

PhD Dissertation: Denial of the Armenian Genocide in American and French Politics

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Abstract

The dissertation seeks to address three sets of questions: Why have the United States and France become involved in the issue of the Armenian genocide several decades after the genocide? How and why do the American and French debates have different outcomes? What conclusions can be drawn from these differences? It examines how the unresolved conflict between the competing Turkish narrative of denial and the Armenian narrative affirming the reality of the genocide has led the Armenian diaspora and the Turkish state to influence political actors in the United States and France to support their arguments for and against the reality of the genocide. This thesis focuses on the debates in the United States in 2007 and 2010 on a Congressional Resolution to recognise the genocide. It also traces the progress of French legislation from French official recognition of the genocide in 2001 to the passage of legislation to criminalise denial of the Armenian genocide in 2012, ultimately ruled unconstitutional by the French Constitutional Council. The contribution to knowledge this thesis makes is to demonstrate that recognition of genocide is a political question that involves more than the perpetrators and victims. Just as genocide does not only involve these two actors, recognition of genocide also involves other states and societies. Just as bystander states have to think about what they do when a genocide is being perpetrated when it comes to recognition they have to evaluate what to do, particularly when they have been involved from the outset.

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Denial of the Armenian genocide in American and French Politics

Introduction

This dissertation undertakes the first in-depth comparative study of the recent debates in American and French politics confronting Turkish official denial of the Armenian genocide of 1915-16 in which approximately 1.5 million Armenians died in a genocide perpetrated by the Young Turk Ottoman government during the First World War. There are various reasons why this subject remains a focus of interest. This is a genocide that occurred almost a century ago. It is denied by Turkey, the successor state to the perpetrator state, the Ottoman Empire. Conversely, it is affirmed by the Armenian diaspora, the state of Armenia and other states. It has become not just an issue for historical debate but a political problem for two non-participant states to resolve, the United States and France. This issue has sparked contentious political debates in these two states. It provides an interesting contrast to denial of the Holocaust which is almost universally recognised and which some western European states have criminal sanctions against its denial. In contrast, a number of Western liberal democracies such as the United States have been opposed to official recognition of the Armenian genocide. Whereas Holocaust denial has been cast to the margins of Western intellectual and political debate, denial of the Armenian genocide has become a salient political issue that has drawn in a range of actors within liberal democracies such as the United States and France. Holocaust denial is not regarded as a legitimate form of historical inquiry whereas denial of the Armenian genocide is still given credence in some circles including political ones, even though the general academic consensus clearly supports the Armenian version of events rather than the Turkish one.

The specific problem which this dissertation seeks to address arises from the fact that denial of the Armenian genocide by the Turkish state has meant that it has become a locked or apparently unresolvable issue between the Armenian diaspora and that state. The fact that this issue has not been resolved by the parties involved has led to other states, principally the United States and France being drawn in to try and find a solution to the problem. How and why this problem, embedded in Turkey's narrative of denial, has developed and consequently how and why the United States and France have attempted to address this problem is the focus of this thesis.

The fact that it has become a political issue in American and French politics is not an accident for a number of reasons. There are three main reasons why this is the case. Firstly, both the Armenian diaspora and the Turkish government have made it a political issue. The Armenian diaspora and the Turkish government have lobbied different branches of the American and French governments to support their version of events (although Turkey has also influenced other governments such as that of the United Kingdom to support its case). The Armenian diaspora for its part would not have made this a political issue if it had not been for Turkey's official denial of the genocide. This might seem an obvious point but even when there is almost unanimous

recognition of the reality of the Holocaust, particularly within Western states, the state of Israel continues to make a point of promoting its recognition and emphasizing its centrality to both Jewish identity and that of the state of Israel itself.

Secondly, there is an important sense in which genocide denial is always a political problem. This is because of the impact it has on survivors of genocide and their descendants. Israel Charny has argued that genocide denial inflicts deep pain on survivors' sense of identity.¹ This is because denial "attacks the historical spirit and morale" of both survivors and descendants of genocide and adds "further burdens on their recovery".² This pain and suffering he describes as a form of humiliation. There is an argument too that genocide denial qualifies as hate speech "a hostile expression targeting a group of individuals for some reasons such as origin, nationality, color or race".³ Ludovic Hennebel and Thomas Hochmann for example have highlighted how German courts have defined Holocaust denial as defamation because they view it as an attack on the personality or "self-conception" of Jews living in Germany.⁴ Robert Kahn has taken this one step further, observing that "most societies respect the dead. By stripping away this respect from the victims of the Holocaust, denial defames the dead and isolates those connected to the victims (principally Jews and survivors) from the rest of the human race". This question of isolation is central to the question of genocide since isolation of the victim group from the rest of society is one of the preparatory acts before genocide is committed; it is therefore incumbent upon a state whose predecessor committed genocide to prevent this isolation from occurring. According to Kahn, "when a state that facilitated the prior acts of violence condones denial, it sends the message that the victim group is not worth protecting".⁵

The third reason why genocide denial is a political issue is because it was always part of the crime itself. Gregory Stanton in particular has argued that genocide denial is the final stage of genocide.⁶ However, Stanton has argued that it exists throughout all the stages of genocide. Perpetrators deny they are about to commit genocide, they deny it when the genocide is underway and they deny it when it has been completed. According to Lawrence Douglas also, "it is an act fully

¹ Israel W Charny "The Psychology of Denial of Known Genocides" In Israel Charny (ed.) *Genocide* (1991) 2:22

² Ibid

³ Ludovic Hennebel and Thomas Hochmann "Introduction: Questioning the Criminalization of Denials" in Ludovic Hennebel and Thomas Hochmann(eds.), *Genocide Denials and the Law* (Oxford: Oxford University Press, 2011). p xix; Robert Cohen-Almagor "Holocaust denial is a Form of Hate Speech" *Amsterdam Law Forum* UJ University Amsterdam 33, 2009-10; Wilke Timmermann 'Countering Hate Speech as a Way of Preventing Genocidal Violence' *Genocide Studies and Prevention* vol 3 no.3 (2008) pp353-374; Lorraine Eisenstat Weinrib "Hate Promotion in a Free and Democratic Society" : R v Keegstra *McGill Law Journal* vol. 36 (1990-1991) p1428; However, other scholars disagree with the idea that genocide denial constitutes hate speech.

⁴ Hennebel and Hochmann *Genocide Denials and the Law* pxix

⁵ Robert Kahn "Holocaust Denial and Hate Speech" *Genocide Denials and the Law* p94

⁶ Gregory Stanton "The Eight Stages of Genocide" *Yale Genocide Studies* (February 1998)

consonant with the methods of the perpetrators”.⁷ As Douglas observed even when the perpetrators commit genocide they often attempt to disguise the intent behind euphemisms, for example, in the case of the Holocaust, the Nazis described it as “the Final Solution” or “Resettlement in the East”. (In the Armenian case it was characterised as deportations). Genocide deniers after the fact also often use the same strategies and tactics as the perpetrators used to mask the intent of the crime.⁸ In the case of the Armenian genocide, Turkey’s denial of the Armenian genocide also helps rehabilitate the perpetrator regime by contributing to a larger campaign in Uğur Ümit Üngör’s view of “exorcis[ing] all violence from the memory of society” including the atrocities committed against the Pontic Greeks, Assyrians and Kurds.⁹ This denial helps Turkish citizens to reconstitute their Turkish national identity but it also helps to rehabilitate the Turkish state in the eyes of the international community. By denying this violence was committed against non-Turkish groups to create a more homogeneous society, the Turkish successor state can claim legitimacy from the wider international community that otherwise could be challenged by the various victim groups.

Genocide denial is also a political issue that liberal democracies in particular have had to grapple with as we have seen with debates around Holocaust denial. These debates have arisen because Holocaust denial is seen by many not only to harm the survivors and their descendants but also to present a challenge to the foundations of Western European democracy. According to Emanuela Fronza, Holocaust denial in particular is an assault on the ethical pact agreed by Western European society after the Second World War “that is the unconditional disapproval of the dynamics that dragged Europe into the horror of war and totalitarianism. This pact was underwritten by a recodification after the war, which included new constitutions of European states and the creation, on an international level, of documents and bodies protecting fundamental rights and expressing a direct disapproval of the atrocious facts and the acceptance of new values”. According to Fronza, denialism “strikes hardest at the ethical pact” established after the war and “racism and denialism thus shake the ethical and legal basis of post-war reconstruction”. To help prevent this threat, in 2008 the European Council agreed the European Framework decision “on combatting certain forms of racism and xenophobia by criminal law” to counter these problems on a Europe wide level.

⁷ Lawrence Douglas “From Trying the Perpetrator to Trying the Denier and Back Again Some Reflections *Genocide Denials and the Law* p 49

⁸ _____, “The Memory and judgement, the law, the holocaust and denial” *History and Memory* 1995; *Wartime Lies: Securing the Holocaust in Law and Literature* *Yale Journal* 367.1995; *The Didactic Trial: Filtering History and Memory into the Courtroom* (Cambridge: Cambridge University Press, 2006); *The Memory of Judgement: Making Law and History in the Trials of the Holocaust* 2001

⁹ Uğur Ümit Üngör, *The Making of Modern Turkey: Nation and State In Eastern Anatolia* (Oxford: Oxford University Press, 2011). P247

This framework decision would help provide the context to later debates in the French Parliament on denial of the Armenian genocide.¹⁰

This issue of denial of the Armenian genocide has gone through three stages. Firstly, denial of the Armenian genocide was originally an issue between the victim and the perpetrator state and then the successor to the perpetrator state. This stage in the process was bound up with the creation of the new state of the republic of Turkey, which emerged from the collapse of the Ottoman Empire. The Armenian genocide caused problems politically for the successor state for a number of reasons. Firstly, a number of the leaders of the new republic of Turkey had been members of the CUP, the party which comprised the main perpetrators of the genocide and some of these leaders had been linked to the genocide itself. The issue of genocide was also harmful to the production and reproduction of the new Turkish national identity that needed to be constituted to replace the old Ottoman multi-faith identity. A portion of the material wealth of the new republic had also been confiscated from the Armenian victim group as well as others including Greeks and Assyrians. Culpability for the genocide had been imposed by the Entente victors after the First World War. However, when the British and French troops left Turkey, the Turkish authorities no longer needed to accept blame for the genocide. This contrasts, significantly, with the experience of defeated Germany after the Second World War when Allied troops remained in occupation of Germany. Consequently, German society was pressed to come to terms with responsibility for the Holocaust whereas in the absence of such pressure from without, Turkish society did not have to address this question directly if at all in the immediate aftermath.¹¹

Another factor in the relationship between Armenians and Turks for a number of years after the genocide was that the Armenians had been weakened culturally as well as politically. They had lost their cultural as well as political elite at the start of the genocide on 24th April 1915 when Armenian leaders in Istanbul were rounded up and then killed. Arguably, the destruction of the intellectual elite of the victim group is always one of the primary objectives of the perpetrators of genocide to hinder the construction of the history of the genocide by the victim group and thereby facilitate denial of the genocide by the perpetrators and their successors. As Marc Nichanian, has argued the elimination of the Armenian intellectual elite ultimately meant the destruction of both these individuals and the potential to create an archive of the genocide recording the victims' experiences and to provide sufficient resources for any meaningful academic history of the

¹⁰ Emanuela Fronza "The Criminal Protection of Memory Some Observations about the Offence of Holocaust Denial" in Ludovic Hennebel and Thomas Hochmann (eds.), *Genocide Denials and the Law* pp.155-181; Lothar Probst "Founding Myths in Europe and the Role of the Holocaust" *New German Critique* no. 90 (2003) pp45-58

¹¹ There are of course significant questions about how many Germans at that time accepted responsibility as was examined in Jeffrey Olick's work *In the House of the Hangman* (Chicago: The University of Chicago Press, 2005). As outlined by Olick the debate around German responsibility after the war in Germany revolved around two main themes. One was that Nazism was a perversion and an aberration in German history. The second was that Nazism was part of a wider European and world-wide trend.

