra-judicial killings and widespread disappearances particularly in the Southeast region. Consequently, discussions concerning the death penalty temporarily disappeared by the mid-1990s. However, there was one case of capital punishment in 1993 which served as a springboard for a broader debate about the nature of human rights advocacy.

A tragic event in 1993 facilitated deeper self-reflection and intense discussions within the HRA regarding what human rights advocacy actually entails. One of the most publicized trials resulting in death sentences for the defendants was that of a group of demonstrators implicated in the infamous 1993 "Sivas Massacre". This trial is not only significant in terms of its publicity but even more so from the perspective of human rights theory and practice within the Turkish Human Rights Association.

The Sivas incident began when the mayor of Sivas invited renowned leftist author Aziz Nesin (one of the key figures in the creation of the HRA) to Sivas for the Pir Sultan Abdal day of remembrance, an Alevi holiday.<sup>6</sup> Many Muslims in Sivas were deeply insulted by Nesin's

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<sup>6</sup> The Alevis follow a Shia inspired type of Islam that differs from the dominant Sunni tradition.

intentions to translate into Turkish Salman Rushdi's controversial book that included what they perceived as offensive descriptions of the Prophet Muhammad. Thousands of Islamist protestors shouted angry slogans outside Nesin's hotel and in the mayhem the hotel was set on fire. Despite the raging fire, no efforts were made by the demonstrators to rescue the people in the hotel, resulting in the death of 35 people, and two more that were shot to death. Nesin managed to escape.

Secular circles coined the incident the "Sivas Massacre". The massacre deepened the rift between secular and religious people in Turkey, and sparked an intense debate within the HRA once it was clear the Islamist defendants would not receive a fair trial and would probably be sentenced to death.<sup>7</sup> The debate surrounded the decision concerning whether or not the HRA should support a fair trial for the Islamists and oppose the death penalty. The ideological conundrum that followed the massacre and the concomitant debate within the organization put the questions concerning the us-them boundary into full relief. It serves here as an illustration of the ways in which competing human rights ideologies were grappled with and the reasons for the particular outcome- an outcome that significantly altered the trajectory of the HRA. Some HRA members perceived their struggle to entail not only a challenge to the state but also to groups it associated as puppets of the state, namely nationalist Muslim conservatives. They believed the attack by radical Islamists called for continued leftist solidarity. Moreover, Aziz Nesin was a hero of the left in Turkey and was one of the founders of the HRA; hence, some HRA members took this attack personally.<sup>8</sup>

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<sup>7</sup> Although the verdict was not given until 1997, during the initial judgment phase the mass trial became a political football, which eventually ended up in the Ankara Security Court and made it clear the defendants would not be receiving a fair trial by international standards. Moreover, it was clear the prosecutors would demand death sentences.

<sup>8</sup> Nesin was awarded the Human Rights Award by the International Human Rights League during a ceremony held in December 1993 at the World Cultures House in Berlin (HRFT Annual Report 1993, 34).

The Sivas incident presented a conundrum to HRA activists who had tirelessly voiced their opposition to the death penalty. That same year the HRA had condemned 34 death sentences handed to PKK associates (HRFT 1993 Annual Report).<sup>9</sup> The HRA had always publicly claimed to defend the rights of all victims. However, there were internal divisions concerning which victims should receive organizational support. One HRA leader recalls,

We were against the death penalty but now there were milliyetciler [right-wing nationalists] who were being threatened with the death penalty. So what was the HRA to do? So we started to debate... A discussion started about exactly whose rights are we defending? For example, were people who we were struggling against have human rights? Should a person who tortured have the right to a fair trial? ... There were some divisions. For example, in these divisions an issue was whether we were working under socialist rights or liberal human rights. Some groups [socialists] argued that we should not defend the rights of those with power- that we should only defend leftists and revolutionaries. But the majority argued that we should defend the rights of all people. A division occurred and some people left the organization.... This was a very important point in the learning process. I was a lawyer and I attended the Sivas trial and the public prosecutors demanded the death penalty for the perpetrators and there was a discussion concerning what our attitude should be. This was 1993. So, as lawyers we declared that we were against the death penalty and that it was unacceptable to demand it for the perpetrators. This was like a revolution for us- for the association. So the death penalty played an important role in the change.<sup>10</sup>

The activist's story reveals that some of the more radical socialists in the HRA understood their duty as activists to be supporters of their in-group, whereas individuals associated with an out-group, particularly the definitive "other", should not be assisted. That is, some members believed the HRA should have continued functioning as a solidarity organization. Other activists, however, believed this approach conflicted with internationally practiced norms of human rights advocacy, which extended support to all people regardless of political affiliation.

Several things are noteworthy. First, the distinction made between socialist and liberal versions of human rights ideology suggests that what human rights entails is context-specific.

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<sup>9</sup> 1993 was also the year of the World Conference on Human Rights in Vienna, which an HRA member attended.

<sup>10</sup> Human Rights Association Headquarters President, interview by author, Ankara, Turkey, March 22, 2007

The organization's mandate to work for human rights was not fully interpreted as a directive to support out-groups until the 1993 debates precipitated by the Sivas events, which occurred seven years after the organization was created. The decision to "defend the rights of all people" including *milliyetçiler* was reached after deliberation. It was not a given. In-group solidarity with fellow leftists was regarded by some activists- those working under so-called "socialist" interpretations of rights- as the correct course of action in this situation. International norms of human rights advocacy based on principles that safeguard the rights of all individuals and based on action that stands in support of all victims provided HRA members with an alternative to the "socialist" model of rights advocacy based on solidarity that had been prevalent in Turkey.

The debates generated by the Sivas crisis resulted in significant change, or "revolution" as the interviewee called it, which saw a transformation from a solidarity organization toward a rights organization pursuing issue-oriented activism with a non-discriminatory approach. In the end, the HRA members decided to condemn the results of the Sivas trials based upon the HRA's longstanding and unequivocal opposition to the death penalty. Despite the fact that those not wanting to support the Islamists were a minority within the HRA, due to the incredibly sensitive nature of secularist-Islamist relations throughout the country following the Sivas incident, there was a certain degree of risk associated with condemnation of the trials as unfair. That is to say that from a mobilization standpoint the HRA risked alienating itself from its base constituency through its controversial decision to oppose the death sentences handed to the perpetrators of the Sivas incident.

Lastly, what is interesting here is that the HRA's discursive repertoires did not change dramatically after this so-called "revolution". The organization had always opposed the death penalty. Yet, this was a profound moment in the history of the organization because it generated

significant changes in the way the members understood solidarity and carried out their advocacy work. Indeed, this turning point was revealed during interviews with other HRA leaders, who likewise regarded the debates as a critical juncture in the members' "learning process."

The decision to condemn the death sentences handed down to the massacre's perpetrators notwithstanding, HRA members and indeed the entire country was fervently discussing the purported security threat posed by militant Islamism since that same year the murder of a well-known secularist journalist, Ugur Mumcu was allegedly carried out by an Islamist militant. Indeed, there were discussions about Islamism in the HRA's bulletins. For example, the April-May 1993 HRA bulletin included an article on "Seriat and Laicism" in which it called attention to a statement printed in Mazlum Der's bulletin that stated "Islam is (means) *seriat*." The author responds, "This is true. No one can mistake this. One who says 'I am a Muslim', cannot say 'Down with *seriat*.'" The claim that Muslims cannot say no to *seriat* was a common misperception in Turkey among some secular circles and its reference in this HRA article implicitly questioned whether members of Mazlum Der could be sincere human rights defenders, since the protection of human rights was perceived to be predicated on a commitment to democracy, not a *seriat*-based political system (of which, incidentally, Mazlum Der did not actually endorse).

Mazlum Der, in turn, explicitly questioned the HRA's commitment to follow its mandate to struggle on behalf of all victims since it disregarded Muslim concerns. For example, during a radio show broadcast on *Hedef* radio station July 15, 1994, the president of Mazlum Der claimed that although the HRA has been vocal concerning the torture and oppression of those on the left, it has remained silent against injustice toward Muslims (Mazlum Der *Evrensel* 1994).

In short, although the HRA decided to condemn the death sentences and unfair trials of the Sivas defendants, there remained undertones of suspicion and blame toward Islamists in HRA statements. For example, the HRA's use of the term "massacre", a term popularized by the secular media, conjures up images of barbaric and senseless/irrational mass murder. The HRA's requests to memorialize the Sivas Massacre by making the hotel a monument and its annual tradition of commemorating the massacre by issuing a press release and/or having activities exhibit the prominent place of this event in the group's collective memory (2007 press release). Similarly, in its 1993 Annual Report the HRFT pointed toward the "savagery" and "intolerance" exhibited by the "*seriat* defenders" in Sivas (1993, 13). These words are never used to describe activities carried out by left-wing extremists.

In contrast, Mazlum Der attributed the lack of assistance by "Muslim demonstrators" to the "mass psychology" that overtakes individuals trapped in a melee. Insofar as these demonstrators were subjected to the contagion of fear instigated by a few radicals in the crowd, they too were victims. In addition, Mazlum Der condemned the use of the term "massacre" to describe the events, and regarded this term as a tool used by the secular media and other pro-establishment elites to interfere in the judgment by making emotive appeals that presented the defendants as savage criminals before they were even tried. Mazlum Der also pointed to the changing circumstances that surrounded this lengthy trial which dragged on for years. For example, the Istanbul branch highlighted in its "Sivas Events Reports"<sup>11</sup> that in the course of the case the government changed, and the new coalition government formed in 1996 by the Islamic Welfare Party and the True Path Party spawned Islamophobia throughout Turkey, which further prevented a fair trial for the defendants. Indeed, by 1997, fundamentalist Islam was declared the

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<sup>11</sup> This report was acquired from the Foreign Relations Officer of the Mazlum Der-Istanbul branch.

top priority by the General Staff in its “National Military Strategic Concept,” and Mazlum Der claimed this fomented an atmosphere of “ideological war” that “seriously influenced” the judgment.

In short, although human rights organizations regarded the Sivas trial to be unfair and the HRA and HRFT eventually condemned the use of the death penalty, the HRA and HRFT used harsher language to describe the Sivas demonstrators and defendants, while Mazlum Der emphasized the unfairness surrounding the implication of Islam in the events. Nevertheless, the internal debates pertaining to the Sivas incident culminated in a sort of “revolution” within the HRA as it softened its approach to out-group victims of state abuse. This significant development facilitated the gradual widening of the HRA’s perspective and agenda, and by the late 1990s it even addressed the controversial and divisive issue of the headscarf ban, publicly declaring it to be an infringement of human rights unbecoming a democracy. This change also set the stage for deeper cross-factional ties between the HRA and other organizations, including Mazlum Der, even as Islam-secular polarization peaked following the 1997 “February 28<sup>th</sup> process”.<sup>12</sup>

After the Sivas incident, discussions about the death penalty died down until 1999 when PKK leader, Abdullah Ocalan, was finally captured. Citizens flooded the streets cheering and calling for his execution. The public’s reaction as well as the likelihood that pro-establishment elites would press for the death penalty prompted the Human Rights Association to carry out another campaign against the death penalty. In July 1999 the HRA published the book, “Call

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<sup>12</sup> On February 28, 1997, Erbakan’s Islamic Welfare Party was issued an ultimatum from the National Security Council, which specified stipulations for its continued role as partner in the Welfare-True Path Party coalition government. An alliance of secularists from civil and military institutions, including President Sezer, top military officials, the secular media and big business organizations, deemed the Welfare Party’s ascendance to power a threat to Turkey’s secular state. Also known as Turkey’s “post-modern coup”, in June 1997 the army removed the Islamist Welfare Party-led coalition government with the threat of a military takeover. The “February 28<sup>th</sup> process”, as it has been called, generated tension and deepened polarization along the Islam-secular axis.

Against the Death Penalty”<sup>13</sup> in light of national discussions regarding whether or not Turkey should execute Ocalan. The HRA and HRFT condemned the death penalty, and called for an end to Ocalan’s isolation (he has been the sole prisoner at the island prison of Imrali near Istanbul) and the illegal measures carried out to block his access to legal counsel. They also pointed toward the “attitude of revenge” that underlies the discourse in Turkey pertaining to the execution of convicted prisoners who have challenged official ideology’s unbending restrictions on freedom of thought and expression. In contrast to its discursive repertoires during the 1980s, which had framed the death penalty as murder and had utilized more emotionally evocative rhetoric, HRA’s 1999 book was characterized by a more technocratic and legal discourse. For example, it cited research carried out by the United Nations in 1988 that concluded the death penalty did not deter crime.

Amnesty International and Human Rights Watch also issued press releases urging Turkish officials to adhere to the de facto moratorium on the death penalty and to ensure that Ocalan received a fair trial.<sup>14</sup> In contrast, the Turkish chapter of the Helsinki Citizens’ Assembly was largely silent on the Ocalan issue. This was in large part because it has historically chosen to pursue other avenues of advocacy work, such as civil society capacity-building, rather than engage in the legal defense of prisoners. The ostensible silence from Mazlum Der regarding Ocalan’s death sentence may perhaps have been indicative of many conservative Muslims’ unforgiving stance toward Ocalan’s legacy of revolutionary violence. The silence is more likely

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<sup>13</sup> See HRA/IHD. 1999. *Olum Cezasına Karşı*. Ankara: IHD Yayinlari.

<sup>14</sup> For press releases, see archives at [www.amnesty.org](http://www.amnesty.org) and [www.hrw.org](http://www.hrw.org). Despite domestic and international efforts, Ocalan was found guilty of treason, among other things, and sentenced to death on June 29, 1999. His lawyers called for an appeal, claiming he had not received a fair trial. This was substantiated by the ECHR on March 18, 2003, which claimed his death sentence violated the prohibition on inhuman and degrading treatment under the Article 3. It also held that his rights under Article 5 (right to liberty and security) and Article 6 (right to a fair trial) of the ECHR had been violated in several respects. The ECHR decision was highly controversial in Turkey and resulted in public protests calling for his execution.

a result of Mazlum Der's general avoidance of publicly supporting or opposing the death penalty.

### **Mazlum Der**

Mazlum Der has not made public its stance on the death penalty because a consensus regarding the admissibility of the death penalty from an Islamic perspective has not been reached. In fact, Mazlum Der has remained silent on only two human rights issues: capital punishment and lesbian/gay/bisexual/transsexual (LGBT) rights.

The Quran states that a death sentence is admissible for two criminal offenses: pre-meditated murder and *Fasad fil-ardh* ("spreading mischief in the land"), which includes treason, apostasy, terrorism, rape, adultery, piracy and homosexual behavior. Indeed, as explicated in Article 2 of the Cairo Declaration on Human Rights in Islam (1993), "Life is a God-given gift and the right to life is guaranteed to every human being. It is the duty of individuals, societies and state to protect this right from any violation, and it is prohibited to take away life except for a *seriat* prescribed reason."<sup>15</sup> Thus, as Keck and Sikkink (1998, 27) contend, although issues concerning bodily harm to vulnerable individuals and the right to life provide a point of reference that is cross- resonant, "what constitutes bodily harm and who is vulnerable or innocent may be highly contested." When interpreted through an Islamic lens, the death penalty constitutes a just punishment for those who have committed particular crimes and are therefore not understood to be victims of an unjust infringement upon the culturally right to life.<sup>16</sup>

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<sup>15</sup> For the entire Declaration see <http://www.unhcr.org>. For an extended discussion on the death penalty from an Islamic perspective see "Islam and the Death Penalty" by Rabia Terri Harris, Coordinator, Muslim Peace Fellowship at [www.amnestyusa.org/abolish/event2/tuesday2.html](http://www.amnestyusa.org/abolish/event2/tuesday2.html).

<sup>16</sup> Other Islamic groups have argued that capital punishment should be upheld. For example, the Islamic *Birlik Vakfi* in its 1996 "Report on Justice" proposed that sentences awaiting ratification in parliament should be executed unless a constitutional amendment was made to outlaw the death penalty. In addition, the organization justified the use of capital punishment by reminding readers that 94 countries still use the death penalty. Their calls for action were

However, because Islam does not have a pope-like figure or a Vatican-style high church that dictates proper interpretation of scripture, divergence of interpretation is a common feature within the Muslim world. In addition, despite what appears at first glance to be an unequivocal principle sanctioning the legitimacy of capital punishment, disagreements among Muslims emerge from the Quran's foremost command to respect human life and dignity above all things, and also from the strict measures deemed necessary for the execution of a death sentence. Several conditions must be met in order for a death sentence to be considered just. The unjust elements within Turkey's legal structures, such as contradictory laws, military judges in State Security Courts and a politicized judiciary may trump the admissibility of capital punishment, especially since death sentences often appear to be a vengeful settling of scores.

Indeed, there have been some disagreements among members of Mazlum Der regarding the death penalty. Muslims within Mazlum Der and more generally have been proactively reconciling international human rights norms with their community's interpretations of Islam's sacred texts. Because the issue continues to be debated within the organization and throughout the Muslim world as Muslim scholars explicate the compatibility between specific international human rights norms and Islamic principles, Mazlum Der leaders have deliberately avoided making public statements pertaining to the death penalty. The strategy of avoidance has worked well. From a mobilization perspective, a decision by organization leaders to publicly oppose the death penalty may have alienated Mazlum Der from its Muslim constituency. On the other hand, public statements demanding the continuance and legitimacy of capital punishment may have presented yet another obstacle to cross-factional cooperation with secular organizations. It seems, then, that this strategy of avoidance has been the ideal mode of action.

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unsuccessful despite support from some members of the center-right True Path Party and center-right Motherland Party (HRFT 1996 Annual Report, 1996, 277-8).

Mazlum Der's avoidance of capital punishment does not imply that it has not challenged legal cases resulting in a death sentence. The Quran is clear that overwhelming evidence must exist for a death sentence to be handed down, and Islamic law in general emphasizes social justice. Mazlum Der regards the "right to live as the essence of other rights" and follows the Islamic principle of presumption of innocence before proven guilty. The prophet guided Muslims to "prevent punishment in case of doubt" and Mazlum Der regards the right to a fair trial in an independent court as a fundamental human right, for according to its official statement on its website, "it is better that the ruler be wrong in forgiving than wrong in punishing" (Carsancakli 1997). Because death sentences were usually handed down by State Security Courts (until they were abolished in 2004), human rights organizations, including Mazlum Der, have opposed these sentences by arguing that these judgments were not prepared by impartial judges in an independent court. Thus, Mazlum Der leaders found a way to contest the death sentences without undermining Islamic tenets or offending conservative Muslims.

The problems surrounding the right to a fair trial in Turkey have been a top priority for human rights organizations, and Ocalan was merely one of a long list of prisoners that have been tried in Turkey's State Security Courts. Ocalan was tried in the Ankara State Security Court, one of twelve such institutions in the country established under the 1982 constitution to handle cases involving crimes against national security- broadly defined- which may include numerous offences from drug trafficking to various political offenses, including public statements deemed contrary to the indivisibility of the Turkish nation. The influence of the armed forces was built into the structure of the State Security Courts by placing a military judge together with two civilian judges on each court panel. The prosecutor may also be a serving army officer. The presence of a military judge, according to international law, precludes the fair trial of civilians

under an impartial and independent judiciary panel. In fact, the ECHR has repeatedly ruled against Turkey that the presence of a military judge violates the European Convention on Human Rights.<sup>17</sup> Consequently, in the context of a package of reforms to the Constitution passed in June 2004, the State Security Courts were formally abolished.

### **Torture and Inhumane Treatment: An Overview**

Torture was deemed a serious problem in Turkey even before the 1980 coup, and based on a fact-finding mission conducted in May 1980 only three months prior to the coup, Amnesty International concluded that torture was “widespread and systematic” (Violations 1983).<sup>18</sup> The allegations of torture, however, increased exponentially after the coup, when hundreds of thousands of people were detained, including parliamentarians, members of political parties, trade unionists and student activists. During this time, the violence between the radical leftists and ultranationalists and Islamists moved from the streets to the prisons, where prison conditions exacerbated radicalism. The majority of prisoners were socialist activists, although radical Islamist and ultra-nationalists, or *ulkucu*, were also imprisoned. Left-wing and right-wing prisoners were often held separately to avoid fighting.

To further complicate matters, during the 1970s the security forces had split into rival factions, and although attempts were made following the coup to de-politicize the security forces, the forces were purged of radical leftists but a large number of radical Islamists and *ulkucu* remained. This combination of *ulkucu* security forces and left-wing prisoners proved to

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<sup>17</sup> For example, in 1998 the ECHR voted that a man convicted in a state security court for handing out a leaflet condemning the state’s actions against small-scale illegal trading and conditions in squatter communities received an unfair trial. In the context of a package of reforms to the Constitution passed in June 2004, the state security courts were formally abolished.

<sup>18</sup> Amnesty’s evidence concerning torture allegations has included the testimonies of prisoners and former prisoners, in rare cases supported by medical reports, evidence presented in court and sworn affidavits made by fellow prisoners and family members.

be a recipe for disaster. In this environment, prison conditions often reinforced solidarity along ideological lines. The number of left-wing prisoners in comparison to right-wing prisoners has always been profoundly disproportionate. Systematic torture of detainees and convicts persisted and increased throughout the 1990s, especially in the Southeast region as the PKK stepped up its armed struggle.<sup>19</sup>

According to Article 16 of Turkey's 1982 constitution, torture is illegal in Turkey. Yet, both international and domestic organizations have claimed that torture in Turkey was widespread and systematic. The right not to be subjected to torture by a public official, like the right not to be subjected to slavery and servitude, can never be limited or derogated according to the international legal texts Turkey has signed.<sup>20</sup> Freedom from torture is unequivocally sketched out in various international conventions.<sup>21</sup> The Convention Against Torture stipulates explicitly in Article 2 that countries under the Convention are obliged to "take effective legislative, administrative, judicial and other measures to prevent acts of torture."

By 1982, democracy had not been restored by the generals as promised and allegations of torture were too frequent to ignore. Consequently, a PACE resolution called on member states to

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<sup>19</sup> For example, according to the Human Rights Foundation of Turkey, in the first half of 1994, there were 6,379 political detainees and prisoners. Of the latter, 6,152 were leftists (Kurdish leftists) or accused of separatism. Only 227 were far-right or Muslim radicals (HRFT Annual Report 1995).

<sup>20</sup> Acts of torture carried out by persons not acting in an official capacity are not covered. International conventions tend to use a narrow definition of torture that only includes torture by public officials and belongs to a larger set of crimes recognized by international law as "crimes against humanity." These crimes also include the practice of systematic or widespread murder, forced disappearances, deportation and forcible transfers, arbitrary detention, and persecutions on political or other grounds (Nagan and Atkins 2001).

<sup>21</sup> "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." *Universal Declaration of Human Rights (Art. 5)*; "No one shall be subjected to torture or to inhuman or degrading treatment or punishment." *European Convention on Human Rights (Art.3)*; "For the purposes of this Convention, the term 'torture' means any act by which severe or pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions." *UN Convention Against Torture*

use article 24 of the ECHR to verify the extent to which the allegations of torture and other violations on human rights in Turkey are founded. In a move to allay the fears of the European Community and to avoid being placed on the UN Human Rights Commission's list of human rights abusing states, the Ozal government ratified in 1988 the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and also the Council of Europe's Convention Against Torture. Aksoy (2003, 199) notes that during the parliamentary debates concerning the ratification of these international conventions torture was not justified by a single member of parliament and not one argued that international conventions breach Turkish sovereignty.

Nevertheless, neither the Ozal government nor any subsequent government has acknowledged torture to be widespread and systematic. Conditions grew so dire, the European Committee for the Prevention of Torture,<sup>22</sup> which monitors member states' compliance with the European Convention Against Torture, broke its tradition of confidential reporting after its third visit to Turkey. It d a public statement in December 1992 confirming what Turkish and international NGOs had been alleging, "Torture and other forms of severe ill-treatment of persons in police custody remain widespread" (Elahi 1994).

The reactions by public officials and pro-establishment elites toward the transnational advocacy network's allegations have changed little in the past two decades. As in many rights-abusing states, Turkish officials have claimed that security concerns emerging from terrorist violence made it necessary to enact strict measures, especially in areas under martial law and

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<sup>22</sup> According to its mandate, the Convention "provides non-judicial preventive machinery to protect detainees. It is based on a system of visits by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The Secretariat of the CPT forms part of the Council of Europe's Directorate General of Human Rights. Under the Convention, CPT delegations have unlimited access to places of detention and the right to move inside such places without restriction. They interview persons deprived of their liberty in private and communicate freely with anyone who can provide information" See <http://www.cpt.coe.int/EN/about.htm>.

state of emergency regions.<sup>23</sup> State elites have continually prioritized national security and the indivisibility of the Turkish nation and state in order to frame human rights abuse as the unfortunate byproduct of maintaining stability and security in the face of terrorist violence. For example, when questioned by a Helsinki Watch delegation in 1992 about torture in prisons, the Adana police chief explained that police “are very tired from working overtime on terrorism. We are fighting the enemies of democracy” (Broken Promises 1992, 46). This implicitly placed security forces on the side of democracy, something all rights-based organizations vehemently dispute.

Public officials have also responded by strongly denouncing allegations that in their opinion were lies told as part of an international conspiracy to tarnish Turkey’s image and brand it an uncivilized nation, an argument that can be traced back to Ottoman times. Repeatedly, officials have referenced Turkey’s identity as a “civilized Western nation” as a counter-argument to allegations, with the implication that such atrocities are improbable in a civilized European nation such as Turkey.<sup>24</sup> Indeed, the macabre testimonies of victims of torture published by NGOs and delivered to European governments and the EU have struck at the heart of Turkish pride and exposed insecurities concerning Turkey’s identity as a Western nation. For example, the Istanbul chief of police claimed, “If we were actually torturing people, the Turkish people would rise up against the practice. No one forced us to sign the Helsinki Accords... We are part of the West. Our intentions are good and our will is good” (Broken Promises 1992). Indeed,

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<sup>23</sup> Martial law differs from state of emergency in the degree to which security forces possess authority. For example, commanders in areas under martial law have the authority to conduct searches without a warrant, to monitor communications and censor media, to expel persons from martial law areas and to suspend associations. Martial law was gradually lifted from most provinces by 1984 and replaced with a state of emergency (a less strict form of control). See Amnesty International, “Turkey: Torture and Unfair Trials of Political Prisoners: Case Studies Aug. 1988-Aug. 1989.”

<sup>24</sup> Indeed, public officials have also countered comparisons and allusions to human rights-abusing Latin American states, stating that Turkey is “not a banana republic” but a “European nation”.

Ataturk's vision to firmly position Turkey within the Western world and the public debates in Europe concerning whether Turkey is in fact Western/European and should therefore be granted EU membership render torture allegations in Turkey even more offensive than such criticism would otherwise be.

Reactions have also included challenges to definitions of torture. For example, the 1985 Parliamentary Committee for Inspection of Prisons report claimed that some prison regulations deemed torture by activists and attorneys, such as being forced to wear a single uniform, singing the national anthem and denying certain types of literature are "normal" and to call them torture is "nonsense" (Aksoy 2005, 11). Public officials and pro-establishment elites have responded directly to human rights activists by branding them as "terrorists", an accusation used even today to discredit them. For example, in 2004, Prime Minister Erdogan when answering a question posed by a member of PACE claimed that, "those who affirm that there is still ideologically motivated torture are people who were linked to terrorist organizations."<sup>25</sup> Human rights defenders have also been called "traitors" because they have ruined Turkey's reputation. For example, the reaction to the HRA's 1987 Torture Report was that the HRA "is damaging the state's honor" (Helvaci 2006).

International organizations, especially Amnesty International and Human Rights Watch have also triggered indignation, and Turkish officials have repeatedly made public statements that INGOs are "biased and prejudiced" and support terrorism in Turkey by labeling the PKK an "armed opposition group" rather than a "terrorist organization". NGOs are not the only ones discredited. The European Parliament has been claimed to be "imprudent and hostile" toward

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<sup>25</sup> See InfoTurk, online news resource, available at <http://home.scarlet.be/~ozguden/314.htm>

Turkey, and the US and the EU have been condemned for relying on HRA and HRFT reports for their human rights reports.

However, human rights defenders have pointed to the leniency of international organizations towards Turkey, arguing that the EU's bark is much worse than its bite. Nevertheless, ordinary Turkish citizens have perceived the external pressure to be excessive. The harsh language used by public officials has resonated with ordinary citizens throughout Turkey, especially at the height of PKK attacks during the 1990s, when soldiers' funerals became the sites of public demonstrations where people could be heard chanting, "Down with human rights" (Bozarslan 2001, 50).

The reactions in the mainstream media to anti-torture advocacy have been mixed. Some reform-minded journalists have called attention to the problem of torture. Occasional coverage of very high profile cases notwithstanding,<sup>26</sup> the mainstream media in Turkey, which is dominated by Kemalist elites, has tended to downplay human rights abuse. Some journalists have even actively attempted to undermine human rights activism by portraying activists as puppets of the West and/or terrorists. Nevertheless, with the growth of alternative media in the 1990s after the ANAP government broke the government's monopoly on broadcasting, rights activists had more opportunities to disseminate their message. Some Islamist and especially leftist and pro-Kurdish publications have directed a considerable degree of attention toward the issue of torture, primarily because it was their readership that was being directly affected by systematic torture.

Various governments have made "cosmetic changes" to address the torture problem. Only for a brief period, between 1998 and 2000, did public officials make a concerted effort to combat

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<sup>26</sup> A few torture cases have garnered extensive coverage in the press. For example, the brutal torture that ended in the death of journalist, Metin Goktepe, of the left-wing *Evrensel* newspaper was covered widely in 1996. Similarly, the 1998 Manisa trial concerning the torture of children resulted in public outrage.

torture. During this time, parliament's Human Rights Investigation Commission documented prison conditions and allegations of torture and issued several reports. The head of the commission even went so far as to publicly display torture implements in front of the parliament building. However, such efforts were stymied when the chair of the committee was ousted (Arat 2007, 282). In 2002, the Islam-rooted Justice and Development Party put forth a "zero tolerance for torture policy". Insofar as it drew attention to the enduring problem of torture in Turkey, this was a positive development. Unfortunately, international and Turkish human rights NGOs have regarded the policy as a failure, noting the continued use of torture and the increase in recent years in the number of applications to the Human Rights Foundation of Turkey's rehabilitation centers.<sup>27</sup>

Despite activists' continued accusations, the EU claimed that torture while still a problem was no longer systematic and official negotiations for membership could begin. Human rights defenders retaliate that there remains a "culture of impunity" in Turkey because perpetrators of torture routinely get away with their illegal acts. Despite the prevalence of other human rights violations, Turkish and international organizations have persistently addressed Turkey's torture problem. In fact, the number of formal campaigns addressing torture grew in the post-Helsinki era because the European Union granted funds to numerous organizations carrying out anti-torture projects.

### **Opportunities, Discursive Repertoires and Mobilization**

#### **Human Rights Association**

The Human Rights Association has vociferously demanded an end to torture and ill-treatment, and has monitored the situation on the ground in order to provide external actors in

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<sup>27</sup> Human Rights Foundation of Turkey Secretary-General, interview by author, Ankara, Turkey, August 2, 2007.

human rights and anti-torture TANs with information. Delegations from international NGOs and European and American officials relied on information from Turkish bar associations, medical associations, prisoner solidarity group before the HRA's creation. After 1986, the HRA and HRFT, and to a lesser degree Mazlum Der, became their primary sources of information regarding torture.<sup>28</sup> It is notable, however, that both Helsinki Watch and Amnesty International only cited a handful of allegations of torture and ill-treatment experienced by right-wing prisoners in reports published before 1991 because they "rarely receive[d] further information about these cases" (Violations 1983, 3).<sup>29</sup>

In contrast, left-wing prisoner solidarity groups and the Human Rights Association regularly provided international organizations with reports. This illustrates two things: the HRA and HRFT's successful appropriation of human rights mobilizing structures and the inattention by Islamic groups toward Western human rights organizations and international human rights law. It also suggests, however, a lack of concerted effort on the part of INGOs to pursue information concerning human rights violations toward Muslims before the period when Mazlum Der began to send reports of abuse against Muslims (and others) to international NGOs.

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<sup>28</sup> Helsinki Watch's 1989 prison report included references to the HRA but relied primarily on TAYAD reports for its 1989 report on prison conditions, providing a translated copy of TAYAD's full report and recommendations in the appendix. All subsequent Helsinki/HRW reports, however, primarily use HRA and HRFT data. The 1989 TAYAD reports chronicled abuse at both military and civilian prisons. Recommendations were made in accordance to specific regulations under the UN Standard for Minimum Rules for the Treatment of prisoners, adopted in August 1955. In addition, the TAYAD report cites the right to resist repression and torture as enshrined in the US Declaration of Independence, the French Universal Declaration of human and Civil Rights, the UN Universal Declaration of Human Rights and the 1961 Turkish Constitution. All TAYAD recommendations fall under the UN standards, except for the demand to allow prisoners to wear their own clothing, which it claims, "isn't simply a matter of appearances since the practice of creating uniform human beings should also be brought to an end with the abolishment of the uniforms" (Prisons 1989, 74).

<sup>29</sup> The identities of the main detainees/prisoners subjected to torture has changed over time, with left-wing activists forming the largest group imprisoned during the 1980s, Kurds forming the largest group during the 1990s until the present, and a growing, yet comparatively small, number of Islamists imprisoned during the mid-1990s after Islamism was regarded the most serious threat to national security.

The torture issue, since it centers on the topic of bodily harm, is cross-culturally resonant and an issue on which diverse groups can agree. In addition, torture is a rather straightforward issue compared to other more vaguely defined or culturally distinct issue areas, such as freedom of religion. Whether one uses international human rights norms to combat torture or Islamic principles that dictate that every form of violence, unless exercised in self-defense, is unacceptable and unjustifiable, the messages are at their core identical: torture is intolerable. A subtle difference lies in what exactly constitutes torture. Although the UN Covenant on Civil and Political Rights contains seven categories: torture, cruel treatment, cruel punishment, inhuman treatment, inhuman punishment, degrading treatment and degrading punishment, none of these categories are listed with definitions. Similarly, although the CAT provides a definition of torture, it does not provide detailed explanations concerning other forms of ill-treatment.

Hence, each organization is free to define particular acts as torture or ill-treatment, and so on. During the 1990s the HRA primarily addressed the most heinous types of torture, such as beatings, electrocution, *falaka* (beating the soles of the feet), sexual assault and rape.<sup>30</sup> However, they also addressed lesser violations, such as insults, which were defined as ill-treatment. The HRA's sister organization, the HRFT has challenged the practice of torture more than any other organization in Turkey and its advocacy work and rehabilitation services are subsequently reviewed.