genocide.¹² In the quite prolonged absence of any such history of the genocide, the Armenian diaspora had to rely on memoirs consisting of eyewitness accounts, which could be summarily dismissed as untrustworthy by the Turkish authorities. However, there was one significant historical work on the genocide written by the British historian Arnold Toynbee at the time of the genocide itself, which was in turn dismissed by the Turkish authorities as allied propaganda.¹³ It would take a generation for a new Armenian intellectual elite to be in a position to challenge an already established Turkish position on the genocide

The second stage in the process of denial was when it became a debate involving historians. This debate initially involved Turkish and Armenian historians but then drew in historians who were neither Turkish nor Armenian to support the different versions of events. This debate between historians can be traced in the development of the respective narratives. The Turkish narrative of denial of the genocide existed from just after the events in question where Turkish defendants had to construct a defence of their actions during the war in post-First World War trials in Turkey held at the behest of the Entente victors. This narrative was quashed soon after the victory of Kemal Atatürk and the establishment of the republic of Turkey. This development could be attributed to the fact as Uğur Ümit Üngör has argued that the Republic of Turkey was a continuation of the previous regime rather than a break with the past.¹⁴ A new narrative which drew upon this earlier narrative, however, emerged in the 1950s to facilitate the reproduction of Turkish national identity by defending the Republic of Turkey against the charge that its predecessor committed genocide against the Armenians. It is perhaps not coincidental that the first major work in this narrative by Esat Uras was published in 1953 five years after the Genocide Convention was established.¹⁵

An Armenian academic history of the genocide first began to emerge around the 50th Anniversary of the genocide in 1965, which began to outline in great detail the scope and intent of the genocide. In the forefront of this exposition were Armenian American academics Vahakn Dadrian and Richard Hovannisian. From the 1960s until the turn of the century the competing histories of Turkish nationalist writers denying or minimizing the genocide and the Armenian diaspora historians affirming the reality of the genocide clashed. Each narrative enlisted historians outside both groups to support their position. It must be said, however, that a clear consensus has emerged among the majority of historians to support the Armenian version of events. Having said, that, it has to be recognised that given the diversity of opinions, interests and representation within the Armenian community in the

¹² Marc Nichanian *The historiographic perversion* (New York: Columbia University Press, 2009) p256-261

¹³ Arnold Toynbee, *The Treatment of Armenians in the Ottoman Empire, 1915-1916. Documents presented to Viscount Grey of Falloden by Viscount Bryce* (London: His Majesty's Stationary Office, Joseph Causton & Sons Ltd., 1916).

¹⁴ Uğur Ümit Üngör "Turkey for the Turks' Demographic Engineering in Eastern Anatolia 1914-1945" in Ronald Grigor Suny, Fatma Müge Göçek, Norman M Naimark(eds.) *A Question of Genocide* (Oxford: Oxford University Press, 2011) pp287-305

¹⁵ Esat Uras *Armenians in History and the Armenian Question* (Istanbul: Belge Press, 1953)

diaspora, that to posit such an entity as the “Armenian position” or “version” of events is open to question. There is a small group of historians who still support the Turkish position; however, a number of these have close ties to Turkey. At the same time a number of Turkish intellectuals with Orhan Pamuk and Taner Akçam in the vanguard have broken ranks with the Turkish nationalist narrative and in the past decade have challenged its foundations. The emergence of this consensus within the academic community in support of the Armenian narrative on the genocide has coincided with the third stage of denial of the issue, which has become a political one.

This third stage has become a live political issue involving the parties to the dispute and historians on both sides but also one that has drawn in other states. Denial of the Armenian genocide always was a political issue between the successor state, the Republic of Turkey, and the Armenian diaspora but it has now become a political issue involving other states and a range of actors within those states. Two states in particular have been active participants in this issue, the United States and France. There are three reasons why these states have become involved. The first is that they were both involved to a degree at the time of the genocide although their historical involvement was very different. France was engaged as part of the Entente with Britain and Russia in war against the Ottoman Empire. However, it could be argued that the actions of the Entente contributed to the initiation of the genocide since the period during which the Armenian leadership in Istanbul was rounded up coincided with fears of an Anglo-French landing at Gallipoli, which directly threatened Istanbul. This situation tends to lend weight to the argument made by Mark Levene that genocides are often the consequence of radical regimes reacting to crisis situations where they try to rectify the mistakes made by previous regimes.¹⁶ France also bears some responsibility for failing to keep its promises to the Armenian community in Cilicia when it abandoned this region to Turkish forces under Ataturk after the First World War.

Commenting critically on this episode Dzovinar Kevonian has observed “At the Council of the League of Nations, France...announced its support for a policy of establishing the (Armenian) refugees in the Soviet Socialist Republic of Armenia. As the head of the French delegation at the League of Nations explained, besides the moral kudos that France derived from this generous gesture it might also prompt other member states to adopt similar positions. This latter argument is unsurprising coming from the state previously involved with Cilicia and with withdrawal of French support for the Armenian people”.¹⁷

¹⁶ Mark Levene “Why is the Twentieth Century the Century of Genocide?” *Journal of World History* Vol.11 no.2 (Fall 2000) pp305-336

¹⁷ Dzovinar Kevonian “Un peuple dans la tourmente du genocide a l’apres Lausanne” in Claire Mouradian (ed.), *Arménie-une passion française: le mouvement arménophile en France 1878-1923* (Paris: Magellan & Cie, 2007). P140

The United States has a different and arguably more significant historical relationship to the Armenian genocide. Since the United States never declared war against the Ottoman Empire even after it joined the Entente in war against Germany, its neutral status gave its historical record of the Armenian genocide signal importance. This is because the United States was the only major power that was not linked to one side or the other in the conflict to maintain a full diplomatic corps in the Ottoman Empire up to 1917 when the Ottoman Empire severed diplomatic relations with the United States at Germany's request. This meant that its consular officials in the regions where the genocide was perpetrated were the primary objective eyewitnesses to the genocide. Their official reports of what occurred in the regions constitute the major unmediated primary evidence of the genocide.

Another reason for their involvement in this issue is that the United States and France both participated in the creation of the Genocide Convention. The United States was particularly prominent in drafting the convention after playing a pivotal role in the trials of Nazi war criminals at Nuremberg in 1946. The UN adopted the convention only two years later on 9th December 1948. France and the United States both adapted the convention to their statutory law (although the United States took some time to do so).¹⁸ This was due to the fact that the United States Congress was concerned that the convention would impinge on American sovereignty by imposing sanctions on what the United States had done in the past. The United States would only ratify the convention in the 1980s.¹⁹

The third reason why the United States and France are involved in this issue is because the United States and France are homes to the largest Armenian communities outside Armenia. This Armenian diaspora is located in important electoral districts in American states and French cities and it has used this political importance to become more vocal about recognition of the Armenian genocide and to persuade American and French politicians to recognise the genocide and latterly in France to criminalise its denial. An important development in relations between the Armenian diaspora and the state of Armenia was the break-up of the Soviet Union and the consequent independence of what used to be Soviet Armenia. Two major events coinciding with this break-up highlighted the importance of the relationship between the diaspora and the state of Armenia: the earthquake in 1988 and the conflict over the secession of Nagorno-Karabagh from Azerbaijan. The mobilisation of the diaspora in support of Armenia over these two events also brought home to the diaspora itself a sense of its political strength, which it realized could be mobilised around other issues such as recognition of the Armenian genocide particularly in the United States and France. The different emphasis put on recognition of the genocide by the State of Armenia and the Armenian diaspora should also be understood in the context that the citizens of the state of Armenia, are

¹⁸ William Schabas *Genocide in International Law: The Crime of Crimes* Second Edition (Cambridge: Cambridge University Press, 2009)

¹⁹ Samantha Power *A Problem from Hell: America and the Age of Genocide* (London: Harper Perennial, 2007)

by and large not descendants of survivors of the genocide whereas those in the diaspora are, according to Anne Dastakian and Claire Mouradian.²⁰

These reasons offer a partial explanation for these states' involvement but they do not fully explain it. The fact that the United States and France were drawn into the present controversy over denial of the Armenian genocide raises three sets of questions: how and why have they become involved in this issue so long after the genocide? How and why do those debates have different outcomes and what conclusions can be drawn from these differences? The following chapters will examine these questions and will provide material for conclusions to be drawn from these debates in American and French politics.

Chapter One: History, Politics, Law and the problem of denial of the Armenian genocide

This chapter seeks to answer the question why denial of the Armenian genocide matters so much that it has become a live political issue again. It begins by investigating the origins of the concept based on its author Polish-Jewish lawyer Raphael Lemkin's research into the problem in history and the need for a law by highlighting recently occurring events in history, particularly the Armenian genocide. The chapter then analyses the issues that were a feature of debate in forming the Genocide Convention of 1948 particularly to do with numbers, intent and the definition of group and their relevance to the Armenian genocide. These issues are particularly relevant to denial of genocide since many deniers' arguments revolve around these issues. Following this analysis the literature on genocide denial is reviewed focusing on the Holocaust, genocides prior to the Holocaust particularly in Australia and North America, genocides after the Holocaust in Rwanda, Darfur, Bosnia, Cambodia and East Timor and finally denial of the Armenian genocide. Each of these denials has its own characteristics and dilemmas but in the Armenian case a great deal of emphasis has been placed by some writers on geopolitics. The particularly influential argument of one of the writers on the Armenian genocide, Donald Bloxham, is very useful in contextualising the historical relationships of the United States and France to the Armenian genocide. This argument is that geo-political considerations were the main driving force behind the Great Powers' interest in the Armenian issue and continues to be the primary motivating factor. Not everyone places such exclusive and overwhelming emphasis on geopolitical factors; others for example Peter Balakian argue that normative considerations arising from these historical relationships also have to be taken into account. In this thesis a multiplicity of different factors will be analysed at work in different ways across the two cases.

²⁰ Anne Dastakian and Claire Mouradian, *100 réponses sur Le génocide des Arméniens* (Paris: Tournon). P64

Chapter Two- The Politics of the Historiography of the Armenian Genocide

Chapter Two will review the literature of the Turkish and Armenian narratives, highlighting the political dimensions and purposes of the arguments proposed by the competing discourses and the changing context in which they have been framed and developed. The chapter will begin with a review of the hard line Turkish narrative of the genocide supported by its allies among non-Turkish writers which helped establish the initial Turkish official line on the genocide. This narrative was opposed at the outset by witnesses, survivors and historians who have identified themselves as Armenian. The overwhelming majority of non-Armenian and non-Turkish historians have largely supported the Armenian position with some signal and notorious exceptions. This challenge to the Turkish official position from within the wider intellectual community provides the context for the emergent opposition to the Turkish official line on the genocide from within the Turkish intellectual community, coinciding with other tensions arising from Turkey's putative EU accession. These challenges help to inform the Turkish government's legal response domestically to the issue of the Armenian genocide and the most recent version of the Turkish official line on the genocide. The chapter will demonstrate two salient points. Firstly, the Turkish narrative has evolved over time and the concerns of the Turkish state have changed. Secondly, the Armenian narrative has its own history and the writers within this narrative have had to mobilise the Armenian diaspora to help achieve recognition of the Armenian genocide.

Chapter Three-The Battle for a US Resolution

Chapter Three will analyse the campaign for a Congressional resolution recognising the Armenian genocide concentrating particularly on the most recent debates in 2007 and 2010. It will begin with an analytical framework, examining the influence of strategic interests, republican values, the US Constitution highlighting in particular the importance of the protections granted to free speech by the First Amendment of the Bill of Rights in shaping the terms of debate in American politics. It will also analyse the relationship between governments, political parties in Congress and pressure groups in the formation of policy, principally foreign policy. The chapter will then examine the role played in the debates by the protection of American strategic interests in the wider Middle East, the promotion of republican values, the influence of the US Constitution separating powers between the different branches of government, the interplay between not only the American government but also the Turkish and Israeli governments, political parties in Congress and Armenian and Jewish-American pressure groups as well as American lobbyists acting on behalf of the Turkish government. It will also review the role which America's historical relationship to the genocide plays in the legislative debate and the contribution of academics in the US to the debate on the legislation and the impact of this legislation on academic work.

Chapter Four- French Law and Turkish Denial

Chapter Four will examine the rather different history of the debates in French politics, first, not just to recognise the Armenian genocide but also to criminalise its denial, an issue never raised in the United States. The chapter commences with an analytical framework looking at the interaction of strategic interests, republican values, the French Constitution and the relationship between governments, political parties in Parliament and pressure groups in the formation of policy, particularly foreign policy. It will then analyse the role played by the promotion of republican values, the French Constitution's division of powers, French strategic interests in the European Union and the wider Middle East, the interplay of French, Turkish and Armenian governments, French political parties in the French parliament and Turkish and Armenian pressure groups, the role played by France's historical relationship to the Armenian genocide and the contribution of French academics to the debate and the potential impact of legislation on academic work.

Chapter One: History, Politics, Law and the problem of denial of the Armenian genocide

This chapter seeks to answer the question why denial of the Armenian genocide matters so much that it has become a live political issue again? An initial response has to do with the problematic status of the concept of genocide. It could perhaps be argued that the concept of genocide defines an historical understanding of an event but also legally labels that event a crime, indeed the crime of crimes.²¹ This is a crime that is committed in the present day but has also been committed in the past. This conceptual amalgam of history and law, which legally as well as historically links the past with the present means that a genocide is an historical event, which is politically loaded. Unlike certain other historical events, which remain the preserve of professional historians, recognition of genocide involves the interaction of a range of political actors including the survivors, the perpetrator state or its successor and also other political agents. In this context, denial of the Armenian genocide by Turkey has thereby meant that this historical event has remained politically loaded due to the continued denial by Turkey of its legal as well as historical responsibility for this crime.

In order to encourage Turkey to acknowledge the crime committed against the Armenians the Armenian diaspora has attempted to mobilise other states particularly the United States and France to recognise the Armenian genocide. To gain recognition for this historical crime Armenian Americans and French Armenians have appealed to the governments of the United States and France to recall their own historical relationships to the genocide and particularly in the United States' case its historical record of the genocide. The primary motivating factor behind this invocation of American and French historical relationships to the genocide appears to be that these offer the most significant rebuttals to Turkey's official denial of the genocide. These historical relationships at the time of the genocide and its aftermath will be traced in the second half of this chapter.

The origins of the term "genocide"

The historical nature of genocide is integral to how the concept of genocide was developed and the Armenian genocide as a dramatic new act in this historical continuum played a pivotal role in this intellectual process. Indeed the author of the term, Polish-Jewish lawyer, Raphael Lemkin, was an historian as well as a lawyer. Lemkin began to think about the concept and the need for a law by thinking about recently occurring events in history, particularly the Armenian genocide. How then did Lemkin arrive at his concept of genocide? Raphael Lemkin, worked as a prosecutor in Poland during the 1930s. He had originally enrolled as a linguistics student but then changed his course of study to law when he heard of the assassination of the Young Turk leader Talat by the Armenian Soghoman Telhiran in 1921, as part of a series of targeted assassinations of the perpetrators of the Armenian genocide by an Armenian assassination squad, which focused the world's attention on the massacre of the Armenians during the First World War in the

²¹ The term specifically used by the International and Criminal Tribunal for Rwanda in *Prosecutor v Kambanda Judgement and Sentence, ICTR-97-23-S (4 September 1998)* para 16. It is also cited in the subtitle of William Schabas's book *Genocide in International Law: the crime of crimes*

Ottoman Empire. It is important to note that although Lemkin developed this concept in 1944 as a response to the Holocaust; it was the Armenian genocide that had provided the original inspiration for his understanding of the crime as part of his study of genocide in history. According to Dan Stone “his comments on the Holocaust make sense only in light of Lemkin’s detailed study of other genocides” which included those occurring in ancient times, in the Americas and Australia as well as the Armenian genocide.²² In Stone’s view this study of earlier genocides including the Armenian genocides “provided Lemkin with a conceptual framework for understanding German actions”.²³ In establishing this framework, “Lemkin could formulate a broad theory and definition in which the Holocaust served as a prime example not an exception”. The Holocaust was “not a ‘unique’ occurrence” but part of an historical continuum.²⁴

Lemkin already had an interest in the motivations for mass murder throughout history; however, the Telhiran case in particular raised the question in his mind of how state sovereignty can permit states to commit mass murder with virtual impunity against their citizens. Bearing in mind the massacre of the Armenians and the rise to power of the Nazis, he began to develop a theory on how to prevent what, in 1933, in an address to a Madrid conference on criminal law he defined as ‘barbarism’ and ‘vandalism’. He described barbarism as acts of extermination directed against ethnic, religious or social collectivities whatever the motive and brutalities which attack the dignity of the individual in cases where those acts of humiliation have their source in a campaign of extermination directed against the collectivity of which the victim is a member. The attack on the collectivity could “also take the form of systematic and organised destruction of the art and cultural heritage in which the unique genius and achievement of a collectivity are revealed in the fields of science, arts and literature”.²⁵

In some ways Lemkin could be thought to be responding to Winston Churchill’s comment about the actions of the Nazis that “we are in the presence of a crime without a name”.²⁶ In order to resolve this conundrum, Lemkin tried to arrive at a precise definition, employing his legal and linguistic skills as well as his vast knowledge of history. Lemkin invented the word “genocide” from the Greek derivative *geno* meaning tribe or race and the Latin *cide* meaning killing, which first came to public attention in 1944 on the publication of *Axis Rule in Occupied Europe*. In this work, Lemkin wrote that “genocide meant a co-ordinated plan of different actions aimed at the destruction of essential foundations of life of national groups with the aim of annihilating the groups themselves”.²⁷ Lemkin argued in 1946 that genocide can be carried out through acts against individuals, when the

²² Dan Stone “Raphael Lemkin and the Holocaust” *Journal of Genocide Research* (2005) December 539-550 p546

²³ Ibid. p546

²⁴ Op. Cit. Michael McDonnell and Dirk Moses “Raphael Lemkin as Historian of Genocide in the Americas” *Journal of Genocide Research* (2005) 7(4) December 501-529

²⁵ Raphael Lemkin “Acts Constituting a General (Transnational) Danger Considered as Offences Against the Laws of Nations Additional Explications to the Special Report Presented to the 5th Conference for the Unification of Penal Law in Madrid (14-20 October 1933) pp 1-8

<http://www.preventgenocide.org/lemkin/madrid1933-english.htm>

²⁶ Samantha Power *A Problem from Hell*, London: Harper Perennial 2007 p29

²⁷ Raphael Lemkin *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government Proposals for Redress* (Washington DC: Carnegie Endowment for International Peace Division of Law 1944) p79

ultimate intent is to annihilate the entire group composed of these individuals. Every specific act of genocide as directed against individuals as members of a national or racial group is illegal under the Hague Convention. He stated, “the criminal intent to kill or destroy all the members of such a group shows premeditation and deliberation and a state of systematic criminality which is only an aggravated circumstance for the punishment”.²⁸ Lemkin stated that the crimes of the Third Reich of “wantonly and deliberately wiping out whole peoples is not utterly new in the world. It is only new in the civilized world as we have come to think of it”.²⁹ He argued that modern genocide was a reversion to barbarity. Civilization had not removed barbarism from modern war and had made that barbarism more efficient. From Lemkin’s observations one could argue that genocide, as defined was barbarism committed in a modern context by sovereign nation states.

In order to confront this crime Lemkin called for the creation of a genocide convention which would encompass “the liability of persons who order genocide practices as well as of persons who execute such orders”. After the war Lemkin would go on to lobby members of the United Nations General Assembly for such a convention outlawing this crime. The General Assembly responded to Lemkin’s lobbying by adopting Resolution 96 (1) on 11th December 1946 which defined genocide as “an international crime and called on member states to pass legislation for its prevention and punishment”. The resolution diverged slightly from Lemkin’s original conceptualisation of genocide as a “crime consisting of acts that deliberately discriminate against members of a particular national or ethnic group”.

The Genocide Convention

Lemkin’s concept of genocide remains open to debate as was the use of the term in the UN Convention on the Prevention and Punishment of the Crime of Genocide, drafted in 1948. Article II of that Convention states:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such.

- (a) *Killing members of the group;*
- (b) *Causing serious bodily or mental harm to members of the group;*
- (c) *Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- (d) *Imposing measures intended to prevent births within the group;*
- (e) *Forcibly transferring children of the group to another group.*³⁰

There was extensive debate in forming the Convention about a range of issues particularly to do with numbers, intent and groups, factors which are particularly relevant in the context of this thesis. This is because these themes are central to the case made by denialists. Arguably the most important of these issues

²⁸ Lemkin “Genocide” *American Scholar*, Volume 15 no.2. (April 1946) pp227-230

<http://www.preventgenocide.org/lemkin/americanscholar1946.htm>

²⁹ Lemkin “Genocide-A Modern Crime” *Free World*- “A Non-Partisan Magazine devoted to the United Nations and Democracy” April 1945 pp39-43 <http://www.preventgenocide.org/lemkin/freeworld1945.htm>

³⁰ Adam Jones *Genocide: A Comprehensive Introduction* (London and New York: Routledge, 2006) p12-13

is that of intent to commit genocide. According to the Genocide Convention, destructive acts, in order to fall under the Convention, must be “committed with intent to destroy....the group”.³¹ This intent describes the mental part of genocide (the mens rea), which along with the physical aspect (the actus rea) go to make up the crime. It is the mental part of the crime that is arguably as important as the actual acts of killing themselves. It is generally accepted that this intent has to be specific which marks it out from other crimes and for this crime of genocide to be properly adjudicated how to prove intent has been the subject of some debate. In Katherine Goldsmith’s view intent can be defined from an understanding by the perpetrator that what they will do will probably eliminate the group.³² While for Florian Jessburger since intent is too difficult to establish absolutely courts have defined it from the circumstances in which the crime took place.³³ The issue of intent has also proved to be a dividing line between lawyers and historians. This is because the methodology of historians is to study patterns driving actions of states, groups and individuals within an historical framework rather than concentrating specifically on intent. One reason that historians do not concentrate on intent is because it is difficult to confirm the connection between a particular motive at one point in time and an act committed much later.

This lack of precision is not necessarily fatal. In addressing the second of these issues that of numbers it is remarkable that the Convention does not specify numbers at all. According to John Quigley one way to resolve this question is that rather than looking at numbers killed instead the focus should be on who the perpetrators of the genocide are most eager to kill, for example the leaders of the group that the group depends on.³⁴ The perpetrators of genocide could also target a specific region which is the centre of the group’s communal life and would thereby undermine the ability of the targeted group to survive by removing the roots of its power. This geographical definition raises a further problem of how to distinguish between the removal of a group and its destruction; one response to this question is that the issues arising from this removal might overlap with genocide.

On the question of groups the Convention specifies four groups that can be victims of genocide: national, ethnical, racial and religious. The identification of these groups has also been the topic of debate particularly the racial one. As for Frank Chalk and Kurt Jonassohn how the perpetrator perceives these groups is a key factor in the commission of genocide.³⁵ Nationality, ethnicity and race strongly influence this perception and the ability of the perpetrator to target the group.³⁶ This is because as David Nersessian, has highlighted, these categories are how

³¹ Ibid.