The inclusion of beatings as torture in the reports of the HRA and HRFT, and followed by Mazlum Der, was significant in light of the common perception by Turkish physicians that beatings do not constitute torture. This perception was revealed in a two year study carried out

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<sup>30</sup> The London-based Kurdish Human Rights Project, a partner of the HRA and the HRFT was the organization that handled the case that established the precedent that rape is a form of torture under the ECHR. See <http://www.middleeastinfo.org/forum/index.php?showtopic=6537>.

by Physicians for Human Rights, with the help of the Human Rights Foundation of Turkey and the Turkish Medical Chamber, and was published in the American medical journal, *Lancet*, in 1996.<sup>31</sup>

Investigations, such as this one, carried out by non-Turkish researchers helped to legitimate the reports submitted by Turkish human rights organizations. In addition, Turkish officials often but not always, cooperated more with international activists/researchers than with Turkish activists/researchers; hence, the efforts by American and European researchers often uncovered new information or provided concrete evidence in support of Turkish allegations since they had more access to prisons and state agencies. International organizations have in turn greatly utilized reports by Turkish professionals and activists and have relied on their assistance during their investigative activities. For example, the HRA also facilitated access to tortured former political prisoners for a study carried out by medical professionals from England.<sup>32</sup>

### **Mazlum Der**

Mazlum Der has also been a vocal opponent of torture, although it has not carried out carried out campaigns as lengthy or extensive as the HRA and the HRFT. Mazlum Der has used case by case signature campaigns, press releases and panels as its tactics of choice. Like the HRA, torture primarily constitutes the aforementioned list of physical and sexual assault.

Generally, left-wing torture victims apply to the HRA and right-wing victims contact Mazlum

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<sup>31</sup> Physicians for Human Rights' survey of 60 Turkish physicians who conduct medical examinations for detainees, which was submitted to the Turkish government, showed that 76% of those surveyed did not consider beatings to be torture. Even with this type of abuse excluded, 96% of respondents believed torture to be a problem in Turkey and 60% said, "nearly everyone who is detained is tortured" (See Iacopino 1996). The investigation drew the same conclusions as Turkish organizations: "Detainees, whether held for political or non-political reasons, are routinely subjected to severe beatings, suspension by arms or legs, sexual violations, squeezing and twisting of testicles, electric shock to the genitals and other sensitive areas, blunt trauma..." and the list goes on (1996).

<sup>32</sup> For example, see Basoglu (1992).

Der,<sup>33</sup> which like the Islam-rooted Toplum Der prisoner solidarity organization based in the Southeast, emphasizes the physical and spiritual components of trauma and rehabilitation.

Early Mazlum Der literature framed the trauma experienced by female students wearing headscarves when subjected to expulsions from university and their jobs and harassment from secularists as *iskence*, or torture (Evrensel Bulteni 1994). For example, Ihsan Arslan, the Chairman of Mazlum Der, lashed out against Turkey's first female Prime Minister in a public statement. Addressing Prime Minister Tansu Çiller, Arslan said,

now you are abusing religion by talking about the Flag the Ezan [call for prayer] while women who are merely attempting to experience their religion with their sacred scarves are being tortured, their scarves are being ripped to pieces and their dignity is being assaulted and hundreds of women are being tortured for this- of which religion do you see yourself and which country's prime minister do you see yourself? If you as a woman were to experience this oppression that our women have been subjected to, what would you say/do?' (Mazlum Der Evrensel 1995, 3)

Similarly, the treatment of detainees affiliated with the Aczmendi Sufi brotherhood, whom were forced by security officials to shave off their beards (beards are an Islamic symbol and forcing one to shave his heard is considered to be highly disrespectful). The early literature lacked a significant amount of legal-technical discussions, and it is possible that framing the forced removal of a woman's headscarf as torture was a way to evoke moral repugnance rather than a literal legal assessment. Similarly, the threats to shave the beards may technically fall under ill-treatment, a lesser violation than torture, but perhaps the term torture was used to emphasize the highly offensive and traumatic nature of these threats. As Mazlum Der

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<sup>33</sup> My use of left-wing and right-wing here overshadows the ethnic dimension to torture in Turkey. Kurds have experienced the brunt of human rights violations, and this includes torture. The HRA is widely regarded in Turkey as the "Kurdish rights" NGO and indeed it has struggled tirelessly on behalf of Kurds. Consequently, most of the torture victims that apply to the HRA and the HRFT are Kurds, many of whom are also leftist and many are allegedly associated with the Marxist-Leninist PKK (which has since eschewed its Marxist-Leninism in favor of demands for democracy and human rights). Because most Kurds apply to the HRA and the HRFT, the number of torture applications to these organizations in comparison to Mazlum Der is significantly more.

professionalized, terms such as torture were used more in their legal sense rather than hyperbolically.

Regarding blame attribution by not only Mazlum Der but also its secular counterparts, human rights activists have proclaimed for decades that Turkey's human rights problem does not emanate solely from a range of disconnected legal infringements of natural rights, but rather, its deeper source is Kemalist ideology's "statist" tradition which "fetishizes" the state. The statist tradition is evident in the contradictory principles enshrined in the 1982 constitution that paradoxically safeguard individual rights yet rests upon an authoritarian ideology (Kemalism) that places the state and nation above individual rights.<sup>34</sup>

The "sacrilization" of the state in Turkish political culture has been a recurring theme in human rights discourse, and activists have labored vigorously to redefine citizenship and state-society relations through the rejection of statism as a sacred value. "Sacred values" in this context refers to the legal measures and cultural norms that insulate state officials and institutions from public criticism and are based on a belief that state institutions are sacred entities above the law and public censure.<sup>35</sup> Activists argue that because of this statist tradition some Turks believe harsh treatment, even torture, is deserved by those who endanger the state by speaking out or acting out against it. Additionally, the statist tradition upholds the "culture of impunity" responsible for the continuing torture problem because perpetrators very rarely face punishment for their actions despite recent legislation that sets stricter penalties for perpetrators. These sacred values have also rendered taboo topics such as Kurdish rights, the Armenian Question and

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<sup>34</sup> The 1982 constitution enshrines Ataturk's principles; however, in 2007 the Islam-rooted Justice and Development Party called for a new constitution, a "civil" and more liberal constitution that does not rest upon any ideology, including Kemalism. This has generated intense and on-going debates and is especially opposed by Kemalist elites.

<sup>35</sup> IHOP Freedom of Expression International Conference at Ankara University, Ankara, Turkey, November 30-December 2, 2006.

secularism, and discussions exploring these issues are often framed as contrary to national security; and hence punishable under law.

The former HRA-Istanbul president explained that when speaking about official ideology in Turkey, one cannot limit it to the Kemalists in the upper echelons of society or to government per se because “All of Turkey is under the hegemony of state ideology. It is totalitarian... We’re trying to convince ordinary people that they can search and fight for rights” (personal interview, March 26, 2006, Istanbul).<sup>36</sup> Mazlum Der has similarly used the term “totalitarian” to describe Kemalism’s hold on the collective psyche of the masses through the education system.<sup>37</sup> This anti-state and anti-Kemalist language is strongest in the HRA and Mazlum Der in comparison to other human rights organizations, an effect of their members’ personal experiences with state repression, unlike the more elite-based HCA and Amnesty-Turkey.

Because many citizens have internalized official ideology to varying degrees, human rights organizations, especially the HRA and Mazlum Der, offer human rights education weekend seminars, in order to change the way Turkish citizens perceive citizenship and state-society relations. The Human Rights Foundation of Turkey has also carried out training and education programs; however, these programs specifically addressed the issues of torture detection methods and rehabilitation.

### **Human Rights Foundation of Turkey**

HRFT provides physical and psychological rehabilitation to victims of torture in Turkey. It also documents cases of torture and attempts to raise public awareness. Like HRA and Mazlum Der literature, HRFT publications also attribute blame for Turkey’s dismal human rights record

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<sup>36</sup> Navaro-Yashin (2002) explores this issue at length in *Faces of the State*, where she examines the internalization of official ideology and its reproduction in everyday life in Istanbul.

<sup>37</sup> For example, see the discussion on indoctrination and the education system in Mazlum Der Evrensel (1996).

to Turkey's statist tradition and other features of official ideology such as its zealous Turkish nationalism. The organization's discursive repertoires greatly resemble those of the previous organizations discussed. Therefore rather than focus here on its discourse or its role as a conduit for the diffusion of international human rights norms, I will draw attention to the HRFT's impact on the anti-torture transnational advocacy network of which it is a part.

Keck and Sikkink (1998) argue that TANs are not merely conveyer belts transporting Western norms to the developing world, but are also conduits for the diffusion of local ideas to the international arena/Western world. Local actors certainly do not wield as much power as Western NGOs or IGOs, and Keck and Sikkink's assertion that all TANs are non-hierarchical communicative structures appears implausible, since not all TANs are identical and power is an inherent feature of all social relations. Nevertheless, the importance of the HRFT in international work on torture supports their contention that domestic actors in developing states can and do make significant contributions to TANs.

As mentioned in chapter two, the HRFT was created at a time when torture rehabilitation was studied and/or practiced at only three other rehabilitation centers in the entire world. The organization was run by medical and mental health professionals who attempted to recast the issue of torture as a medical problem, and not only a political or moral problem. HRFT directly addressed the problem of physician complicity, which is often the result of state coercion, since security officers are usually present during examinations. Consequently, HRFT's advocacy work not only targeted state officials but also medical professionals. Accordingly, it attempted, together with the Turkish Medical Chamber, to enact measures that would ensure that Turkish physicians follow universal medical ethics. These measures were as successful as could be expected in a context where health professionals were threatened not only with loss of

employment but also lengthy and expensive legal battles and possibly even imprisonment if they concluded in their medical reports that torture was evident.

The problem of undocumented torture despite medical examinations resulted not only from state coercion but also from lack of training. The HRFT played a key role in the development of international standards of investigation and rehabilitation. From its inception it participated in international conferences and is a member of the International Rehabilitation Council for Torture Victims. Its international ties are extensive and deeply rooted, and since 2002 its services have been funded by the European Union Initiative for Democracy and Human Rights.

The HRFT, along with Physicians for Human Rights-USA, was one of the key organizations involved in the initiative and development of an international protocol for torture detection and treatment. The Turkish Medical Association, a founder and partner of the HRFT, organized an international meeting in 1996 to take the initial steps to develop a manual for the investigation and documentation of torture and other forms of ill treatment. This goal was inspired by the daily needs and practices experienced by the HRFT and the Society of Forensic Medicine Specialists.

The subsequent meetings culminated in the drafting of *The Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, which became a United Nations official document in 1999. Commonly known as the Istanbul Protocol, the manual is the first set of international guidelines for the documentation of torture and its consequences.<sup>38</sup> It provides internationally recognized minimal standards and

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<sup>38</sup> Along with the Human Rights Foundation of Turkey, the following Turkish organizations also participated: Center for Research and Application of Philosophy and Human Rights, Hacettepe University (Ankara); Ethics Department, Dokuz Eylul Medical Faculty (Izmir); Society of Forensic Medicine Specialists (Istanbul); Turkish Medical Chamber (Ankara). Also, the HRFT and the Turkish Medical Chamber provided financial support. For a full list of all participants and financial supporters and the specific guidelines see *Istanbul Protocol: The Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, New York and Geneva: United Nations, 2004.

procedures on how to recognize and document symptoms of torture so that the documentation may serve as valid evidence in court. For example, it explicates techniques for interviewing torture victims, and provides tips on how to implement diagnostic tests, secure and obtain physical evidence using the latest medical technology and how to document all facets of the medical examination that will be used in court.<sup>39</sup> As part of an international program to educate professionals about the Protocol, the HRFT is currently coordinating education programs throughout the world.<sup>40</sup>

Another area of concern for human rights organizations, and particularly the HRFT, is the issue of f-type prisons. F-Type-Prisons, or in its official title F-type High Security Closed Institutions for the Execution of Sentences (F tipi cezaevi / F Tipi Yuksek Guvenlikli Kapali Ceza Infaz Kurumu) are called high security prisons according to the Turkish Law 5275 on the Execution of Sentences. Before these prisons were erected, prisoners in Turkey were held in wards (dormitories) with up to fifty or more prisoners per ward; however, the f-type prisons have cells (called coffins, or tabutluk by inmates) instead of wards. The prisons were built primarily to accommodate the large number of prisoners convicted for being part of an armed gang, especially the Kurdistan Worker's Party.

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<sup>39</sup> Public officials, ever the innovators when it comes to devising ways to hide signs of torture, have found ways to evade the protocol and even use it to their advantage. A presentation at the IRCT 2006 international conference highlighted the Mexican government's use of the Istanbul Protocol to deny torture accusations, minimize the problem of torture and maintain the practice of impunity. See "Lessons Learnt from the Implementation of the Istanbul Protocol in Mexico" by

Felicitas Treue, Javier Enriquez Sam (Colectivo Contra la Tortura y la Impunidad) at [www.irct.org](http://www.irct.org).

<sup>40</sup> HRFT Secretary-General, interview by author, Ankara, Turkey, August 2, 2007. The HRFT team, together with the World Medical Association, International Rehabilitation Council for Torture Victims and Physician for Human Rights-USA, took part in the Istanbul Protocol Implementation Project to increase awareness, obtain national endorsement and achieve tangible implementation of the Protocol in five countries (Sri Lanka, Georgia, Morocco, Uganda and Mexico) between March 2003 and March 2005. The second phase prepared by the IRCT began in 2006 and will be implemented in five new countries: Serbia, Ecuador, Egypt, the Philippines, and Kenya. In the second phase the HRFT will be responsible for coordination of the training programs .

F-type prisons are defined as a form of torture by Turkish human rights organizations based upon the argument that isolation in Turkish prisons places the prisoners in physical danger, because it makes the use of torture more likely, and also because it is a psychologically traumatic experience. The framing of f-type prisons as torture was a joint effort between human rights organizations and professional medical organizations which provided the medical reasons why a particular act can be considered traumatic, and therefore be defined as torture or ill-treatment. It was imperative that the human rights organizations bolstered their claims with scientific evidence provided by medical and mental health experts. Fellow partners in the transnational advocacy network, such as the European Committee to Prevent Torture (CPT), the London-based Kurdish Human Rights Project and Amnesty International, have lent their support to these efforts by making public statements in defense of the HRFT's stance and publishing their own reports on F-type prisons.<sup>41</sup> The debate concerning "isolation as punishment" and the "biology of isolation" are still being debated, and were topics of discussion at the International Psychological Trauma Symposium held in 2005 in Istanbul.

Turkey finally curtailed the development of f-type prisons due to intense domestic and international pressure and a hunger strike campaign carried out by prisoners in 2000.<sup>42</sup> In 2002, the HRA president called on Turkey's Justice Minister to enter into a serious dialogue with challengers and convinced the prisoners to end their hunger strikes.

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<sup>41</sup> See Kurdish Human Rights Project report, *The F-Type Prison Crisis and the Repression of Human Rights in Turkey*, available at [http://www.khrp.org/component/page,shop.product\\_details/flypage.shop.flypage/product\\_id,65/category\\_id,13/manufacterer\\_id,0/option,com\\_virtuemart/Itemid,36/vmcchk,1/](http://www.khrp.org/component/page,shop.product_details/flypage.shop.flypage/product_id,65/category_id,13/manufacterer_id,0/option,com_virtuemart/Itemid,36/vmcchk,1/). See Human Rights Watch reports, such as *Small Group Isolation in Turkish Prisons*, May 24, 2004, available at [www.hrw.org](http://www.hrw.org).

<sup>42</sup> During the 1990s, hunger strikes were a prominent feature of pro-Kurdish activism, especially among Kurdish prisoners contesting torture and ill-treatment. The hunger strike has been used not only by prisoners but also by other groups in Turkey, such as anti-headscarf ban activists, as discussed in chapter five.

### **Advocacy Work in the Post-Helsinki Period**

Part of the EU process includes strengthening civil society and the financial impact on human rights organizations has been significant. Human rights organizations are now eligible for various grants through the European Instrument for Democracy and Human Rights (EIDHR), which is a European Union program that aims to promote and support human rights and democracy worldwide and provides grants to civil society organizations in candidate countries. Most grants provide funding for about a year, and civil society organizations in Turkey can benefit from both EIDHR global grants as well as Turkey-specific grants extended within the scope of EIDHR.<sup>43</sup>

The EU has taken a special interest in torture, evident through the numerous projects it has funded since Turkish NGOS became eligible. The first EU sponsored torture project was carried out by the Human Rights Association. The *Iskenceye Sessiz Kalma* (No Silence for Torture) campaign lasted from December 2003 to December 2004 and was funded under the European Instrument for Democracy and Human Rights (EIDHR) micro-projects program.<sup>44</sup> The HRA's goals as stated in the proposal were 1) to strengthen ties between human rights organizations and related professional organizations; 2) to train human rights defenders on the prevention of torture; 3) to screen legislation in torture and to document and monitor torture lawsuits; and 4) to organize a public awareness campaign.

It is notable in the post-Helsinki period that strengthening ties between organizations has become a top priority and this goal was incorporated into the No Silence for Torture Campaign. For example, in order to facilitate cooperation between organizations, the HRA formed a

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<sup>43</sup> For a complete list of EIDHR grants to Turkish organizations as well as general information regarding the initiative, see their website at [http://www.avrupa.info.tr/EUCSD,Dihag\\_Revised.html](http://www.avrupa.info.tr/EUCSD,Dihag_Revised.html).

<sup>44</sup> For more information on this campaign see "HRA Conducts the 'Speak Up Against Torture' Project." *Current News: A periodical of the Delegation of the European Commission to Turkey* 4 (January): 6-7.

management board that included the HRFT, Mazlum Der, the Forensic Medical Experts Association, Amnesty International Turkey Chapter, the Union of Turkish Doctors, and the Bar Associations of Ankara, Diyarbakir and Izmir.

The board members drew up an agenda and a strategic plan and set up public meetings held in 33 cities September 25-30, 2004 with the aim of raising public awareness. Each organization's local branches facilitated these meetings, thereby further strengthening ties in locales where solidarity was not as deep as it has been between the main branches in Istanbul, Ankara, Izmir and Diyarbakir. During these meetings, lawyers, doctors and human rights activists were trained how to investigate, document and monitor torture and legal experts on the board published the book, "Torture in Turkish Legislation and its Amendments", which was then distributed to bar associations and chambers of medicine.

Insofar as the project was able to reach legal and medical professionals as well as activists throughout the country, it was successful in raising public awareness among these groups. However, a recurring theme throughout this dissertation is the absence of widespread protest by ordinary citizens. It is unclear whether this campaign effectively raised awareness among ordinary citizens to the point that it will make some type of significant difference in either political culture or in Turkey's policy agenda. This is in part due to the ever-present problem in all social movements of transforming awareness into action. It is also a result, I believe, of the continued stronghold that authoritarian notions rooted in official ideology have on Turkey's political culture.

During the HRA training seminars that were part of its anti-torture campaign, the distinct problems of sexual harassment and rape of women in custody and children's rights were explored, reflecting an expansion of conventional conversations on torture, a relatively recent

trend in global discussions too. The torture of children was a problem that was especially brought to the fore during the infamous Manisa trial of 1998 in which convictions against police found guilty of torturing teenagers were reversed.<sup>45</sup> More recently, in 2005, physical and sexual abuse against children by caretakers and public officials in Malatya childcare center were framed by the HRA as “systematic torture” after it was revealed there were 478 cases of sexual abuse in the previous five years. The HRA specifically cited Article 1 of the UN Convention in addition to “other international legal instruments” to clarify that any severe physical or mental pain or suffering inflicted on individuals in childcare dormitories constitutes torture or at least ill-treatment.<sup>46</sup>

Although the HRA had addressed women’s issues from its inception,<sup>47</sup> the issue of women’s special needs in the context of harassment and torture while under custody has been emphasized in the post-Helsinki period, and the issue was explored during the 2001 Human Rights Movement Conference organized by the HRA and HRFT.<sup>48</sup> The sensitivity surrounding this issue is evident in the harsh reaction toward the statements of former HRA-Istanbul president, Eren Keskin, exposing the torture of women prisoners in Turkey. She is one of the founders of the “Legal Aid Office for the Victims of Sexual Harassment and Rape in Custody”

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<sup>45</sup> Ten police officers were charged with carrying out rape, electric shock and high-water pressure torture techniques against teenagers. The Manisa trial was observed by various international delegations, including a delegation from American NGO, Human Rights First. The trial, which was held in the western town of Manisa, was just one of three-high profile court cases that week in which members of Turkey’s security forces were charged with torture and extra-judicial killings. Police officers were accused of beating journalist Metin Goktepe to death in 1996, and in Diyarbakir 65 security forces personnel were accused of beating 10 prisoners to death that same year ([http://209.212.64.43:777/media/2001\\_1996/turkey0299.htm](http://209.212.64.43:777/media/2001_1996/turkey0299.htm)).

<sup>46</sup> For the complete press release see “Treatment of Children in Malatya” (2005) at [www.ihd.org.tr](http://www.ihd.org.tr).

<sup>47</sup> For example, as early as 1987 the HRA organized a panel on “Women and Life” and regularly organizes activities for World Women’s Day celebrated annually on March 8<sup>th</sup>. Similarly, the HRA has organized activities concerning children’s rights as early as 1991 (HRA “We’re on a Long Narrow Road” 2006).

<sup>48</sup> Two presentations were made concerning “Legal Assistance Bureau Against the Sexual Harassment and Sexual Assault in Custody,” and “Sexual Harassment and Sexual Assault While in Custody” (“Coping with Trauma and Human Rights” 2001).

and has faced 86 lawsuits in relation to her human rights activities. Keskin was charged with “insulting the state security forces” when she exposed sexual torture against women as a strategy of war in Turkey during a panel discussion held in Germany in 2002. In addition to lawsuits, Keskin has received death threats, was shot at and was assaulted by a police officer while being arbitrarily held under custody. She was sentenced in March 2006 to ten months imprisonment for her statements in Germany, which was subsequently reduced to a fine. Keskin, however, has refused to pay the fine, choosing imprisonment as a shaming tactic because she believes, “they’re converting jail time to a fine for the EU- to seem like they’re serious about freedom of thought. I want to show that they’re not.”<sup>49</sup>

Another anti-torture project funded by the EU was coordinated by Helsinki Citizens’ Assembly-Turkey and the Human Rights Agenda Association. The “Strategic Mapping of Torture in Turkey” project does not seek to raise awareness or mobilize public support. Instead, it aims to conduct research in order draw up a national strategic policy that will enable governmental and non-governmental agencies to pool their resources so they can prevent torture and crack down on those entities and individuals that have managed to escape punishment for carrying out torture or turn a blind eye to those who do.<sup>50</sup> This type of project falls in line with much of Helsinki-Turkey’s work in Turkey, which centers around research and policy studies rather than the coordination of public campaigns and demonstrations.

To summarize, the post-Helsinki period has greatly expanded the political opportunities for Turkish rights organizations. Human rights organizations are now eligible for various grants through the European Instrument for Democracy and Human Rights (EIDHR). This period has

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<sup>49</sup> Human Rights Association-Istanbul President, interview by author, Istanbul, Turkey, March 26, 2006.

<sup>50</sup> For more information on the “Stra-Map” project see <http://www.hyd.org.tr/?pid=373>.

also seen the development of deeper ties between the HRA and other human rights organization through the No Silence for Torture Campaign. The topics associated with torture have also expanded. Whereas the torture of detainees have dominated the movement's agenda throughout its history, in recent years the distinct conditions surrounding the torture of women and children have been emphasized while still maintaining a focus on the torture of prisoners and detainees.

### **Conclusion**

Organizations such as the Human Rights Association and the Human Rights Foundation of Turkey were the most vocal opponents of the death penalty, and made full use of international human rights law and democratic norms in constructing their discursive repertoires. These organizations successfully appropriated transnational advocacy networks given the strong commitment by prominent international NGOs such as Amnesty International to abolish the death penalty. Turkey's integration into the European Union opened up new windows of opportunity since abolishment of the death penalty is part of the Copenhagen criteria which Turkey must meet in order to become a full member of the EU.

Different organizations utilized various combinations of legal, political and religious discourses depending on the identity and ideological commitments of their respective members as well as those of their respective audiences. Whereas the HRA and HRFT primarily relied upon international human rights law to challenge the practice, Mazlum Der primarily contested death sentences through the use of Islamic principles of justice. In contrast to the HRA and HRFT, Mazlum Der did not contest the practice of capital punishment per se because the death penalty is permissible according to Islamic law. The leaders deliberately followed a strategy of avoidance and steered clear of condemning the practice outright, lest they lose support from their base. Nevertheless, the organization publicly contested the death penalty as it was practiced in Turkey because it did not meet standards of justice under Islamic law. Mazlum Der also

benefited from TANs and is embedded within transnational advocacy networks through its strong relations with the Human Rights Association and also through its pro-active solicitation of political, moral, and technical support from international NGOs. However, unlike other human rights organization which have taken advantage of the financial opportunities associated with Turkey's EU candidacy, acquiring funds from external sources, especially Western funds, remains controversial among members. However, the organization is not opposed to assisting its secular counterparts that have secured EU funding, as it did with the HRA in the No Silence for Torture campaign.

The death penalty was finally banned in Turkey as part of one Turkey's harmonization packages. The significance of the political opportunities emerging from Turkey's further integration into the European Union cannot be overstated. The EU Copenhagen Criteria provided the final impetus for legal change. Rights-based organizations had been applying pressure since the 1970s, and along the way, achieved minor victories, such as the de facto moratorium, leading to the final abolishment of the death penalty 2005. However, I remain highly dubious of the transnational advocacy network's potential for influence had the European Union's carrots and sticks not been driving the process. With the support of the military, Turkey's pro-establishment elites were well-positioned to block reforms well into the future had the EU process not shifted the balance of power in Turkey in favor of reformists. Moreover, despite human rights organizations' success in mobilizing other organizations (called mesomobilization),<sup>51</sup> the movement has not successfully mobilized mass protest in the form of large street demonstrations that would jolt politicians into thinking the issue was immensely important among ordinary citizens, thereby forming an impetus to tackle the problem.

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<sup>51</sup> Mesomobilization is the process whereby an organization mobilizes another or other organizations so that these other organizations can mobilize their own members for the cause.

All in all, despite the continued efforts of rights organizations and the ruling party's zero tolerance for torture policy that attempted to change the culture of impunity by training military and police personnel, rights organizations continue to receive an unnerving amount of applications from citizens claiming they were tortured. Thus, although there has been a significant drop in the number of applications, the practice has not been entirely eradicated.

Regarding points of difference and similarity, all the organizations reviewed in this chapter strongly opposed Turkey's systematic use of torture and, as with the death penalty, made full use of international human rights law in their discursive repertoires. Mazlum Der also articulated its opposition through Islamic norms of justice. State elites never publicly justified torture nor did they admit to systematic abuse, claiming instead that incidents of torture were sporadic and greatly exaggerated. However, elites engaged in counter-framing by challenging the definition of torture and the interpretation of specific acts as torture. State elites also frequently invoked the security-rights problematic in their counter-framing efforts to challenge activists on both the death penalty and torture.

The Human Rights Association created the Human Rights Foundation of Turkey to supplement advocacy work on the elimination of torture through the creation of five rehabilitation centers. As the HRFT grew and was able to attain critical funding from various external sources, it rapidly became a global leader in the emerging field of torture rehabilitation. Moreover, it was an integral player in the effort to transform the nature of discussion concerning torture from a moral and political discourse to a broader discussion that recasts torture as not only a moral and political problem but also as a scientific question that must be answered by medical and professionals.

## CHAPTER FOUR THE KURDISH QUESTION

### **Introduction**

Happy is the one who calls himself a Turk.

–Ataturk

Ataturk's saying is emblazoned on everything from tee shirts to buildings, to calendars and day planners. It is even written with whitewashed stones on hilltops throughout the country. Ataturk's statement may have meant that Turks, or more precisely citizens of Turkey, should be proud to call themselves Turks since Turkish citizenship was initially formed along French republican lines. However, the republican approach veered off course over time and Turkish citizenship came to acquire an essentialist ethnic connotation. Turkey's forced assimilation policy based upon the official denial of ethnic minorities, including the patent denial of the existence of a distinct Kurdish people, reinforced this ethnic notion of citizenship. In fact, Akturk (2008, 3) contends that, "Turkey is a better example of an anti-ethnic regime than France, which is often cited as the paragon of an assimilative nation-state".

Turkey's policies toward the Kurds have been fraught with difficulties since the creation of the Turkish republic and have culminated in the "Kurdish problem". The Kurdish question, as it is also called, is a multi-dimensional issue which spans the entirety of the Turkish Republic's history. The first section presents the Turkish state's official ideology created during the republican era (1920-1950), a period of nation-building and forced assimilation. Next, I briefly review the reactive discursive repertoires constructed by Kurds during the republican era and radical left period (1960-80), and then move into an examination of political opportunity structures, the construction of discursive repertoires and mobilization efforts of human rights and pro-Kurdish organizations. These sections explore the overlapping discursive repertoires and

mobilizing structures associated with the violent PKK-led Kurdish nationalist movement, the non-violent Kurdish nationalist and the human rights movement.

### **Official Ideology: Kemalist Discourse**

The Kurdish question has arguably been the most contentious and divisive issue in Turkey's short history, perhaps taking a back seat only to the issue of the rightful place of Islam in a modern society. As long-time observer and scholar, Dogu Ergil (2000, 133), explains "The Kurdish Question cannot be understood in isolation. The monolithic nature of Turkey's political culture, its authoritarian laws, the bureaucratic nature of its administration, the military's central role in politics, the relative underdevelopment of a society plagued by lingering tribalism and traditionalism, and the incomplete integration of the country's Kurdish regions are all part of a complex phenomenon."

In order to understand why the recognition of Kurdish identity is so problematic it is necessary to explore the legal and cultural repercussions of Kurdish nationalism in Turkey, for Kurdish nationalism strikes at the heart of what Turkey's founders envisioned: a homogenous nation-state. What is at stake is a rereading of Turkey's history by its citizens and a wholesale reworking of mainstream Turkish notions of nationhood, citizenship and democracy.

The story begins in Ottoman times, when religious identity formed the primary identity boundary of each community and Kurds enjoyed equal status with ethnic Turks because, like Turks, they too are Muslim.<sup>1</sup> Efforts had been made since the early 19th Century to centralize Ottoman administration and thereby strengthen the empire's control over its highly decentralized

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<sup>1</sup> Kurds are a distinct ethnic group which speaks Kurdish, an Indo-European language unrelated to Turkish which is an Altaic language. Kurds have been in Anatolia and Mesopotamia far longer than the Turks who migrated from Central Asia in the 10<sup>th</sup> century. Nevertheless, Kurds have never formed a fully sovereign political entity and are today regarded as the largest nation in the world without a state. A rough estimate places Kurds in the 15-20% range of Turkey's population, although the exact number is difficult to decipher since ethnic identity is not recorded as consensus data. Most Kurds are Sunni Muslim; however, some are Alevi and have consequently faced persecution because of their Alevism.

*millet*<sup>2</sup> system. However, once the idea of nationalism and the modern nation-state traversed Western Europe and arrived in the East, it erupted into a force which fomented numerous national independence movements within the Ottoman Empire, eventually leading to its demise. While the rest of the empire's non-Muslim groups- Greeks, Serbs and Armenians- fought for separation, the Kurds were by and large seemingly content with their privileged status as Muslims. As a result, a robust Kurdish nationalism did not develop during this period.

Following World War I and the Ottoman Empire's defeat, the 1920 Treaty of Sevres between Turkey and the Allied Powers laid out the arrangements for partitioning what was left of the empire. Its provisions mentioned the possibility of an independent Kurdistan, the name of the region that ran from Southeast Anatolia to what is today Northern Iraq. Kurdish princes had been ruling virtually independent fiefdoms in this area for centuries under Ottoman authority. The Treaty of Sevres, however, was never ratified because the Kurdish and Turkish Muslims of Anatolia waged a war of independence against the Western powers that were vigorously trying to wrest power from the native inhabitants by supporting non-Muslim natives, such as the Greeks.

The Western powers' machinations to weaken the Muslim natives were well known and Western governments' support for non-Muslim nationalist rebels led to a paranoia that continues to plague Turkish society even today. Likened to a chronic illness, the "Sèvres Syndrome" as it is called by some observers is evident in Turks' present day reactions to expressions of non-Turkish ethnic identity. They are highly suspicious of cultural rituals and the free use of non-Turkish languages, regarding these as Western influences that challenge the indivisible unity of the Turkish nation. One harsh observer notes, "This paranoia also inevitably leads to irrational overreactions and apparently irrational behaviors by the masses and by politicians. Failing to

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<sup>2</sup> An Ottoman *millet* was a religio-ethnic community which enjoyed autonomy under Ottoman suzerainty.

understand this paranoia prevents a full comprehension of contemporary Turkish politics” (Guida 2008). The long-standing fear of identity politics is the underlying force which continues to buttress anti-Kurdish policies.

The Anatolian Muslims finally defeated their opponents in 1923.<sup>3</sup> With the victory came a new set of negotiations in Lausanne and a new treaty which negated the previous Sevres treaty.<sup>4</sup> Mustafa Kemal explained his envisioned arrangement for Anatolian Kurds to journalists in January 1923, claiming “our constitution will provide for a kind of local autonomy. Thus, they will administer their affairs in an autonomous manner” (Pope and Pope 1997, 249). Indeed, the arrangement would not be too different from the one followed under the Ottoman Empire in which Ottoman sultans recognized the autonomous rule of Kurdish princes. However, the envisioned autonomy never materialized and the Kurdish leaders were ineffective in laying claim to the region during the Lausanne negotiations. In effect, the Kurds missed what would be their only real opportunity to form an autonomous region, and perhaps eventually a state of their own, and this story is touted time and again by Kurds in nationalist literature.

The 1923 Treaty of Lausanne neither stipulated an autonomous Kurdistan nor provided safeguards for Kurds in the way of granting them minority status. Perhaps to a group which had historically enjoyed a privileged status in a political system where only infidels were minorities, minority status connoted subservience and second class status. Ottoman norms differed significantly from the newly established international norms that emerged with the creation of

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<sup>3</sup> For a more complete analysis of nationalism and citizenship in Turkey see Somer (2004), Yegen (2006). For information on the Sevres and Lausanne treaties and their legal and cultural consequences see Oran (2007).

<sup>4</sup> During the Lausanne negotiations, Ismet Inonou presented himself as a negotiator on behalf of “Turks and Kurds whose motherland is Turkey”. The language used by Mustafa Kemal during the war of independence did not include the use of an ethnic conceptualization of nationality, but rather a nationalist unity based upon Muslim identity. In fact, the word *Türk* does not even appear in the text of his speeches during this time. For a comprehensive discourse analysis of the language used by Kemal and nationalist leaders to mobilize Anatolians before, during and after the war of independence, see Zurcher (2000).

the League of Nations. According to new international norms, minority status was to be determined through a tripartite criterion which included racial, linguistic and religious criteria. International safeguards were introduced which guaranteed minority groups equal rights with the majority and even additional rights were granted to protect a minority's linguistic and cultural heritage.

The Turkish delegation at Lausanne rejected the newfangled definition and narrowed it to include only non-Muslims- a classification which had an Ottoman pedigree. Orthodox Greeks, Armenians and Jews were covered under the Lausanne Treaty's definition of minority but ethnic groups such as Kurds, Laz and Circassians were not.<sup>5</sup> The treaty was incorporated into Turkish law and its legal provisions stipulating minority status remain intact today. The debate concerning how Kurds should be defined today is rooted in this treaty. The enshrinement of the Ottoman idea of minority status in the treaty renders any challenge against the idea a legal issue, and means that pro-Kurdish activists must convince government elites that the Lausanne Treaty should no longer form the basis of Kurds' legal status in Turkey.

The new government quickly began to replace Kurdish place names in the Southeast with Turkish names and the 1924 Constitution defined Turkish as the official language and the exclusive language of education. A proclamation announced on December 8, 1925, by the Ministry of Education illustrates the way republican elites deliberately recast ethnic identity as a national security issue. The proclamation was entitled, "Currents trying to undermine Turkish unity", and the document pointed toward the threat posed by minority communities (e.g., Kurt,

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<sup>5</sup> A 2008 report issued by Freedom House, "Turkey in Transit", contends that intolerance toward non-Muslim religious minorities continues to create concerns, despite a law adopted earlier in 2008 that returns property seized from non-Muslim foundations by the state. Indeed, even the rights granted under the Lausanne Treaty to non-Muslim minorities were never fully implemented. For a comprehensive account of the legal and cultural roots of Lausanne and subsequent minority status issues in Turkey see Oran (2007). Also, see the report on "Turkey's Minority Rights Question: A Citizenship and Democracy Based Approach" based on the international conference of the same name held by TESEV on December 9-10, 2005 in Istanbul. [www.tesev.org.tr](http://www.tesev.org.tr).

Laz, Çerkez, Kurdistan, and Lazistan) which had up to then enjoyed free exercise of their native language in local affairs on local street signs. The proclamation claimed these areas would no longer use place names in languages other than Turkish and the regional names used, such as Kurdistan, would be banned. The philosophy behind this policy was that any recognition of difference would pose a serious threat to national unity- an idea which maintained its strength in the Turkish psyche throughout the rest of the century.

The Lausanne Treaty is not the only document which shapes discourse on Kurdish identity in Turkey. A closer look at Kemalist thought reveals the roots of today's pro-establishment elites' worldview. As state in earlier chapters, Atatürk outlined his vision for the Turkish republic in his "six arrows": republicanism, *laicite*, progressivism/revolution, populism, *etatism* and nationalism. Kemalism, predicated on a set of foundational assumptions linked to the six arrows, should be understood as a comprehensive project to create a modern Turkey (Keyman and Onis 2007). One of the primary objectives of the Kemalist modernization project was to replace Islam with Turkish nationalism as the glue holding the multi-ethnic, multi-lingual and multi-religious society together. Mustafa Kemal was greatly influenced by Ziya Gökalp, a sociologist and political activist who argued Western liberalism was inferior to solidarism because liberalism encouraged individualism, which diminishes the integrity of the state. Gökalp's conception of nation was of a "social solidarity" that necessitated "cultural unity"- a nation was conceived as culturally and linguistically homogenous and membership was involuntary.<sup>6</sup> "Hence, the national identity was meant to be an organic unity of the secular non-class based identity, which necessarily involved the subjugation of its Other, i.e., the Kurdish identity, Islamic identity and minorities..." (Keyman and Onis 2007, 303).

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<sup>6</sup> See Taha (1980); Karpat (2000); Houston (2001).

The modernization project sought to achieve a homogenous nation through forced assimilation policies, a recasting ethnic identity as a national security threat, and by changing mainstream readings of history. The official line held that the word Kurd was actually a nickname given to mountain Turks (*dagli Turkler*) because it resembled the kurt-kurt crunching sound of walking through the snowy Southeast. The Turkification project went so far as to rewrite history. The "Sun-Language Theory" (*Gunes-Dil teori*), adopted in 1935, claimed that Central Asia, the ancient homeland of the Turks, was the cradle of human civilization and Turkish was the mother of all languages. Hence, Kurdish and any other languages spoken in Turkey were in theory an outgrowth of the original Turkish language.

### **The Kurds Respond**

#### **Opportunities, Discursive Repertoires and Mobilization during the Republican Era**

The repressive actions by the state were met with a violent reaction as rebellions sprouted throughout the Southeastern region. The Sheikh Said Rebellion of February 1925 was the most significant in a string of rebellions which continued until 1938 when the final rebellion was crushed. The discursive repertoires of these disgruntled rebels reflect the fusion between ethnic identity and Islam that was prevalent during this time. The rebellions in the Southeast during the 1920s and 30s were not merely an expression of the Kurds' dissatisfaction with their treatment as Kurds but were perhaps more an expression of their discontent with the de-Islamization of Anatolia. The repertoires used to justify their revolts were of a religious nature and highlighted the main source of their discontent: the new republic's policies, such as the abolishment of the Caliphate and the closing of Kurdish schools and outlawing of Kurdish publications, which sought to circumscribe the authority of local Sufi brotherhoods and Islamic clerics. Hence, these rebellions were arguably more of a public outcry against the restructuring of traditional power structures. It was a battle between the new state and societal forces of which the strongest were

the local clerics. The proto-Kurdish nationalist undertones of the rebellions have been regarded by historians as secondary to Islamist objectives. Indeed, Sheikh Said was a religious leader of the Naksibendi Sufi brotherhood and the Sheikh Said Rebellion had an overtly Islamist agenda (Yavuz 2003; Duran 1996; Boztemur 1999). Historians' interpretations notwithstanding, the early rebellions are often cited by Kurdish nationalists as important precursors to today's nationalist movement in order to emphasize the longevity and durability of Kurdish nationalist sentiment in Turkey.

The Islam-based discursive repertoires of the early rebellions barred a sole emphasis of Kurdish identity. From the 1920s to the 1980s, the Kurdish question was not framed as a question of identity or citizenship. Even the Kurds themselves, for the most part, did not initially interpret their predicament as an ethnic identity issue tied to equal citizenship and human rights in a democratic system. Pro-establishment elites did not associate the issue with citizenship, identity or rights either. Indeed, the "striking silence of the Turkish state as to the 'Kurdishness' of the Kurdish Question" resulted in the Kurdish Question being defined as a problem of reactionary politics, tribalism or economic underdevelopment rather than as a question of governance or citizenship (Yegen 1996, 216).

### **Opportunities, Discursive Repertoires and Mobilization: 1960-1980**

The patent denial of Kurdish identity and the strict suppression of expressions of Kurdishness reemerged as a topic for discussion during the 1960s. The issue was incorporated into broader repertoires addressing economic inequality. Even before the rise of the Marxist-Leninist Kurdistan Workers' Party, or PKK, in the 1980s, many Kurds focused their energies into the Turkish left during the rise of radical left-wing politics in the 1960s. In fact, by the 1960s the growing socialist movement in Turkey was addressing the profound economic disparities between Eastern Turkey, home to Kurds, and Western Turkey. The Southeast had been neglected

by the state and was characterized by an archaic feudal system. The region constituted the least economically developed region in Turkey, so following the popular political language of the day many Kurdish groups employed Maoism or Marxist-Leninism as their chief discourse of defiance. Because these new discursive repertoires drew from Marxist-Leninism rather than from the Islamic discourses relied upon by rebels during the republican period, there occurred what Yavuz (1999) calls the “secularization of Kurdish identity”.

Although radical left-wing groups in Turkey differed regarding their distinct reading of key socialist texts, Kurds involved in various sectors of the broad far-left movement in Turkey pushed Kurdish rights onto the socialist agenda, pointing to the poor treatment of Kurds as one of many indicators of the need to completely overhaul the current system. Positioning Kurdish activism within a secular, socialist framework also “helped construct a collective identity that could bridge religious, tribal and linguistic differences among Turkey’s Kurds” (Watts 2001, 27). Turkish Workers Party was the first to grant real significance to Kurdish grievances, signaling a courtship between the Turkish left-wing parties and Kurds that would dominate Kurdish politics until the 1990s when Islamists began to assertively add their voices to the mix and the Islamist Welfare Party began to flex its muscle in the Southeast region.

Ironically, the linkage forged between the Kurdish question and economic inequality by Kurdish leftists perhaps worked to strengthen the notion that the Kurdish problem was one of regional backwardness rather than a question of ethnic identity. Moreover, the preponderance of Marxist discursive repertoires prevented an emphasis by leftists on the issue of Kurdishness and citizenship because identity issues were secondary to economic inequality, which was the focal point of discourse. Consequently, this lent credence to the mainstream view that the Kurdish question was indeed one of economic underdevelopment and tribalism. That is, the articulation

of grievances through the use of Marxist discursive repertoires ironically resulted in a substantiation of hegemonic discourse.

### **Opportunities, Discursive Repertoires and Mobilization: 1980 and Beyond**

Only in the 1980s and 1990s did common perceptions about the Kurdish question become transformed from a traditional, tribal or pre-modern reaction to Turkish modernity to one of the politics of recognition and identity in a democratizing state. The issue of Kurdishness gradually took center stage in Turkish political discussions during the period after the 1980 coup. Kurdish identity was pushed to the center of debate by the PKK's Kurdish insurgency but also by a growing number of Kurdish nationalists who eschewed violence and sought to achieve recognition by operating through conventional political channels, such as party politics and civil society. The new discursive repertoires that emerged after the 1980 coup, much like the Marxist discourses primarily used during the 1970s, reflected global discursive trends. The 1980s and 1990s constituted a period of identity politics seen throughout the developing world. It was also a period which saw an increase in global discussions regarding human rights and democratization, an increase in international treaties addressing civil and political rights, and a rise in activism that moved beyond national borders, fusing international and local norms and values.

It is important to note that there are, roughly speaking, two factions within the Kurdish nationalist movement- one faction tied to the PKK and another which calls for non-violence. Although the non-violent sector, mainly pro-Kurdish organizations and political parties, are separate and distinct from the PKK, their discursive repertoires must be understood in relation to each other. There are some important similarities between these various factions as well as significant differences, and it is necessary to attend to the dialogue taking place not only between the state and social movements but also between the various factions of a movement or movements (in this case, the Kurdish nationalist movement and the human rights movement).

Kurdish rights activists of all types have sought to legitimize their claims by appropriating and transforming concepts of rights, minority, nationalism, citizenship, democracy and modernity. In doing so, they have brought all of Turkey's insecurities and unresolved dilemmas to the foreground and have generated a process of transformation that has laid bare the official ideology's gaps and contradictions.

Consequently, the story of Kurdish nationalism in Turkey is also the story of the crisis of the Kemalist vision of Turkish modernity, especially its premise that Turkish society is a homogenous entity. As Keyman and Onis (2007, 305) contend, "...the Kurdish question is situated in the legitimacy and the representation crisis of Turkish modernity in maintaining its state-centric discourse which claims that modernity is directly linked to the ability of the state to create a modern nation as a unity between state and people." Pro-establishment elites in the state bureaucracy, parliament and media have continued to utilize discourse which depicts the Turkish nation as indivisible and rejects demands for cultural rights, as these are deemed to be special privileges inimical to equal citizenship.

Despite attempts to silence those demanding recognition of ethnic identity and attendant rights, much has changed in Turkey. To grasp the degree of change, one need only examine the use of the word *Kurd* in common parlance. The state's policy of denial was highly effective in terms of forming an obstacle to public discussions of Kurdish identity. In fact, the word *Kurd* was rarely used in public discourse even when speaking about people and events in the Southeast. According to Somer's (2005) content analysis of newspaper articles in the period following the PKK's earliest attacks in 1984, the mainstream daily, *Hurriyet*, published only twenty-five articles concerning Turkey's Kurds and in only three of these articles was the word *Kurd* actually used.

The use of the term gradually increased throughout the late 1980s. This irritated the military which was especially concerned about the use of the word *Kurd* by members of the media, and held an off-the-record briefing to inform journalists of the proper language to be used when covering stories about the Kurdish issue. Military officials argued that because *Kurd* was the PKK rebels' term of choice it was irresponsible for journalists to utilize the same term used by the terrorists themselves (Cemal 2003, 74).<sup>7</sup> Hence, the mere use of the word was interpreted as an anti-state posture, and one which implicitly legitimized the insurgency. The military and many pro-establishment elites preferred to define the Kurdish issue solely as a "terrorism problem", which accordingly could only be resolved through a military solution. This depiction has characterized their discourse over the course of the past three decades, although many elites and even some military officials have recently begun to soften their language and to acknowledge that there must be a multi-pronged approach in which military action does not take precedence.

The next sections examine the expansion and contraction of political opportunities, the social construction of discursive repertoires, and the appropriation of mobilizing structures by various organizations of the human rights movement and also the Kurdish nationalist movement. As Steinberg (1999) notes, rights claims often involve genres of law, citizenship and nationhood and this was certainly the case in Turkey. Extant laws bound the ways activists understand and articulate their conditions, and political culture sets parameters for what types of discursive strategies will be more or less effectual in galvanizing support from the masses. The discursive repertoires fashioned by each faction of the pro-Kurdish movement have undergone several

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<sup>7</sup> The censorship of the word *Kurd* in the Southeast region was even more blatant. One Diyarbakir journalist explained to a Helsinki Watch delegation in 1990 that his newspaper had to fax every story to the regional governor's office to obtain approval to print, and they were given strict instructions not to write the word *Kurd* in their publication. See Helsinki Watch's 1990 report, page 17.

permutations over the past three decades as activists devised new protest strategies to adjust to changing circumstances and learned new ways of articulating their grievances and solutions. As with torture and the death penalty, the identity of activists and their targeted audiences played a determinative role in what type of language (moral-religious, political-legal) constituted the focal point of an organization's discourse. The use of group-specific cultural idioms and the appropriation of particular mobilizing structures enabled and constrained subsequent discourse and advocacy work in specific ways.

### **Human Rights Association, Human Rights Foundation of Turkey and Other Secular Pro-Kurdish Organizations**

The Human Rights Association became the premier Kurdish rights organization in Turkey during the 1990s, and its sister organization, HRFT, provided much support and carried out significant work of its own, documenting violations in the region and treating Kurdish victims of torture. Given the HRA's centrality in the human rights movement as the first human rights organization in the post-coup era, its large Kurdish membership and its emphasis on Kurdish issues, the HRA was (and is) the site where the human rights movement and the Kurdish nationalist movement converged. However, the HRA was not the only human rights organization focusing on Kurdish issues. Because the majority of human rights violations have been inextricably tied to the Kurdish problem, the human rights movement and the Kurdish nationalist movement are somewhat difficult to pry apart.

The Kurdish issue was not initially a top priority issue for the HRA. Human Rights Association publications from the late 1980s neither seriously addressed the Kurdish issue nor made regular use of the term *Kurd*. For instance, the word Kurd is nowhere to be found in the pages of a 1988 HRA-Istanbul bulletin. In fact, it was not even used in a very short article on the back flap of the bulletin which condemned Saddam Hussein's use of chemical weapons against

Kurds, which the bulletin simply referred to as “his own citizens” (HRA *Bulteni* May 1988). The blurb on the back cover was describing the “Halabja Massacre” a potent symbol used by Kurdish nationalists and sympathizers throughout the region, not only in Iraq. The dismissive attitude in the bulletin suggests the Kurdish issue was not yet a high priority issue for the HRA. Another interesting silence on the Kurdish issue came during World Peace Day in September 1990. The HRA organized a meeting on “Peace and Solidarity with the Palestinian People” despite the armed conflict taking place in its own country in the Kurdish region (Uzun Ince 2006, 17).

However, as one long-time activist explained, during that same year at the 1990 Istanbul Congress “a new understanding was created. We interpreted the Kurdish Problem from a human rights perspective. Then there were those who resigned from IHD [HRA]. We weren’t understanding ...many criticized, ‘IHD fell into the hands of Kurds’, ‘IHD fell into the hands of leftists’” (Keskin 1995, 21). The change disturbed some HRA members so much they left the organization. Even more abandoned the HRA after a Diyarbakir activist began to speak “in his mother tongue” at the HRA general assembly a few months later - a highly provocative act given that speaking Kurdish was illegal at this time (Keskin 1995, 21).<sup>8</sup>

Despite the attempts by high-level military officials to curtail the media’s use of *Kurd*, even some politicians began to use the term in the late 1980s.<sup>9</sup> Once the genie was out of the bottle it became increasingly difficult to ignore the growing debate over Kurdish identity.

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<sup>8</sup>A month before the military relinquished power in the elections of November 1983, Law No. 2932 was passed. *The Law Concerning Publications and Broadcasts in Languages Other Than Turkish*, declared that, “the mother tongue of all Turkish citizens is Turkish”. The use of Kurdish was prohibited in public from 1983 to 1991. In May 1989 it launched a campaign denying the existence of a distinct Kurdish people and language, even distributing pamphlets to schools in the Southeast claiming that Kurdish is a dialect of Turkish. See Helsinki Watch 1990 Report on Turkey, page 37. The HRA member, Vedat Aydin, who spoke Kurdish at the general assembly was arrested that night at HRA headquarters and his body was subsequently found under a bridge, showing signs of severe torture. Aydin was the first of 14 HRA murders, all of which remain unsolved.

<sup>9</sup> For example, former Prime Minister Ecevit warned the public in 1987 that the term *Kurd* should not be feared. President Ozal followed suit and publicly announced in 1989 that he was part Kurdish. See Pope and Pope 1997.

According to Somer (2005), during the period between 1991 and 1992, there was a considerable discursive shift in Turkey's newspapers from minimal to regular use of the term *Kurd*.<sup>10</sup> Ironically, the increase in discussions concerning Kurds also saw a discursive shift from using the word during purely security related discussions to an equal distribution of non-security related issues between 1991 and 1992, a period which saw fighting in the region greatly intensify.

Somer attributes the increase in the term's resonance and usage with the emergence in July 1990 of Turkey's first pro-Kurdish political party, *Halkin Emek Partisi*, or HEP, which worked vigorously to draw discussions concerning Kurds out from under the category of security and recast the issue as a crisis of democracy and an issue of human rights.<sup>11</sup> The HEP aimed at "solving the Kurdish problem through peaceful and democratic methods in line with the Universal Declaration of Human Rights, the European Convention on Human Rights, and the statutes of the Helsinki Final Document" (Watts 1999, 636). Thus, the growing nationalist movement and its organizational vanguard appropriated international human rights law to legitimize its struggle. As a direct result of Turkey's attempt to join the European Community in 1987, debates concerning human rights and democratization assumed a more prominent position in the center of national discussions, and pro-Kurdish groups attempted to infuse discussions of democratization with talk about Kurdish recognition and language rights.

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<sup>10</sup> A comparison of the periods of 1984-1990 and 1993-1998 shows the average monthly number of articles about Kurds underwent a fourfold rise. During the period from 1984 to 1990 articles used terms and pronouns such as *they*, *traitors*, or *separatists* without referring to ethnicity. However, over time it became considerably more likely that an article used the *Kurd* category in reference to a person, group, concept, or place in Turkey. See Somer (2005).

<sup>11</sup> The increase may also be attributed to the ensuing refugee crisis that resulted from the US invasion of Iraq, which drew even more attention to the plight of Kurds in the region. Although he does not mention it, the upsurge may also be attributed to the rapid increase in private media outlets once the ANAP government broke the government's monopoly on broadcasting.

The HEP was the vanguard of Kurdish nationalism in Turkey but it was not alone its efforts to raise public awareness about the Kurdish issue. The same month the HEP was established in 1990, a report submitted by the Social Democrat Populist Party (SHP) called for official recognition of Kurdish identity. Left-wing activists had been demanding recognition of Kurdish identity as part of their socialist activities since before the coup and groups such as TAYAD regularly included Kurdish language rights in their recommendation reports.<sup>12</sup> The Human Rights Association and the HEP were still rather marginal organizations when they took on the Kurdish cause in earnest. However, the SHP was a mainstream party, and it was the first mainstream party to issue a report that advocated “cultural-linguistic rights for Turkey’s Kurds”. The Kurds were defined as an ethnic group rather than a separate nation (Somer 2005). From 1990 to the present the issue of Kurdish cultural and linguistic rights has remained on the political agenda.

In addition to the HEP, SHP and pro-Kurdish activists within Turkey, the Kurdish diaspora, including the growing community of Kurdish asylum-seekers in Europe, successfully appropriated transnational advocacy networks of rights-based organizations and linked their growing Kurdish movements in Turkey and other countries to these pre-existing transnational networks. Left-wing activists and pro-Kurdish activists had been submitting reports to INGOs and been in contact with European and American delegations to Turkey, consequently securing some influential allies. Paris, among other European cities in Germany and elsewhere, became a hub for Kurdish activists from Turkey and Europe. For example, several members of the Human

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<sup>12</sup> See TAYAD report and recommendations translated in English in Helsinki Watch Turkey Report (1989).

Rights Association travelled to Paris in February 1989 to participate in a press meeting about the plight of Kurds in Turkey.<sup>13</sup>

In October 1989, an international conference was held in Paris to discuss the Kurdish issue. Billed as the first international conference on the Kurdish Question, the conference was attended by approximately 300 people, including figures such as Jalal Talabani, the leader of the Patriotic Union of Kurdistan and current president of Iraq, as well as representatives from all political factions of “Kurdistan” and the diaspora communities in Europe.<sup>14</sup> The Paris conference was coordinated by Danielle Mitterand’s *La Fondation France Libertés* and the Kurdish Institute in Paris.<sup>15</sup> Mitterand, only months earlier, had paid a visit to Diyarbakir to observe the situation of Iraqi Kurdish refugees being kept in refugee camps which she likened to “concentration camps”. Her deep involvement in the Kurdish cause helped to strengthen the transnational advocacy network sympathetic to Kurdish nationalist movements in Turkey and Iraq.<sup>16</sup>

Yet, for all the international attention suddenly placed on the atrocities suffered at the hands of authoritarian states, Zubaida (1990, 41) reported from the conference that, “One of the questions not raised at this conference was that of the ultimate objectives of the Kurdish national movement.” There was a clear lack of consensus regarding a solution. For example, Iran’s

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<sup>13</sup> This resulted in a court case for HRA leaders (Birdal, Onen, Ongoren, and Sandalci) for “being involved in offensive activities against the state’s honor” (HRA *Bulteni* 1995, 4).

<sup>14</sup> Seven Kurdish members of parliament from Turkey’s Social Democrat Party (SHP) also attended the 1989 Paris conference in direct contravention to a party ban barring their attendance. They were expelled from the party upon return and it was these ousted MPs who took what was a seemingly devastating blow and transformed it into an opportunity to establish their own pro-Kurdish party, the HEP.

<sup>15</sup> *La Fondation France Libertés* was founded as a human rights and humanitarian aid organization in 1986. Former French First Lady Danielle Mitterand was president. See also the Paris-based Kurdish Institute’s website for a full list of international conferences and other activities, <http://www.institutkurde.org/en/>

<sup>16</sup> For a personal account of Mitterand’s 1988 trip to the Diyarbakir, Mus and Mardin Iraqi refugee camps, which she likened to “concentration camps” see Musa Enter’s article at Kurdish Media <http://www.kurdmedia.com/article.aspx?id=7968>. See Mitterand’s 1994 personal letter to Leyla Zana at the American Kurdish International Network website, <http://www.kurdistan.org/Leyla/danielle.html>.

Kurdish movement had been calling for “autonomy within a democratic Iran” but at the time the PKK and the Iraqi Kurds disagreed with this agenda, as they desired full separation from Turkey and Iraq, respectively. Thus, although everyone could agree the Kurds needed more freedom, different movements could not reach a consensus regarding the specific arrangement that could deliver it.

This lack of consensus was also evident among activists within Turkey. Pro-Kurdish activists in Turkey expressed two ultimate objectives: self-determination and cultural rights within a democratic Turkey. Each objective was tied to international treaties. Many activists cited the UN Universal Declaration on Human Rights to legitimate their demands. They also relied upon regional treaties. The first text in the field of minority rights was adopted by the Parliamentary Assembly of the Council of Europe (PACE) back in 1957 (Resolution 136 (1957) “Position of national minorities in Europe”). The Assembly adopted resolutions on the issue also in 1958, 1959, and 1961.<sup>17</sup> In spite of these efforts, the work of the Council of Europe has had limited effectiveness. The underlying approach behind these efforts excluded minority rights from the universally fundamental rights, in effect treating these “rights” as special privileges given by the state to chosen minorities. As a result, the Council of Europe worked assiduously to fix these deficiencies but its efforts began after the 1989 international conference and after the SHP and HEP’s initial demands for Kurdish recognition.<sup>18</sup>

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<sup>17</sup> Article 27 of the ICCPR (adopted by the UN in 1966, it went into effect in 1976) also protects minority rights; however, there is a continuing debate concerning whether or not Article 27 endorses positive state obligations. For a review of these debates see Kristin Henrard, *Devising an Adequate System of Minority Protection: Individual Human Rights, Minority Rights and the Right to Self-Determination*. Martinus Nijhoff Publishers, 2000. For a complete list and explanation of all international conventions pertaining to minority rights see Minority Rights Group International at <http://www.minorityrights.org/?lid=760>

<sup>18</sup> For instance, in 1993 the “Vienna Declaration of the Heads of State and Government of the Member States of the Council of Europe on the Reform of the Control Mechanism of the ECHR, on National Minorities, and on a Plan of Action against Racism” set a legal program to secure the rights of recognized national minorities.

In the meantime, pro-Kurdish activists drew from available international conventions and treaties in the construction of their discursive repertoires. There were two international conventions frequently employed by pro-Kurdish activists during this period: the 1975 Helsinki Accords and Rights of Nations to Self-Determination and the CSCE Paris Charter. Groups demanding separation of the Southeast region from Turkey especially utilized the former. The PKK, Kurdish nationalists in pro-Kurdish parties and even some activists within the Human Rights Association expressed the view that Kurds constitute a distinct nation and are therefore entitled to a separate state according to the internationally sanctioned right of nations to self-determination. This was a period when the world was seeing nationalist movements morph into new states after the collapse of the Soviet Union and communism in Eastern Europe. Thinking they could capitalize on the mood, Kurdish nationalists implored the international community to recognize “the world’s largest nation without a state”, believing such a goal was actually attainable.

Some local HRA branches were under the leadership of rather radical individuals who drew from and reinforced the region’s growing nationalist fervor by utilizing sharply worded criticisms that on the one hand alarmed pro-establishment elites and ordinary Turks, but on the other hand strongly resonated with local Kurds and international sympathizers. These local HRA branches in Diyarbakir, Van, Siirt, Sirnak, Batman, Urfa, and Nusaybin published a provocative report in 1991. The report argued that demands for separation were justified according to the Helsinki Accords. The report was first published in Turkish in 1992 and then translated into English and published in 1994 with funds from the Danish Foreign Ministry of Foreign Affairs. It was then submitted to key domestic and international individuals and institutions in the form of a comprehensive “report on the Kurdish issue in the Southeast written by those who live

there”, as it says on the cover. The unequivocally nationalist tone is surprising given the HRA’s subsequent discourse, which is characterized by a more temperate tone and clear avoidance of rhetoric that can be regarded as separatist. The preface by Ismail Besikci,<sup>19</sup> a Turkish sociologist who has been one of Turkey’s harshest critics, is unabashedly separatist in tone. It states,

The national liberation struggle produces a new type of human being- democratic, revolutionary, patriotic Kurds. ... Some Kurds living outside Kurdistan in Turkish cities (especially Ankara and Istanbul) are not aware of the reality of Kurd and Kurdistan... They are seeking an alternative to an independent Kurdistan. But I do not believe they will succeed. To be against the national and social struggle or to seek an alternative can only serve the interests of Turkish colonialism. Better therefore to give all their energies to the national and social liberation struggle” (To be a Human 1994, 20).

Besikci’s statements framed the Kurdish issue as one in which an oppressed nation was seeking liberation from its oppressor. Besikci and others who expressed similar sentiments defined the Kurdish Problem as a problem of Turkish colonialism over the Kurdish people of Kurdistan. His colorful language draws from revolutionary left-wing discourse which was highly resonant among Turkey’s Kurds, especially supporters of the Marxist-Leninist PKK. Defining the problem as one of colonialism was no coincidence since international law allowed self-determination for colonized nations. Moreover, defining the problem in this way naturally led to Kurdish independence as the appropriate solution.

The claim that Southeast Turkey is part of *Kurdistan*, a colony being occupied by Turkey and other nations such as Syria, Iran and Iraq was echoed throughout the rest of the HRA

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<sup>19</sup> Besikci was awarded the 1995 Freedom of Expression Prize on September 27, 1995, by the Norwegian Authors Union. The union stated that Besikci was not permitted to visit Stavanger (Norway) to receive the prize and to lecture on freedom of expression. The prize of 100,000 Norwegian Kroner and a collection of 21 works of art were received on behalf of Besikci by IHD President Akin Birdal. See Infoturk Online News Source (Sept/Oct. 1995) Available at <http://www.info-turk.be/222.E.htm>.

report.<sup>20</sup> Although Besikci overtly spoke of an “independent Kurdistan” in his preface, the main body of the report mentions the Kurds’ desire to gain their “right to self-determination” but does not use the word “independence”, although this appears to be the underlying implication. For instance, the authors contend that, “The Kurds’ wishes for the right of self-determination, [of] holding a national character of their own and living without the fear of assault from strangers if they speak freely, is understood by everybody” (To be a Human 1991, 7). The authors explicitly claim Kurds “are determined to take their place among the nations of the world. They seek freedom, democracy and their national rights” (To be a Human 1991, 15). Hence, although the preface was openly separatist the rest of the report relies on ambiguous references to freedom and democracy, which could be understood as demanding rights within a democratic Turkey.

These activists relied on the 1975 Helsinki Accords and the Rights of Nations to Self-Determination.<sup>21</sup> Article 8 of the Helsinki Accords specifically protects the right of all peoples to self-determination. However, Article 3 protects the inviolability of existing sovereign borders. To further complicate matters, although all international instruments grant the right to self-determination to “peoples”, no precise meaning of the term “peoples” has been constructed.<sup>22</sup> And, of course, Turkey’s status as a NATO member and key Western ally in a chronically unstable region precluded the possibility of a breach of Turkey’s sovereignty; consequently, Kurdish separatists were fighting an uphill battle they could not possibly win. Nevertheless,

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<sup>20</sup> However, despite an underlying pan-Kurdish sentiment, the report’s authors spoke more on behalf of the Kurdish people in Turkey’s Southeast region.

<sup>21</sup> Kurds have also relied upon Article 1(2) and 551(1) of the U.N. Charter and Article 1 of the International Covenant on Civil and Political, and Economic, Social and Cultural Rights to validate their demands for “self-determination”.

<sup>22</sup> “Minority Rights: Status and Scope” by Javier Leon Diaz at [http://www.javier-leon-diaz.com/docs/Minority\\_Status1.htm](http://www.javier-leon-diaz.com/docs/Minority_Status1.htm).

references to Turkish colonialism by some of the more Kurdish nationalist politicians continued even after a harsh Anti-terror Law was enacted in 1991 to silence this type of language.

Other groups in and outside of Turkey took a different approach and advocated cultural rights for Kurds, defined implicitly or explicitly as a *minority*. These activists often invoked the 1990 CSCE Paris Charter. The Paris Charter ushered in a renewed commitment to human rights and democracy in Europe following Eastern Europe's democratic "revolutions" in the late 1980s. The charter strengthened membership ties and CSCE's mechanisms to ensure compliance with norms of "human rights, democracy and rule of law." The CSCE Paris Charter states, "the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law."<sup>23</sup> However, just as the Helsinki Accord circumvents the issue of clearly defining *people* or *nation*, the Paris Charter does not provide a definition of *national minority*.

President Ozal signed the CSCE Paris Charter in 1990 in order to curry favor with the European Union and act as an act of assurance that Turkey took its democratization seriously. Thus, from one vantage point, the early 1990s were an auspicious time to be making demands for democracy and human rights in terms of the newfound vigor for democratization in Turkey. The Turks were attempting to put the dark days of the coup and post-coup atrocities behind them and move forward on their path heading West. Political and economic elites were diligently seeking to achieve Ataturk's vision by obtaining European Union membership, the ultimate signifier of Turkey's arrival at modernity. Civil society was rapidly growing as groups formed new organizations in the attempt to influence the democratization process. The EU's continuous

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<sup>23</sup> Available at [http://www.osce.org/documents/mcs/1990/00/4045\\_en.pdf](http://www.osce.org/documents/mcs/1990/00/4045_en.pdf)

demands for more democracy and serious efforts to curb human rights abuses, especially in the Southeast, and the growing number of international documents addressing the rights of minorities and nations validated Kurdish activists' demands. However, from the opposite vantage point, the early 1990s were an exceptionally dangerous time to make demands for Kurdish rights. A draconian Anti-terrorism Law passed in 1991 loosely defined "separatist propaganda" and "terrorism", leading to thousands of lawsuits and widespread imprisonment, especially for journalists and human rights activists.<sup>24</sup> Thus, as political opportunity structures were opening in one sphere, they were closing in others.