³² Katherine Goldsmith “The Issue of Intent in the Genocide Convention and Its Effect on the Prevention and Punishment of the Crime of Genocide: Toward its Knowledge-Based Approach” *Genocide Studies and Prevention* 5(3): pp 238-57

³³ Florian Jessburger “The Definition and the Elements of the Crime of Genocide” in Paulo Gaeta (ed.) *The UN Genocide Convention- A Commentary* (Oxford: Oxford University Press, 2009)

³⁴ John Quigley *The Genocide Convention-An International Law Analysis* (Aldershot: Ashgate, 2006)

³⁵ Frank Chalk and Kurt Jonassohn *The History and Sociology of Genocide* (New Haven CT: Yale University Press, 1990)

³⁶ David Luban ‘Calling Genocide by a Rightful Name –Lemkin’s word Darfur and the UN Report’ *Chicago Journal of International Law* (Summer 2006) pp 303-20

individuals and groups are distinguished.³⁷ In addition, these categories are not mutually exclusive and each can be used as a basis of identification. It is however, problematic that political and social groups are not included. This was mainly due to the opposition of the Soviet Union when the Convention was drafted; however, Lemkin also opposed their inclusion because he believed that their inclusion would be controversial. In Caroline Fournet's view, this exclusion allows states to use it as an excuse to claim that those targeted do not come under the categories defined by the Convention but instead represent a danger to the state.³⁸ This exclusion of political groups in Beth van Schaak's view removes protection from the very groups that the state would like to target.³⁹ Although Lemkin's definition of genocide laid the foundations for the Genocide Convention they are two subtly different definitions. Indeed, there is still debate among genocide scholars about which definition is applicable to categorising a specific genocide. However, for the purposes of this thesis the definition of genocide outlined in the Convention though malleable will be the one applied to understanding the Armenian genocide.

The Genocide Convention and the Armenian Genocide

The imprecision of these issues in the Convention of intent, numbers and group has been used by the Turkish government and its sympathisers to call into question the reality of the Armenian genocide. The main arguments around these issues concerning the Armenian genocide can be summarised as follows. (The more detailed arguments will be discussed in Chapter 2) Concerning the first of these issues, namely that of the **intent** of the Young Turk government to commit genocide against the Armenians; on this point the Armenians have focused on a telegram sent by the Ottoman Secretary of the Interior Talaat, regarded as the main perpetrator of the genocide ordering acts of genocide against the Armenians. The Turkish authorities and their supporters dispute the provenance of this telegram claiming it to be a forgery. The traditional Turkish narrative also claims that the intent of the Ottoman government was to remove a potential fifth column from an important battleground rather than to eliminate its members. On this question of intent it might be better to follow Jessburger's recommendation which the Armenians do and accept a looser interpretation based on what the perpetrators of the Armenian genocide knew was likely to happen when they decided to deport the Armenians from Eastern Anatolia to the deserts of Syria and Iraq. The Armenians also highlight the wider context of events to which the Armenians were subjected to infer whether there was a genocide or not. It should also be noted in this context that many of the perpetrators of the Armenian genocide on the ground were muhacirs, Muslims who had previously been victims of pogroms by Christians in the Russian Empire and the Balkans, and who associated the Christian Armenians with these previous atrocities.

The issue of **numbers** has been a longstanding one with regards to the Armenian genocide with the Armenian and Turkish estimates of victims diverging drastically with demographics based on censuses taken under the Ottoman

³⁷ David Nersessian *Genocide and Political Groups* (Oxford: Oxford University Press, 2010)

³⁸ Caroline Fournet *The Crime of Destruction and the Law of Genocide: Their Impact on Collective Memory* (Aldershot: Ashgate, 2007)

³⁹ Beth van Schaak "The Crime of Political Genocide: Reporting the Genocide Convention's Blind Spot" *The Yale Journal* 107(7) 2259-91

government being used as a weapon to undermine each protagonist's case. The more relevant issues are the targeting for destruction of the group of Armenians that formed the leadership of the Armenian community on 24th April 1915 and whose murder indeed 'decapitated' the Armenian community and undermined their ability to resist. The other issue is the attack on the Armenian community in their geographical ancestral home in Eastern Anatolia whose deportation and destruction destroyed the political and social core of the group. Some Turkish writers might like to depict this as removal rather than destruction, but the outcome of the removal of the Armenian population from Eastern Anatolia was the destruction of the core group as well as removal. Turkish writers also claim that because the Armenian population in Istanbul and Smyrna (Izmir) were largely left intact during the First World War, this is proof that there was no genocide; however, their survival may possibly be due to the fact that those cities had large numbers of foreign observers.

At first sight, the Armenians fulfil three of the criteria for a group defined by the Genocide Convention. The Armenians claim for themselves to be a longstanding national group and experts also validate these claims as well as their claim to be one of the first Christian nations. As Gregorian Christians they are also a distinct religious group. They also have an explicit ethnic identity whose common roots can be traced into antiquity. This ethnicity could also claim title deeds to the territory of Eastern Anatolia, ancestral Armenia, based on long-standing residence. In all three categories the Armenians fulfil the requirement for a victim group of genocide as defined by the Convention. There is a complicating factor, however, with regard to the other group not defined by the Convention that of political groups which Turkish writers have exploited to question the claim of genocide. Turkish writers have highlighted the role of the Armenian Socialist Revolutionary Movement, the Dashnaksoution in alleged unrest leading up to the genocide. Most objective experts, although they accept that Armenian revolutionary groups were prominent players in the drama, dispute the implication that their activities were significant provocation for the initiation of genocide by the Young Turk Ottoman government. One could argue that the Young Turks in their desire to secure a uniform nation state did see the Armenians, a distinct national, ethnic and religious group with political cohesion as a political threat to this ambition. Nevertheless, one can understand that the exclusion of political groups from the Convention offers temptation to those who wish to deny genocide.

The argument over these issues concerning the Armenian genocide as a consequence of the malleability of the Convention is important because the Turkish government has based its official denial of the genocide on question marks over these issues. It has used these question marks to try to persuade foreign governments such as the United States and French governments that the facts of the genocide remain in dispute and should be left to historians to research. This denial disregards the fact that Lemkin in his original conceptualisation of the term "genocide" clearly believed that the Armenian genocide met the criteria of intent by the perpetrator, numbers and the targeted group that applied to his definition of the term.

Genocide Denial

Denial of the Armenian genocide is of course not the only case of genocide denial. There have also been issues over denial of other historic genocides. This is because denial of genocide has co-existed with genocide throughout human history. Indeed, the Genocide Convention explicitly accepts that genocide is an historical phenomenon. It then raises the question why these historic genocides have not been recognised. An initial response to the question of why these genocides are denied is due to the underlying reasons for the establishment of the Genocide Convention, which had implications for how denial of other genocides has been treated. There was at the outset a connection between the Holocaust and the Genocide Convention since the Convention was largely convened as a response to the Holocaust. Since the evidence for the Holocaust was so overwhelming it was only denied by the perpetrators themselves. This meant that denial of genocide was not central to the arguments made at the time the Convention was being debated. Consequently, denial of genocide has had to be managed on an individual basis by various states rather than through the Convention and this includes through legislative responses to denial of the Holocaust.

When denial of the Holocaust emerged it was identified with a certain wing of the political spectrum essentially the Far Right. The debate over this denial of the Holocaust revolved around the importance of the recognition of the genocide, memory and politics and as a consequence of the interplay of these issues the debate led to moves for legislation to impose sanctions against Holocaust denial, first of all in Germany. Due to its responsibility as the main perpetrator of the Holocaust and its fear of the re-emergence of Nazism the Federal Republic of Germany imposed sanctions on anti-Semitic speech. This state of affairs has existed since the 1950s when according to Robert Kahn “although the German Basic Law [the German Constitution] protects expression since the 1950s this protection has not been extended to anti-Semitic utterances” which under German law comes under the category of hate speech. According to Kahn this is partly a consequence of “militant democracy where the state must defend itself against internal enemies”. And “when one adds to this a national pre-occupation with the Holocaust the pressure for censorship outweighs free speech”.⁴⁰ In Laurent Pech’s account an attempt in 1985 to extend these sanctions to “expressly criminalise Holocaust denial” failed. However, the German Parliament was able to target Holocaust denial by enacting “a new provision section (130) [into the German Criminal Code] aimed at punishing incitement against segments of the population”. According to Pech, “for symbolic more than legal reasons Holocaust denial finally was clearly outlawed in 1994”,⁴¹ although the Holocaust is yet not explicitly marked and singled out. This new criminal sanction in Section (130)(3) reads “whoever publicly or at a meeting approves or denies or trivialises an act committed under the regime of National Socialism in a manner likely to disturb the public peace shall be liable to imprisonment up to five years or a fine”.⁴²

⁴⁰ Robert Kahn *Holocaust Denial and the Law* [A Comparative Study](Basingstoke: Palgrave Macmillan, 2004). pp147-152, pp.155-156, Kahn “ Holocaust Denial and Hate Speech” *Genocide Denials and the Law* p86

⁴¹ Laurent Pech “The Law of Holocaust Denial in Europe Toward a (qualified) EU-wide Criminal Prohibition” *Genocide Denials and the Law* p192

⁴² Ibid.

Germany is not the only state to have this type of legislation particularly in Europe. This is because post-war Europe is constructed around the ideas of Constitutional democracy, tolerance and the marginalisation of extremism. As Emanuela Fronza has demonstrated these ideas were embedded through “the creation of an international level of documents and bodies that defended these fundamental rights”⁴³ and “the acceptance of new values”.⁴⁴ This restructuring of European democracy was based on an “ethical pact-the common commitment to undoing the codification of the founding event: the Nazi genocide”.⁴⁵ According to Fronza, by attacking this ethical pact Holocaust denial means “negating the premises and fundamental principles upon which modern states were formed”.⁴⁶ So that more than a criminal aspect it involves a political and ethical sphere and attacks “[European] democracy’s constituent moment”⁴⁷. In Fronza’s estimation most Western European countries have sanctions against Holocaust denial where it is “expressly punished in Germany, France, Austria, Belgium, Spain, Portugal and Switzerland and is punishable by fines (and) or detention”.⁴⁸ Other states with prohibitions against denial include Sweden, the Czech Republic, Slovakia, Poland, Romania and Israel. This does not include Italy which does not “designate denial as an offence”.⁴⁹ Like in Canada, the United Kingdom and Poland, in Italy it is categorized “as conduct that can be considered to constitute other offences like incitement to hatred”.⁵⁰ From the group of countries that have criminal sanctions against Holocaust denial France, Germany and Belgium have up to this point only targeted denial of the Holocaust while Spain, Switzerland and Portugal have sanctions “against other genocides and crimes against humanity”.⁵¹

Robert Kahn has argued that different legislation is due to different legal systems. However, it can also be argued that political context is equally important.⁵² This context includes the different historical relationships these states have to the Holocaust and other genocides, the recent emergence of some of these states as democracies, the relative threat posed by Far Right groups to their stability as democracies and their different Constitutions. Due to these differences there is a contrast for example between how the United States and France approach denial of the Holocaust. The issue of free speech arises in every occasion. This is because the United States and France offer varying protections to free speech where the First Amendment of the Bill of Rights gives much greater (but not unlimited protection) than the French Declaration of the Rights of Man. The protection offered free speech under the Declaration of the Rights of Man is much more conditional where “every citizen may henceforth speak, write and publish freely, except to answer for the abuse of this liberty in those cases determined by law”.⁵³ This conditional

⁴³ Emanuela Fronza “The Criminal Protection of Memory: Some Observations About the Offence of Holocaust Denial” *Genocide Denials and the Law* p178

⁴⁴ Ibid.

⁴⁵ Ibid. p179

⁴⁶ Ibid. p180

⁴⁷ Ibid.

⁴⁸ Ibid. p163-165

⁴⁹ Ibid. p165

⁵⁰ Ibid.

⁵¹ Op. Cit.

⁵² Robert Kahn ‘Holocaust Denials and Hate Speech’ *Genocide Denials and the Law* pp. 77-108

Holocaust Denial and the Law: A Comparative Study, Basingstoke, Palgrave Macmillan 2004

⁵³ Robert Kahn *Holocaust Denial and the Law* p143

protection of free speech has thereby allowed scope for legislation imposing sanctions on Holocaust denial.