As the HRA became the premier civil society organization demanding Kurdish rights,<sup>25</sup> its members became especially susceptible to Article 8 of the Anti-terrorism law, which posed significant legal obstacles to the ways in which various pro-Kurdish groups constructed their repertoires. During the late 1980s and early 1990s, there was a discernable difference between the Human Rights Association's Eastern and Western branches' discursive repertoires, a product of the local leadership and the local environment. A branch of the HRA was established in Diyarbakir in 1988. Especially during the 1980s and early 1990s, the nationalist-separatist discursive repertoire used by the PKK and the discursive repertoire used by a few high-profile

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<sup>24</sup> Article 8 of the Anti-Terrorism Law stipulated, "No written or verbal propaganda, meeting, demonstration and marches that target the indivisible unity of the people and country of the Turkish Republic, for whatever thought or aim, are allowed". The law is a good example of pro-establishment elites' effectiveness in using law as a vice grip on dissent. Magnarella asserts Turkish elites have often combated enemies through a strategy of "legalism". See Magnarella (1994). The Anti-Terrorism Law was reformed in 1995, on the eve of Turkey's 1996 Customs Union with the European Union. Nevertheless, journalists and rights activists continued to be harassed and imprisoned. In 1998 more journalists were in prison in Turkey than in any other country in the world; and in 1999 it ranked second only to China. See Committee to Protect Journalists, "Attacks on the Press in 1999" at <http://www.cpj.org/>. Article 8 of the anti-terror law was finally abolished in July 2003 as part of harmonization package of legal reforms.

<sup>25</sup> The Diyarbakir Bar Association became the main legal vehicle to challenge rights violations in the region. According to its president it was the first to bring a Kurdish case to the European Court of Human Rights after Turkey lifted the restrictions on individual petitions from persons living under the state of emergency. Diyarbakir Bar Association Chairperson, interview by author, Diyarbakir, Turkey, February 2, 2006.

figures associated with pro-Kurdish parties and various pro-Kurdish rights based organizations were relatively indistinguishable. The aforementioned 1991 HRA Report is a case in point.

The similarity between the discursive repertoires of pro-Kurdish parties and the local HRA branches in the Southeast was not mere coincidence. Some HEP and DEP members were former heads of local HRA branches.<sup>26</sup> Social movement analysts have long pointed to the benefits of securing political parties as allies (McAdam 1982; Tarrow 1994; Kietschelt 1986). There are, however, legal limitations in Turkey to relations between political parties and civil society organizations.<sup>27</sup> The pro-Kurdish parties and the HRA worked within these legal limitations, as there were never official ties between the HRA and pro-Kurdish parties.

The problem was more a matter of too-similar discursive repertoires between the two entities. The depiction of the Kurdish problem as one of a Turkish occupied Kurdistan and the increasingly confrontational nature of figures associated with pro-Kurdish parties had a deleterious effect on the HRA's image among state elites who continually maligned the organization for its political stance. The strong nationalist rhetoric of some HRA members during the early 1990s and their connection to pro-Kurdish parties had dire consequences for the HRA because the string of pro-Kurdish parties that had been established were all deemed by state elites to be the mouthpiece of the PKK. The intense and persistent harassment of HRA members in the form of arbitrary office raids and closures and hundreds of lawsuits were a

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<sup>26</sup> For example, the founder of the Urfa HRA branch was also a DEP parliamentarian, as was the head of the Diyarbakir branch. The current DTP mayor of Diyarbakir, Osman Baydemir, was also the former head of the Diyarbakir HRA branch before he was elected mayor in 2004. His wife has also served as HRA Diyarbakir branch leader and now also serves as the president of the General Headquarters. Similarly, former HRA General President, Akin Birdal, is now a Diyarbakir MP for the pro-Kurdish DTP party. The trend is found not only among HRA members but also Mazlum Der. For instance, former president of Mazlum Der, Ihsan Arslan, was a former Diyarbakir MP for the pro-Islamist Welfare Party, and is now an MP for the conservative Justice and Development party. Other figures from Mazlum Der have also run for office.

<sup>27</sup> Under the Political Parties Law, parties are not allowed to engage in "political relations and cooperation" with civil society organizations, trade unions or professional associations.

testament of pro-establishment elites' unremitting resolve to crush all pro-Kurdish factions, whether or not they advocated or used violence.<sup>28</sup> Other human rights organizations, including Helsinki Citizens' Assembly Turkey, Mazlum Der and Amnesty International-Turkey, did not face the type of harassment experienced by the HRA, and its sister organization, the Human Rights Foundation of Turkey.<sup>29</sup>

Whether pro-Kurdish activists invoked the CSCE Paris Charter or the Helsinki Accords made little difference in the outcome. The mere act of invoking either fell under the Article 8 definition of "separatist propaganda". For example, the DEPs reference to the charter was cited by the prosecutor in its closure case as an indicator of its separatist activities. The prosecutor argued that by referring to the CSCE process and the Paris Charter in particular, the DEP implicitly referred to the principle of self-determination and to minority rights, which aimed at dividing the Turkish nation. Moreover, he held that referencing the Charter was inappropriate since the right to self-determination applies only to peoples under colonial domination, not to mention that minority rights in Turkey did not apply to ethnic groups, as per the 1923 Lausanne Treaty (Avebury 1995). The court agreed with the prosecutor's arguments and the DEP was closed in 1994.

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<sup>28</sup> HRA members received numerous death threats and the murders of fourteen HRA members have been allegedly linked to state-run paramilitary groups. The HRA was deemed an enemy of the state. In effect, then, the legal activism and non-separatist stance of the HRA and other human rights organizations in the context of an armed insurgency was not rewarded by the state. In other words, we do not see *radical flank effects* (Haines 1989; Goodwin 2001) in which the presence of radical or violent elements, in this case the PKK, leads state leaders to pay heed to moderates' demands or at least mitigates the repression aimed toward moderates that do not condone violent methods. Because the non-violent group's demands were so similar to the insurgents' demands and a few figures were in the past or allegedly connected to the HRA, the moderate HRA was considered to be as dangerous as the radical group.

<sup>29</sup> For example, Helsinki Citizens' Assembly held a conference in 1992 entitled, "Peace Initiative for the Kurdish Question Conference" and also published a book entitled, "Democracy Report 1", which had an entire section on the Kurdish issue. HCA's reports, however, tended to be more academic and were less confrontational in their demands and the discourse used; thus, the organization did not experience intense harassment compared to the HRA and the HRFT. See HCA website for abstracts, <http://www.hyd.org.tr/?sid=59>.

The disagreements over the Kurds' status reflect gaps present in international law. At every step of the way, pro-Kurdish activists of all types utilized new treaties and conventions to construct their discursive repertoires. Yet, even after new international treaties and conventions were created legal criteria for defining minority remained vague, inconsistent or entirely absent. Additionally, most conventions were non-binding, and Turkey was free to choose whether it wanted to be a signatory to these treaties or not. Another problem was that the specific actions demanded of states that were party to these treaties were often ambiguous.

For instance, the 1995 Framework Convention for the Protection of National Minorities was the first legally binding instrument on minority rights and goes well beyond the limited non-discrimination provisions of the European Convention on Human Rights, which merely required the equal treatment of minority groups. Minority rights under the framework are understood as individual rights and are considered to be an integral part of fundamental human rights rather than a special privilege. The Convention clearly indicates that state parties to the Convention must institute positive measures to promote effective equality, and even requires that state parties ensure “the conditions necessary for national minorities to maintain and develop their cultures, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.”<sup>30</sup>

Nevertheless, the Framework also has some significant flaws. For instance, it is ambiguous concerning the specific measures that should be implemented to guarantee minority groups' linguistic and cultural preservation and development. More importantly, similar to previous conventions, the Framework Convention does not include a clear-cut definition of *national minority*. The lack of a precise definition grants the signatory states considerable power in

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<sup>30</sup> Framework Convention Article 5.

deciding which minority groups enjoy benefits under the Framework.<sup>31</sup> In the specific case of Turkey, the 1995 Framework would allow the Turkish state to continue its usage of the Lausanne definition of minority which excludes ethnic minorities.<sup>32</sup>

The gaps and inconsistencies in international law were not the only constraints placed on concretely defining the Kurds. Even if international documents would have provided a clear-cut definition, pro-Kurdish activists within Turkey were constrained by Article 8 of the anti-terrorism law. The frequent use of Article 8 to detain and imprison anyone who spoke of a distinct Kurdish people led to a discursive shift among human rights organizations. The increasing number of persons who fell victim to Article 8 prompted human rights organizations to carry out campaigns for freedom of thought and expression to contest the controversial law, especially on the eve of Turkey's customs union with the EU in 1996. Moreover, the wave of PKK violence during this time created a backlash of Turkish ultra-nationalism throughout Turkey, and rather than continue the taxing attempts to bring about Kurdish linguistic and cultural rights in such a racially-charged atmosphere and have to grapple with the cultural taboos associated with Kurdish rights, demanding freedoms of thought and expression were more

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<sup>31</sup> The main distinction for some European states is between immigrant minorities and traditional minorities that are indigenous to the country. Unsurprisingly, many European states with sizable immigrant communities reject the idea of granting immigrant minorities the benefits laid out in the Framework Convention. However, PACE has issued reports specifying that this distinction cannot hold, as minority rights must be applied without any discrimination since they are an integral part of fundamental rights.

<sup>32</sup> PACE, nevertheless, continued to pressure Turkey to sign it. The Parliamentary Assembly's report from the January 23, 2001 meeting specifically drew attention to those states that had not yet signed the Convention (Turkey, Andorra, Belgium and France), and warned that "this means that it cannot take full effect across the continent. These countries have significant minorities, which ought to be protected, and whose rights are not officially recognized." See PACE report from Jan. 23, 2001, Recommendation 1492 on National Minorities at <http://assembly.coe.int/documents/AdoptedText/TA01/EREC1492.htm>. See also PACE 2003 report ("Filling the Frame: 5<sup>th</sup> Anniversary of the entry into force of the Framework Convention for the Protection of National Minorities") at [http://www.coe.int/T/E/Human\\_Rights/Minorities/5\\_5\\_anniversary/PDF\\_Final\\_Presentation\\_Cilevics.pdf](http://www.coe.int/T/E/Human_Rights/Minorities/5_5_anniversary/PDF_Final_Presentation_Cilevics.pdf)

For more information concerning minority rights and the ECHR see Gilbert Geoff (2002).

culturally inoffensive since they were free of overt ethnic content. In addition, as activists from different political persuasions began to work more closely together, discursive repertoires began to increasingly emphasize broad rights that covered all social groups. A campaign that highlighted freedom of expression, for example, could cover not only pro-Kurdish groups but also Islamists and other aggrieved groups.

That is not to say activists discontinued discussing the matter of minority status and cultural rights. Instead, they placed such discussions within broader debates about racism (“chauvinism”) and discrimination, and especially discussions concerning pluralist democracy. For example, a review of HRA, HRFT and Mazlum Der reports, bulletins and demonstrations during the mid- to late 1990s reveals emphasis placed on the following: freedom of thought, racism and discrimination in the context of democratization, peace as a basic human right, the problem of disappearances, and the still unresolved issues of arbitrary detainment and torture.<sup>33</sup> Helsinki Citizens’ Assembly’s publications centered on issues of citizenship and nationalism from the perspective of Turkish democratization and European integration. The Kurdish issue found its way into all these discussions.

Another dimension of the problem of discussing minorities was that these legally undefined terms also held different meanings in common parlance. Individuals often “read” rather different meanings from an identical symbol, action or discourse. Indeed, social movements are a public battle over which reading will ultimately win. Therefore, social movement actors must be very strategic in choosing their words, making certain to avoid

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<sup>33</sup> For example, the HRA *Herkes Farkli, Herkes Esit* (Everyone is Different, Everyone is Equal) campaign and seminar, Nov 3-4, 1998 coordinated by HRA Minority Rights Commission. During Habitat II, HRA made brochure on “Minorities in Turkey” and also issued a report in 1997 on the issue which compared the minority concept and reviewed international documents, and also published a 1998 Racism Report. See IHD Bulteni (1999) and IHD Bulteni (2001).

strengthening stereotypes or using words that are understood differently by different people. In addition, movement actors combine genres to create a repertoire, and these combinations are based upon past conflicts, the activists' strategic deliberations and the discursive limits to how genres within a field can be combined (Steinberg 1999, 750-1).

The following discussion is a case in point. An international panel discussion coordinated by the Turkey chapter of the Helsinki Citizens' Assembly and held in Istanbul, January 27-28, 1995, focused on "building bridges between the East and West of Turkey as well as between Turkey and Europe". The speakers at the conference were citizens of Turkey and various European countries, and most of them were Turkish, with three Kurds and several non-Turkish Europeans.<sup>34</sup> During the panel discussion, the concept of "minority" was brought up by Murat Belge, a prominent intellectual and one of HCA's founders, and it sparked a debate about the term and the related topic of citizenship, nationhood and also self-determination. What follows are some excerpts from the discussion.<sup>35</sup>

Murat Belge: My first point concerns 'misunderstandings' or 'how do we understand each other'. People can talk using the same concepts and mean entirely different things. To give an example: at a meeting of the ED in Turkey, I asked Mr. Süleyman Demirel, the Prime Minister of Turkey at that time, what he thought of doing about the international agreements which Turkey had signed, especially agreements on minorities. He looked rather annoyed and said that the Kurds were not a minority; if we call them a minority, then they would be discriminated against, regarded as second-class citizens. But in Turkey Kurds are equal citizens, so it is not correct to talk in this way. Later that evening a Dutch friend at the same conference remarked that for a European person a 'minority' also means a citizen with full citizen's rights. But if you ask a Kurd what a 'minority' is, he will not like that term either. He will say, you can talk about 60.000 Armenians in Istanbul as a

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<sup>34</sup> For a complete list of speakers and their affiliations, see A Helsinki Citizens Assembly Report (June 1995).

<sup>35</sup> Note: the excerpts presented here are not a contiguous transcription, but rather pieces of the dialogue pertaining to the issue of the minority concept and citizenship. As is often the case in a panel discussion, speakers often had to wait their turn to comment upon another speaker's comment, thus, the pieces of the conversation which do not specifically pertain to the issue of concern here have been removed. For a copy of the full transcript of the panel discussion see, "A Helsinki Citizens Assembly Report (June 1995)" Co-edited by Taciser Belge and Mient Jan Faber at the Helsinki Citizens' Assembly-Turkey website at <http://www.hyd.org.tr/?pid=366>.

minority, but 12,000,000 Kurds is a nation. Politicians can abuse all these concepts, so it's our job here to clarify what our European friends mean when they make a statement or what they understand from statements made here.

Aydin Ugur: I would like to stress a point very close to the problem of 'misunderstandings'. We need people living in this country, to render more clearly the terms we are using. Maybe, it can help us to define the process to which we want to contribute. For me the expression: 'recognizing the cultural identity' or the 'ethnic identity' is quite problematic, and for most of the people in Turkey it is a term which immediately polarizes, since it is regarded to lead towards separation. Although some people mean something different by it. For example, the Turkish president had said: 'I'm ready to recognize that identity' and next he makes a complete U-turn, and the prime minister is doing the same. So, there is some misunderstanding with that term. This has to be clarified.

Nurreddin EL Huseyni: I would like to examine the question from a Kurdish perspective by looking from the past to the present....

Given the present international conjecture, Kurds will not achieve any victory -whatever victory they are thinking of - with armed struggle. And there is a danger that this armed conflict may turn into a civil war and that will not serve the Kurdish cause. My personal view is that the focal point of the Kurds should be *self-determination*. The meaning and content of the notion of self-determination has changed within the historical process. It is no longer a question of changing borders but of having a say in your own future...

Gunay Goksu: I will make a few comments on the concept of nationalism in turkey, from Turkish and Kurdish perspectives. It was said before that there are semantic or cognitive barriers in terms of understanding each other. That is rather crucial thing here, because Turks and Kurds don't mean the same when they talk about nations and nationalities. Let me start by saying a few things about the "*sins*" of Turkish nationalism. They have to do with Turkish self-perception claiming that the Turkish nation is merely based on citizenship. This is how it is defined in the constitution and presented by the official ideology. But there is also an ethnic concept of "*Turkism*" which was introduced during the ottoman times. This concept was deliberately neglected by the founders of the Turkish republic. For political reasons, they did not want to use ethnic criteria, because of the delicate positions of the Turkish-originated populations within the Soviet Union. But this does not mean that an ethnic concept does nor exist. It is covert and not acknowledged, but it is there. So, in the construction of the Turkish national identity, the emphasis was put on the "Turkishness" (and not on Turkism), where "Turkishness" referred to citizenship exclusively and, unfortunately, didn't recognize certain cultural rights of the Kurdish community. This is one of the barriers Turkish nationalism has to overcome. It should accept that what it has presented, is false. It is not only a matter of citizenship but it has an ethnic core as well.

But there are also some positive aspects, which do not blockade a solution of the problem we are facing. Turkish nationalism is not racist, and not exclusivist. Although it does not recognize the Kurdish cultural identity, it is not similar to the German concept of nationality, where it is very difficult to become a German citizen if you don't have German blood. Turkish nationalism has at least an open door. But at the same time, we have to keep in mind that it is not based on liberal principles. In an organic way individuals are

subsumed in one national unity, the Turkish nation. Turkish nationalism is even a barrier to democratization and liberalization of the country.

When we approach the problem from the Kurdish side, we discover the same sins. The Kurds have taken the bad example of Turkish nationalism. To affirm their ethnic origins, or their historical national entity, they are ready to invent myths as much as the Turks did...

Turgut Tarhanli: We have to understand the Turkish view and practice in dealing with '*minorities*' and '*self-determination*'. The official Turkish view is that the concept of minorities can only refer to a group of people whose status is subject to (bilateral or multilateral) international instruments....

Turkish official view on the concept of self-determination is a very archaic one. It takes into account only the 'external' aspect of the concept; that is the right of peoples to liberate themselves from occupation by a foreign (colonial) power and to build an independent state. However, in current international law, there is no such right against any officially recognized state. That means that we have to stick to 'internal' self-determination. According to international law, this aspect of self-determination gives a people the right to have a government representing all the people belonging to a particular territory, without distinction as to race, creed or color. "Participation" is key here. Not only political participation in general elections, but participation at all levels of society, local, regional and national. The official Turkish view restricts itself to "external" self-determination, so if you use the term anyway, officials will interpret it as a claim for "secession". Even the Constitutional Court is not really aware of the "internal" aspect of self-determination. In recent cases, the Constitutional Court insisted on not arguing both aspects of self-determination, but to speak only about the "external" one, which enabled it to point at secession and subversive actions.

Self-determination is a continuing process. This point was first emphasized in documents of the former CSCE, now OSCE. People should 'always' have and develop channels to show its will vis-à-vis the law-making-bodies. This may lead to change, in a legal and legitimate way. Here, again the official Turkish view is quite the opposite. In fact, Turkish people don't possess the dynamic right of self-determination. They have already used it, namely during the War of Independence (*İstiklal Harbi*) (1919). At the end of that War their self-determination was fulfilled through the founding of the Republic (1923). This view, once again, covers only the external aspect of self-determination.

Mary Kaldor: ...The second point is on those words "minorities" and "self-determination" which as a rule are incredibly problematic at every meeting we have. On the one hand it is completely unacceptable when the Turkish state or government denies these words. On the other hand when we use them we get into the same game. It is interesting how those words imply different things. To describe a group of people as a minority is yet to put another label on them. In private they feel themselves different; in public they have to face that label. But this is something they should be proud of rather than ashamed, Although, the term "minority" is too weak; we need something stronger to express cultural diversity. Likewise, with self-determination: the problem is democracy! If you have a big project in

your local area, whether you are Turk or Kurd, you yourself should be able to co-decide about this project.

Umit Firat: The lack of clarity on the concept of minorities is important. I think we still don't have a clear-cut definition. We know that Armenians, Greeks and Jews are minorities in turkey. But they have nation-states else-where, so they are a nation in one locality and a minority [in another]...A last word to Mary: We don't want all this fighting over identities, but it is our duty to fight for identities that are suppressed. I agree: self-determination is not a solution.

This discussion illustrates multivocality- the different meanings ascribed to the concepts of “minority” and “self-determination” in different and even identical contexts; and it also illustrates the activists’ awareness of multivocality through their discussion of how those terms were ascribed different meanings by different groups, even amongst themselves. Frame theory suggests that meanings have a rather “orderly structure that can endure past their situational use” (Steinberg 1998, 850). The discussion at this conference suggests otherwise.

Indeed, although the participants in the panel discussion shared an interest in solving the Kurdish problem, their ideas differed concerning the meaning of certain terms, with some relying upon legal definitions and others relying upon political discourse but not a legal interpretation per se. Thus, the utility in using nebulous terms as part of the movement’s rhetoric was a topic of debate. For example, El Huseyni’s argument that “the focal point of the Kurds should be self-determination” was challenged by others, such as Kaldor who claimed the term was “incredibly problematic” and divisive in Turkey because it tends to denote separatism. Tarhanli’s response brought the issue of international law to the discussion when he claimed, “we have to understand the Turkish view and practice in dealing with ‘minorities’ and ‘self-determination’ as “archaic” and based on a selective reading of international laws. In sum, participants discussed the multivocality of important terms when constructing discursive repertoires, and were aware of the numerous ways audiences could interpret a word such as “self-determination” due to distinct cultural interpretations of nationhood, citizenship and self-determination. An analysis of

discussions pertaining to the Kurdish issue by Islamists reveals a different combination of discourses.

### **The Kurdish Question from Islamic Perspectives: Opportunities, Discursive Repertoires and Mobilization**

Not only do extant international treaties and conventions shape the construction of repertoires, so do the cultural norms and values and identity of activists and their targeted audiences. This section explores the ways in which Islamists have framed the Kurdish issue. Mazlum Der coordinated a conference on the Kurdish Question in November 1992. The conference was the first coordinated by Mazlum Der, the organization had only been established less than a year prior. “Kurdish Question Forum” was a two day conference held in Istanbul. Mazlum Der’s founders were largely associated with Erbakan’s National Outlook movement but Muslim intellectuals of all stripes, many of them Kurdish, were invited to speak at the conference. The organizer told me he purposely sought to incorporate diverse opinions and intellectuals from various Islamist communities including persons who were not formally affiliated with Mazlum Der. According to the opening speaker, this was the first time Islamists in Turkey came together to discuss the multiple dimensions of the Kurdish question. Thus, the conference serves as a useful benchmark in the service of examining change regarding the Kurdish issue among various Islamist groups.

Many of the speeches at Mazlum Der’s 1992 Kurdish Question Forum were filled with well-known Islamist themes: the limits of Western “human ideologies” such as nationalism and the modern nation-state, and the complicity of Western powers and Israel in the region’s Kurdish Problem. Indeed, the speeches greatly reflected the mindset of Islamists, particularly those associated with Erbakan’s Welfare Party, which according to Dagi (1998, 23), “is a political party which perceives itself according to the West, and perceives itself as bearing a pure anti-

Western identity.” However, there were also self-reflective criticisms of Muslims’ indifference to the suffering of the Kurds and Turkish Muslims’ double standards regarding nationalism. For example, one speaker exhorted to his fellow Turks at the conference, “Isn’t it a shame that while we struggle for Bulgarian Turks and Palestinians we don’t extend the same effort for the Kurds?” There were also candid vignettes by Kurdish Islamists who told of the personal struggle to reconcile their ethnic and religious identities. Overall, the Kurdish question served as a focal point onto which broader discussions regarding identity and God’s will were grafted.

The General President of Mazlum Der, M. Ihsan Arslan, opened the discussion with a traditional Islamic greeting and explained that the conference had been organized so Muslims could come together to discuss “the most serious problem in Turkey”. He lambasted Muslims for ignoring the oppression of Kurds rather than fulfilling their “duty as Muslims to aid the oppressed” and explained that “to stand on the side of the oppressed is ... to come together worshipping as Muslims”. Arslan implored the audience to find an “Islamic solution” to the Kurdish problem. He stated, “We aim to determine together what manner is necessary and how to approach the problem with ‘Muslim consciousness’ (*ummet bilinciyle*), in the light of flawless wisdom and within our foundational beliefs and principles, purified from the limits of ignorance...” (1993, 12).

The language Arslan uses, his extravagant and passionate rhetoric, and the idioms summoned in his speech are the language of political Islam. The speakers at this conference frequently made comments which suggests they were not only speaking to contest the state but were sending a message to secularist Kurdish nationalists, as they saw themselves in contradistinction to the Kurdish nationalist movement which had shown itself to be incredibly successful at mobilizing Kurds in the Southeast, a region traditionally an important base of Islam

in Turkey. The extreme secularization of identity which occurred at the hands of the Kurdish nationalist movement was in some ways as important a phenomenon in need of defeat by the Islamist communities as the Kemalist state. Indeed, as one observer has noted of Islamist intellectuals, the “new Islamic intellectual” tends to address his speech “less to an Islamist audience than to the leftist intelligentsia” (Mardin 2002).

The presentations focused on the issue of identity and whether ethnic identity should be of import from an Islamic perspective. One speaker claimed, “If ethnicity were unnecessary would God have created it?” Clearly, then, he concluded, ethnic identity is an important element of an individual’s character. Many, if not most, participants, however, claimed that ethnic identity should never hold prominence over religious identity. One is a Muslim before all else.

Ali Bulac, one of Turkey’s most prominent Muslim intellectuals, prefaced his speech by connecting the Kurdish issue in Turkey to similar ethnic conflicts in the Caucasus and the Balkans. Mentioning that he had recently returned from a trip with the Helsinki Citizen’s Assembly, of which he is a founding member, to these two conflict-ridden regions he situated the ethnic conflict plaguing Turkey and these regions within a broader critique of the ideology of nationalism.

Bulac was not alone in his attention toward the Balkans. The atrocities carried out on Muslims in the Balkans (this was before the actual genocide) were intently followed in Turkey, as the area shares a common Ottoman past and many Turks have an affinity for Balkan Muslims and can trace their roots to the Balkans.<sup>36</sup> Thus, its central place in the discussion was a deliberate linking of an issue near and dear to many Turks’ hearts with one that was much more controversial and which was characterized by “a lack of empathy”. Many of the speakers likened

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<sup>36</sup> Many Islamic organizations in Turkey, including Mazlum Der, sent representatives to carry out fact-finding missions and also to deliver aid to Bosnian Muslims.

the Kurdish uprising to the ethnic conflict in the Balkans and the Caucasus, and linked all of these conflicts together as the common and inevitable byproduct of the Western ideology of nationalism and the “created categories of the West”. The Kurds, Bosnians, Chechens and others were cited by Bulac and others as evidence that nationalism was an experiment that had run its course and, like communism, had proven inadequate for fostering a “just and peaceful order”.

The ultimate goal of achieving a “just order” is a well-established theme in Islamist discourses and like many Islamists during this period, Bulac envisioned the means to attain such an order through the creation of a post-nationalist system. He stated, “the exaltation of ethnic identity and national identity and the envisaged nationalism cannot be accepted from an Islamic perspective... the problem will not be solved within a nation-state...the problems experienced by the Kurds today emerge from the existence of the nation-state” (1993, 36).<sup>37</sup> This posture was a response to the Kurdish separatists who saw a solution to the Kurdish problem in the creation of yet another state. For Islamists like Bulac, a decentralized and multi-legal political system devoid of the idea of nationalism based on a secular (and according to some readings ethnic) political community was the ultimate solution to ethnic conflict in Turkey and elsewhere. The long-term solution envisaged by Islamist post-nationalists is something akin to the Ottoman arrangement of relatively autonomous religio-ethnic communities, although there is variation in specific arrangements. Participants had to be careful how they explained this ultimate objective, as overt calls for *seriat* or an Islamic “state” were illegal.

Nevertheless, like many secularist Kurdish nationalists Bulac also advocated official recognition of Kurdish ethnic identity as well as language rights in the short-term, since Islam

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<sup>37</sup> Bulac, like many other Islamists, has since changed his views and is now committed to democratic reform, claiming that “political” Islam is dead and advocating a “civil” Islamism which does not challenge secular democracy (Kuru 2006, 140-1). See Ali Bulac (2001)

does not discriminate against any nation. In fact, he even called for the renaming of street names throughout the Southeast to their original Kurdish names. Although he and others plainly demanded these rights for Kurds, they did not articulate these demands through human rights language. Arslan was perhaps the only participant to use the term “human rights” several times during his speech; however, he more often used terms rooted in Islam, such as justice (*adil*) and God’s justice (*Hakki hak*). Most speakers did not use a politically liberal discourse at all during their presentations. There was a strong tendency to utilize a religious discourse rather than a political or legalistic discourse. And although Arslan used the term human rights more than other speakers, he echoed the oft-used Islamic contention that “human rights is a Western and human ideology”, and is therefore “limited” when compared to “Islamic notions of justice that have been bestowed upon us by a merciful God”.<sup>38</sup>

The aforementioned assertions about justice and the Kurdish question are especially linked to the pro-Islamic Welfare Party. Similar to pro-Kurdish activists who are closely allied with pro-Kurdish parties, Islamist social networks connect pro-Islamic parties and civil society organizations, and the discursive repertoires are interrelated. As Duran (1996, 114) points out, “justice with an Islamist connotation is regarded as a means to solve the distributional problems related to economic development and problems about identity formation. Thus, it has become the most publicized political value of the Welfare Party’s political program”, and Islamist discourses more generally.<sup>39</sup>

The conference’s Final Document summed up the conclusions reached regarding the

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<sup>38</sup> In addition to a dismissal of the West-inspired international human rights documents many Muslims in Turkey are highly skeptical of the court’s impartiality and accusations of “double standards and bias” are popular given the European Court of Human Rights’ tendency to side with the Turkish state in high profile cases involving pious Muslims or pro-Islamic parties.

<sup>39</sup> Duran posits that apart from the conventional meaning of justice, the extensiveness of its connotation makes it a vague concept.

diagnoses and prognoses (pp. 445-448). The document states that the Kurdish issue must be approached from the vantage of peace and freedom, and before the problem can be resolved the issue must be debated in an environment where people can speak freely. This is deemed a necessary precondition to a resolution. In order for the different parties affected by the conflict to reach a consensus through dialogue, “legal restrictions against free expression at universities, parties, trade unions, associations and the press must be lifted”. Moreover, the document proposed “legal rights” must be given to the Kurds and torture and repression should end immediately. The participants also argued it is impossible to create an ethnically homogenous society in Turkey, and the “Turkish racism that undergirds official ideology must end”. The solution lies in building an “egalitarian” and “tolerant community”.

Notwithstanding the assertion by many speakers that free expression was a precondition, the speakers did not rely upon a legalistic discourse or an overtly politically liberal discourse to either critique the human rights situation in Turkey or to propose more concrete legal solutions to the Kurdish Question. Moreover, the legal issue of whether the Kurds constitute a minority or a nation was never raised. This silence reflects the politics of disengagement during this period among conservative Muslim communities which avoided appropriating Western-rooted international rights documents so as to avoid legitimating them. At the end of the general declaration, Mazlum Der was given the task of creating a “monitoring committee” to carry out research and monitor events pertaining to the Kurdish issue and to mobilize Muslims.

In sum, the 1992 Mazlum Der conference is a perfect example of the various Islamic communities’ responses to the Kurdish issue during the early to mid-1990s.<sup>40</sup> The conference

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<sup>40</sup> Houston (2001) provides the most in-depth discourse analysis of the varied responses to the Kurdish Problem by religious conservative groups in Turkey, and posits that there are three currents or strains in the Islamic approaches to the Kurdish issue, what he coins statist Islamist, Islamist and Kurdish Islamist. Statist Islamists are known for their strong Turkish nationalism, and even pan-Turkism, and are associated with the Gulen movement. In contrast,

discussions reflected the general Islamist posture vis-à-vis Western human rights norms and Western democracy prevalent during this time. Discussions also clearly expressed a direct challenge to mainstream republicanism and its strong-state tradition, citing this as the primary culprit linked to the Kurdish problem. While participants vociferously chastised the “totalitarian”, “blood thirsty”, “Kemalist” regime which oppressed an ethnic group through “assimilation efforts” that are “against Allah’s word” (Pamak 1993, 277), some took the criticism one step further to propose a non-nationalist solution. This long-term solution which includes the dissolution of the modern nation-state is clearly a more radical solution than any proposed by secular activists, even Kurdish separatists who seek to replicate the modern Turkish state.

There was not a significant change among most Islamist communities’ discourses during the mid-1990s. The moral character of Islamist intellectuals’ discourse in the mid-1990s still greatly overshadowed the political dimension, according to Cizre-Sakallioglu’s (1998) discourse analysis of Islamist thought on the Kurdish issue.<sup>41</sup> Cizre-Sakallioglu criticized Islamists for relying on an Islamic utopian vision rather than “conveying a sense of realism” through a politically and legally sophisticated perspective (1998, 84-5). However, although these intellectuals can be criticized for not elevating the discussion, the incredible mobilization success of Islamists throughout the 1990s suggests that from a mobilization perspective, their words and deeds demonstrate political savvy. The topics for discussion and the way they were framed were

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Islamists tend to dismiss Turkish and Kurdish nationalism but are also much more likely to demand language and cultural rights for Kurds even while also calling for the subordination of ethnic identities to the primary or supra-Islamic identity. The Welfare Party generally falls into this category, although there are clear discursive shifts related to the party’s position in the balance of power. Lastly, Kurdish Islamists actively promote Kurdish identity. All of these ideal-types were represented at the Mazlum Der 1992 Conference.

<sup>41</sup> Cizre-Sakallioglu analyzed the texts of ten prominent Islamist thinkers.

highly salient among Islamists. In this environment, moderates in Mazlum Der had to strike a balance between the conservative rhetoric so highly effective in mobilization efforts and ideas about human rights and democracy in a way that did not alienate it from its Islamist base.

Regarding the dearth of sophisticated legalese, this was also evident in early Mazlum Der bulletins. However, there occurred a shift towards a more legalistic discourse coupled with a politically liberal discourse as Mazlum Der members developed relations with non-Islamist activists and as the politics of disengagement gave way to the gradual appropriation of rights and democratization discourse. Indeed, by the mid-1990s, the pages of Mazlum Der bulletins were filled with the type of language used in secular organizations' literature, which underscored the need for the Turkish government to follow through on its promises of democratization. For example, the May 1996 bulletin is chock full of articles written by lawyers, all of whom are affiliated with law associations run by Islamists, which address various legal concepts and even cite international legal treaties. On one hand, legal mobilization benefits activists by not only achieving legal victories but also by providing a language to articulate grievances and solutions, and sometimes reinterpret a situation. The deployment of legal discourses often reveals the ways a legal issue might be linked to other legal issues, and therefore expands the possibilities for legal recourse (McCann 1994). In addition, I believe the appropriation of political-legal terminology served as a unifying force in that it contributed to a heightened awareness among disparate groups that they were battling the same types of suppression.

On the other hand, too much legalese can have a negative effect on mobilization efforts because legal-technical discourse is inaccessible to ordinary citizens and quite frankly does not spark that feeling of indignation that often forms the impetus for individuals to take action. This is especially important because Mazlum Der has financed its operations largely from

membership dues and private donations, as well as some technical and logistical support from groups such as MUSIAD, the Muslim-oriented Independent Industrialists and Businessmen's Association.<sup>42</sup> It has only accepted financial support for a project from an international agency twice.

Many Islamists associated with Mazlum Der and the reformist wing of the Welfare Party, which later became the AK Party, changed their views and eschewed the project of political Islam, stressing the need for a pluralist democracy in which conservative Muslims could peacefully follow their traditions. I signify the change here by referring to these reformers as Islamic rather than Islamist. Some Islamist rights-based organizations, however, continue to hold steadfast to a non-national, Islamist solution to the Kurdish problem. For example, another conference on the Kurdish Questions was held in Istanbul in 2006, and was organized by Ozgur Der, a highly conservative Islamist organization. In attendance were some of the same Muslim intellectuals present at Mazlum Der's 1992 conference and subsequent conferences, and they were propagating the same message from years past- Islam provides a post-nationalist alternative. For example, the president of the Diyarbakir branch of Ozgur Der stated in an interview that "to come to a solution we must first look at the source of the problem. This is nationalism, begun in 18<sup>th</sup> C. Europe... the modern nation-state cannot be a solution- the solution is an anti-nationalist approach, which is found in Islam".<sup>43</sup> In sharp contrast to the ultra-conservatives' approach, Mazlum Der's Diyarbakir branch president claimed that Ozgur Der's "Anatolian approach" is "not what we [Kurdish Muslims] need".<sup>44</sup>

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<sup>42</sup> MUSIAD is the Islamic counterpart of TUSIAD, Turkish Industrialists and Businessmen's Association, a bastion of secularism.

<sup>43</sup> Ozgur Der-Diyarbakir President, interview by author, Diyarbakir, Turkey, February 3, 2006.

<sup>44</sup> Mazlum Der-Diyarbakir President, interview by author, Diyarbakir, Turkey, February 3, 2006.

Cizre-Sakallioğlu also drew attention to the treatment of the Kurdish issue at a 1996 conference organized by Islamists, criticizing the participants' "grossly oversimplified view of Kurds as a completely homogenous and rather backward community" (1998, 85). There is, I believe, a similar tendency among secular Kurdish nationalists to homogenize the Kurds in their repertoires. Moreover, Islamists not only homogenize Kurds but also Muslims. For example, the 1992 Mazlum Der conference, and the 1996 and 2006 Islamist conferences implored Muslims to find an "Islamic solution" to the Kurdish problem, as if there is only one Islamic approach or the diverse communities of Muslims in Turkey spoke with one voice and was a monolithic entity. Movement actors always make claims for a group they claim to publicly represent, and they often homogenize them in the process. In addition, this proclivity to treat what are in actuality diverse communities as monolithic entities follows a Kemalist logic. In this sense, the habit to homogenize, to use Steinberg's words, "bears the marks of hegemony" or as Houston claimed, "Kurdish [nationalist] discourse can be read in the mirror of Turkish-Republicanism (2001, 109).

Regarding Mazlum Der's use of human rights and democracy rhetoric, the organization has since its inception proposed democracy as a means to solve human rights violations as well as the identity issue associated with the Kurdish question. However, the meaning ascribed to democracy is sometimes unclear. Indeed, I have spoken with several Islamists who posit that *seriat*<sup>45</sup> and democracy are completely compatible; hence, they are following a rather different understanding of democracy than typically found in Western contexts and among non-Islamist groups in Turkey. That being said, Mazlum Der has not called for *seriat* or any other type of political arrangement radically different from a liberal democratic system. In this sense, using the label Islamist thus far has been perhaps a bit of a misnomer, although I used the label more to

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<sup>45</sup> *Sharia*

signify the loyalties and political affiliations (National Outlook) of many of its early leaders and members rather than official organizational publications since they did not disseminate an overtly Islamist political message. Moreover, the organization has continually and openly criticized the Welfare Party for its schizophrenic and non-democratic platform toward the Kurds, and the organization continues this practice with the pro-Islam Justice and Development Party today. To be sure, Islamic rituals and language remained strong. For instance, *iftar*<sup>46</sup> dinners and even circumcision ceremonies in some Mazlum Der branches unequivocally mark the organization as a Muslim majority organization.

In sum, while Mazlum Der in its organizational literature never proposed a post-nationalist solution or espoused radical Islamist ideas, its discursive repertoires have undergone a transformation and have come to be more of a fusion of legal-technical jargon, politically liberal discourses on human rights and democracy, and moralistic discourse on Islamic notions of justice. Moreover, the primary goal of Mazlum Der is not to mobilize Islamists or pious Muslims for the sake of advancing an Islamist agenda, but rather to mobilize pious Muslims “for the advancement of universal human rights norms and democracy”.

Today, more and more “Islamists” are utilizing discourses emanating from the West regarding human rights and democracy. Indeed, many analysts have highlighted the significant changes in Islamists’ discourses since the mid-1990s, (Yavuz 2003; 2007, Yavuz and Esposito 2003; White 2002; Navaro-Yashin 2001; Kuru 2005) pinpointing the soft coup in 1997 as the watershed event that changed the face of political Islam in Turkey. The current governing party, the Islam-rooted Justice and Development, is the outcome of the changes fomented by the February 28<sup>th</sup> Process.

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<sup>46</sup> The dinner to end the fast during *Ramazan*.

The process began in the mid-1990s, after the Islamist Welfare Party came to power in a coalition government with the center-right True Path Party in June 1996. Its increased influence and provocative statements made by Prime Minister Erbakan led military officials to declare “Islamic reactionaries” to be an even more dire threat to the Turkish state than the Kurdish insurgency. On February 28, 1997, the National Security Council gave the coalition government instructions to immediately enact reforms to curtail the growth and influence of Islamism, which in effect was a demand to Welfare to reduce its own influence. The coalition government ignored the warning and was subsequently forced to resign, Erbakan was banned from politics and the Welfare Party was banned by the Constitutional Court several months later for alleged “anti-secular activities.” The soft coup brought added tensions to an already polarized atmosphere. In addition to banning the Welfare Party, numerous Islamists were arrested for alleged “anti-secular” activities, religious officers were purged from the military, the headscarf ban was strictly re-implemented at public institutions and pro-Islam civil society organizations, such as Mazlum Der, were subjected to raids and closures.

Although there had been discussions and debates about Islamist intellectuals concerning the compatibility between Islam and democracy before the soft coup in 1997, the coup was a debilitating blow to political Islamism in Turkey, and more and more reform-minded Islamists reevaluated their movement and its ultimate goals. The outcome of this reevaluation has been the demise of political Islamism in Turkey and the development of what the Justice and Development calls a Muslim democrat movement. Today in Turkey it is no longer considered a contradiction for a strongly devout, former Islamist to extol the virtues of democracy, demand human rights or have a pro-EU stance. Indeed, more reform-minded Islamists (or perhaps more

accurately, former Islamists) are increasingly articulating their grievances in terms of human rights norms and norms of democracy in addition to Islamic repertoires.

Mazlum Der may no longer be the only Islamic organization that changed the way it articulated its grievances and its propositions for progress, and its members certainly continue to draw on broader discussions among Islamists. However, it was among the first, if not the first, to extensively grant international (Western) norms legitimacy. Moreover, as perhaps the most politically moderate Islamic organization in Turkey it has been influential in the transformation of political Islamism in Turkey. Indeed, some of its influential members have strong ties to Islamist networks and have been spreading Mazlum Der's message of conciliation for years, even before the 1997 February 28<sup>th</sup> process.

#### **Advocacy Work in the Post-Helsinki Period**

The debate regarding the minority status of the Kurds remains unresolved. However, Turkey's European integration process added new vigor to the human rights movement. As mentioned throughout this dissertation, Turkey's membership negotiations have provided many new opportunities for rights activists, including financial opportunities as well as the ability to more firmly hold Turkey accountable for the concrete steps it must take to achieve membership.

The concrete steps are explicated in the EU's Copenhagen Criteria. Following the 1999 decision to grant Turkey official candidacy status, the Human Rights Association carried out a legislative screening of Turkish law in accordance with definitions and approaches found in the international treaties established by the United Nations, Council of Europe and the European Security and Cooperation Organization. The recommendations were published in 2000 as a book entitled, *Copenhagen Political Criteria and Turkey*.

The book begins by stating the Copenhagen Political Criteria encompass "democracy, rule of law, human rights and minority rights". The HRA concluded that 77 Turkish laws needed to

be amended for harmonization: 17 laws in the field of human rights, 33 laws in the field of the rule of law, 55 laws in the field of democracy and 21 laws in the field of minority rights (based on the principle of pluralism). In the section devoted to democracy, the laws are judged according to the three fundamental elements of the principle of democracy: pluralism, participation and openness. The first issue of the section on democracy addresses the most fundamental aspect of democracy: citizenship.

The HRA, like other international and domestic organizations, has long pointed toward the problem of citizenship in Turkey's 1982 Constitution. The section in the Constitution that pertains to defining citizenship in Turkey is entitled "Turkish Citizenship" and instead of defining who is a citizen of the Republic of Turkey, it details who can be defined as a Turk.<sup>47</sup> In effect, citizenship in the Republic of Turkey has an ethnic dimension. Furthermore, there is no arrangement for the recognition of differences, not to mention the "regime of prohibition" that surrounds the issue of recognition (2000, 13-15).

The human rights sections focuses on the rights to life, right of freedom and security of the individual, freedom of expression, freedom of belief and freedom of association. Minority rights are screened not as a status but as part of human rights and democratic standards that include language rights and preservation of culture through education and training, and broadcasting freedoms. This requirement, while avoiding a status label, which is unsatisfactory for some hard-line Kurds, has led to some new developments in the way of rights for Kurds. Human Rights organizations pressured the state to grant Kurds linguistic and cultural rights and Turkey finally

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<sup>47</sup> "Turkish Citizenship: Article 66. Everyone bound to the Turkish State through the bond of citizenship is a Turk. The citizenship of a child of a foreign father and a Turkish mother shall be defined by law. Citizenship can be acquired under the conditions stipulated by law, and shall be forfeited only in cases determined by law. No Turk shall be deprived of citizenship, unless he/she commits an act incompatible with loyalty to the motherland. Recourse to the courts, against the decisions and proceedings related to the deprivation of citizenship, shall not be denied" (HRA, Copenhagen 2000, 13-14).

began to grant limited language rights for Kurds. For instance, the Turkish state began programming in Kurdish on its public television station in 2008. Moreover, in 2010 a university in the Southeastern town of Mardin will begin accepting students to the country's first Kurdish Language and Literature department.<sup>48</sup>

In sum, the Copenhagen Criteria requires Turkey to provide minority rights, and more concretely weds the legal and political discourses activists can use to challenge the state. One negative consequence of the EU membership process, however, is that the more legal discourse is used by the HRA and other human rights organizations, the more these rights-based organizations may become detached from society and less adept at mobilizing ordinary citizens.

Beginning in 2002, the HRA-Diyarbakir branch began to make calls for multiculturalism, *cokkulturluluk*. It held a campaign, financially supported by the EU, entitled, "Our Differences and Our Multiculturalism is Our Common Wealth; Let's Defend our Common Wealth" (*Farkliligimiz ve Çok Kulturlulugumuz Zenginligimizidir; Zenginligimizi Koruyalım*). The term *cokkulturluluk* still appears to be rather unknown to Turkey, given that my Turkish language instructor, who held a PhD in Turkish, was unfamiliar with term in 2007. Nevertheless, rights activists and especially pro-Kurdish activists have been holding various activities in the name of multiculturalism. For instance, festival organizers have been billing Newroz<sup>49</sup> celebrations as a "multicultural 'rainbow' celebration" - a tactic to avoid charges of separatism and "to recast notions of Turkish nationhood." Nevertheless, Watts (2004) claims there was no doubt that organizers and participants saw Newroz as a Kurdish national (though not necessarily

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<sup>48</sup> See "First Kurdish language department to accept students in 2010." *Today's Zaman*. June 11, 2009.

<sup>49</sup> Kurdish New Year.

nationalistic) event. Similarly, when Baydemir<sup>50</sup> was campaigning for mayor he traveled near and far giving speeches calling for democracy, human rights and equal recognition of all of Turkey's cultural and ethnic minorities.

Another opportunity that emerged during the post-Helsinki period was the financial assistance to create in 2005 the Human Rights Joint Platform umbrella organization. The topic of the Human Rights Joint Platform's first long-term project was freedom of expression. Given the wide range of human rights violation in Turkey pertaining to freedom of expression, the Kurdish issue did not enjoy center stage at IHOP's Freedom of Expression International Conference in 2006, much to the chagrin of Ismail Besikci, contributor to the provocative 1991 HRA report mentioned earlier. A member of the audience at the conference, he made his discontent explicit during the question and answer session, harshly criticizing the panel of speakers and the organizers for not focusing enough attention on the main problem in Turkey- the Kurdish Problem. One activist mumbled to me under her breath, "but we mention the Kurds, it undermines all the work we do!" Indeed, many activists I spoke with believe a more holistic approach to the issue freedom of expression escapes the problem of becoming mired and bogged down in the recurring dead-end associated with explicitly addressing the issue of Kurds' status. Various speakers responded to Besikci by stressing the immediate need for freedom of expression as a base to build a more specific agenda concerning a solution to the Kurdish question.<sup>51</sup> This approach, however, remains unpopular with some of the old vanguard. Some

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<sup>50</sup> Former president of HRA-Diyarbakir.

<sup>51</sup> The London-based Kurdish Human Rights Project also makes this position clear in its publications. Even during a recent conference (April 2008 at the CUNY Graduate Center in New York City) I attended, Kerim Yildiz, founder and president of KHRP specifically pointed out the KHRP's refusal to define the Kurds as either a minority or a nation, preferring to regard to them simply as "the Kurds" or the "Kurdish people."

Kurds, particularly those affiliated with pro-Kurdish DTP, have continued to demand solutions such as “federalism”, or their new term, “democratic autonomy.”

### **Conclusion**

Pro-Kurdish activists have faced an uphill battle in their contestation of the Turkish state’s treatment of Kurdish people. In constructing their discursive repertoires, claims-making groups of all types- Kurdish separatists, nationalists and Islamists- have been constrained by various Turkish legal restrictions and gaps in international law, cultural taboos concerning ethnic identity, and identity-based constraints associated with the audience(s) they are speaking to or the audience(s) they cannot easily speak to due to their identity (e.g., Islamists initial dismissal of international human rights law and transnational networks because of their identity as Islamists).

In addition, the multivocality of concepts such as *minority*, *nation*, and *self-determination* have also made the repertoire construction process complicated. In contrast to issues such as torture and the death penalty, there was a paucity of new opportunities emerging from changes in international legal documents. Activists have made use of clarifications in international documents concerning minority rights, and have also bolstered their arguments by pointing to the policies toward ethnic minorities in some European countries. However, these strategies have not resulted in significant gains since the state sovereignty norm trumps the right to self-determination; and regarding the much lesser demand of official recognition for Kurds, Turkey has not faced the same kind of direct pressure to grant Kurds official recognition in the way it has received intense pressure to end torture. Moreover, unlike violations associated with torture or internal displacement, pro-Kurdish activists lack the legal instruments with which to counter the official status issue at the European Court of Human Rights. This is not say that pro-Kurdish activists have not benefited from “open” opportunity structures at the international level. They have been quite successful, for example, in legal cases regarding internal displacement and

compensation at the European Court of Human Rights. Moreover, pro-Kurdish activists have acquired political leverage through linking local movements to transnational advocacy networks.

Since the 1980s, activists have claimed that at the heart of the Kurdish Problem is the Kurdish question: who or what are the Kurds- a minority, a nation? By asking this question they challenged those who have held onto archaic ideas concerning the ethnic and cultural homogeneity of Turkey's society. The crisis of Kemalism in Turkey today is evidence of the human rights organizations tireless efforts to question mainstream notions of citizenship, nationhood, and democracy.

However, the story does not end there, for despite the exposed gaps and contradictions in Kemalism, the continuing strength of Kemalist discourse is evident in the durability of cultural taboos surrounding the topic of ethnic identity in Turkey. A survey conducted from September 7 to October 1, 2007 in 18 cities by the Scientific Research Project for the Open Society Institute and Bogazici University provides evidence for the continued discomfort associated with non-Turkish ethnic identity. The survey attempted, among other things, to gauge middle class attitudes pertaining to ethnic identity. The results suggest that most middle-class citizens in Turkey believe Turkish identity must be adopted by all people in Turkey. Forty-two percent of respondents said each ethnic group must accept Turkish identity in full, while only 13.8 percent agree the languages and cultures of ethnic groups should be recognized by the state. Only 16.3 percent responded they were supporters of reconciling both the Turkish identity and the identity of non-Turkish ethnic groups in Turkey.<sup>52</sup> Clearly, then, many middle-class citizens appear to be

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<sup>52</sup> See "Kurdish Rights." *Turkish Daily News*, Oct. 26, 2007.

unsympathetic to Kurdish grievances and demands.<sup>53</sup> The tireless efforts of human rights organizations to redefine citizenship and allay the fears associated with demands for linguistic and cultural rights appears not to have had the widespread influence its proponents desired. Although rights-based organizations have been quite successful in their efforts to mobilize transnational mobilizing structures as well as other domestic civil society organizations, the results of the survey point to the reality that much work remains in terms of moving public opinion toward multiculturalism.

In sum, despite minor gains, the battle between *Turkluk* and *Turkiyelilik*<sup>54</sup> wages on as a comprehensive solution to the Kurdish problem continues to elude Turkey. In a 2004 study of the Kurdish issue, analysts at the Turkish Economic and Social Studies Foundation (TESEV) concluded that, “Turkey has not yet achieved a sustainable, just and egalitarian solution of the problem within the framework of democratic norms and a notion of constitutional citizenship free from any ethnic, religious or linguistic elements.”<sup>55</sup> Yet, Kurdish programming and the opening of Turkey’s first university department for Kurdish language and literature keep rights activists’ hope alive.

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<sup>53</sup> The emphasis on the middle class in this study is linked to a well-established argument that the middle class is a key ingredient in democratic consolidation because middle-class individuals tend to be better educated and more open-minded and tolerant of difference.

<sup>54</sup> “Turkishness” (*Turkluk*) versus “citizens of Turkey” (*Turkiyelilik*)

<sup>55</sup> See TESEV 2004 report, “Turkey's Minority Rights Question”. Available at [www.tesev.org.tr](http://www.tesev.org.tr).

## CHAPTER 5 THE HEADSCARF BAN

### Introduction

In 1826, the turban was abolished in Turkey and replaced by the fez. In 1925, the fez was outlawed by homburgs, panamas, bowlers, and flatcaps. And so a series of hats have provided the stepping-stones, the caravanserais, on the central theme of Turkish history, her great march toward the promised land represented by that ultimate measure of Westernization- the bare head.

—Jeremy Seal, *A Fez of the Heart*

The politicization of attire in Turkey is nothing new. Individuals' attire and grooming styles- nationalists' crescent-shaped moustaches, leftists' parkas, male Islamists' beards and female's *tesettur* (Islamic dress)- speak volumes. Perhaps the curtailment of free speech and expression led to the politicization of attire as individuals let their clothes do the talking. Yet, in some ways, the preoccupation with apparel in Turkey stems more from what one's appearance says about the nation than from what one's appearance says about the individual. For example, secularists abhor the thought of a First Lady or any other public figure wearing a headscarf not merely because the headscarf reflects a personal religious commitment but because of the message it is perceived to send to the rest of the world- Turkey is not yet a modern country, evident in non-modern dress of its citizens.

Islam has not disappeared despite the attempt to secularize Anatolian society, including implementing dress reforms following the creation of the new republic. Ataturk's dress reforms drew on the pre-existing Ottoman practice of regulating apparel in order to fall in line with clothing styles in the Western world, which were deemed "modern" in contrast to the traditional styles of the "backward" Anatolian peoples. Perhaps no other article of clothing has generated such profound controversy in Turkey as that of the Islamic headscarf, or *hijab*, currently banned in all public institutions. It remains one of the most contentious issues in Turkey today. This

chapter explores the discursive battle waged since the 1980s by those opposed and in favor of Turkey's headscarf ban and the eventual inclusion of the ban as a legitimate human rights abuse in the eyes of Turkey's non-Islamist organizations.

### **The History of the *Hijab* Controversy in Turkey**

To an outsider the battle over headgear may seem unduly trivial. In order to better understand how the headscarf issue became the political hot potato it is today and what is at stake for winners and losers of the competition, a brief history is in order. The Islamic headscarf was not always banned in Turkey. Indeed, even as Turkey's founders enthusiastically abolished the symbols of the East, such as the fez, caliphate and Arabic script, they wisely avoided the hullabaloo that would result from abolishing head coverings for women. Atatürk and his cadre did, however, encourage women to break free from traditional (Islamic) customs, and he established many important reforms pertaining to women's rights. In fact, women in Turkey gained the right to vote before some of their European counterparts. The status of women in society, Atatürk claimed, was an indication of a country's level of modernity (Gole 1996). Despite the many reforms aimed at improving their status and empowering them, women in Turkey generally remained mavens of domesticity restricted to the periphery, and most of them remained covered.

The wearing of headscarves was largely unproblematic until the 1980s, a period in which two important things changed: Islamist movements, especially Erbakan's National Outlook, demonstrated themselves to be a potent mobilizing force in Turkish politics; and increasing numbers of women wearing a new type of headscarf began to appear in government offices and universities. Some women began to wear brightly covered silk headscarves tied tightly around the head and neck to ensure that no hair could come out from under the scarf, following the more stringent regulations associated with political Islam. These women derogatorily became known

as *sikmabas*, (*squeezed heads*) due to the new way they were wearing their scarves and they began to draw more attention after 1982 when male faculty and students at universities were order to shave their politicized facial hair.<sup>1</sup>

The rapidly increasing penetration of Islamic discourses into the public sphere during the 1980s seemed even more striking given the increased visibility of covered women flocking to secular spaces such as universities. Although the military junta successfully co-opted Islam with its Turkish-Islamic Synthesis, many Kemalist elites were uneasy about the increased visibility of Islam in the public sphere. Islamic symbols were anathema to the image of a modern Turkey. Accordingly, secularists took measures to ensure the continued modernization, and thereby secularization, of the Turkish state and society.

One of these actions included the creation of the Higher Education Council (YOK) in 1981 to oversee all educational institutions in Turkey. YOK was charged with ensuring the youth of Turkey would be “individuals with free thoughts, free conscience, modern opinions, modern dress, respectful to national values” (Benli 2004, 237).<sup>2</sup> “Modern dress” in this statement implies Western dress (i.e., not headscarves). The requirement of modern attire at places of learning reflected the ultimate goal of the secularization project encapsulated within the broader modernization project. Article 4 of the Higher Education Code distinctly states, “the purpose of higher education is to raise all students in accordance with Ataturk’s Revolutions and Principles” (Benli 2004, 261).

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<sup>1</sup> Male communists wore their moustaches in a distinct way from the ultra-nationalist (*ulku* Idealists). See Kalaycioglu (2007).

<sup>2</sup> YOK was not only established to ensure secularization but to enable the military administration to fully control universities. The 1980 coup was ostensibly carried out because of the civil unrest linked to left and right-wing radicalism at universities; thus, the military established YOK as a preventative measure to avoid the same scenario in the future. Of course, this was in clear violation of academic freedom, among other things.

Universities in particular were deemed to be secular spaces of science and reason; hence, no place for religious symbols. The universities became a battleground in which the war between secularists and Islamists was played out. Headscarves and other symbols of Islam, such as beards, were forbidden because they were believed to endanger the education process and hence the entire modernization process. The headscarf ban has also been applied in government offices, including parliament, resulting in dismissal of hundreds of school teachers and other public servants.<sup>3</sup>

The headscarf ban became the focal point of broader discussions concerning the place of religion in a secular state. It has remained a highly contentious issue, and as yet unresolved. The public debate concerning the place of religion in a secular state strikes at the heart of Kemalist thought, which defines secularism in way unfamiliar to most Americans. Turkey is touted time and again in the Western media as a “secular state”. This often leads to a grave misapprehension by Westerners, and Americans in particular, who unwittingly equate Turkey’s model of secularism with America’s. In fact, the two models are starkly different.

Kuru (2006) distinguishes between three different models of secularism found in France, the US and Turkey. The American model of secularism is a liberal one in which the principle of mutual non-interference between church and state forms the backbone of American democracy. This liberal model in Kuru’s typology is called “passive secularism” and stands in contradistinction from France and Turkey’s “assertive secularism”. Turkey’s assertive secularism

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<sup>3</sup> See Mazlum Der and Ak Der Annual Reports. *Tesettur* is prohibited in government buildings including parliament. In much the same way Leyla Zana shocked parliamentarians in 1991 when she took part of her oath of office in Kurdish, Merve Kavakci stunned her fellow parliamentarians on May 2, 1999 when she entered parliament wearing *hijab*. There was an immediate uproar as she took her seat. Unlike Zana, who was sentenced to 15 years in prison (and was released in 2004), Kavakci was stripped of her citizenship and relocated to the U.S. where she has served as a lecturer at George Washington University, and has shared her story at universities and even testified before the U.S. Congress at the Commission on Security and Cooperation in Europe Briefing held on April 12, 2005. See “Testimony of Merve Kavakci, Religious Freedom in Turkey: Headscarf Ban”.

rests on the strong anti-clericalism of Ataturk and his contemporaries. Turkey's assertive secularism, however, is more extreme than the French model, called *laïcité* which is also the term used in Turkey (*laiklik*).<sup>4</sup> Contrary to popular belief, there is not a separation between mosque and state in the “secular” Turkish state, but rather, a structure of mosque under state control. The Directorate of Religious Affairs, or *Diyanet*, runs the system of mosques; therefore, imams<sup>5</sup> are public servants. Moreover, as Erdogan explains of Ataturkist secularism, “in this interpretation secularism is not a negative norm that implies simply abstaining in terms of governmental attitude, but a positive one that demands supporting effectively non-religious values and even taking action against religious belief. In Turkey, this policy came about first to be government control over religion.”<sup>6</sup>

The elimination of Islam from the public sphere is considered to be a necessary prerequisite for Turkey to achieve a “contemporary level of civilization”. In addition, secularism in Turkey is not merely understood as the elimination of Islam from the public sphere, secularism is also understood by secularists to be an individual attribute. For example, President Sezer made several public statements, which sum up his and other secularists' views that secularism is not merely a regime type but also a personal worldview that is required of citizens in the “secular Turkish state.” The Constitutional Court has consistently applied this interpretation in its rulings. As a consequence of the rigid interpretation of secularism, religious

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<sup>4</sup> *Laiklik*, or secularism, is distinguished from *laikcilik*, or secularist ideology, by some scholars who argue Turkey's secularist ideology is actually a misreading and more rigid interpretation of the original French *laïcité*, initially used to connote the freedom of public institutions from the influence of the Catholic Church. Its application in France has varied over time. See Kuru (2006) and Davison (1998).

<sup>5</sup> Imams are spiritual leaders who lead the prayer and are often leaders of mosques and their local religious communities.

<sup>6</sup> Mustafa Erdogan, “Islam, Democracy and Secularism” at Association for Liberal Thinking (*Liberal Düşünce Topluluğu*) <http://www.liberal-dt.org.tr/>. The Association for Liberal Thinking is a civil society organization and publishing house closely linked to the human rights movement and founded by Turkish academics, which publishes books and coordinates conferences on political and economic liberalism.

people cannot express their religious identity, but must keep their spiritual affairs private, especially when engaging the public sphere. In Turkey, certain bureaucratic organs, particularly the military, the Constitutional Court and the Council of State, are vehemently secularist and their members see it as their duty to ensure citizens are acting according to Atatürk's principles. The secularist media has bolstered their efforts by assisting with smear campaigns.<sup>7</sup> This has led to numerous acrimonious exchanges and legal battles between pro-Islamic and other reformist groups and the staunch defenders of status quo secularism. The headscarf ban has been a central feature of these debates.

### **The Anti-Headscarf Ban Movement**

#### **Opportunities, Discursive Repertoires and Mobilization in the 1980s**

Islamic attire, which includes *hijab* and beards, was banned at universities in the early 1980s. One of the first high profile challenges to the headscarf ban occurred in 1984 and involved a chemical engineering professor. Professor Koru had worn a headscarf during lecture and refused to remove the scarf when lecturing even after she was given a formal warning by the rector. Professor Koru claimed the request violated her right of religious freedom. She argued,

According to the 3<sup>rd</sup> Article of the Constitution, freedom of religion and conscience is protected for everyone. The expression of religious views and beliefs can never be hindered. In Turkey this subject is completely misunderstood. Two years ago I went to the USA. For two years, I studied peacefully in Boston at the world's best technical university. American scientists and those from other countries reacted to my wearing a headscarf with respect. But we Turks are afraid to make clear our views. Of course, in this way we will never accomplish anything.<sup>8</sup>

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<sup>7</sup> These bureaucratic organs and many of the same media outlets are also Turkish nationalist and are adamantly opposed to any concessions made to Kurds in terms of cultural rights.

<sup>8</sup> Quoted in Olson (1985, 161). For media coverage of other statements by Professor Koru and responses from female parliamentarians and professors see Olson (1985).

Dr. Koru, and many other anti-ban activists who had to relocate because they could not complete their studies in Turkey, often point to the lack of a similar ban in the US and other Western countries to support the argument that *hijab* is not incompatible with either democracy or civilization. The implementation, however, of a similar ban in France in 2004, has been utilized as evidence that such a ban is warranted.

The Ministry of Education issued a statement explaining that Dr. Koru was free to wear a modern *turban*, which left the neck uncovered, a distinction linked to YOK director, Professor Dogramaci, who was strongly opposed to Islamic attire at universities.<sup>9</sup> Professor Koru rejected this alternative and filed a lawsuit against the university. Upon review of the case, the court argued Professor Koru had no legal base for her claim since freedom of religion does not guarantee freedom to wear a headscarf in opposition to university dress codes.

The media closely followed the controversy, with individuals on both sides making public statements on the matter. The statements issued by Dr. Koru and her detractors formed the discursive repertoires that continue to shape the debate on the ban. Secularist elites in the Council of State and elsewhere framed the controversy as stemming from an education problem, i.e., “some of our daughters who are not sufficiently educated wear the headscarf...”<sup>10</sup> Secularists also relied heavily on Ataturk’s principle of secularism and modernity. For example, in response to the matter, a female professor explained, “As a woman, my respect for the state and the laws that try to bring about a developed society through Ataturk’s reforms is infinite. I appraise this incident from this perspective [alone]; it has no connection with freedom of religion and conscience as she [Dr. Koru] claims.”<sup>11</sup> Female professors were at the front lines of the

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<sup>9</sup> See Kalaycioglu (2007, 93) for a full explanation of how this distinction emerged.

<sup>10</sup> See Kuru (2006, 147) for full quote.

<sup>11</sup> See Olson (1985, 162) for full quote.

battle at universities and participated in the pro-ban countermovement, which organized anti-headscarf, pro-secularism rallies,<sup>12</sup> and lobbied YOK and parliament. In sum, pro-ban individuals and organizations frequently pointed toward Ataturk's principles and the "threat to peace and order" posed by deviations away from Ataturk's principles. This discursive repertoire has changed little, and Ataturk's principles remain the primary talking point.

Despite Professor Koru's overt linkage of the ban with individual rights, anti-ban activists did not initially frame the issue as a human rights violation. Perhaps because of Professor Koru's failure to convince the authorities that wearing a headscarf was safeguarded by broader freedoms of religion and expression, or perhaps because Islamists did not generally frame grievances in terms of human rights and democracy during this period, the discursive repertoire used by the emerging anti-ban movement during the mid- to late 1980s was not centered on human rights. Anti-ban challengers instead retorted during demonstrations and press releases that the discriminatory practice was one of many indicators that the Turkish state was "at war with Islam".

The students' reactions to the ban crystallized around a set of slogans which were rather narrow, "Don't Touch Our Turban!" and "Headscarf Freedom." Hundreds and sometimes thousands of students wearing headscarves along with bearded male students held demonstrations in which they held placards stating, "The ban is taking aim at the Koran", "The war against the headscarf is a war against Allah!" These statements and the growing numbers of

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<sup>12</sup> For example, on October 3, 1990, a pro-secularism demonstration was organized in Ankara by various women's organizations. Approximately 2,000 women marched to *Anitkabir*, Ataturk's mausoleum, shouting slogans supporting the headscarf ban and claiming to defend Ataturk's principles. See "November 3<sup>rd</sup> 1990" section at <http://www.byegm.gov.tr/yayinlarimiz/ayintarihi/1990/kasim1990.htm>. This scene was replicated at the 2007 "Republican Rallies" held during the spring and summer of 2007, one of which I attended in Ankara in spring 2007. Demonstrations drew upwards of one million people and demonstrators shouted, "Turkey is laik and will remain laik". Similar but smaller demonstrations (about 200,00 people) were held in February 2008 after AK Party attempted to lift the ban. See Izgi Gungor, "Crowds Take to Street Against Headscarf Move" in *Turkish Daily News*, February 11, 2008.

demonstrators shouting “God is Great!” during demonstrations alarmed secularist elites, such as President Evren who warned, “there is a reactionaryism problem.” Even the Human Rights Association’s president warned, “Laicism in Turkey is on shaky ground.”<sup>13</sup> To complicate matters, Iranians began to add their voices to the mix. Demonstrations were held in Iran during the mid- to late 1980s to convey solidarity with the growing headscarf movement in Turkey. The cognitive connection, if not a social connection, between Iranian and Turkish Muslims was also evident in Turkish demonstrations. For example, during the Salman Rushdie affair, Turkish Islamist demonstrators at anti-headscarf ban rallies held placards saying, “Evren and Rushdie hand in hand”.<sup>14</sup>

University students throughout the country who were affected by the ban on Islamic dress carried out demonstrations primarily in front of their respective universities. These demonstrations were organized locally by groups of students, although there did seem to be some nation-wide coordination, which led to the accusation that the movement was actually being guided by the Welfare Party. The diffuse anti-ban movement in the early to mid-1980s carried out numerous signature campaigns and “tele-protestos” in which protestors would gather and publicly read a telegraph they sent to state officials. This period also saw the appropriation of the hunger strike action repertoire. Bearded and covered students who were barred from campuses followed a tactic popular among many dissidents throughout the world and Turkey.<sup>15</sup> The hunger strikes were primarily carried out during the mid to late 1980s but subsided by the 1990s, when

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<sup>13</sup> Slogans and quotes were culled from various newspaper clippings found in “Headscarf Problem” (1998) pages 100-111.