Other issues arising from the enactment of this legislation are those of consistency and universality. Taking the first of these issues, the question of consistency for the treatment of denial of genocides other than the Holocaust has been raised. If one is going to have legislation to impose sanctions on denial of the Holocaust there is the question of whether these sanctions should also apply to other genocides, which have to do with the fate of the victims and perpetrators and the position of perpetrators. The existence of legislation against Holocaust denial also raises the issue of universality. This issue revolves around the question of where one state has legislation with respect to the Holocaust this legislation should apply in other jurisdictions. This is an important question in respect to the European Union since the EU has endeavoured to create a universal body of law which applies to the union as a whole. If one state has a law imposing sanctions on Holocaust denial this could be a precedent for the whole union to follow.

Denial of the Holocaust is not the only case of genocide denial but to understand this we have to understand the history of genocide. Indeed, a number of writers including Moshman, Stannard, Churchill, MacDonald and Auran have argued that recognition of other genocides has been blocked by recognition of the Holocaust.⁵⁴ Most Holocaust scholars including Lipstadt and Bauer think that the Holocaust should not obstruct recognition of other genocides.⁵⁵ It is important in this instance to distinguish between genocides that occurred prior to the Holocaust and genocides that occurred after the Holocaust and the establishment of the Genocide Convention. In the first instance the obvious problem around recognition is that these crimes were committed before the crime itself was established while for those in the latter category there is a clearly established offence which the perpetrators can be judged on. Nevertheless, for those crimes that were committed prior to the Holocaust and the Convention it is significant that at least the Armenian diaspora has managed to put the Armenian genocide on the political agenda. This does not appear to have been the main reason why other genocides have not been recognised. Other profound political reasons have caused this outcome. Denialists have a political agenda which has been particularly the case in North America, Rwanda and Bosnia. In each of these cases a different set of circumstances apply which we will examine in greater detail later. In North America and Australia denial

⁵⁴ D Moshman 'Conceptual Constructs on Thinking about genocide' *Journal of Genocide Research* 2001; David E Stannard 'Uniqueness as denial: the politics of genocide scholarship' in Alan S Rosenbaum (ed.), *Is the Holocaust unique? Perspectives on Comparative Genocide* (Boulder, Co: Westview Press, 1996); David E Stannard *American Holocaust: Columbus and the Conquest of the New World* (Oxford; Oxford University Press, 1992); Ward Churchill *A little matter of genocide Holocaust and denial in the Americas 1492 to the present* 1997; David Bruce MacDonald *Balkan Holocausts? Serbian and Croatian Victim Centred Propaganda and the War in Yugoslavia* (Manchester: Manchester University Press, 2003); Yair Auran *The banality of denial: Israel and the Armenian genocide* (New Brunswick, NJ: Transaction Publishers, 2004), Tzvetan Todorov *The Conquest of America: the Quest for the other* (New York: Harper & Row, 1984); Ian Hancock "Responses to the Parajmos: The Romani Holocaust" in Rosenbaum (ed) *Is the Holocaust Unique?*

⁵⁵ GD Rosenfeld "The politics of uniqueness: reflections on the polemical turn in Holocaust and genocide scholarship", *Holocaust and Genocide Studies* 1999; Yehuda Bauer *Rethinking the Holocaust* (New Haven, CT, Yale University Press 2001), _____, *The Holocaust in Historical Perspective* (Seattle, WA: University of Washington Press, 1978)

is from the right according to Kiernan and Zimmerman.⁵⁶ For post-Holocaust genocides the politics of denial are clearer where denial is made by conservatives, perpetrators and their supporters. In the case of Rwanda, for example, the Hutu nationalists have devoted a huge effort to promoting the idea that genocide was not committed. What is new is that some of this denial has been promoted by some on the left, known as left revisionists including Chomsky, Hermann and Peterson who question whether genocide was perpetrated in Rwanda as well as in Bosnia and Cambodia in the way that has generally been documented. These revisionists largely blame American strategic ambitions in Africa, the Balkans and South-east Asia for the consequent tragedies.⁵⁷

The contexts within which the genocide of the North American Indians, the Rwandan genocide and Bosnian genocide occurred and the nature of the genocides, arguably, laid the seeds for the future denial. In the first case the genocide of the North American Indians was part of what Moshman has described as a “megacide of a set of interrelated genocides of Native American peoples during the European conquest of the Americas”; Churchill and Stannard have identified this as being a “consensus policy” perpetrated in successive generations by many different governments including the United States irrespective of which party or regime was in power. In the North American case the genocide was perpetrated by both state and non-state actors. It also involved a number of different acts of murder without the existence of death camps as in the Holocaust. Consequently, this wide range of responsibility across the generations and across American society has made American politicians reluctant to recognise the genocide.⁵⁸

The Rwandan genocide has been harder to deny since it was committed in the mass media age and was widely covered by the electronic and print media. Nevertheless, the background to the genocide in which approximately 1 million Tutsis and Hutus viewed suspect by the Hutu regime were killed by Hutus using weapons such as machetes in 1994 has contributed to its denial. This was due to the fact that in 1990 the Rwandan Patriotic Front (a force largely composed of Rwandan Tutsi exiles) invaded Rwanda. Responding to this invasion the French government supported the Hutu regime. After three years of limited pogroms against Tutsis the Hutu regime mobilised the Hutu people to attack their Tutsi neighbours. Despite compelling evidence that the Hutu regime perpetrated the genocide the fact that the Rwandan Patriotic Front had invaded Rwanda prior to the genocide has been used by revisionists to claim that this force rather than the Hutu regime was the prime instigator of the genocide.⁵⁹

⁵⁶ B Kiernan ‘Cover-up and denial of genocide: Australia, the USA, East Timor and the Aborigines’ *Critical Asian Studies* (2002); John Zimmerman *Holocaust Denial, Demographics, Testimonies and Ideologies* (Lanham MD: University Press of America, 2000)

⁵⁷ N Chomsky “Genocide Denial with a Vengeance: Old and New Imperial Norms” *Monthly Review* 2010; ES Herman *The politics of genocide* 2010, _____ “Adam Jones on Rwanda and Genocide A Reply” *MR Zine* 2010, ES Herman “Genocide Denial and Genocide Facilitation: Gerald Caplan and the Politics of Genocide” *taylor-report*, D Peterson “Genocide Denial and Genocide Facilitation: A Response to Gerald Caplan”; MA Hoare “Genocide in the former Yugoslavia; a critique of left revisionism’s denial” *Journal of Genocide Research* (2003) Taylor & Francis; Martin Shaw *What is Genocide?* (Cambridge: Polity Press, 2007) pp. 153-171

⁵⁸ David Moshman “Conceptual constraints on thinking about genocide” *Journal of Genocide Research* p436

⁵⁹ Adam Jones *Genocide A Comprehensive Introduction* (London and New York: Routledge, 2006) pp232-257

The background to the Bosnian genocide has also been used to question the reality of the genocide. Since this genocide occurred in the context of the break-up of Yugoslavia and involved the mobilisation of competing Serbian, Croatian, Bosnian Muslim and Albanian forces, these facts have been used to question the reality of the genocide. The euphemism “ethnic cleansing” has also been used to obscure the issue although in reality it “was meant to ensure not only military victory and the expulsion of target populations but also a permanent post genocide arrangement”. In addition, this cleansing mainly targeted civilians, predominantly, “men of ‘battle age’”. Despite these realities a debate has emerged between two sides over the actuality of the genocide. On one side there are those who view the Bosnian war as a consequence of Serbian aggression with the intent to commit genocide. On the other there are those who believe that the war was a consequence of rival nationalisms (Serbian, Croat, Muslim and Albanian) and that the Serbs were not more culpable than the others. Indeed in this view the intervention of the United States made the conflict worse.⁶⁰

In the Armenian case the situation is different where the successor state, the Republic of Turkey is in conflict with the Armenian diaspora and in which the successor state has a relatively secure place in the international scene largely due to its strategic and military importance. This has meant that opposition to denial of the Armenian genocide did not originate among mainstream opinion-makers of Western Europe but came from the Armenian diaspora led in academic circles by Richard Hovannisian and Vahakn Dadrian.⁶¹ The views of the diaspora that a genocide was perpetrated against the Armenians were supported by other genocide scholars including Roger Smith, Israel Charny, Robert Melson and Donald Bloxham.⁶² For a long time it was a blocked issue between the state of Turkey and the Armenian diaspora where the Armenians wanted recognition of the genocide and the Turks wanted to avoid this eventuality and used their influence to prevent other states particularly Western states from recognising the genocide. The Republic of Turkey has partly achieved this through the employment of a narrative of denial. The narrative of denial by the successor state and its political purposes is the subject of Chapter Two as is the response of the heirs of the victims but what also needs to be

⁶⁰ Ibid. pp 212-231; Marko Attila Hoare “Genocide in the former Yugoslavia: a critique of left revisionism’s denial” *Journal of Genocide Research* Volume 5 Issue 4 (2003)

⁶¹ RJ Hovannisian *Remembrance and Denial: The case of the Armenian genocide* (1998), _____ “Denial of the Armenian genocide in comparison with Holocaust denial” *Remembrance and Denial: the case of the Armenian Genocide* (1999), _____ “The Armenian genocide and patterns of denial” *The Armenian Genocide in Perspective* (1986), _____ *Looking backward, moving forward; confronting the Armenian genocide* (2003); V Dadrian “The key elements in the Turkish denial of the Armenian genocide: a case study of distortion and falsification” Zoryan Institute (1999), _____ “Ottoman Archives and Denial of the Armenian genocide”, *The Armenian Genocide: History, Politics, Ethics* (1992), _____ “The signal facts surrounding the Armenian genocide and the Turkish denial syndrome” *Journal of Genocide Research* (2003)

⁶² RW Smith “Professional ethics and the denial of the Armenian genocide” *Holocaust and Genocide Studies* (1995), _____ “Genocide and denial: The Armenian Case and its implications” *Armenian Review* (1989), _____ “Denial of the Armenian genocide” *Genocide: A Critical bibliographic review* (1991); IW Charny “Denying the Armenian genocide: Patterns of thinking as defence mechanisms” *Patterns of Prejudice* (1998), _____ “The psychology of denial of known genocides” *Genocide* (1991), _____ “The psychology of denial: A contribution to the psychology of denial of genocide denial as a celebration of destructiveness” *Genocide and Human Rights* (1992), Robert Melson *Revolution and Genocide: On the Origins of the Armenian Genocide and the Holocaust* (Chicago: University of Chicago Press, 1992); Donald Bloxham *The Great Game of Genocide: Imperialism, Nationalism and the Destruction of the Ottoman Armenians*, (Oxford: Oxford University Press, 2005).

understood is that other groups and states were involved particularly the United States and France. Both states colluded with Turkish denial for a long time despite an on-going engagement with the genocide which eventually led them to bring the genocide to world-wide attention and adopt a supportive parallel stance regarding the Armenian question. These commitments although buried by collusion had long term implications which are explored more fully in Chapters Three and Four.

One prominent explanation for the collusion of the United States and France in denial of the Armenian genocide is Donald Bloxham's argument that geopolitics, namely, the promotion of strategic interests of the United States and France as well as other Western powers has historically affected their relationship to the Armenian genocide and continues to do so. Hovannisian and Dadrian also have highlighted the importance of geopolitics to Turkey's campaign of denial. However, Vigen Guroian another Armenian writer, also demonstrates that the nature of liberal democracies like the United States and France and their tendency to examine both sides of every issue has allowed these democracies to fudge the moral question and promote these strategic interests. The present involvement of the United States and France in the issue of the Armenian genocide is not only due to geopolitics and strategic interests, however. Their support for the establishment of the Genocide Convention as well as their reputation as liberal democracies has led them into being likely parties to debate this issue. Indeed, France as one of the signatories of the Joint Declaration with Britain and Russia in 1915 condemning Turkey for "crimes against humanity" with respect to the Armenians can be seen as an especially relevant party to debate this issue. It is also notable that this condemnation was the first instance of the use of the phrase "crimes against humanity" which would be a precedent for the charges levelled against the Nazi defendants at Nuremberg, and would ultimately lead to the Genocide Convention. It also marks intervention by states in another state's internal affairs to prevent genocide. Similarly, US Ambassador Henry Morgenthau to the Ottoman Empire also tried to intervene through diplomatic channels in the affairs of the Ottoman Empire to try and prevent the genocide of the Armenians.