<sup>14</sup> Ibid.

<sup>15</sup> Kurdish political prisoners especially used this tactic during the 1990s, resulting in the deaths of scores of Kurdish prisoners. Their use of this tactic often drew support from Irish Republicans and other insurgents who also used the tactic and sent PKK prisoners letters of solidarity during hunger strikes.

they became a popular tactic among Kurdish political prisoners.<sup>16</sup> Emboldened by the growing numbers and support, the students began to carry out more acts of civil disobedience in the late 1980s. For example, they deliberately entered campuses or classrooms while wearing headscarves or wigs,<sup>17</sup> and demonstrations became increasingly contentious. Hundreds of mainly female students were arrested and detained during this period.<sup>18</sup>

It was also during this period that Prime Minister Ozal attempted to find a solution to the headscarf problem due to the increasingly precarious state of affairs.<sup>19</sup> His efforts were initially fruitless; however, by 1991 the implementation of the ban at various universities from the late 1980s to 1998 was sporadic and disciplinary measures were arbitrarily executed. Although the ban was technically still valid it was not fully put into practice until 1998, after the 1997 “February 28<sup>th</sup> process.”<sup>20</sup> In the meantime, the anti-ban movement lost some of its steam as universities ignored the ban and many students went back to school, and the Kurdish problem took center stage.

In short, secularist elites relied upon Kemalist principles enshrined in Turkish law to counter the anti-ban movement. Their discursive repertoires did not change much and the Kemalist interpretation of secularism in addition to the modernization project more generally is

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<sup>16</sup> The use of hunger strikes by the students prompted a discussion on whether such a tactic was sanctioned by Islam. It continued to be a contentious issue in the 1990s, although Mazlum Der publicly supported the rights of hunger strikers in Turkey.

<sup>17</sup> Wearing wigs to university in place of a headscarf has been a tactic used by anti-ban activists since the 1980s.

<sup>18</sup> See media coverage in *Headscarf Problem* (1998).

<sup>19</sup> Ozal’s center-right ANAP pushed three bills throughout parliament in the late 1980s, each of these were either vetoed or challenged in the Constitutional Court. The Constitutional Court did not declare the new law unconstitutional; however, it did claim the headscarf ban was still valid at universities despite the legal changes made by ANAP. See Kuru (2006); and “Evaluation of the Headscarf Ban” (Benli 2004).

<sup>20</sup> Students still encountered obstacles during the early to mid-1990s, particularly at certain universities. For example, Istanbul University has vigorously enforced the ban. However, covered students were free to attend class at many other universities whose rectors were more lax.

still currently used to justify the ban. The burgeoning anti-headscarf ban movement in the 1980s did not explicitly situate its discourse within the broader discourse on democratization or human rights. As mentioned in the previous chapter on the Kurdish issue, the discourse used by various Islamist movements centered on a self-definition of Muslimness as something that stood in opposition to Western foreign policies and Western ideas about the nature of the nation-state. The anti-ban activists' discursive repertoires resembled the ideas championed by Islamists more generally, which pointed a finger toward Western ideas as the source of the problem rather than the potential source of a solution.

The proclivity to blame the West and avoid discursive repertoires that might legitimate Western ideas, and the tendency to view Muslims throughout the world as their natural allies led to the successful mobilization of Islamists in Turkey and elsewhere. However, by not clearly framing the headscarf ban as a problem rooted in the authoritarian nature of the Kemalist state which could be solved through democratic reform, the covered students missed an opportunity to clarify to Turkish citizens why the ban should be seen as important by everyone, including those who do not wear a headscarf. Hence, even as they were vociferously drawing attention to an injustice, not firmly tying the headscarf issue to democratization and human rights left their message with a gap in terms of a means to ameliorate the problem (more democracy) and hampered their efforts to mobilize people other than Islamists. An emphasis in their discursive repertoires on comprehensive democratic reform may have facilitated cooperation between their movement and other grass-roots movements seeking to strengthen human rights law in Turkey.

Moreover, whether they intentionally mobilized Iranians or not, their use of Islamist rhetoric and imagery resonated deeply with Iranians who expressed their solidarity through demonstrations, thereby providing more fodder for secularist elites who warned Turkey was

perilously close to seeing an Iranian-style Islamic revolution of its own.<sup>21</sup> Thus, their success at mobilizing Islamists in Turkey and abroad worked to further de-legitimize them in the eyes of not only secularist elites but also ordinary Turkish citizens who were ill at ease with political Islam. Consequently, unlike the successful appropriation of transnational advocacy networks by the burgeoning human rights movement at this time, which resulted in pressure on Turkey “from above”, the anti-ban movement had no influential allies in these Western-based TANs that could be leveraged against the powerful Turkish state.

### **Discursive Shifts in the 1990s**

Although much of the rhetoric used at anti-ban demonstrations was not centered on rights and democracy, there were those who sought to mobilize human rights activists. One group of students sought assistance in 1990 from the Human Rights Association, the only large organization at the time whose mission was to protect human rights. The organization leader turned them away. As mentioned in previous chapters, the inattention by left-wing activists toward the concerns of Islamists prompted discussions regarding the formation of a human rights organization of their own, and the negative response experience by the headscarved students to sought assistance from the HRA provided further impetus among those in National Outlook circles to create Mazlum Der in 1991. By this time, center-right parliamentarians and other reform-minded intellectuals had already been voicing their opposition to the ban, and called for an in-depth appraisal of the ban from a legal and rights-based perspective. For example, in

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<sup>21</sup> In the attempt to discredit the anti-ban movement, it has been accused of obtaining support not only from the Welfare Party and Iran but also from the American CIA (Headscarf Problem 1998, 34). This is a common accusation directed toward any type of dissident group, and this accusation has also been directed toward secular organizations such as the HRA and HRFT, as well as toward the PKK and Turkish Hezbollah. The accusation reflects the “Sevres Syndrome” prevalent in Turkey.

February 1992, the Parliamentary Human Rights Commission undertook a study and concluded the ban diverged from legal protection of rights under Turkish and international law.<sup>22</sup>

The discursive shift among a small cadre of anti-ban activists occurred at a time when public debate in Turkey centered on issues of human rights and democracy, and conservatives' discursive repertoires also moved ever closer to rights-based language, especially following the creation of Mazlum Der. As Turkey's Islamists and conservative Muslims began to gradually appropriate rights discourse in the 1990s, they more clearly linked the headscarf ban to human rights, claiming the ban violated covered women's rights of free expression, thought, religion, conscience and also their right to education and employment.<sup>23</sup> Furthermore, they firmly linked the issue to protections enshrined in international human rights treaties. More importantly, as cooperation between Mazlum Der and HRA blossomed during the mid-1990s due to their common interest in the Kurdish issue, the HRA also began to publicly denounce the headscarf ban. For example, in 1996, the HRA and Mazlum Der issued joint press releases framing the headscarf ban as a human rights violation.

The headscarf ban, however, was not the primary issue during this period, even within Mazlum Der, since the ban was not being implemented at many universities.<sup>24</sup> The main topics that filled the pages of HRA and Mazlum Der bulletins were those associated with the Kurdish problem, which covered issues such as prison conditions, torture and internal displacement. This changed, however, as the Welfare Party grew stronger and sparked the ire of pro-establishment

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<sup>22</sup> See Green Light from Parliament to Headscarf (*Basortusune Meclisten Yesil Isik*) in *Zaman*, February 27, 1992.

<sup>23</sup> The move toward a more explicit linkage with human rights is evident in newspaper articles run by the Gulen-affiliated *Zaman* newspaper. For example, on International Woman's Day in March 1991 it ran an op-ed piece which asked, "who is going to defend the rights of covered women if "modern women" (*cagdas kadinlar*) continue to ignore the injustices carried out against them?" See *Headscarf Problem* (1997, 125).

<sup>24</sup> The Mazlum Der Istanbul branch tackled the headscarf ban with greater frequency than other large branches. For example, in 1994, it put out an "Annual Report on Headscarf Oppression" and continually issued press statements.

elites and the military. During the clampdown on Islamism, conservative Muslims allegedly associated with Islamist movements began to lose their government jobs due to their alleged political affiliations. In addition, the headscarf ban once again took center stage as secularist elites in the state, military and media took aim at conservative Muslims, culminating in the “post-modern coup” that pushed Erbakan and the Welfare Party out of power in February 1997.

### **Anti-ban Activism in the Late 1990s**

#### **Discursive Repertoires**

Mazlum Der, already under pressure for its work on the Kurdish issue, came under increased pressure during this period. It had become one of the main organizations tackling the headscarf ban as its branches shifted their attention away from the Kurdish issue due to the increased pressure on pro-Islamic groups. The Mazlum Der Istanbul branch activity report for March 1996-1998 shows a continued focus on issues related to the Kurdish question, including the problem of internal displacement, arbitrary arrests and detainment of political activists of all stripes, prison conditions, and so on. However, there was also a sharp increase in anti-ban activities. In fact, the Istanbul branch carried out a year-long headscarf campaign, naming 1997, “The Year of the Headscarf.” It published “The Headscarf Problem: From All Angles” as part of this campaign. The 495 page book offers a historical examination of the tradition of head covering in the world’s great religions, an attempt to normalize *hijab* and depict it as a common religious practice followed by all of the great religions throughout history. The book also included a chronology of the headscarf issue in Turkey, with an in-depth review of press coverage from 1981 to 1998,<sup>25</sup> an extensive section on law and personal stories of victims of the ban.

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<sup>25</sup> The first edition was published September 1997 and the second edition in March 1998. I have relied heavily on the book for its comprehensive review of media coverage from 1991-1998. A large portion of the book has

The cultural taboos associated with the ban and the risks of carrying out human rights activism were as strong as ever in this highly-charged political climate. Nevertheless, the HRA publicly and unequivocally stated its stance on the issue, declaring it to be a human rights violation. Indeed, it was in the midst of this tense environment that inter-organizational relations between Mazlum Der and the Human Rights Association solidified, a development that will be analyzed further in the subsequent chapter. A press statement released by the Human Rights Association countered the argument advanced by secularists who justified the ban by pointing to Atatürk's principles and claiming the ban blocks the path to civilization. The HRA press release proclaimed,

IHD<sup>26</sup> does not abide by the so-called contemporariness and civilization built on symbols, clothing and formality. IHD regards the headscarf issue from the point of view of personal freedoms. We do not consider the headscarf as a threat to take the system back to the middle ages, to undo the gains of women's rights. Turkey's problems are the laws and practices that are against human dignity. A law along the lines of 'women shall cover their heads or uncover their heads' is a law that is against human dignity... not letting people benefit from public services... [is] considered discrimination... prevent[s] women from attaining equal status within the framework of human rights... (Benli 2004, 20).

Mazlum Der and the HRA were not the only organizations challenging the ban. There were several conservative women's organizations, such as Capital City Women's Platform (*Baskent Kadin Platformu*) and the Women's Rainbow Coalition (*Gokkusagi Kadin Platformu*) which were established during the mid-1990s and addressed the ban among other women's concerns. In addition, following the 1997 post-modern coup, covered women established several organizations dedicated to challenging the ban. Newly founded organizations, such as the

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summaries and copies of newspaper articles from a wide variety of newspapers pertaining to the ban, in addition to copies of official university documents pertaining to the ban and survey data concerning public opinion of the ban. The book contains a section on work carried out in Germany by the Turkish-led Organization for Human Dignity and Rights. It includes official correspondence from this organization with German organizations; however, these have not been translated from their original German.

<sup>26</sup> IHD is the Turkish acronym for HRA.

Women's Association Against Discrimination (*Ayrimciliga Karsi Kadin Haklari Dernegi*) or Ak Der, and the Association for Free Thought and Education Rights (Ozgur Der)<sup>27</sup> were established by professional women and students who were affected by the ban. In the words of one Ozgur Der leader, "we had an untidy resistance and needed a more organized approach."<sup>28</sup>

Although Ozgur Der and Ak Der were both created to specifically address the headscarf ban, their advocacy work has differed in some important ways. Ozgur Der is not considered to be a women's organization, but rather, is an Islamist organization that challenges the ban using both Islamist repertoires peppered with vague references to human rights. Many of its members are males and some of its branch leaders are also male. Its members are indeed staunch Islamists and the organization does not have a policy of actively mobilizing the West. Ozgur Der carries out many demonstrations against the ban, strongly opposes the "militaristic Kemalist state", organizes conferences on various issues, such as the Kurdish Question<sup>29</sup> and Islam and democracy, and reports on various human rights abuses throughout the country. However, unlike Mazlum Der, it does not regard international human rights norms to be universal and relies on Islamic texts as its primary source of guidance, and its commitment to secular democracy is questionable.

In contrast, Ak Der depicts itself as a women's organization interested in various women's rights, especially the headscarf ban, and is run entirely by women although there are some male volunteers who assist with things such as maintaining the organization's website. Moreover, the organization primarily employs all the legal tools available in domestic and international human

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<sup>27</sup> I interviewed the chairpersons of Ozgur Der's Istanbul and Diyarbakir branches. I also interviewed the Vice President of Ak Der in Istanbul, its only office in Turkey.

<sup>28</sup> Ozgur Der –Diyarbakir President, interview by author, Diyarbakir, Turkey, February 4, 2006.

<sup>29</sup> I attended Ozgur Der's 2006 conference, "Kurdish Problem" held in Istanbul. See chapter four for information on this conference.

rights law to support its claims, and it has actively sought to mobilize Western governments and NGOs by presenting its reports to organizations such as Human Rights Watch. For example, Ak Der has published several books and newsletters which specifically cite the articles in the Universal Declaration of Human Rights, the 1981 UN Declaration on The Elimination of All Forms of Intolerance and Discrimination and the ICCPR<sup>30</sup> that protect religion, conscience, thought and expression rights, as well as Article 13 of ICESCR<sup>31</sup> which protects an individual's right to education. The organization has also made extensive use of legal clarifications to these documents, such as a 1993 clarification by the UN Human Rights Commission that ICCPR's Article 18 on the protection of religious freedom also includes headgear as a protected form of religious practice (2005b, 12). Similarly, Ak Der has cited Article 9 of the European Convention on Human Rights, which protects not only to the freedom to have a religion but also to freely express that personal conviction (Benli 2005a, 10).<sup>32</sup> More recently, the organization has drawn attention to a resolution passed in 2005 by the Parliamentary Assembly of the Council of Europe, which called on all member states to "fully protect all women living in their country against all violations of their rights based on or attributed to religion" (Benli 2005a, 12).<sup>33</sup>

Advocacy work carried out during this period, then, differs significantly from the previous cycle of movement activity during the 1980s, with the exception of Mazlum Der which supported universal rights since the early 1990s. Anti-ban activists have more clearly refuted secularists claims that wearing a headscarf in the public sphere endangers social peace and order,

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<sup>30</sup> International Covenant on Civil and Political Rights

<sup>31</sup> International Covenant on Economic, Social and Cultural Rights

<sup>32</sup> The London-based Islamic Human Rights Commission has pointed out in its publications that limitations on religious freedom in the ECHR are even narrower than those dealing with freedoms of expression, assembly and association.

<sup>33</sup> PACE Resolution No. 1464 passed on Jan. 2, 2005.

claiming that granting more individual freedoms to citizens of Turkey produces greater social harmony not less. Many anti-ban activists are much more open to using international human rights norms, are more actively seeking recognition from the West, and are seeking democratic reform as the ultimate goal. The watershed February 28<sup>th</sup> process is regarded as the event which caused the demise of political Islamism in Turkey because it acted as a catalyst for Islamists' reconfiguration of their discourse and ultimate goals.

One similarity between the anti-ban movement of yesteryear and the current one is their reliance on the Diyanet's sanctioning of *hijab* as a religious duty in Islam. In their attempts to counter remarks by secularists that *hijab* is not actually a religious duty, anti-ban activists have turned to the Diyanet for the answer to this theological question. The Diyanet has continually stated that wearing a headscarf is indeed a religious obligation under Islam, and is therefore protected under religious freedom.<sup>34</sup> Hence, the statements of one bureaucratic organ, the Diyanet, conflicts with those of other bureaucratic organs, such as the Constitutional Court, illustrating the contradictory interpretations found within the Turkish state.

Another interesting point about the discursive repertoires used by anti-ban activists in Mazlum Der and Ak Der is that the right to education seems to be articulated more frequently than freedom of religion. In the words of Ak Der vice president, "we consider many problems to spring from the headscarf ban, which keeps our girls out of school and our women with fewer choices for employment. If a woman cannot get an education or go to work she cannot exercise other freedoms and she will be under the total control of her husband and family because she

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<sup>34</sup> Sura of Nur, 31<sup>st</sup> verse is often referenced as evidence. This verse states the Prophet was ordered by Allah to tell "believing women" to let their headscarf reach over their chests and to refrain from "showing their ornaments" to all men other than those in their family. As one professor of theology claimed, "Allah's orders cannot be changed by others, they are laws that cannot be interpreted in any other way" (Benli 2004, 9).

cannot work.”<sup>35</sup> This may be a cultural tactic to avoid the stigma attached to claims-making for the protection of religious freedom. Moreover, stressing the importance of obtaining an education harkens the strong commitment to education, a value shared with secularists and Westerners alike.

### **Opportunities, Discursive Repertoires and Mobilization: Mobilizing Domestic Audiences**

The anti-ban movement has been profoundly successful at keeping the headscarf ban in the center of public debate and at the center of pro-Islamic parties’ agendas. Some have commented that the AK Party remains a “slave to the headscarf issue.” Moreover, public opinion appears to be on their side, since survey data from the past several years shows widespread public support for lifting the ban at universities, if not at public institutions more generally.<sup>36</sup> However, anti-ban activists have been only marginally successful in mobilizing non-Islamist organizations and parties devoted to Kemalism, such as the Republican People’s Party.

The divisive nature of the issue is also evident within the women’s rights movement.<sup>37</sup> The difficulty associated with mobilizing non-conservative women’s activists is best illustrated by what transpired during a national coalition of women’s organizations called the CEDAW Civil Society Forum. In 1985 Turkey signed the Convention to Eliminate all forms of Discrimination Against Women, or CEDAW and ratified the optional protocol in 2000. As a signatory, the state

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<sup>35</sup> Ak Der leader, interview by author, Istanbul, Turkey, April 10, 2006.

<sup>36</sup> There have been numerous surveys conducted to gauge public opinion on the ban. Ak Der published a report that summarizes the findings of some of these surveys. See Ak Der, “Evaluation of the Headscarf Ban in the Light of Surveys and Reports of Human Rights Organizations” (2004). See Kalaycioglu (2007).

<sup>37</sup> The HRA has denounced the ban since the mid-1990s. Helsinki Citizens Assembly, a group of intellectuals based in Istanbul, does not carry out press releases, demonstrations or keep tallies of human rights abuses, but rather, focuses on organizing conferences and publications on Turkey and European integration. Hence, it has addressed the ban within broader discussions of Islam, secularism and democracy, although it has not carried out any specifically anti-ban activities. HCA, however, is a member of the Human Rights Joint Platform, and stands in solidarity against all rights violations with its coalition partners, Mazlum Der, HRA and Amnesty International-Turkey. In keeping with Amnesty regulations, Amnesty International-Turkey cannot directly address violations in Turkey, although Amnesty headquarters has condemned the ban in France and Turkey in its reports. See Amnesty International Human Rights Report (2007).

regularly submits official reports regarding women's issues to the United Nations CEDAW committee. In much the same way the UN Universal Declaration of Human Rights provides a useful focal point around which discourse between human rights activists from varied backgrounds can converge, the CEDAW has similarly functioned as a common discursive framework for diverse women's activists throughout the world. Moreover, CEDAW international meetings have provided a venue for collaboration and for the exchange of ideas among women from many countries, and they have provided the impetus for women within Turkey to come together in order to present a united Turkish front at these international meetings.

Indeed, the opportunities that emerged from Turkey's candidacy and its goal to meet Copenhagen Criteria<sup>38</sup> as well as opportunities associated with CEDAW have had a particularly unifying effect on Turkey's women's movement. Turkish women's activists joined forces and formed a national coalition to submit a *shadow report* to the United Nations' CEDAW Committee. Women's groups in Turkey that were dissatisfied with the official reports submitted by the Turkish state to the UN CEDAW Committee submitted a "shadow report" (*golge raporlar*) to the CEDAW Committee as an alternative to the official reports. Flying Broom (*Ucan Supurge*) one of Turkey's premier grass-roots women's organizations led a national coalition of women's organizations to form the CEDAW Civil Society Forum (CEDAW Forum

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<sup>38</sup> In order to fall in line with European standards, the Turkish government announced its plan to overhaul the existing civil and penal codes. The women's movement took full advantage of this political opportunity. In 2000, Women for Women's Human Rights (WWHR), one of Turkey's largest grass-roots women's organizations, led a national coalition to submit formal recommendations to the Turkish state concerning the civil code. Many of the coalition's proposals were included in Turkey's new civil code, accepted by the Turkish Grand National Assembly in November 2001. Due to the success of this effort, WWHR spearheaded another nationwide coalition called The Campaign for the Reform of the Turkish Penal Code from a Gender Perspective. The campaign lasted from 2002 to 2004 and as a result of this coalition the new Turkish penal code includes more than thirty amendments recommended by the women's coalition. For a complete summary of all recommended amendments see *Turkish Civil and Penal* (2005).

hereafter). A select few travelled to New York to present their shadow report to the UN CEDAW committee at the international meeting held on January 15-23, 2005. For two years the CEDAW Forum coalition worked diligently to determine the contents of the report and in April 2003, 453 women representing a wide array of women's groups throughout the country gathered in Ankara to make the final decisions concerning the report.<sup>39</sup>

The shadow report included a wide array of human rights violations carried out against women in Turkey. Physical and emotional violence to women were regarded by all participants in the forum as the most serious problems facing women in Turkey. Moreover, due to Turkey's abysmal shortage of women's shelters throughout the country, all activists have called on the Turkish government to allocate funds for the construction of women's shelters. These similar agendas notwithstanding, the headscarf ban was a divisive issue. Given the wide array of discriminatory practices against women, the headscarf ban was not regarded to be a priority by some secularist women's activists, despite the fact that many activists regard the ban to be a form of discrimination. For example, one activist plainly stated, "We should not confuse the issue of women's rights with ideologies about scarves and if they try to bring this issue to the top of the agenda of this movement I disagree with this. I do not support it. There are more dire issues."<sup>40</sup> In contrast, covered activists prioritize the headscarf ban as of the most urgent problems facing women in Turkey because they link the headscarf ban to broader issues, specifically, to the lack of women's economic independence.

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<sup>39</sup> For a complete review of activities carried out by the CEDAW Civil Society Forum see Flying Broom. 2005. *Flying News: Women's Communication Journal* (January), acquired from Flying Broom (*Ucan Supurge*) in Ankara.

<sup>40</sup> Turkish Women's Union (*Türk Kadınlar Birliği*) leader, interview by author, Ankara, Turkey, April 5, 2006. This argument is often posed by republican women. For example, Arzuhan Dogan Yalcindag, the chairperson of TUSIAD (Turkish Industrialists and Businessmen's Association), Turkey's largest and most influential professional association, echoed this sentiment, claiming there are more pressing problems than the headscarf; and "That is why we should deal first with our social and economic problems in order to make Turkey a more prosperous society" ("Headscarf Issue Broader" *Today's Zaman*. Jan. 25, 2008).

Although the headscarf debate surfaced during the CEDAW Civil Society Forum's meetings, it was one of only two issues<sup>41</sup> discussed that was excluded from the shadow report presented to the UN CEDAW Committee. The reason for the exclusion, as explained to me by a Flying Broom leader, was that domestic violence and economic independence were top priority issues whereas the headscarf ban was not considered by the majority of women in the coalition to be an urgent problem.<sup>42</sup> The women's movement has worked vigorously to crush stereotypes and challenge traditional gender relations and culturally determined roles for women, and many activists are uneasy with what they see as the counterproductive effects of the headscarf movement on their attempts to eliminate patriarchal norms. In interviews with women from Flying Broom and Ka Der, activists stated they were grappling with the paradox of supporting a women's right to wear Islamic head covering, which many of them regarded as a tool of patriarchal oppression, even though they also acknowledged the ban was a form of discrimination.<sup>43</sup>

Due to the exclusion of the headscarf ban in the forum's shadow report, a headscarved activist independently lobbied officials at the United Nations. Incidentally, after this lobbying

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<sup>41</sup> The other issue excluded in the shadow report was the distinct plight of Kurdish women, who argue their needs differ from Turkish women in that Kurdish women were raped by soldiers and have been subjected to harsh treatment by the state due to the state of emergency and ongoing insurgency in Southeast Turkey. The exclusion of the headscarf ban in the report was picked up by a secular newspaper, *Sabah*, presumably in an attempt to show that anti-ban efforts lacked support by most women's organizations and to suggest the AK Party was behind the purported "civil society" efforts to end the ban. A leader from one of the premier conservative women's organizations, Capital City Women's Platform (*Baskent Kadin Platformu*) replied to the author in a letter which was posted on Flying Broom's website. The letter explained that the ban was discussed during the CEDAW Forum and the issue was in fact included in a more general statement about discriminatory practices against women seeking employment due to their apparel, however, the word "headscarf" was not used. She explained that since the national coalition included many women with many different viewpoints, a more explicit condemnation of the ban could not be issued on behalf of the CEDAW Forum, although the issue was brought independently to the UN CEDAW Committee. See "*Turban 'hak ihlali' degil*" (The Turban is not a Human Rights Violation) by Betül Kotan in *Sabah*, January 20, 2005. See the entire response at [http://www.ucansupurge.org/index.php?option=com\\_content&task=view&id=1377&Itemid=87](http://www.ucansupurge.org/index.php?option=com_content&task=view&id=1377&Itemid=87).

<sup>42</sup> Flying Broom leader, interview by author, Ankara, Turkey, April 5, 2006.

<sup>43</sup> Ibid. Ka Der- Istanbul executive member, Istanbul, Turkey, March 29, 2006. Ka-Der –Ankara executive member, interview by author, Ankara, Turkey, April 5, 2006.

effort the UN committee wrote in the 2005 recommendation to the Turkish government that they wanted an exact figure on the number of women negatively impacted by the headscarf ban. In the meantime, the conservative women who participated in the CEDAW Forum issued a wake-up call to other conservative women in the Women's Meeting (*Kadin Bulusmasi*) newsletter, encouraging them to become more involved in women's activism, as they were underrepresented within the broader women's rights movement. They explained what they took away from their experience in the CEDAW Civil Society Forum.

The most important thing we determined was this: in our country, the women who made statements and determined the political agenda pertaining to women's problems were those who belong to the represented NGOs, which were in general secular. We were happy to learn many things from them but in the points expressed concerning our own problems we were experiencing difficulties from a lack of empathy (*Kadin Bulusmasi* 2005, 3).

In part, this "lack of empathy" springs from the significant presence of men at anti-ban demonstrations and the widespread belief among feminists that Islamist men have enthusiastically challenged the ban in the attempt to preserve patriarchal norms. In large measure, the "lack of empathy" among secularists more generally is due to the perception that many anti-ban activists are insincere in their commitment to human rights and democracy. Although former Islamists affiliated with National Outlook and previous (now outlawed) pro-Islamic parties have publicly renounced political Islamism and have forged alliances with liberal intellectuals who also oppose the ban, many observers have been quick to point out that those who demand freedom of religion are silent on other freedoms and do not extend their activism to any other oppressed groups. Indeed, many anti-ban activists have maintained a narrow focus on "headscarf freedom" rather than pushing for other rights and freedoms, which bolsters their opponents' arguments that these activists have merely strategically appropriated rights discourse but are disingenuous in their commitment to secularism and democracy. As one liberal intellectual and human rights activist lamented in an op-ed piece, with every attempt to lift the

ban, “Once again the ‘Muslims’ [will] appear in the political arena as an actor who would like to bring freedom to its supporters only!”<sup>44</sup>

Another obstacle to the mobilization of non-religious groups and individuals stems from the continued use of provocative slogans at demonstrations, such as “What public space, God is everywhere!”<sup>45</sup> harkens back to Islamists’ discourses in the very recent past, and suggests a considerable number of activists do not merely seek religious freedom under a secular state, but seek a greater role for Islam in the public sphere- the goal of political Islamism. This continuity suggests that despite the recent move to the political center by former Islamists, especially those affiliated with Prime Minister Erdogan’s “conservative democrat” AK Party, many elements of political Islamism remain. Part of the problem is the diversity within the anti-ban movement and within rights-based organizations. The anti-ban movement consists of moderate conservative Muslims linked to liberal intellectuals as well as more radical Islamist elements. This is also true within organizations such as Mazlum Der and Ak Der, in which some members are more moderate while others are more conservative.

The headscarf ban has become a sort of litmus test for one’s commitment to secularism and democracy, and this became all too evident when the AK Party attempted to finally lift the ban at universities in February 2008.<sup>46</sup> The controversial move was highlighted in a case against the AK Party which sought to ban the party for being “the focal point of anti-secular activities”. As Kayacioglu rightly asserts, “it seems as if the *turban* is among those indicators that determine the

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<sup>44</sup> Orhan Kemal Cengiz. “AKP’s Destination: Another Post-modern Coup d’etat?” *Turkish Daily News*, January 19, 2008, online edition.

<sup>45</sup> This was a slogan used at demonstration held in 2005.

<sup>46</sup> The AK Party sought to lift the ban only at universities rather than in all public institutions because this was seen as less controversial than attempting to completely lift the ban. Public opinion surveys suggest that most citizens are comfortable with the removal of the ban at universities, but are less inclined to support removal of the ban at other public institutions.

‘true colors’ of a party” (2007, 103). The AK Party may have won the case but their constitutional amendment to lift the ban was deemed unconstitutional by the Constitutional Court in June 2008.

### **Opportunities, Discursive Repertoires and Mobilization: Mobilizing International Audiences**

Turkey’s Constitutional Court was emboldened by a 2007 ruling by the European Court of Human Rights which upheld the headscarf ban. Victims of the ban began to apply to the European Court of Human Rights in the late 1990s as a strategy to counter the Constitutional Court’s consistent support of the ban.<sup>47</sup> In the infamous *Leyla Sahin v. Turkey* case<sup>48</sup> the ECHR took the Turkish state’s commentary at face value, agreeing that *hijab* threatens social peace and harmony. The ruling strengthened conservative Muslim’s perception that the ECHR was biased. Reactions were harsh. One radical Islamist publication claimed,

It appears that the ECHR applies a different standard in such cases and this undermines the confidence of the Turkish public in its standard of justice... This decision suggests that when Islamic values are on the agenda, universally held values and understanding of justice are suspended while fear, suspicion and prejudice take over the decision-making process.<sup>49</sup>

Scores of covered students had filed cases with the ECHR from the late 90s until the Sahin case, in the hopes the European court would legitimize their claims. However, these and subsequent cases have been dismissed, as the Sahin verdict now stands as precedent.

Supporters of lifting the ban have also pointed to the European Commission’s inattention to the matter. They argue that while the European Commission is quick to point out Turkey’s many human rights violations, and especially those against non-Muslim minorities, it has never

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<sup>47</sup> Mazlum Der held a symposium for lawyers in 1998 to train them in the process of applying to the ECHR.

<sup>48</sup> For a full legal evaluation of the case see Ak Der Legal Evaluation (2005).

<sup>49</sup> From *Hak Soz* magazine (quoted in Benli 2005, 3-4) See also Emre Demir. “ECHR’s Double-Standard in Freedom of Conscience” *Zaman*, Nov. 19, 2005, online edition.

included the headscarf ban in any of its annual progress reports. One journalist from *Zaman* wrote,

I had asked former enlargement commissioner Gunter Verheugen about the headscarf. . 'There is no consensus opinion on this issue among the member countries.' He responded. I posed the question before the Commission time and again, every year after the progress reports are issued. The response is always the same. Last week, I asked the Commission's enlargement director, 'Do you see the headscarf ban as a human rights problem?' 'I will not answer,' he said. ... All right! Is there really common opinion on the headscarf? I think there is. There is no headscarf ban in the universities of any EU member country. I remind the Commission's enlargement general director of this. His answer is the same: 'No comment.' I suggest Brussels cease using the expression 'religious freedoms'. It must be replaced by 'religious freedoms for minorities'. Otherwise, in every document it prepares, the EU insults the intelligence of the Turkish citizens.<sup>50</sup>

The same *Zaman* journalist subsequently reported that Christian Democrats in the European Parliament had launched a campaign to improve the conditions for Christian minorities in Turkey but were strongly opposed to the inclusion of the headscarf in a report on women's rights in Turkey by fellow MP, Emine Bozkurt, an uncovered Dutch parliamentarian of Turkish descent. The inclusion of the issue was discussed at the EP's Women's Rights and Gender Equality Committee, where the Christian Democrats' motion was rejected by the Socialists, Greens and even far-right groups. In the end, however, while the violations of education and employment rights were covered in the report, the word "headscarf" was removed.<sup>51</sup>

Anti-ban activists do, however, have some heavy-hitters in their corner. For example, Joost Lagendijk, the EU-Turkey Joint Parliamentary Commission Co-chair and Cem Ozdemir, European Parliamentary member have been vocal opponents of the ban, stating that "implementation of the law encourages thoughts suggesting that ultra-secular Jacobean in

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<sup>50</sup> Selcuk Gultasli. "EU Not to Place Headscarf Issue in the Progress Report." *Todays Zaman*. November 03,2005, online edition.

<sup>51</sup> Selcuk Gultasli. "Headscarf and European Union." *Today's Zaman*, June 28, 2006, online edition.

Turkey are no worse than some Islamist fanatics with marginal tendencies.”<sup>52</sup> Local activists have also successfully mobilized international NGOs to pressure the Turkish government to lift the ban. Human Rights Watch has perhaps been the most vocal in its efforts. For example, a 2004 HRW memorandum urged the Turkish government to remove the ban as part its efforts to safeguard women’s rights and improve their access to education and employment. HRW also spoke out against the ECHR ruling in the Leyla Sahin case.<sup>53</sup> Amnesty International has also condemned the bans in France and Turkey in its reports. Moreover, the US Commission on International Religious Freedom has condemned the ban in its recent reports.

Despite these international allies, funding opportunities for organizations seeking assistance for anti-ban activities and projects are hard to come by. For example, TESEV, one of Turkey’s leading non-partisan think-tanks sought financial support in 2006 for an in-depth study on the headscarf ban from various funding agencies, including Open Society Institute. Not one funding agency was willing to support the initiative due to rising tensions between secularist elites on the one hand and the AK Party and its constituents on the other.<sup>54</sup>

The same holds true for the European Instrument for Democracy and Human Rights (EIDHR), which has doled out millions of dollars to civil society organizations since Turkey officially became a candidate for membership. However, the various EU funding agencies will not fund civil society projects associated with the headscarf ban. This has made it challenging for

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<sup>52</sup> Joost Lagendijk, and Cem Ozdemir. “Headscarf Ban Does not Suit Turkey.” *Zaman* December 21, 2005, online edition.

<sup>53</sup> HRW reports on the ban include: Human Rights Watch Headscarf Briefing Memorandum, (2004); Turkey: Headscarf Ruling Denies Women Education and Career (Nov. 15, 2005); Turkey: Human Rights Concerns in the Lead up to July Parliamentary Elections (July 19, 2007); Turkey: Constitutional Court Ruling Upholds Headscarf Ban, Religion and Expression Rights Denied, Broader Reform Agenda Endangered (June 5, 2008).

<sup>54</sup> TESEV Democracy Initiative Coordinator, interview by author, Istanbul, Turkey, July 24, 2007.

the EIDHR agencies to reach out to conservative civil society organizations in Turkey, many of which oppose taking funds from the West. Some conservative organizations not opposed to taking EU financial assistance wish to tackle the headscarf ban but as the program coordinator of the EIDHR section in Ankara stated, “It’s my personal goal to reach out to conservative NGOs.... Conservative NGOs are beginning to come around regarding external funding so some progress but another obstacle is that so many of these want to tackle the headscarf issue and the EU refrains from tackling it – you know ECHR and Sahin- directly.”<sup>55</sup>

### **Conclusion**

The emergence of anti-headscarf movement was triggered by a new dress code policy at public institutions in the early 1980s. The female protestors who took the streets were not organized through a specific women’s or anti-headscarf organization. Robust Islamist networks associated especially with Erbakan’s National Outlook movement were appropriated by the victims of the ban. During the early phases of movement activity, Islamist women utilized a strictly Islamist discourse to contest the headscarf ban. This attracted the attention and moral support of Islamists throughout the world, particularly in neighboring Iran. This alarmed secularists and precluded the mobilization of non-Islamists and reform-minded moderates.

Mazlum Der, comprised of individuals associated with individuals the National Outlook movement was a natural ally for ban victims. However, by the early 1990s, allies in parliament pushed through measures to change the wording of the regulation and reform-minded rectors and professors simply stopped implementing the ban in their classrooms and universities.

Consequently, there was a lull in protest activity until the post-modern coup of 1997, when another cycle of protest began.

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<sup>55</sup> European Commission Delegation to Turkey EIDHR Program Coordinator, interview by author, Ankara, Turkey, July 15, 2007.

This cycle was qualitatively different from the previous cycle for two reasons. First, it was organized by newly formed associations which were autonomous from the National Outlook movement. Secondly, Islamist identity in Turkey had undergone significant changes, and some of the anti-ban organizations' discursive repertoires, their proactive attempts to mobilize non-Islamic organizations, and their willingness to make use of open opportunity structures at the international level reflected these changes. In the rapidly changing world of political Islam in Turkey, it is no longer a contradiction to be a devout Muslim claiming human rights, calling for democracy and mobilizing West-rooted transnational advocacy networks. In contrast to the discourse of the 1980s, a larger number of disgruntled ban victims engaged international human rights norms and couched their activism in terms of human rights, especially following the crackdown in 1997. No longer were they beholden to past cultural prohibitions on the use of Western-rooted rights rhetoric and international law. The same could be said of the Human Rights Association, which also changed its practice and began to publicly condemn the headscarf ban as a human rights violation. Despite all of these changes, the headscarf controversy continues to divide people, including rights activists. Moreover, the Leyla Sahin case left conservative Muslims feeling embittered toward the European Court of Human Rights, as its controversial decision is perceived to substantiate Muslim's claims of bias, which may precipitate a return to anti-Westernism just as it was gradually dissipating.

CHAPTER 6  
MOVEMENT IDENTITY-FORMATION AND BROKERAGE

**Introduction**

I do not share any of your views. But, I shall defend to the last your freedom to express them.

–Voltaire

The preceding chapters explored the factors that both enabled and constrained the construction of discursive and collective action repertoires among human rights organizations in Turkey from the 1980s until the present. Social movement analysts have long pointed to three sets of factors that shape collective action: political opportunity structures, mobilizing structures and frames, or what I have called, following Steinberg (1998), discursive repertoires. All of these factors have shaped human rights activism in Turkey over the past three decades. I argue that domestic and international political opportunities have generally benefited activists, especially the growing body of international human rights law and courts such as the European Court of Human Rights, as well as transnational advocacy networks. Turkey's political culture enabled and constrained the way different rights-based organizations articulated their grievances and also impacted their capacity to appropriate mobilizing structures.

Human rights law has provided the language for local groups to frame their grievances and has provided an important tool in the attempt to hold Turkey accountable for human rights violations. As McCann (1994, 9) notes, "the pluralistic character of law provides reform activists with some measure of choice regarding both the general institutional sites and the particular substantive legal resources that might be mobilized to fight policy battles and advance movement goals." We have seen in the Turkish case that international human rights laws were used extensively by all types of activists, and the availability of the European Court of Human Rights as an institutional resource extended the political opportunity structures available since the

politicized nature of Turkish courts, particularly the State Security Courts, were an unreliable source of redress for victims. These international political opportunities provided an incentive for activists to sharpen their legal arguments and discursive repertoires more generally, and overall were certainly beneficial in their struggle to challenge the state.

With regard to mobilizing structures, the use of human rights discourse enabled Turkey's activists to mobilize human rights transnational advocacy networks. Turkish human rights advocates also appropriated pro-Islamic and pro-Kurdish political movements and social networks and Turkey's intelligentsia. This resulted in pressure from "above" and "below".<sup>1</sup> For example, Turkish activists have lobbied the Parliamentary Assembly of the Council of Europe, providing the assembly with reports of abuse. In addition, Turkish organizations have formed alliances with organizations from various European countries, such as the France-based International Federation of Human Rights and the Danish Human Rights Institute, which is currently providing funding for the newly created Human Rights Joint Platform. The Human Rights Foundation of Turkey has not only appropriated TANs dealing with torture, it now stands as a prominent node in a globally active anti-torture network, evident in its role in the creation of the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which became a United Nations official document in 1999.

Despite the domestic and international political opportunities available and the activists' appropriation of domestic and transnational networks there have been significant obstacles to movement effectiveness. Gaps and inconsistencies in international human rights laws, state discretion in interpreting and applying certain principles of international laws, and a state's

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<sup>1</sup> See Keck and Sikkink (1998) for a full discussion of transnational advocacy networks, and Risse, Ropp and Sikkink (1999) on the spiral model.

ability to sign international treaties with reservations have hindered activists' ability to hold Turkey accountable to its international obligations. Regarding the headscarf ban, the ECHR has in fact hindered progress with its 2005 Leyla Sahin decision because pro-ban supporters now point to this decision to uphold the ban (see chapter five). Another problem stems from the lack of enforcement mechanisms attached to various global and regional human rights conventions

Especially in the years preceding Turkey's status as a candidate country to the Europe Union, the lack of enforcement mechanisms allowed the Turkish state to shirk its responsibility to safeguard the rights of its citizens. An additional obstacle to effectiveness stems from Turkey's geostrategic importance to the West, which has prevented overly harsh punishment for noncompliance. For example, despite Turkey's consistently poor human rights record, it was awarded a customs union with the European Union in 1996, and despite only minimal improvement it was awarded candidacy in 1999.<sup>2</sup>

Hence, although human rights defenders in Turkey have arguably had more opportunities than other local movements in developing countries to mobilize international law and transnational advocacy networks due to the robust regional treaties and networks of activists in Europe compared to other regions, the Turkish state has had plenty of room to outmaneuver groups in Turkey and Europe that have pressured it to clean up its human rights record. Only recently, with the advent of Turkey's official candidacy to the EU, has Turkey made significant progress in terms of legal reform, although implementation of legal reform remains stalled.

Cultural norms and values also enabled and constrained movement activists' ability to take advantage of political opportunities or mobilize support. For example, the strong emphasis in

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<sup>2</sup> The EU can arguably be more effective in pressuring Turkey to improve its human rights record if it is a candidate country, and this does indeed appear to be the case. Moreover, human rights defenders have also been advocates of EU membership since it will ostensibly lead to great improvements, even as they have been critical of the EU's acceptance of Turkey.

Islam on social justice has induced action to address controversial issues such as the Kurdish question, even though much of the support of Islamist organizations has been humanitarian aid rather than advocacy of rights. In addition, despite the egregious rights violations and weak democracy in Turkey, there is a well-established commitment to representative democracy if not liberal democracy per se.

The cultural taboos surrounding the recognition of Kurdish ethnicity and political Islam have posed formidable challenges to activists in terms of their ability to mobilize the masses. These taboos have strengthened pro-establishment elites' criticisms of rights-based organizations as threats to national unity, thereby stigmatizing many rights-based organizations. Citing national security, state officials in Turkey have consistently used the Kurdish insurgency and the threat of Islamism as a pretext for limiting the rights of Turkish citizens. Given the high degree of legitimacy held by the military in Turkey<sup>3</sup> and the still-prevalent Sevres syndrome, the pretext of national unity has been a rather successful device in hampering the ability of human rights activists to mobilize non-victims and individuals outside Kurdish and Islamist social networks.

Indeed, the stigma attached to certain types of activism, especially demands made on behalf of Kurds or Islamists blocked mobilization efforts by activists and precluded a more robust and mainstream human rights movement. Although social networks are often treated as a resource in many social movement analyses, as Goodwin and Jasper (2004) argue, they can "just as easily drive people away from social movements as hitch the two together." This was certainly the case in Turkey where the mobilization of Kurdish nationalist networks and Islamist networks were a resource and a hindrance to broader mobilization. Compounding this was the danger

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<sup>3</sup> Public opinion surveys have consistently shown the military to be the most trusted and respected state institution in Turkey.

associated with making strong demands, particularly those dealing with Kurdish rights, in an environment where advocates have actually been murdered.<sup>4</sup>

As with linkages to political parties and broader political movements, ties to international organizations and funding agencies are also problematic due to the stigma attached to mobilizing foreign entities, which tarnishes Turkey's image internationally. The successful appropriation of human rights transnational advocacy networks has been a mixed blessing. Rights-based organizations have long been accused of being puppets of the Western organizations that provide support, be it financial, organizational or political. This criticism has not only been come from state officials but also from these organizations' respective membership bases. For example, some members of the HRA, Mazlum Der and the HRFT among others, are leery of accepting funds from Western organizations with direct ties to Western governments or EU funding agencies, and some are even opposed to funds from fully autonomous Western organizations. This puts resource-poor organizations in a difficult predicament. In addition, local organizations must package their message to resonate with distant audiences, which may alienate them from their base constituents. Consequently, "the effects of assistance are more ambiguous than is often acknowledged" (Bob 2005, 6).

Similar to mobilizing structures, although links to political parties are often depicted in social movement theory as a political opportunity,<sup>5</sup> the perceived ties between rights-based organizations and pro-Kurdish and pro-Islamic political parties and movements have been problematic for rights organizations because their political allies were branded as traitors and threats to national unity. In sum, along with institutional constraints, Turkey's human rights

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<sup>4</sup> In addition to 14 members of the HRA, dozens of pro-Kurdish politicians were murdered during the 1990s and a number of investigative journalists have shared the same fate.

<sup>5</sup> See McAdam, McCarthy and Zald (1996); McAdam, Tarrow and Tilly (2001); Goodwin and Jasper 2004).

activists must also battle strong cultural norms that in effect turn resources such as “political opportunity structures” and “mobilizing structures” into barriers due to the way these links are culturally interpreted by state elites and society at large.

Overall, as one analyst argues, “Despite their strong transnational links and support in the second half of the 1990s, Turkish NGOs have not yet had a ‘tremendous’ impact on domestic political and social change” (Cizre-Sakallioglu 2001, 42). This is in large measure, I believe, due to the severely repressive state. However, it also stems from the lack of a robust human rights culture in Turkey and the cultural taboos associated with certain demands. As one human rights defender stated that, “what we are trying to do, actually- we are trying to create a new culture. But it’s very difficult.”<sup>6</sup>

Despite the difficulty associated with the task of creating a human rights culture in Turkey, human rights defenders are more determined than ever. Turkey’s EU candidacy breathed new life into the movement and today there are more human rights organizations in Turkey than ever before. The Copenhagen Criteria sets the framework for change in Turkey, and civil society organizations have a role to play in identifying the specific legal and institutional changes that should occur within that broad framework. While the European Union is arguably the main catalyst for legal reform, I believe Turkey’s most influential human rights organizations are well-positioned to make an even greater direct impact on Turkey’s political culture and the nature of civil society due to their issue-oriented activism and cross-factional ties, two areas that remain underdeveloped in Turkey’s civil society.

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<sup>6</sup> Human Rights Agenda Association President, interview by author, Ankara, Turkey, July 31, 2007.

## **Civil Society in Turkey and the Human Rights Movement**

There has been an extraordinary increase in the number of civil society organizations in Turkey since the 1980 coup. Positive developments such as the exponential growth of civil society organizations, the gradual transition from ideology-oriented to issue-oriented activities (Toprak 1995), the distancing from power relations and a dependence on horizontal relations, an openness to newcomers and tolerance of differences with an emphasis on pluralism (Tekeli 2000) make Turkey's civil society more robust and democratic than in the past. Yet, despite these positive developments, analysts and casual observers have pointed to enduring problems. Many argue that the quality of civil society organizations as spaces for participatory democracy based on pluralism and tolerance remains deficient (Gurbey 2006; Keyman 2005; Gormus 2005; Keyman and Icduygu 2003; Kalaycioglu 2002; Karaman and Aras 2000).

For instance, Kalaycioglu (2002) focuses on the perception among Turkey's citizens of membership in a civil society organization and the level of trust. He concludes a culture of distrust seems to be well established in Turkish society. For example, when the level of interpersonal trust is examined, it is seen that nine out of ten people in Turkey do not trust their fellow human beings. In fact, Turkey shares the lowest level of interpersonal trust with Brazil among the countries included in the World Values Survey. This suggests that establishing and maintaining inter-organizational coalitions and especially cross-factional coalitions is difficult.

With respect to the Islam-secular divide in particular, Toprak (1995, 111) noted,

the issue of secularism is increasingly polarizing the society, thus threatening the formation of a consensus on a new definition of civil society as a space outside the sphere of government where different interest groups, ethnic and religious communities coexist and can articulate their views in a milieu of tolerance and legality. There are already signs that tolerance, as an important component of civil society, is in a critical juncture as the Islamist-secularist divide increasingly becomes translated into intolerance of the other in daily life.

The Feb 28<sup>th</sup> process brought the simmering Islam-secular tensions that Toprak describes to a boil.

The concerted efforts of the Ankara-based Civil Society Development Center to develop “civility” and “tolerance” among Turkish NGOs is further evidence of the work that still needs to be done in terms of developing a democratic civil society. For example, the Center has made a concerted effort to strengthen civil society by specifically tackling the issue of intergroup relations, emphasizing that “standing side by side with our differences without trying to change or correct the others and without trying to make them more like ourselves is a skill...”<sup>7</sup>

Cohen and Arato (1992) assert that in modern civil society a “minimal” or “weak” collective political identity is shared by a plurality of groups, each with its own particular version of the good life, and this acts as an impediment to the type of divisiveness witnessed in Turkey. As I have shown in previous chapters, the most active and influential human rights organizations were in fact plagued by partisanship and ideology-based activism in the early phases of movement activity. There remain a large number of organizations, especially Islamist ones, which utilize a language of rights to advance particularistic goals, while remaining either on the fringes or completely isolated from networks of human rights activists. There will always be the presence of ideological purists in civil society who flatly reject cross-factional dialogue and there still exist far too many of these types of organizations in Turkey’s civil society.

However, Turkey’s largest and most influential rights organizations are not merely paying lip service to multiculturalism and tolerance, but rather stand as an example of formal cross-factional cooperation in Turkish civil society. Today, these organizations and others within their network operate under guiding principles of pragmatic, issue-oriented human rights activism.

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<sup>7</sup> Siviliz Newsletter Issue 9 (June 2007).

Thus, the transformation of organizations such as the Human Rights Association and Mazlum Der, which have transcended the partisan and ideology-oriented activism of yesteryear, merits attention.

The rest of this chapter explores the evolution of the human rights organizations and movement structure, from a fragmented collection of groups to a more diverse yet increasingly more cohesive “network of networks” now pulled closer together through the Human Rights Joint Platform. I argue the disparate social groups making rights-based claims gradually coalesced around a burgeoning movement identity that did not precede protest, but rather, was constructed through it. My findings suggest several factors had an integrative effect, contributing to both identity and movement structure, which are interrelated. The human rights language used by disparate claims-making groups provided the building blocks for dialogue, and their similar position as political outsiders and victims of rights violations further facilitated what Snow and Benford (1999) call the construction of similarity by “bridge workers” (organization leaders who worked to link together disparate groups). Discourses concerning civil society, which intensified during the mid-1990s, also played a unifying role, as they also provided “bridge workers” with a language to reinforce a burgeoning movement identity and further facilitated network bridging. These factors engendered a movement identity based on non-partisan human rights activism. Lastly, financial opportunities emerging from transnational links to the Danish Human Rights Institute led to the institutionalization of pre-existing informal ties, resulting in the creation of the Human Rights Joint Platform, Turkey’s first national, grass-roots human rights umbrella organization, which aims to further integrate the movement.

### **Movement Identity Formation**

Resource mobilization theory and political process theory assume an already- existing collective actor, which seeks to maximize its access to integral resources and take full advantage

of political opportunity structures in order to achieve its goals. Melucci (1995) and other new social movements (NSM) theorists argued that a collective actor is not a given, but rather social movements are arenas for the production of a collective actor. Accordingly, movement analysts must explain not just how a group secures resources or takes advantage of political opportunities but also how disparate individuals or groups become a collective through movement work. Melucci (1996, 49) notes that collective identity is important for a movement because it ensures the continuity and permanence of the movement over time and in the face of challenging circumstances that threaten to bring about its demise. It also establishes the limits of the collective actor and its constituent parts with respect to its social environment. Collective identity regulates the membership of individuals, and it defines the requisites for joining the movement and the criteria by which members recognize themselves and are recognized.

Della Porta, et al. (2006) assert that while many social movement analyses stress the role of social conditions, participation in collective action (demonstrations, etc.), and the organization itself in order to explain the construction of a collective identity, the role of ideas has been less emphasized. Frame analysis has received a lot of attention in the theoretical literature but the question of how frames and ideas affect identities has not been thoroughly empirically investigated. According to della Porta, et al., collective identity formation is embedded within the framing process, and it is through the “meaning work” involved in forming discursive repertoires that movement actors “symbolically construct a collective subject” (2006, 62). During framing, activists articulate their diagnoses, offer prognoses for the problems at hand and also craft a message to mobilize particular audiences (Snow and Benford 1988, 199-200). Motivational framing (Hunt, Benford and Snow 1994), and adversarial framing (Gamson 1992) which construct an us-them framework that demarcates friends and foes is of particular import.

Meetings, demonstrations, press releases, brochures and other organizational literature are all social and semiotic sites for the continuous construction of identity, and collective identity can be observed in names/self-labels, symbols, rituals, clothing and collective narratives (Polletta and Jasper 2001). Actors external to the movement, especially opponents within the state and media, also contribute to the collective identity formation process by challenging or reinforcing identity categories.

My aim was to determine whether a movement identity existed among human rights activists in Turkey. I looked to della Porta, et al.'s (2006) analysis of movement identity for insight. Della Porta, et al. conducted surveys to measure the degree of frame resonance (the fit between organizational/movement and personal identity) among anti-global movement participants to bolster their argument that the anti-global transnational movement is more than just a heterogeneous coalition of disparate organization and individuals, but rather a transnational social movement held together by a collective identity. I carried out in-depth interviews with fifty activists, primarily organization leaders.<sup>8</sup> In addition, like della Porta, et al., I analyzed organizational literature, paying close attention to the way framing contributes to identity-formation by defining the “protagonists”, “antagonists” and the “audience” of collective action. Lastly, I conducted participant observation at joint events (e.g., conferences, demonstrations, etc.) to gain a deeper understanding of things such as rapport among activists and the overall atmosphere.

Tilly (2002) claims collective political identities are “emergent and contested, relational and collective and they therefore alter as political networks, opportunities and strategies shift”. However, political networks, opportunities and strategies not only affect collective identity but

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<sup>8</sup> For a full list of organizations see chapter one.

are also affected by it. Indeed, della Porta, et al. contend that the symbolic construction of master frames (discursive repertoires/fields) impacts *brokerage*, “the linking of two or more unconnected social sites” (Tarrow 2002).<sup>9</sup> I make the same argument concerning the human rights movement in Turkey: the human rights discursive field provided the ideational building blocks to link previously unconnected rights-based organizations. That is, identity and network formation are inter-related and the causal arrows point in both directions.

### **Evidence of Movement Identity**

Movement identity is observed in what leaders and members say about themselves and their organization and where they situate their organization in the broader political environment. During each interview I inquired about domestic and international partners, paying close attention to the frequency and ordering of organizations mentioned as well as comments relating to identity. In addition, I analyzed organizational literature for evidence of movement identity. It is important to emphasize that the degree to which rank and file members, especially those in the smaller branches of the national organizations, share a movement collective identity is unclear and awaits further research. That is to say, unlike della Porta et al.’s analysis of the degree to which rank and file members identified with not only their respective organizations but with a broader movement, the analysis here only includes organization leaders’ and prominent members’ (e.g., members involved in writing organizational literature) identification with a broader movement.

A movement identity was evident in the literature of the human rights organizations under study. For instance, the self-label of “human rights defenders” (*insan haklari savunucular*) is

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<sup>9</sup> Khagram (1999) argues shared human rights frames constituted the human rights movement in Guatemala. Meyer (2004) makes a similar argument, claiming that organizational identity drives the goals that social movement organizations pursue and the strategies and tactics they use. Goodwin and Jasper (2004), also point to the need to closely examine how discursive repertoires are a determining factor in the bridging of previously disconnected social networks.

widely used by members of some organizations and they speak about the “human rights movement” (*insan haklari hareket*). Organizations such as the HRA, HRFT, Helsinki Citizens’ Assembly-Turkey, Amnesty International-Turkey, Mazlum Der, Association for Liberal Thinking and Human Rights Agenda Association and Ak Der<sup>10</sup> all defined themselves as “human rights organizations” and are all clearly embedded within a network. Joint press statements also use “we human rights defenders” and “human rights organizations” to define the authors of the joint statements and to firmly base their claims on universal rights and freedom.<sup>11</sup>

Mazlum Der and HRA leaders especially attempt to disentangle rights advocacy from partisan identity and assert their movement identity by participating in each other’s demonstrations, carrying out joint demonstrations, and releasing joint statements addressing issues that are perceived to be of interest only to those of a particular in-group.<sup>12</sup> For instance, the HRA released a joint statement with Mazlum Der condemning the derogatory caricatures of the Prophet Muhammad that appeared in a Danish newspaper, and the HRA has publicly spoken against the headscarf ban.<sup>13</sup> These public statements on behalf of the other were part of a deliberate strategy to dispel the misperception that these were important issues only to directly affected groups.<sup>14</sup> Additionally, a few journalists have also made it a point to draw attention to HRA-Mazlum Der links in particular in articles about human rights advocacy.

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<sup>10</sup> Ak Der calls itself a human rights organization but is considered a women’s organization (the women’s movement is quite distinct from the human rights movement); hence, it addresses women’s issue, and most of its activity centers on the headscarf ban. It has ties to the human rights movement through its relations with Mazlum Der, otherwise it is not well-connected to the broader human rights movement.

<sup>11</sup> Press statements also include a list of contributing organizations at the beginning or end of the statement.

<sup>12</sup> Mazlum Der executive member and former president, interview by author, Ankara, Turkey, December 13, 2006.

<sup>13</sup> Joint press release, “Crisis of Caricature Threatens Peace in the World and Respect for Human Rights” made on February 7, 2006, culled from HRA website February 12, 2006.

<sup>14</sup> Mazlum Der executive member and former president, interview by author, Ankara, Turkey, December 13, 2006.

The title of “human rights defender” is not used by Islamists nor do Islamist (Islamic) claims-making organizations represent themselves as human rights organizations, except for Mazlum Der and Ak Der.<sup>15</sup> Ak Der clearly defines itself as a “human rights organization” in its mission statement and makes extensive use of international human rights norms in its literature; however, it primarily addresses the headscarf issue (see chapter five). Other Islamist (Islamic) organizations use rights language to articulate their grievances, however, their use is minimal and they do not stress international human rights norms, but rather rely largely upon Islamic notions of justice. For example, the Association for Free Thought and Education Rights (Ozgur Der) is an Islamist organization that primarily addresses the headscarf ban and the issue of Islamic religious high schools (*imam hatip*).<sup>16</sup> According to Ozgur Der-Diyarbakir president, its members “cannot take as a main reference international documents. But, if they don’t oppose our main reference- the Quran- then that’s ok. However, Western and Islamic principles differ.” He then gave the example of how homosexuality is unacceptable from an Islamic perspective whereas Western principles safeguard the rights of homosexuals.<sup>17</sup> Yavuz (2003) labels the organization as “radical” and indeed, it lies at the margins of Islamism in Turkey. Its members follow a very strict definition of Islam and do not, for example, consider Sufis to be actual

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<sup>15</sup> An Islamic organization currently named Humanitarian Aid Foundation (*Insani Yardim Vakfı*), which engages in humanitarian assistance throughout the Muslim world, was previously called Foundation for People’s Rights and Liberties (*Insan Hak ve Hurriyetler ve Insani Yardim Vakfı*, or IHH. It has kept the acronym of IHH but has since dropped the “rights and freedoms” portion of its name.

<sup>16</sup> In addition to the headscarf ban, which has also been applied at *imam hatip* religious high schools (state-run schools where Islamic clerics are trained), discrimination against *imam hatip* high school graduates has garnered great attention from Islamic groups and several advocacy organizations have been established to address the controversial issue.

<sup>17</sup> Ozgur Der- Diyarbakir President, interview by author, Diyarbakir, Turkey, February 3, 2006.

Muslims.<sup>18</sup> The banners at its activities read, “We are Islamists.” (*Kimligimiz Islamcilar-* literally translated as “our identity is Islamist”) and call for *Intifada*.<sup>19</sup>

With regard to solidarity with people of other groups, the Ozgur Der-Diyarbakir president stated that “victims of violations need a common voice” and alliances are possible, “if the issue is common with others like DHKP, ODP or SHP, which are all on the left margins, even though we are Islamist.” For example, the issue of f-type prison conditions,<sup>20</sup> which leftists have passionately argued against, is one area in which Ozgur Der supports the efforts of leftists. The organization does have ties to Mazlum Der, since both organizations address the headscarf ban. However, in an informal conversation with Mazlum Der leaders, when I asked if Ozgur Der is a human rights organization, the answers ranged from “no” to “sort of”. Some claimed it could not be considered a human rights organization because it did not subscribe to international human rights norms, while one person claimed that since it does address education rights it might be considered a “narrow” rights organization. It is noteworthy, however, that when Mazlum Der interviewees were asked to suggest other rights-based organizations the author should speak with, the HRA was always the first suggested organization and Ozgur Der was not mentioned by a single interviewee.

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<sup>18</sup> Ozgur Der-Istanbul President, interview by author, Istanbul, Turkey, April 12, 2007. In addition, members of Ozgur Der practice strict gender segregation and males and females cannot make physical contact. For example, males will not shake hands with a woman. Interestingly, the male leader I interviewed graciously offered an explanation for not shaking my hand, assuming I was unaware of the custom, lest I think him rude. Gender segregation was not practiced at any Mazlum Der meetings or conferences I attended, and I was always greeted with a firm handshake by females and males.

<sup>19</sup> These banners were hung at Ozgur Der’s 2006 “Kurdish Question” conference in Istanbul, which I attended.

<sup>20</sup> In contrast to most prisons in Turkey which are dormitory style, f-type prisons have single cells for prisoners, which opponents in Turkey claims leave prisoners vulnerable to abuse by prison guards. Prisoners have opposed the prisons by carrying out hunger strikes, resulting in the deaths of dozens of prisoners. For a comprehensive overview of the issue see, *Report from a fact-finding mission to Istanbul and Ankara on 5-11 May 2001 with Updates*, Published by the Euro-Mediterranean Human Rights Network, Kurdish Human Rights Project and the World Organization Against Torture – OMCT.

Della Porta, et al claim the evidence of a collective identity is strong when “actors reveal a long ‘memory’: a ‘narrative identity’ of the Self” (2006, 70). This is important for groups because “a collective actor needs a memory in order to perceive the continuity of its existence” (2006, 70). A movement identity was evident in interviewees’ collective narrative and movement publications, such as the Human Rights Association’s twenty year anniversary book, “We’re on a Long, Narrow Road: HRA is 20” (*Uzun Ince Bir Yoldayiz: IHD 20 Yasinda*), in which activists from HRA and its allies shared their personal and collective experiences over the years.<sup>21</sup> The common story among all the leaders I spoke with from the Human Rights Foundation of Turkey, Human Rights Association, Mazlum Der, Helsinki Citizens’ Assembly and Amnesty-Turkey was strong and consistent. Many, if not most, had been involved in rights advocacy work for at least a decade- some as far back as the 1970s- and their stories of movement development underscore the high degree of ideological fragmentation of early movement activity and their success in overcoming factionalism. I also encountered this collective narrative in organizational literature.

The chapter written by Mazlum Der- Headquarters’ president is a case in point and is representative of the collective narrative of movement activists with whom I spoke. Focusing on Mazlum Der-HRA relations, he states that from time to time in the past, there was a “proclivity to envy each other’s rights and freedoms” as a result of “instigated fears”. Nevertheless, he explains, “for ten years, against the backdrop of clashes produced by various social sectors, an enhanced sensitivity for each other’s rights and freedoms has come to constitute an important model” (Bilgen 2006, 139). He goes on to say that despite “rivalries and competition”, with

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<sup>21</sup> This 2006 publication gives a twenty year chronology of HRA activities, including the story of its creation, its mission statement, list of international partners and specific conferences, campaigns and publications. It also includes 31 chapters written by individual human rights activists affiliated with the HRA and other human rights organizations who share their personal stories of triumphs and tribulations over the past twenty years.

every step taken to battle against rights violations, there emerged an increased “sensitivity” and an acute awareness of “the need to strengthen a sense of togetherness” (140).

The collective narrative points to several things. First, the statement about envying each others rights and freedoms highlights a central feature of intergroup rivalry between the left and right in Turkey. Particularly during the 1980s and early 1990s, radical leftists received an overwhelmingly disproportionate share of human rights violations and often argued that pro-Islamic sectors received favorable treatment from the state, as its main fight was against the far left. Pro-Islamic groups retorted by pointing to things such as the headscarf ban. There was a competition of sorts to depict your group as the more oppressed group, with an underlying implication that rights acquisition was a zero-sum game. This gradually changed among these organizations’ leaders as Mazlum Der exposed the torture and rights violations carried out against members of the far right and its leaders acknowledged and addressed the disproportionate number of violations against leftists.

In regard to the mention of “instigated fears”, as relations between the two organizations began to slowly develop, diagnostic discursive repertoires highlighted the state/official ideology as the source of not only human rights violations, but of the antagonistic relations between the left and right in Turkey which had often led to violent clashes between the two. The human rights problem in Turkey was linked to not only the state or pro-establishment elites but also to an official ideology that produced a political culture that pitted groups against each other. Indeed, interviewees talked about the “lack of empathy” and the problem that “each group is deaf to the problems of the other”. Both organizations’ literature stressed that official ideology caused different sectors of society to fear one another rather than embrace a spirit of tolerance. Articles in both organizations’ bulletins claimed the education system and media in Turkey were used as

a tool to indoctrinate citizens with a “militaristic” and “fascist” mindset that set one group against the other. The groups presented themselves as operating outside this destructive mindset, and their solidarity became, in effect, a part of prognostic discursive repertoires- it became part of the broader solution. Indeed, this unity as “human rights defenders” in the context of an inconducive environment is heralded in the collective narrative as an achievement in itself. The next section expounds upon the factors that contributed to movement identity and inter-organizational ties.

### **Factors Contributing to Movement Identity-formation and Inter-organizational ties**

#### **Human Rights Discourse as a Unifying Force**

Three social groups had historically been targeted as the main threats to the Turkish state: Kurdish nationalists and Islamists<sup>22</sup> in addition to socialists/communists on the far left who suffered the brunt of state repression during the 1970s and 80s. Far left movements, which were very vocal but marginal, were summarily quashed after the coup. However, Kurdish nationalism and Islamism grew and intensified. These groups’ historical exclusion from the political process led to the politics of recognition, in which Islamists and Kurds sought inclusion as Islamists and Kurds. Yet, human rights language was at the center of identity politics since Kurdish nationalists and Islamist activists utilized human rights law and philosophy to varying degrees with the aim of legitimating their demands for inclusion. Paradoxically, the politics of exclusivity was legitimated through the politics of human rights and multiculturalism. The human rights movement was the site in which these identity-based political movements converged. In this sense Turkey’s human rights movement resembles the anti-global

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<sup>22</sup> By “Kurdish nationalists” I mean Kurds who seek ethnic recognition and rights, and by “Islamists” I mean members of political Islamist movements.

transnational social movement in that it is a “movement of movements” or a “network of networks” (della Porta et al. 2006).

In previous chapters we saw how leftist prisoners subjected to torture, Islamist victims of the headscarf, and Kurdish victims of forced assimilation policies all utilized human rights discursive repertoires. The use of human rights language facilitated a re-examination by HRA activists regarding what they were seeking to accomplish and whom they were defending. For example, as mentioned in chapter four, there was an intense debate in 1990 concerning the decision to expand activity from prisoner solidarity to include the pursuit of cultural rights for the Kurds, which led some Turkish nationalists to abandon the organization. Chapter four also mentions discussions in 1992 regarding whether the HRA should follow Amnesty International’s Yokohama Declaration and demand the Geneva Convention be followed by both parties of armed conflict. In chapter three we saw that the 1993 massacre in Sivas of Alevis by radical Islamists prompted a debate regarding what it meant to be a “human rights” organization. Activists grappled with questions, such as ‘whose rights are we defending? Should we defend everyone’s right to life or only those who belong to our group? The decision to oppose the death penalty for the Islamist perpetrators of the Sivas Massacre in 1993 was, like the decision to pursue Kurdish rights, unpopular with a few of the more radical members.