It is significant that France's and Morgenthau's responses to the actions of the Young Turks were precursors to the demand made by the Genocide Convention, which not only gives states authority to intervene in another state's affairs to prevent genocide but makes it a legal requirement. The present involvement of the United States and France does not only have to do with geopolitics but has deeper roots which go back to the genocide itself. It is important to examine the historical relationships of the United States and France to the Armenian genocide at the time of the genocide and its aftermath because many of the issues that are prevalent in the present debates in these two states either existed at the time or the seeds were planted then. These reasons include domestic politics and the fact that these two states have been longstanding republics, which have promoted these republican values including to the Armenians themselves. Indeed it was the promotion of these republican values by American missionaries, which encouraged the formation of a nascent Armenian diaspora in these two states augmented by subsequent immigration of the survivors of the genocide. It has been the existence of this diaspora in these two states and the historical ties which these two states had to the Armenians at the time of the genocide which would to a great degree lead to the re-emergence of this issue in American and French politics. The different historical

records of the Armenian genocide where the United States was a neutral eyewitness to the genocide and France was at war with the Ottoman Empire also provide significant rebuttals to the Turkish narrative of denial. An analysis of these different historical relationships will now be undertaken.

The American-Armenian Relationship

As Donald Bloxham has shown, until the close of the First World War US policy toward the Ottoman Empire was generally non-interventionist. This policy was briefly interrupted after the Congress and Union Party (CUP) coup in 1908 in the Ottoman Empire where the US hoped to exploit a number of business opportunities. However, when Woodrow Wilson was elected President “the USA reverted to non-interventionism, non-favouritism in the promotion of business concerns and the protection of missionary interests”.⁶³ During the genocide, “pre-war rejection of political involvement and protection of its missionary interests translated in wartime to a tacit dividing line between humanitarian assistance to the victims of the CUP and political action against the regime”.⁶⁴ In this vein the US State Department wished to maintain good relations with the Ottoman government and so avoided conflict with the Ottomans over the Armenian issue.

Woodrow Wilson’s primary aim in his foreign policy during the war was to generally avoid conflict and to maintain American neutrality; the diplomacy of the US government was designed to meet these ends. Richard Hofstadter has argued that Wilson believed that since the United States was the only great Western power that was not involved in the war “it was her duty, her mission to maintain ‘absolute self-mastery’”.⁶⁵ By remaining neutral the United States could then “serve as an impartial mediator to help bring the war to as early an end as possible to assist in healing the world’s wounds and in preparing for lasting peace”.⁶⁶ When the United States ultimately entered the war Wilson was committed that it should fight “for democracy” for self-determination “for a universal dominion of right by such a concert of free peoples as shall bring peace to all nations and make the world at last free” which was his vision for a League of Nations.⁶⁷

This idealistic vision for a new world order would inevitably clash with the protection of interests vital to the United States and its citizens. This conflict between humanitarian ideals and the protection of strategic interests became most marked in the figure of US Ambassador to the Ottoman Empire during the genocide, Henry Morgenthau. As for Peter Balakian and Rouben Adalian, Morgenthau was motivated by genuine moral concern for the plight of the Armenians. Bloxham has not disputed the integrity of Morgenthau’s calls for the United States to take forceful measures to help the Armenians. He has simply argued that these calls were ignored because they did not accord with the general thrust of American policy toward the Ottoman Empire. However, according to Simon Payaslian while American policy

⁶³ Donald Bloxham *The Great Game of Genocide* p187

⁶⁴ *Ibid.* p188

⁶⁵ Richard Hofstadter *The American Political Tradition & the Men Who Made It* (New York, NY: Vintage Books, 1974) p338

⁶⁶ *Ibid.* p339

⁶⁷ *Ibid* p 352

toward the Ottoman government throughout the Wilson administration was to maintain strict neutrality, the identity of the Secretary of State whether it was William Jennings Bryan or Robert Lansing affected how the Wilson government approached the issue of the Armenian genocide.

After the First World War, Bloxham's salient point was that the Armenian issue would be subordinate in US policy not only to the protection of oil interests but the campaign against Bolshevism and "the need to foster viable defensible states, regional stability and American economic penetration. However, the Armenian genocide was not only a foreign policy issue it was also a domestic policy issue. It was a domestic policy issue for Americans associated with the American missionary movement in Armenia, which predated the genocide. This missionary movement was inspired to evangelise in Armenia by the fact that Armenia was one of the first Christian nations. It not only promoted Protestant Christian beliefs to the Armenians but also American republican ideals of freedom and justice. Peter Balakian has stressed this point that the Armenians interest in greater autonomy grew out of American religious education where "along with these liberal American notions, the missionaries also planted ideals about freedom and justice-ideas that fostered resistance to the existing structures of Ottoman authority as well as pride in Armenian cultural values".⁶⁸ The constituency of the American electorate associated with the missions in Armenia thus had a material interest in the missions in Armenia and their Armenian congregations as well as a belief in American republican principles. When the Armenians were threatened by the Young Turk government this blend of realist pragmatism and republican idealism motivated this section of the American electorate to campaign for the Armenian cause to persuade American politicians to help the Armenians; however, this led to a fundraising campaign for relief for the Armenians rather than calls for war against the Ottoman Empire. The relief effort would be influenced by a Protestant evangelical movement. A small but growing Armenian immigrant community would also work with the American missionary movement in the United States to campaign for the Armenian cause.

This nascent Armenian diaspora first emerged in the United States largely as a consequence of the massacres initiated in 1894 against the Armenians by Sultan Abdul Hamid and this diaspora numbered 10,000 in the 1890s, growing to 66,000 prior to the genocide in 1915. The massacres in the 1890s were reported in a number of the most important American newspapers including: The New York Times, The Washington Post, The Boston Globe, The Chicago Tribune, The San Francisco Chronicle and in magazines such as The Nation and Harpers.⁶⁹ Reports of the massacres had come from American missionaries as well as American and British diplomats, which in turn mobilized the American Missionary community to pressure their elected representatives. The response of a section of American society to the massacres in the 1890s and to the genocide itself in 1915-16 illustrates the fact that many of the factors which were to re-emerge in the political debates in the United States over recognition of the Armenian genocide existed at the time of the Armenian genocide. These include the promotion of American republican values enshrined in the US Constitution along with realist material interests and a domestic

⁶⁸ Peter Balakian *The Burning Tigris: A History of the Armenian Genocide* (London: Pimlico, 2005) p 30

⁶⁹ Ibid. pp92-99

political constituency of American citizens supporting the Armenian cause together with an emerging Armenian American diaspora which created an historical relationship between the United States and the Armenians that would be recalled in subsequent American debates to recognise the Armenian genocide.

Armenian Relief

According to Balakian, the Armenian massacres in 1894-5 encouraged the first instance of “American human rights relief” in “the modern era”.⁷⁰ As part of a wide reaching effort Americans supplied significant quantities of money and food to the Armenians and also organised “sophisticated relief teams” under the Red Cross who went to the areas in which the massacres had taken place. These relief efforts were augmented by the work of American missionaries who were assisting the Armenians as much as they could. The American relief mission, which initially was composed of disparate groups, became coordinated by the National Armenian Relief Committee emerging from a New York Committee supported by the New York Chamber of Commerce. At the same time, two resolutions were introduced in the US Senate, one by Senator Wilkinson Call which called on the US government to directly intervene to stop the massacres of the Armenians. The other was by Senator Shelby Collum urging the US government to encourage the European Powers to apply pressure to the Ottoman government on this issue. The Senate duly passed the Collum resolution, which was also passed by the US House of Representatives. It marked an important point in American politics since it was the first time that Congress had passed a bill beyond temporary relief and proposed political action. President Cleveland subsequently followed advice not to intervene in the affairs of the Ottoman Empire and according to Balakian established a pattern whereby the US executive branch backed down in “the face of Turkey’s coercive tactics” on the Armenian question.⁷¹

Eyewitness to Genocide

As much as the massacres of the 1890s aroused the anger of the American public and political class, the genocide of 1915-16 grabbed the attention of the United States to a much greater degree. The New York Times itself printed 145 articles on the Armenian genocide of 1915. This contrasted with contemporary coverage of the Holocaust as it was taking place since, as highlighted by Deborah Lipstadt, the Holocaust was hardly featured at all in the American press when in 1942 “there was still no mention of a systematic extermination program” directed at the Jews.⁷² The most prominent American figure during the course of the genocide was United States Ambassador in Istanbul Henry Morgenthau, who recounted in his memoirs his engagements with the main architect of the genocide, Ottoman interior minister Talaat. Morgenthau through his dispatches tried to alert the US administration about what was happening to the Armenians and requested assistance from President Woodrow Wilson. Although Wilson for a number of reasons did not try to interfere in the internal affairs of the Ottoman Empire, he subsequently tried to

⁷⁰ Ibid. p64

⁷¹ Ibid. pp63-94

⁷² Deborah Lipstadt *Beyond Belief: The American Press and the Coming Holocaust 1933-1945* (New York Free Press, 198); Balakian p282

help the Armenians by supporting an American supervised mandate for Armenia. In opposition to Woodrow Wilson stood former president Theodore Roosevelt who wanted the United States to enter the war and to stop the massacre of the Armenians.

A great deal of the news of the Armenian genocide that was covered in the American press was due to eyewitness reports from consular officials in the Ottoman provinces dispatched to the US ambassador in Istanbul, Henry Morgenthau. These reports principally from consuls: Leslie Davis in Harput province and Jesse Jackson in Aleppo described in great detail the plight of the Armenians. These reports influenced Morgenthau's response to start relief efforts in the United States. Morgenthau also encouraged President Wilson's administration to put pressure on the Ottoman Empire to stop "this annihilation of a Christian race" and to allow Americans "every facility to administer relief and financial assistance to the survivors of the deportations".⁷³

Morgenthau, himself, represented the personification of the conflict between the promotion of ethical principles and the protection of realist interests at the heart of Wilsonian diplomacy. Morgenthau described this conflict, when asked by American, Canadian and German missionaries to try to stop the massacres of the Armenians. "Technically, of course, I had no right to interfere. According to cold-blooded legalities of the situation, the treatment of Turkish subjects by the Turkish Government was purely a domestic affair; unless it directly affected American lives and American interests, it was outside the concern of the American government".⁷⁴

One exchange with Interior Minister Talaat highlighted the difficulty politicians used to thinking in realist terms have when confronted with Wilsonian idealism. Talaat asked, when Morgenthau inquired about the fate of the Armenians: "Why are you so interested in the Armenians anyway? You are a Jew these people are Christians. The Mohammedans and the Jews always get on harmoniously. We are treating the Jews all right. What have you to complain of? Why can't you let us do with these Christians as we please?"⁷⁵

Morgenthau was surprised at Talaat's comments "However, it was a complete revelation of Turkish mentality: the fact that above all considerations of race and religion, there are such things as humanity and civilization, never for a moment enters their mind". Morgenthau then conveyed to Talaat the guiding principles of Wilsonian foreign policy: "You must base your principles on humanitarianism, not racial discrimination or the United States will not regard you as a friend and an equal". He then referred to what to people who are not American can appear confusing about the American character: "Americans are not mere materialists, always chasing money....they are broadly humanitarian and interested in the spread of justice and civilization throughout the world".⁷⁶

⁷³ Balakian *The Burning Tigris* p 277; Michael Oren *Power, Faith and Fantasy: America in the Middle East 1776 to the Present* (New York and London: WN Norton & Company, 2007) p336

⁷⁴ Henry Morgenthau *The Murder of a Nation* (Los Angeles: Ararat Press, 1982) Second Edition p57 published from *Ambassador Morgenthau's Story* (New York: Doubleday and Doran, 1918).

⁷⁵ Ibid p62

⁷⁶ Ibid. p64

Morgenthau outlined what the consequences would be for Talaat if he continued with his policies. He informed Talaat that on the conclusion of the war he would have to deal with “public opinion everywhere, especially in the United States”. Morgenthau said: “Our people will never forget these massacres.... You are defying all ideas of justice”. In response, Talaat angered Morgenthau when he asked for the life insurance policies held by the Armenians with American insurance companies saying:

“They are practically all dead now and have left no heirs to collect the money. It of course all escheats to the state. The Government is the beneficiary now. Will you do so?”⁷⁷

At the conclusion of his term as Ambassador Morgenthau was confronted with the difficulties of reconciling his desire to help the Armenians with the realities of the situation in which he found himself. In the end he rationalized the situation: “Could I have done anything more either for Americans, enemy aliens or the persecuted peoples of the empire, I would willingly have stayed. The position of Americans and Europeans, however, had now become secure and, so far as the subject peoples were concerned, I had reached the end of my resources”.

Morgenthau gave two other reasons for returning to the United States, which mixed idealism and pragmatism. One reason was to help on the re-election campaign of President Wilson because he “could imagine no greater calamity for the United States and the world, than the American nation should fail to endorse heartily this great statesman”.⁷⁸ The other reason “was to give the President and the State Department by word of mouth such first-hand information as I possessed on the European situation”.⁷⁹

A number of writers have offered different interpretations of Morgenthau’s motives. Balakian stresses the strong moral foundations of Morgenthau, the influence of Quakerism and liberal Judaism in his formative years and the effect of Rabbi Stephen Wise on his entry into politics.⁸⁰ The apparent independence (also emphasized by Rouben Adalian) of Morgenthau’s decision making is derived from the fact that he was wealthy from a successful career as an attorney and investor in real estate. The fact that he was the second highest contributor to Woodrow Wilson’s presidential campaign is also highlighted as a factor in this apparent independent decision making. Adalian has argued Morgenthau “rarely refrained from forcefully communicating the message required by the circumstances and obligations of the day”.⁸¹ Balakian has highlighted the importance of Rabbi Wise and his interest in protecting the Jewish population in Ottoman controlled Palestine and his ambition to foster Zionism there as reasons for his attempt to persuade Morgenthau to accept the position of Ambassador in Istanbul. In this vein Morgenthau drew comparisons between the plight of Armenians in the Ottoman

⁷⁷ Ibid. p68

⁷⁸ Ibid. p114

⁷⁹ Op.Cit.

⁸⁰ Balakian *The Burning Tigris* p220

⁸¹ Rouben Paul Adalian “American diplomatic correspondence in the age of mass murder: the Armenian genocide in the US archives” in Jay Winter (ed) *America and the Armenian genocide of 1915* (Cambridge: Cambridge University Press, 2003) pp149

Empire and Jews in Eastern Europe.⁸² The pro-Turkish writer Heath Lowry has taken a more cynical view of Morgenthau's narrative of his experience addressing the Armenian question in the Ottoman Empire. He alleged that Morgenthau intended his story as anti-German, anti-Turkish propaganda which would win over American public opinion to support the war.⁸³

Simon Payaslian has offered a more nuanced analysis of Morgenthau's position, which in Payaslian's view reflected quite accurately the shifts in the State Department's policies towards this issue rather than an independent principled stand by Morgenthau.⁸⁴ The two Secretaries of State in office while Morgenthau was in his post in Istanbul were William Jennings Bryan and Robert Lansing. They shared a common line on the overarching policy of the Wilson administration, which was to maintain neutrality and good relations with the Turks. They were both concerned with public opinion in the United States which reacting to attacks on American interests "would keep the issue of a US response on the national agenda". Morgenthau, according to Payaslian defined his role in two complementary ways, acting on the policy outlined by the State Department on one hand and transmitting reports from the consulates and missionaries to the State Department in Washington DC; however, there were important differences between Bryan and Lansing, which, arguably, affected Morgenthau's policies towards the Turks. Bryan was more of an idealist than Lansing and Bryan's main ambition was to strengthen America's position as a neutral mediator. He was appalled at the atrocities committed against the Armenians and he told Morgenthau to use "effective means to protect the Armenians and discover the truth about the massacres". According to Payaslian, Lansing did not care about the Armenians over and above the effect of the massacres on American public opinion. Lansing was a realist, emphasising national interests and national security. In regards to events in the Ottoman Empire, his main goal was to protect US citizens and property. Lansing considered the effect of the massacres on American public opinion to be fraught with difficulty. For this reason Lansing ordered Morgenthau to "improve conditions" and inform the Turks they were "destroying the feeling of goodwill the people of the United States have towards Turkey". It is interesting to note that when examining the positions outlined by the respective Secretaries of State they correlate closely to the statements made by Morgenthau to the Turkish officials as he related in his book.

According to Michael B Oren, Morgenthau was dis-satisfied with the response of the Wilson administration, which had informed the Ottoman government that the genocide had "aroused strong sentiment among the American people" and that their failure to stop would "tend to jeopardize the good feelings of the United States toward Turkey". Morgenthau felt "nothing short of actual force... would adequately meet the situation".⁸⁵

Morgenthau was not alone, Theodore Roosevelt also believed that the United States needed to go to war with Turkey in order to stop the massacres. In a letter to

⁸² Balakian *The Burning Tigris* p220

⁸³ Heath Lowry *The Story behind Ambassador Morgenthau's Story* (Istanbul: Isis Press, 1990)

⁸⁴ Simon Payaslian "The United States Response to the Armenian Genocide" in RG Hovannissian (ed.) *Looking Backward, Moving Forward: Confronting the Armenian Genocide* (New Brunswick, NJ: Transaction Publishers, 2003) pp51-80

⁸⁵ Michael B. Oren *Power, Faith and Fantasy* p335

Cleveland Dodge, the main supporter of the Armenian and Syrian Relief Committee, Roosevelt wrote:

“Moreover, I feel that we are guilty of a peculiarly odious form of hypocrisy when we profess friendship for Armenia and the downtrodden races of Turkey, but don’t go to war with Turkey. To allow the Turks to massacre the Armenians and then solicit permission to help the survivors, and then to allege the fact that we are helping the survivors as a reason why we should not follow the only policy that will permanently allow the Turks to massacre the Armenians and then solicit permission to help the survivors, and then to allege the fact that we are helping the survivors as a reason why we should not follow the only policy that will permanently put a stop to such massacres is both foolish and odious”.

Since the Wilson administration would not act, Morgenthau endeavoured to raise money for “food, clothing and temporary shelter” for the summer. Morgenthau’s fundraising drive was successful as the Near East Relief Committee raised \$100,000,000 equivalent to \$1 billion in current prices. In addition, according to Oren, Morgenthau used his friendship with New York Times publisher Adolph Ochs to ensure the genocide featured in his paper with 145 articles in 1915 alone.⁸⁶ In the midst of this campaign in July 1916 Congress passed a resolution asking President Wilson to designate a special day for Americans to express their sympathy for the Armenians. President Wilson approved this resolution. Despite this outbreak of unity Congress and the Wilson administration would diverge in their policy toward the Armenian genocide.⁸⁷

The contradictory nature of American policy toward the Armenian genocide was particularly highlighted by the different attitudes of the Wilson administration and Congress when the United States entered the war against Germany. On the one hand both houses of Congress wanted the United States to declare war on the Ottoman Empire because of the atrocities committed against the Armenians and since it was the custom to declare war on allies of an enemy in a conflict; while the Wilson administration did not want to declare war on the Ottoman Empire. On the other hand, there were a number of reasons for Wilson’s policy not to declare war on the Ottoman Empire. There were limits to what the Wilson administration could realistically achieve. These included military practicalities and American economic interests. At the time of the First World War the United States did not have the degree of power projection, which it does today.

According to Michael Oren, Wilson was concerned that American lines of communication that would already be stretched fighting in Northern France would be stretched to breaking point by fighting in the Middle East. Another reason was due to American economic interests related to the properties built up by American Protestant missionaries in the Ottoman Empire. For Oren, his main aim was to maintain “the great educational, missionary and relief work in the Turkish Empire” and this meant “concern for the missionary institutions and the many populations they served had trumped all other strategic considerations in Wilson’s thinking”.⁸⁸

⁸⁶ Oren p336

⁸⁷ Balakian “From Ezra Pound to Theodore Roosevelt” American intellectual and cultural responses to the Armenian genocide in Jay Winter (ed.) *America and the Armenian genocide of 1915* p291

⁸⁸ Oren p346

The First World War ended with the Entente powers Britain and France in occupation of much of the Ottoman Empire in which the many populations served by the American missionaries had been destroyed leaving the United States an interested neutral observer. The destruction of these populations would encourage a shift of emphasis in American policy following the First World War but only after the United States considered the merits of assuming a mandate for Armenia.

The Mandate Question

The post-First World War period was marked by drastic instability caused by the Bolshevik Revolution in Russia in 1917 and the collapse of the Central Power Empires of Germany, Austria-Hungary and the Ottoman Empire. Ostensibly, in order to manage this febrile situation a number of mandates were established for the former possessions of the fallen empires. Under this system, these former imperial territories would be tutored in good government by the Western democracies until such a time as they could run their own affairs. It was proposed to Wilson that the United States should assume a mandate for Armenia. Bloxham has highlighted the fact that Admiral Mark Bristol, a key adviser to the American government on the post-First World War Middle East felt that Wilson was being duped by Britain and France into considering an American managed Armenian mandate. Bristol believed that an Armenian mandate would only act to help protect British controlled Iraq from Bolshevik Russia. Wilson did send out two fact finding missions to establish if an Armenian mandate was viable, whose recommendations were on the whole positive. In the event the idea of an American protected Armenian mandate succumbed simultaneously with the rejection by the US Senate, at the instigation of Republican Majority Leader Henry Cabot Lodge, of the Versailles Treaty and the Covenant of the League of Nations.⁸⁹

Trade and Regional Security in the 20s and 30s

American sympathy for the plight of the Armenians was complicated by events in the latter period of the war, mainly the Russian Revolution and the confusion of the post-war period. This period witnessed a shift away from a policy generally sympathetic to the Armenians on the part of the US administration to a pro-Turkish position. Writers such as Roger Trask and John DeNovo have attributed America's pro-Turkish position to economic and cultural priorities while Marjorie Housepian Dobkin, Peter Balakian and Michael Oren have emphasized the importance of oil in particular to this trend. Donald Bloxham has offered an alternative explanation in that this policy was not only driven by oil: "It concerned anti-Bolshevism, the need to foster viable defensible states, regional stability and American penetration".⁹⁰

⁸⁹ Bloxham *The Great Game of Genocide* pp188-194

⁹⁰ John De Novo *American interests and policies in the Middle East 1900-1939* (Minneapolis: University of Minnesota Press, 1963); Roger Trask *The United States Response to Turkish Nationalism and Reform 1914-1939* (Minneapolis: University of Minnesota Press, 1971); Marjorie Housepian Dobkin *Smyrna 1922: The Destruction of a City*, New York (NY: Newmark Press, 1971) pp72-83; Donald Bloxham *The Great Game of Genocide* p185

In contrast to Trask who argued that “the United States did not view Turkey as a critical nation in the interwar period”,⁹¹ Bloxham has highlighted the role of a group of US policymakers including Admiral Mark Bristol, who viewed Turkey as being vital to American global strategy. Since these policymakers believed the Bolshevik revolution and its consequent effects in the Caucasus had destabilized the region and, indeed, the globe, they needed a state to act as a regional stabilizer. To this end, Bristol identified the Turkish nationalists under Mustafa Kemal (Ataturk) as being a potential regional stabilizer as part of a stable capitalist world order” under American influence.⁹²