What is notable is that the debates and decisions made during these formative years were shaped, as one activist put it, by an increasing adherence to “liberal” rather than “socialist” guiding principles, which distinguished HRA from other left-wing solidarity organizations such as TAYAD. HRA leaders I interviewed had a common narrative history in which they talked about these changes during those early years and how they “learned by doing” and also from their growing links to INGOs. The decision to mobilize international human rights law and

transnational advocacy networks did not only shape discourse but also gave rise to deep self-reflection as new questions emerged. The answers to these questions, rooted in liberal notions of rights, led to the gradual disappearance of exclusivist thinking and advocacy work.

In the case of Mazlum Der, it relied upon an interpretation of Islamic justice that was ostensibly committed to non-sectarian activism and the struggle on behalf all oppressed groups, irrespective of their ethnicity, creed or political loyalties. Moreover, it emphasized an ethos of solidarity following the Prophet Muhammad's "alliance of the virtuous" (*Hilfil Fudul*), in which the Prophet adhered to a contract created by non-Muslims in Medina and commanded the faithful to always stand by the oppressed. However, there was great apprehension among Islamists regarding the use of a human rights-centered discourse, which was perceived to be the language of communists, their archenemy in Turkey. Instead, they stressed that human rights were God-given and the Qur'an was the ultimate source of authority on matters of justice.

In addition, because Islamists defined themselves in opposition to the West, there was also the thorny issue of whether they should rely upon Western human rights documents and thereby legitimate them. Indeed, early documents display a clear avoidance of human rights rhetoric with a much greater degree of moralistic discourse rooted in Islam. Moderate leaders, while holding steadfast to the belief that the ultimate source of authority on rights and justice is Islam, nevertheless supported the international human rights legal texts. Similar to the case of the Human Rights Association, some of the more radical members abandoned the organization, criticizing them for transforming the organization into "just a human rights organization".<sup>23</sup>

Moderate leaders pulled the organization further away from political Islamism and closer to a

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<sup>23</sup> Mazlum Der-Headquarters former president, interview by author, Ankara, Turkey, February 7, 2007. Mazlum Der-Headquarters president, interview by author, Ankara, Turkey, February 1, 2007. Mazlum Der-Istanbul president, interview by author, Istanbul, Ankara, August 3, 2005. It should be mentioned that the use of human rights discursive repertoires was not done in the attempt to secure financial resources from international sources since Mazlum Der has been opposed to taking Western funds, and only used EU funds to finance two projects.

liberal-Islamic understanding of human rights, even calling for the abolishment of the Directorate of Religious Affairs because it infringes upon freedom of religion, a stance shared by the HRA.

These organizational histories suggest the human rights discursive field did indeed initiate a dialogue among diverse groups in Turkey, as noted by Cali (2007). Hence, human rights norms facilitated network bridging. I argue this dialogue played a determinative role in the transcendence of previous us-them boundaries and was pivotal in the construction of a movement identity. For example, Human Rights Joint Platform chairperson noted that human rights are the “common principles” that bind the foursome together.<sup>24</sup> Another activist said of allies, “we speak the same language.”<sup>25</sup>

However, it must be noted that there were some negative consequences associated with the use of human rights discourse. Despite the unifying effect of human rights norms, they also served as an impediment to mobilization for two reasons. First, the use of increasingly legalistic language may have alienated rights organizations from ordinary citizens to a certain degree, although neither Mazlum Der nor HRA completely eliminated Islamic or leftist idioms from their respective discourses, which avoided a more pronounced isolation.

Secondly, because the appropriation of mobilizing structures is a key contributing factor of successful mobilization (Tarrow 1994; McAdam 1982; Tilly 1978; McCarthy and Zald 1977), it is imperative that an organization’s discursive repertoires resonate with its base constituency. Left and right wing groups in Turkey have been quite successful in using the divisive language of identity politics to shore up support from their respective groups. The avoidance of this

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<sup>24</sup> Human Rights Joint Platform chairperson, interview by author, Ankara, Turkey, February 22, 2007.

<sup>25</sup> Helsinki Citizens’ Assembly executive member, interview by author, Istanbul, Turkey, July 24, 2007.

divisive language and the inclusion of perceived political opponents into the fold by human rights organizations such as Mazlum Der and the HRA did not necessarily resonate widely among their respective identity groups in the beginning. In a political context in which identity politics sells, the decision to eschew that type of political talk may thwart mobilization. For example, the departure of “ideological people” was “like a loss of blood” for the HRA according to one long-time HRA member. The departure had positive effects because “in a way we are stronger but in a way we are still not as strong in terms of the [number of] people who are dedicating their lives for human rights. Sometimes ideological thinking does not wholly refuse [human rights] but sees itself as *superior* to the human rights movement. They believe *first* in their ideology and that human rights could be one part of that.”<sup>26</sup> That belief is unacceptable.

Mazlum Der leaders spoke of a similar occurrence in their organization. However, despite the loss of some of the more radical members of both of these organizations, the initial problems the use of human rights rhetoric posed to mobilization efforts lessened as human rights discourse became more widely by diverse groups in Turkey, even among Islamists after the February 28<sup>th</sup> Process.<sup>27</sup> The statement above is important because it highlights an important feature of human rights identity that is subsequently addressed, specifically the distinction between ideological people and authentic human rights defenders, and the dissimilarity of the human rights movement from ideological or identity-based movements.

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<sup>26</sup> Human Rights Joint Platform chairperson, interview by author, Ankara, Turkey, February 22, 2007.

<sup>27</sup> Vast changes occurred among Islamists following the 1997 February 28<sup>th</sup> process. For example, “Integration into the West and maintaining Islamic identity are no longer seen as mutually exclusive; one can remain attached to an Islamic identity yet advocate integration with the West as in the case of Turkey’s EU membership bid (Dagi 2006, 92).

## **Mutual Victimization as a Unifying Force**

The social groups affiliated with Mazlum Der, the HRA and other newly created rights-based organizations dealing with Kurdish and Islamist issues were embedded in structures of inequality courtesy of the Kemalist social engineering project. Their marginalization as political outsiders and mutual victimization at the hands of pro-establishment elites in the state and media provided a foundation for the construction of similarity in addition to the universalism inherent in human rights principles. Mutual victimization was also highlighted in discussions of “empathy”- a term that features prominently in discussions of tolerance. Indeed, this movement began and still is largely a “victims’ movement”; it is comprised of victims and seeks redress for victims. For example, the head of the Amnesty International-Turkey working group in Diyarbakir stated the following.

The remarkable thing about Turkey’s human rights movement is the presence of opposition. For example, IHD started as leftists, then after the 90s it was focusing on the Kurdish issue, and so on. But when you look at other Amnesty groups in Europe most of them are not *against* their state. I mean, Amnesty volunteers in Europe are mainly retired people but in Turkey the human rights movement is an opposition movement of victims against the state. So, in Turkey it’s an opposition force and it’s considered to be just for victims, not for everyone.<sup>28</sup>

Indeed, for many participants, it was their experience as victims that formed the catalyst to become human rights advocates, rather than some abstract commitment to human rights. The common experience of victims functioned to cement a collective identity in a way that abstract human rights norms alone may not have. Mutual victimization also aided in the affective component to identity- the “we” feeling- that engenders empathy and transforms collective interest into collective identity (Polletta and Jasper 2001). The continuous repression of Kurd and

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<sup>28</sup> Amnesty International working group leader, interview by author, Diyarbakir, Turkey, Feb 2, 2006.

Islamists by the state facilitated closer ties between the HRA and Mazlum Der to ensure organizational survival and effectiveness.

Although mutual victimization and a sense of opposition facilitated movement identity-formation and had an integrative effect on movement structure, the appearance of the movement as an opposition force posed some difficulties in mobilizing support due to the political attitude towards opposition movements in Turkey. Prominent Turkish sociologist Serif Mardin has argued “Turkish political culture has an intrinsic, fierce enmity towards the concept of opposition,” which results from a psychological position, “that can be described as divisiveness anxiety” (Mardin 1991, 180). He further states that accusing challengers of betrayal and/or separatism has been the most common tactic in the history of repression of political opposition since the early years of the Turkish Republic, and it continues to hinder the development of Turkish civil society, and hence, democratic consolidation. Because many human rights activists were Kurds and Islamists, and they defended the rights of those facing the brunt of human rights violations, namely Kurds and Islamists, and because broader Kurdish nationalist and Islamist political opposition movements were largely seen as illegitimate, it was exceedingly difficult for them to build credibility and mobilize people outside Kurdish and Islamist networks. In sum, their position as political outsiders, and their anti-statist posture may have hampered mobilization of more “mainstream” individuals while at the same time providing a sense of commonality among them.

### **Civil Society Discourse as a Unifying Force**

In addition to human rights discourse, discussions concerning civil society began to take center stage in the 1990s. The civil society concept entered discussions in Turkey during the 1970s among far left groups; however, it was not well-known and remained so until the 1980s, when it was rediscovered by Turkey’s intelligentsia (Toprak 1995). During the 1980s when Latin

American countries were returning to democracy and communism was declining Eastern Europe, civil society was increasingly touted in global discourses as the catalyst for a transition to democracy. As the concept gained popularity among intellectuals in Turkey in the 1990s it became inextricably tied to democratization and was hailed the central component of democratic life and a prerequisite for a modern and democratic society (Keyman 2005).

By 1994, there were annual conferences held to discuss *Sivil Toplum Kuruluslar*, or civil society organizations. There are two different terms for civil society organization in Turkish, *sivil toplum orgut* and *sivil toplum kurulus*, the difference being the word used for “organization”. The word *orgut* has more a partisan or ideological connotation whereas the term *kurulus* is more politically neutral and technical. Hence, by using the term *sivil toplum kuruluslar* as the conference title, there was an implicit preference for the more politically neutral term. Indeed, this term has come to be the preferred translation throughout Turkey (Baykal 2007, 115).<sup>29</sup>

The terminology and the conceptualization of civil society were addressed at an event that contributed to discussions of civil society and democracy in Turkey, and more specifically in the human rights movement. The event was the 1996 United Nations International Conference on Human Settlements (Habitat II) held in Istanbul, which provided a springboard to discuss the

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<sup>29</sup> There are ongoing debates surrounding the use of STK and the self-labeling by some organizations as STK. Some argue STK is a misnomer because in Turkey all types of organizations now call themselves an STK, but many of these civil society organizations do not meet the criteria of a civil society organization. For example, Icdygu and Keyman (2003) criticize the “use and abuse of ‘civil society’, as the wide use and broadening of the concept has caused it to lose its utility. Ugur (1998) argues the STK label should be reserved for only those organizations that respect the “other’s” opinion and free-thinking. Gormus (2005) claims, “although CSOs must work in a way to account for different opinions, consider or even embrace them, they [Turkish CSOs] are mostly seen as sticking to their own opinions in a rather rigid manner or remaining in the confines of representing their own opinion only. This situation ends up excluding other views as well as limiting the common sharing.” Similarly, Icdygu and Keyman (2003) criticize self-avowed civil society organizations in Turkey that promote essentialist or anti-democratic political projects. Furthermore, some CSOs in Turkey define their mission as upholding official ideology of the state (Yerasimos 2000). Turkey’s EU-funded Civil Society Development Center has been working assiduously since its creation to teach organizations about these criteria and offer assistance in logistical and organizational matters.

role of civil society in democratization and also an unprecedented opportunity for local Turkish organizations of all types to network with each other, and in turn with representatives from INGOs, foreign governments, think tanks and inter-governmental organizations.

Holding a meeting on “adequate shelter and sustainable human settlements” in a country fighting an intense war that led to the forced evacuation of some 3,000 villages and culminated in a serious IDP<sup>30</sup> problem sparked some controversy in Turkey. The HRA called for a boycott of the forum at the Habitat International Committee’s meeting; however, most Turkish NGOs rejected the idea given the unprecedented opportunity to network. Undeterred, the HRA prepared parallel meetings, called the Alternative Habitat II Forum, in which some thirty organizations including Mazlum Der participated. The alternative forum, although banned by police after its second day, gave NGOs the opportunity to address human rights issues that were not included in the Habitat II agenda.<sup>31</sup>

There were discussions at the main forum and alternative forum regarding the role of civil society in democratization and achieving social justice, and it was emphasized that civil society organizations have natural ethical values, such as trust, responsibility and solidarity. Indeed, these were forums to celebrate civil society, and activists came away with renewed vigor. There was an increased emphasis in prognostic framing on the role of civil society in ameliorating Turkey’s human rights problems and paving the way to democratic consolidation. More of an emphasis was also placed on multiculturalism and pluralism. Rights organizations’ mobilization repertoires also saw a rise in meso-mobilization efforts to attract support from civil society organizations. Civil society, like human rights, has a homogenizing effect in which diversity is

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<sup>30</sup> Internally Displaced Persons

<sup>31</sup> The Alternative Habitat Forum’s activities included forums on minorities, the environment, war and forced migration, health and education, settlement, culture and values, child and labor issues. See “Alternative Habitat: The Other Side of the Coin” by Erdinc Ergenc, in *Turkish Daily News* May 31, 1996.

overshadowed as all actors are depicted as being on the same team, so to speak. The alternative forum provided an opportunity to reinforce the blossoming ties among Turkish organizations and also between Turkish and international organizations. In fact, the solidarity at this forum prompted HRA and HRFT leaders to organize annual “Human Rights Movement” conferences beginning in 1998.

The European Union process in Turkey has kept discussions about civil society at the forefront of the political agenda. As part of the process, the Civil Society Development Initiative brought together academics and practitioners to seek ways to fortify civil society in Turkey. The initiative was institutionalized as the Ankara-based Center for the Development of Civil Society, and is funded by the EU. The center acts as a vehicle for the diffusion of democratic norms of civil society and it seeks to contribute to the development of a strong and democratic civil society by providing training seminars to strengthen the organizational capacity of grass-roots organizations, and make their voice louder in the political process.<sup>32</sup>

### **Bridge Workers and the Construction of Similarity**

Snow and Benford (1999) argue similarity is socially constructed. Similarly, Bill and Delany (2001, 9) contend the negotiation of difference within social movements is often facilitated by “bridge workers”, persons who “serve as ambassadors of goodwill” between diverse or seemingly opposed groups. Indeed, I found that leaders from each organization under study drove the process of integration by deliberately bringing their respective organizations together in common cause in order to combat the mistrust which frequently characterizes left-rights relations in Turkey and also counter the negative stereotype of human rights organizations as biased. Bridge workers based solidarity ties in the language of human rights and civil society.

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<sup>32</sup> Civil Society Development Center staff person, interview by author, Ankara, Turkey, March 7, 2006. See also website at [www.stgm.org.tr](http://www.stgm.org.tr).

The forging of informal alliances between the organizations was not something that came about due to intense pressure from rank and file members within each organization, but rather was the outcome of a deliberate strategy by bridge workers to push the organizations closer together. The appropriation of human rights language by a wide range of aggrieved groups and similar structural realities as political outsiders and victims enabled the construction of similarity by bridge workers. The deliberate construction of similarity by leaders was a key factor because similar structural conditions or experiences do not automatically generate a collective identity even as they may certainly produce collective interests and case by case informal alliances, joint press releases and partnerships on fact-finding missions.

For example, because Islamic groups had not previously used this West-rooted human rights language to express their collective grievances, Mazlum Der's claim of pursuing human rights was met with dubious reaction. However, Mazlum Der held out the olive branch and HRA reciprocated, and bridge workers invited the other's leaders to organizations meetings. Mazlum Der leaders began to accompany HRA delegations on fact-finding mission to the Southeast and even to Northern Iraq to observe conditions of Kurdish refugee camps. One HRA leader recalled, "we legitimated them in leftist circles", which led to the acceptance of Mazlum Der as a legitimate ally.<sup>33</sup> These meetings and delegations provided the opportunity for the leaders of Mazlum Der and the HRA to work closer together on shared goals. The mutual concern with the plight of Kurds in the Southeast provided numerous opportunities for the HRA, Mazlum Der and representatives from smaller, informal human rights groups and non-affiliated intellectuals to collaborate construction of similarity. For example, according to one Mazlum Der leader, "the big event in the cooperation between HRA and Mazlum Der was going to a PKK camp in the

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<sup>33</sup> HRA-Headquarters president, interview by author, Ankara, Turkey, .March 7, 2006. See also Mazlum Der *Bulteni*, August 1994, 6.

mid-90s to rescue kidnapped soldiers.”<sup>34</sup> The presidents of both organizations were detained during that mission. Undeterred, these leaders and a diverse cadre of journalists and intellectuals returned to the Southeast to investigate an alleged PKK bombing in the town of Guclukonak, which the delegation linked to the state.<sup>35</sup>

The mid-1990s was a period of intense bridge work and movement activity. Rochon (1988, 92) notes that “agreement on a core issue tends to mute conflict and disagreements are set aside during periods of intensive activity and mobilization efforts.” Freedom of thought has particularly been used to construct similarity and cement ties among divergent groups. For example, in 1995, after one of Turkey’s most beloved writers, Yasar Kemal, was indicted by a State Security Court for denigrating Turkey in an interview with *Der Spiegel* German publication, fellow artists and intellectuals of all stripes started a “civil disobedience for freedom of thought” wing of the movement. These activists began to publish books in which every text and speech of individuals prosecuted and found guilty by the courts in that year was republished by hundreds and then thousands of authors (for example, *Freedom of Thought for Everyone* was published with 77, 663 authors in order to flood the court system) (Yurdatapan and Dilipak 2003).

Two prominent members of the civil disobedience sector, an Islamist founder of Mazlum Der and an atheist member of the HRA, both of whom faced numerous charges for their writings decided to write a book about their differences and commonalities that was slated to be published in 1996. It was shelved because of the publisher’s anxiety that it might generate negative

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<sup>34</sup> Mazlum Der former president, interview by author, Ankara, Turkey, December 13, 2006.

<sup>35</sup> See Mazlum Der *Bulteni* February 1996, 2-6.

reactions. *Opposites: Side by Side* was finally published in Turkish in 2001.<sup>36</sup> The preface to the unpublished first edition (1995) states the authors' mission, "we believe the first steps toward peaceful coexistence are to learn to show each other tolerance and to set an example for others" (Yurdatapan and Dilipak 2003, 3). They echoed Voltaire's saying ("I do not share any of your views. But I shall defend to the last your freedom to express them")<sup>37</sup> and each wrote half of the book, which expressed two things: their vastly different views regarding various issues, especially religion, and their friendship and solidarity based on a commitment to human rights and their mutual struggle to achieve freedom of thought for everyone irrespective their political views.

Figures associated with the HRA and Mazlum Der members were not the only bridge workers. Indeed, this was a period of movement growth. Numerous individuals affiliated with bar associations, unions and professional organizations who had been involved in advocacy work recruited others. In addition, individuals associated with the newly created (1996) Turkey chapter of Amnesty International-Turkey also worked to facilitate cohesion by bringing together diverse groups of activists committed to issue-oriented work, as did intellectuals associated with the Association for Liberal Thinking (ALT) established in 1993 by two Western educated professors.<sup>38</sup> The Human Rights Agenda Association, established in 2003, made it a point to

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<sup>36</sup> The book was originally published by Aykiri Publishers in Turkey as *Kirmizi ile Yesil/Yesil ile Kirmizi* (Red with Green/Green with Red) signifying the colors of socialism (red) and Islam (green). *Opposites: Side by Side*, the English translation, was published in 2003 by George Braziller Publisher. The afterword is written by Jonathan Sugden, Human Rights Watch researcher on Turkey since 1999, and a prominent ally of Turkey's human rights organizations. For more information on the Initiative for Freedom of Expression see its website, [www.antenna-tr.org](http://www.antenna-tr.org).

<sup>37</sup> Voltaire's quote is printed on all literature and signature campaigns of the freedom of expression movement sector within the broader human rights movement in Turkey.

<sup>38</sup> The Association for Liberal Thinking organization is an elite organization tied to a publishing house, which publishes books and articles and also coordinated conferences on various issues concerning Turkey's democratization from a politically and economically liberal perspective. It has especially called attention to the issue of secularism and democracy.

recruit individuals from the left to and right. Individuals at think tanks, such as the Turkish Economic and Social Studies Foundation (TESEV), also greatly contributed to the discourse on multiculturalism now espoused widely by various groups in Turkey.

To summarize, I argue several factors contributed to collective identity formation and network bridging among the organizations under study. First, this study corroborates Cali's (2007) claim that human rights discourse initiated a dialogue among diverse organizations. I further conclude that this dialogue is not new but has been ongoing for well over a decade, and it gradually led to the emergence of a movement identity among the leadership of these organizations, which now seeks to cultivate this among the rank and file members through the Human Rights Joint Platform. The leaders' common experiences as victims of intense repression by state elites further cemented these ties, as well as discourse on civil society, which added another layer of discourse used to build bridges among disparate organizations. The constructive building blocks of human rights and civil society discourses as well as common experiences as victims were used by "bridge workers" to emphasize commonalities, thereby drawing these organizations closer together even in the face of intense polarization during the late 1990s due to the February 28<sup>th</sup> process.

### **Movement Identity: The Authentic Human Rights Defender and the Politics of Being**

#### **Apolitical**

Human rights discourse has been used by many groups in Turkey, including state officials, to advance their own strategic interests. The Turkish state has a history of making cosmetic legal changes to placate Western allies. Moreover, victims from every point on the ideological spectrum have cloaked their rhetoric in human rights garb in their attempts to legitimate their claims. The strategic use of human rights discourse, by the state and civil society actors, has

created an environment in which rumors of insincerity abound, and the criticism most often used is that a group is merely using human rights to make political gains for its own social group. Pro-establishment elites have carried out smear campaigns against rights-based organizations, especially the Human Rights Association and the Human Rights Foundation of Turkey, in order to discredit them; secularists have accused Islamists of strategically utilizing human rights language to advance their agenda of an Islamic state; Islamists have accused left-wing advocates of using human rights to help only their left-wing compatriots in prison, and so on.

In this environment of mistrust, an individual's personal convictions and commitment to universal human rights is often in question, but indicators to measure whether an individual or group is an authentic, so to speak, human rights defender have emerged. Today in Turkey, an individual or group's reputation as a bona fide human rights defender rests upon words and deeds which act as indicators of their sincerity and commitment- their authenticity. Two characteristics are used to mark the identity boundaries of the category "human rights defender" or "human rights organization". That is to say, there are two ways in which an organization in particular can "prove" it is a bona fide human rights organization: through independence and impartiality.

When I first began interviewing human rights activists I noticed a recurring theme which was always emphasized when I asked the interviewees were asked to describe their respective organizations. It is also something stated in their mission statements. Time and again, I heard, "We are independent." "Autonomous." "We are not affiliated with any party or group." I soon realized these statements signaled something profoundly important to the activists who continuously emphasized their organizational autonomy when prompted to "tell their story". Their emphasis on autonomy indicated a break with past models of participation and activism in

Turkey. Before the 1980 coup, most challengers pursued their interests within a corporatist structure in which they were dependent upon major political parties and unions linked to the state. That is to say, civil society organizations were not autonomous and were highly partisan.

Movement leaders' emphasis on organizational autonomy during interviews not only explained an important change occurring in Turkey's civil society, it also expressed a normative judgment concerning the necessity of an autonomous and robust civil society for the actualization of democratic consolidation. Organizational independence is a central feature of movement activists' self-narrative and includes independence from the state and foreign governments, political parties, the West, and ideology. Each of these is stressed to varying degrees by different organizations, although all of them are included in these organizations' understanding of "independence". Independence has become perhaps the chief litmus test for authenticity.

However, organizational independence does not imply links to other organizations are necessarily problematic. In fact, linkages may be a source of legitimacy. Transnational allies, for example, function as a source of legitimacy. Mainstream rights-based organizations continually displayed their authenticity by mentioning international NGO partners, such as Amnesty International and Human Rights Watch which are highly respected and noted for their impartiality. They view these partnerships as corroborations of their objectivity and lack of prejudice. Financial ties, however, especially links with any organization directly connected to foreign governments, are highly controversial. The controversy is in part rooted in the Sevres Syndrome. Pro-establishment elites have long used the tactic of accusing human rights organizations of being puppets of the West. For example, a bogus story printed in *Hurriyet* claimed the HRA received money from Greece. The story raised eyebrows and was particularly

unnerving because the money purportedly came from Greece, Turkey's longtime rival and the country which in 1999 harbored PKK leader, Ocalan. The HRA quickly released a press statement revoking the "lie" and unequivocally claiming, "The HRA is an independent human rights organization!" and "especially when it comes to financial matters, we have fastidiously maintained our policy to refuse government funds."<sup>39</sup>

Like secular organizations, Mazlum Der also publicizes with pride its transnational relations. However, ties to the West, although less problematic among conservative groups than in the past, remain a touchy subject. Some members are leery of accepting funds from even the European Union. According to one Mazlum Der member, "accepting money politicizes activism", which is why Mazlum Der does not accept funding from international or domestic organizations. Regarding INGOs in particular, "even if INGOs aren't technically state organs, they're still connected to their countries".<sup>40</sup>

A second way to display authenticity is to exhibit impartiality by tending to a broad range of human rights violations, especially those that affect the "other". There is a wide perception that rights-based organizations are largely political movements in disguise- a residue of the 1970s. They have been continually accused by pro-establishment elites of only making demands for their social milieu in order to advance their group's political goals while ignoring the plight

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<sup>39</sup> HRA *Bulteni* April/May 2001, 29-30.

<sup>40</sup> Mazlum Der-Istanbul Secretary General, interview by author, Istanbul, Turkey, August 9, 2005. Mazlum Der relies upon membership dues and private donations. Members differ regarding their comfort level with external, especially Western, funds. Some people I spoke with thought it is only acceptable to accept funds for things such as sending an organization representative to an international conference or training program whereas others believed Mazlum Der should seek more resources from the EU. Mazlum Der has had only two projects funded by the European Union. The "Education of Clergymen in the Field of Human Rights Law" project was implemented by the Izmir branch from May 21, 2004 to March 2005. Training seminars on human rights law were carried out in twelve towns with participation of 455 clerics. See *Current News: A periodical of the Delegation of the European Commission to Turkey*, No. 6 May 2005, page 14. A second project on refugees in Turkey was carried out in 2005.

of others. In this environment, advocating on behalf of the “other” is met with surprise. One disenchanted activist quipped,

I’m a lawyer. I represent Christians. Everyone thinks that I am a Christian. I write articles addressing gay rights, people think I am a gay. I’m not. I defend the Kurds, they think I’m a Kurd. But I’m not, I’m Turkish. I advocate for Muslims because I think they are really victims of laicism, and people think, ‘ah, are you a Muslim?’ But then they see me drink alcohol and... (laughs). So, it’s weird that at every single moment you have to explain yourself. I am fed up with this!<sup>41</sup>

Indeed, in this type of environment, tending to the “other’s” needs is now interpreted to mean authenticity. A human rights defender, “not only talks the talk but walks the walk”, as one activist put it. In addition, cross-factional cooperation signifies a strong commitment to issue-oriented work rather than ideology-oriented or partisan efforts. Authenticity is based upon its independence from political forces because human rights organizations are supposed to be above politics, which aids in their impartiality. Of course, it is impossible for a human rights organization to completely avoid politics, since its *raison d’être* is to address problems encapsulated within the sphere of politics- a point the HRA and other organizations have repeatedly stated. However, in light of the inherently political nature of human rights advocacy, it is viewed as imperative that an organization avoid being seen as the tool of any political force, including ideological movements.

The authenticity of many pro-Islamic rights-based organizations is especially questioned today. Mazlum Der acquired legitimacy in left-wing circles and in society at large in part due its connection with the HRA, but also because leaders of its headquarters and larger branches have shown a willingness to not only tackle “non-Muslim” issues but also to publicly criticize Islamist parties and overly conservative people. As Ekrem Dumanli, editor-in-chief of the Gulenist Today’s Zaman newspaper wrote, if you denounce or condemn “your own” you are deemed

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<sup>41</sup> Human Rights Agenda Association chairperson, interview by author, Ankara, Turkey, July 31, 2007.

worthy of being taken seriously, you become legitimate in the eyes of passive observers and interested parties through the act of remaining independent of “your kind”.

Indeed, one of the well-respected leaders of Mazlum Der is an intellectual who writes a column in a leftist newspaper. As one non-Islamist activist claimed, “He’s the real deal. He even writes a column in a leftist newspaper!” During my interview with this Mazlum Der leader he openly criticized the more conservative voices in Mazlum Der and in Islamist circles more generally, going so far as to call their views “fascist”. He had aired his views in an interview with the left-leaning *Radikal* newspaper, which created a frenzy of rebuttals from angered Islamists.<sup>42</sup> It remains to be seen whether such criticisms will work to alienate Mazlum Der from Islamists or even “reformed” Islamists, particularly since there are increasing numbers of claims-making Islamic organizations that Mazlum Der must be compete with. The vast changes in Islamist thinking that have taken place since the February 28<sup>th</sup> process suggest many Muslims are more inclined to engage in self-reflection and may even agree with Bilgen’s assertions. Nevertheless, some Islamist rights-based organizations, such as Ozgur Der, continue to pursue a narrow rights agenda that centers on their identity group’s concerns and that regards as legitimate only the international human rights standards that suit their particularistic agendas.

Opponents of the headscarf ban have been especially accused of being disingenuous in their purported commitment to human rights. The accusations of insincerity were so troublesome that a group of headscarved women, on the eve of the passing of a parliamentary bill that would abolish the headscarf ban submitted a declaration that they would not take advantage of their

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<sup>42</sup> For similar remarks see also, “Mazlum Der Criticizes Breach of Rights” in *Turkish Daily News*, January 14, 2005, online edition. For Eytan Machupyen’s (editor of Armenian Agos newspaper and prominent intellectual) take on the matters, see his op-ed, “Islamic Identity’s Role” in *Today’s Zaman*, August 7, 2006, online edition.

headscarf freedom until other oppressed groups, such as the Kurds, were granted equal rights.<sup>43</sup> Hence, in order to “prove” their genuine concern with human rights and legitimate their rights talk, they had to publicly extend that rights talk to the “other”. This was done in response to accusations of parochialism.

To summarize, in Turkey, a group’s human rights activism is perceived as a genuine commitment to human rights more generally only when that organization or group invoking rights language publicly goes beyond its identity group and demands rights for all. This phenomenon is a product of past suspicions toward activists, some who were not interested in liberalization per se, but only more rights for their in-group. The use of expansion to other groups as a criterion for authenticity has two consequences- one positive the other negative.

On the one hand, it encourages and in fact impels organizations to maintain an inclusionary posture or to avoid altogether the appropriation of human rights discursive repertoires. This is a positive consequence in the sense that it suggests there is a general understanding that human rights extend to everyone and that exclusionary practices are unacceptable, especially by claims-making groups articulating their grievances in terms of universal human rights. It also encourages groups to seek cross-factional allies and extend attention to other groups, which works to maintain the practice of issue-oriented rather than ideology-oriented human rights activism. One of the founders of the Human Rights Agenda Association, created in 2003 in Izmir, stated he deliberately invited people from “completely different social circles” in order to breakdown the stereotype that the human rights movement was “reactionary”, and the main

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<sup>43</sup> The AKP government successfully passed the bill with the aid of MHP parliamentarians but it was sent by the opposition CHP to the Constitutional Court. Hence, the ban still stands.

criteria to be a member is that one “must be very sensitive to human rights issues and put human rights over and above everything else.”<sup>44</sup>

On the other hand, the need to prove one’s authenticity by denouncing your kind is divisive and may alienate organizations from their base. Moreover, the need to address a wide range of violations works to discredit the work of single-issue organizations, as it automatically renders them insincere by reason of their narrow agenda. A narrowly focused agenda, however, helps local groups without access to resources stick to small achievable goals, and is therefore a good strategy to avoid the dilemmas faced by multi-issue organizations that tend to overextend themselves. Kurds and conservatives in particular must go to great lengths to “prove” their commitment to human rights and democracy for all.

### **Conclusion**

This dissertation explored the evolution of Turkey’s human rights movement over the past three decades. It is exceedingly difficult to accurately gauge the degree of influence domestic organizations had on Turkey’s reforms due to the significant role of the European Union. However, the case of the Turkish human rights movement illustrates how local actors linked to international organizations pool their ideational and material resources in the pursuit of legal change, applying pressure from above and below.

The main goals of this study were to examine the ways in which the Islam-secular divide was manifested in the movement and to analyze the ways different organizations bridged this divide, particularly the two organizations at the center of the movement, the Human Rights Association and Mazlum Der. The preceding chapters examined the discursive repertoires used by distinct organizations regarding torture and the right to life, the Kurdish issue, and the

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<sup>44</sup> Human Rights Agenda Association president, Ankara, Turkey, July 31, 2007.

headscarf ban. I also analyzed the ways the broader political environment and mobilization imperatives shaped the construction of discursive repertoires and movement dynamics more generally.

I argue that ideas concerning universal human rights- ideas rooted in international human rights norms and Islamic norms of justice- provided the language for local groups to articulate their grievances and the tools to devise solutions for Turkey's human rights problem. More importantly, these ideas about universal human rights formed the ideational building blocks used to transcend past models of activism in Turkey that were based on ideological solidarity. Additionally, discourses on civil society and democratization, as well as the mutual victimization of Islamists and leftists were used by bridge workers to facilitate movement integration. That is to say, the symbolic construction of discursive repertoires facilitated brokerage, which in turn reinforced a burgeoning movement identity even in the face of continued polarization in Turkish society.

The Human Rights Joint Platform is the culmination of years of informal collaboration which was finally institutionalized in 2005. The Human Rights Joint Platform recently launched a bi-monthly magazine called, *Dialog* (Dialogue), which aims to strengthen dialogue among activists and between activists and the state. This name is a mandate and signals the high level of importance accorded to dialogue in this critical period of Turkish democratization. The rights organizations under the Human Rights Joint Platform are auspiciously positioned to play a leading role in the actualization of a culture of human rights, multiculturalism and tolerance. That is why their continued cooperation is so critical for Turkey's civil society and democratic consolidation.

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