Similarly, Bloxham has reached a different conclusion to DeNovo about American responses to British and French policies in the Middle East. Whereas DeNovo has argued that American policy had to become more engaged in the Middle East to protect American economic and cultural interests, Bloxham has explained that the group around Bristol were also guided by strategic imperatives. These American officials believed that the Treaty of Sevres, which the Entente agreed with the government in Istanbul together with British and French imperial ambitions in the Middle East had the potential to push the Turkish nationalists into establishing closer ties with the Bolsheviks.⁹³ This strategic threat could consequently threaten future US-Turkish economic relations. In order to prevent Turkey from forming too close a relationship with Russia, Bristol advised providing Turkey with aid, whereby Turkey could then become a shield against Communist penetration of the Middle East. An agreement to this effect was reached at the conclusion of the Lausanne Conference in 1923 which had aimed to settle the outcome of the wars, which the Turkish nationalists had fought with the Greeks and Armenians.⁹⁴

The agreement reached at the Lausanne Conference was meant to facilitate the development of “the open door” policy. According to DeNovo, under “the open door policy”, the US State Department “claimed equality of treatment for all American interests whether economic or cultural comparable to those extended to citizens of the European Allies”.⁹⁵ This aimed to build on US-Turkish trade relations that had already been established prior to the First World War. As for Oren, “America accounted for 23 per cent of all Turkish exports”. These exports included “tobacco, figs and licorice (some fifty thousand tons of it annually, for use in making candy and chewing gum”. The United States also had a growing need for oil. The American need for oil was driven by the fact that despite America being a “major producer of petroleum and exporter of its derivatives to the Middle East”, the American petroleum industry could not meet the needs of American industry, cars and military.⁹⁶

⁹¹ Trask p240

⁹² Bloxham, *The Great Game of Genocide* Op Cit. p190

⁹³ De Novo *American interests and policies in the Middle East* p 390, Bloxham, *The Great Game of Genocide* 289

⁹⁴ Bloxham, *The Great Game of Genocide* pp192-193

⁹⁵ De Novo, *American interests and policies in the Middle East* p389

⁹⁶ Oren *Power, Faith and Fantasy* p326

The American oil industry had already started prospecting in the Middle East before the First World War. The Standard Oil Company of New Jersey started prospecting in Mesopotamia in 1910 and in 1913 Standard Oil was given licence to drill in Syria, Palestine and parts of Asia Minor. Standard Oil had already started to drill in these locations when the First World War broke out. After the end of the First World War, according to Balakian, the needs of the oil industry became the priority of the Wilson administration and principally that of the Secretary of State, Robert Lansing. The importance of trade and principally oil, gained through shares in the Turkish Petroleum Company in the British mandate in Iraq, encouraged Lansing as Chair of the War Crimes Commission to try to prevent its formation and, in due course, Lansing was able to prevent the phrase "crimes against humanity" from being included in the peace treaty. Hence the importance of this strategic "commercial interest" affected American policy toward the Armenian question.

This influence of American business concerns on US policy toward the Armenian question was highlighted by US policy at the Conference of Lausanne, Switzerland commencing in 1922. This priority of promoting American business meant that the Americans were willing to take a tolerant attitude to the Turkish position on the Armenian question. The Turkish delegation's position was that "the Armenian exodus from Turkey had been voluntary".⁹⁷ When the Armenians arrived at the conference to explain their position the Turkish delegation stayed away from the conference. The Lausanne Treaty signed by the American and Turkish delegates, supported by the US State Department, the American Council of Foreign Relations and Foreign Policy Association, aimed to formalize relations between the two states. In Balakian's opinion, this group in favour of the treaty sounded like the Turkish government. This group claimed that Armenian deaths had been exaggerated and that many Turks had died due to war, famine and disease but Turkish deaths "are less well known in the US".⁹⁸ This early example of official Turkish denial of the genocide that was then echoed by American officials can be seen as an attempt by the Turkish successor state to rehabilitate the perpetrator regime and thus try to claim legitimacy in the eyes of the United States government. The fact that these American officials endorsed the Turkish line was evidence that this effort to achieve legitimacy had been successful. The legitimacy of the Turkish regime would subsequently be recognised by future American administrations up to the present day.

Before relations could be formalized, however, the United States Senate had to ratify the treaty. According to Roger Trask, the ratification process provoked a campaign led by prominent Armenian American Vahan Cardashian and the pre-war United States Ambassador to Germany James W Gerard. Opposition to the treaty was led in the Senate by Senator William King of Utah who accused President Harding and Secretary of State Charles Hughes of renegeing on their promise to support Armenia while also accusing Standard Oil of seeking an oil concession in the former Armenian provinces of Erzurum, Van and Bitlis. The treaty was rejected by fifty votes to thirty-four on 18th January 1927. According to Trask, the treaty was rejected for domestic political reasons. Under-secretary of State, James Grew who later became Ambassador to Turkey alleged the rejection of the treaty "was

⁹⁷ Balakian *The Burning Tigris* p370

⁹⁸ *Ibid.* p372

purely a question of local politics since Armenians had convinced a strong group of Senators.⁹⁹

The victory in this instance for Armenian lobbying was, arguably, significant since it showed that, by persuasive campaigning, they could thwart for a while Turkish strategic ambitions through the American legislative process. This success however, only temporarily delayed the establishment of formal United States-Turkey relations. On 17th February 1927 the United States and Turkish governments exchanged notes, establishing formal relations between the two countries. After 1927 a coalition of cultural, educational and business figures and the State Department worked to transform the image of Turkey. The fact that Turkey was secular and western orientated and a republic helped to foster a new progressive image. US officials had recognised that the negative image of the Turks had helped the campaign against ratification of the Lausanne Treaty and thereafter worked to counter-act this image.¹⁰⁰

The desire to maintain this altered perception of Turkey and its strategic importance to the United States influenced the outcome of the controversy over a Hollywood film about the Armenian genocide. In the 1930s the Hollywood studio Metro Goldwyn Mayer was due to release a film based on the novel by Franz Werfel about the Armenian genocide entitled "The Forty Days of Musa Dagh". On the eve of its general release the Turkish government applied pressure on the US administration through its ambassador in Washington DC. The ambassador warned the Roosevelt administration that if MGM released the film then the Turkish government would regard it as a "hostile act" which would harm relations between the United States and Turkey leading to a "Turkish boycott" of American films. The Roosevelt administration then encouraged MGM not to release the film.¹⁰¹

There were, thus, two trends shaping American policy on the Armenian question at the time of the genocide and subsequently. The first concerned the relationship between Armenian Americans and sections of American civil society that would re-emerge when the political situation changed to allow the Armenian genocide to become an issue again. The first trend was that of the idealist instincts of groups and political actors which encouraged different actors to campaign on this issue. The second trend was that of the "realist" interests of American policy that had to contend with the idealist motivations of these different groups. The conflict between these two different trends would also be a feature of the later debates in American politics on this issue.

The French Armenian Community

France's historical relationship with the Armenian question was quite different. Until the 1890s France's relationship with the Armenians was not valued as highly as France's relationship with the Ottoman Empire. Up to this period France along with Britain had been one of the foremost supporters of the integrity of the Ottoman Empire and as a member of the Ottoman Public Administration to

⁹⁹ Trask *The United States Response to Turkish Nationalism and Reform* pp37-44

¹⁰⁰ Ibid. p 63-92

¹⁰¹ Balakian *The Burning Tigris* p377

manage the Ottoman Empire's debts, was one of her primary creditors. In the 1890s as a response to the emergence of a united Germany France had begun to forge an alliance with Russia. This alliance simultaneously precluded a similar alliance with the Ottoman Empire since Russia had been the Ottoman Empire's traditional strategic rival. France and Russia would later form a joint alliance, the Triple Entente including Great Britain opposed by the Central Powers of Germany, Austria-Hungary and the Ottoman Empire which went to war in August 1914. As for Bloxham, the Ottoman Armenians allowed themselves to be caught up in these great power rivalries in the lead up to war. While many Ottoman Armenians feared the onset of war other politically active Armenians saw it as an opportunity to win an independent Armenia from the Ottoman Empire with the help of the Entente powers

Although France was not complicit in the Armenian genocide, since it was one of the combatants against the Ottoman Empire, its behaviour could be described as duplicitous towards the Armenians. In Bloxham's view, the Armenians were manipulated by the Entente powers including France but, this was sometimes a reciprocal process where some Armenians believed they needed to be seen to make a visible contribution to the Entente's war effort in order to share in the proceeds of the Entente's victory over the Ottoman Empire. This was particularly the case in Cilicia, a region that was to mark close French and Armenian collaboration during and immediately after the war, however, one which would subsequently herald France's abandonment of the Armenians.¹⁰²

France's attitude towards the Armenians was coloured in particular by a series of secret negotiations between Britain, France and Russia culminating in an agreement between British and French diplomats, Mark Sykes and Georges Picot respectively to carve up the Arab lands of the Ottoman Empire between Britain and France. Conversely, France together with Britain and Russia were to draft a Declaration on 24th May 1915 which would condemn the Turks' massacres of the Armenians as "crimes against humanity"; the first reference to such crimes, which would later form the basis for the prosecution of the Nazi defendants at Nuremberg. It was the result of a compromise when initially the Russian Minister for Foreign Affairs Sazonov wanted the declaration to refer to attacks against Christians. The British objected to this and argued that the statement should read in terms of "civilization against barbarism". In order to satisfy the British Sazonov offered a compromise where the Declaration should refer to "crimes against humanity and civilization".¹⁰³

Nevertheless, Franco-British actions were to have severe implications for the Armenians. French imperial ambitions for Syria led it to reject an overture from the Ottoman governor of Syria, Jemal, to the Entente that possibly could have saved many thousands of Armenians from destruction. In a similar vein, while neither France nor Britain can be held culpable for the genocide, Bloxham has raised the question: how far were Ottoman actions towards the Armenians at the beginning of the genocide on 24th April 1915 influenced by fears of an impending landing by British and French forces at Gallipoli two days later? This invasion may have

¹⁰² Bloxham *The Great Game of Genocide* pp134-136

¹⁰³ Gary Bass *Stay the hand of vengeance: the politics of war crimes tribunals* (Princeton, NJ: Princeton University Press, 2000) p116

merely been the trigger for well-established plans on the part of the Young Turks but it cannot be dismissed as a contributing factor to the course of the genocide. Bloxham's argument has appeared to agree with Mark Levene's point that "genocide scenarios regularly crystallize in crisis situations in which a regime's conscious effort to break out from its perceived fetters incurs obstacles which recall some previous factors either of its own or that committed by its predecessor".¹⁰⁴ The impending French and British landing at Gallipoli could indeed be described as a crisis situation for the Young Turk regime which crystallized its thinking.¹⁰⁵

As for Jemal's offer, in Bloxham's view, any acceptance by France of such an offer would have introduced an uncertain element to an already weak hand which France had to play in the Middle East due to the lack of a significant French force there in comparison to British imperial forces. This lack of a significant French presence in the region twinned with France's imperial appetite later encouraged Georges Picot to mislead the Armenian politician Nubar into volunteering Armenian members of a French force, the Legion d'Orient, in return for promises of future autonomy for Armenian Cilicia and three Anatolian provinces after an Allied victory. According to Bloxham the French had no intention of keeping these promises of Armenian autonomy since France aimed to govern these lands herself. The Legion d'Orient believed it would fight in Cilicia but it was largely deployed as part of General Allenby's campaign in Palestine and Syria.¹⁰⁶

This Legion fought with distinction and was later succeeded by the Legion Armenienne, which was deployed as an occupying force in Cilicia and Syria. In Maud Mandel's account on the conclusion of the war, the French settled tens of thousands of Armenians from Syria, Lebanon and Egypt in Cilicia, South Western Asia Minor. However, Kemal Ataturk was opposed to this settlement and through 1919 and 1920 his army attacked French forces in Cilicia. These French forces were forced to retreat and could not protect the Armenians. At the treaty of Sevres signed in August 1920 the Turkish government officially recognised an independent Armenian republic. The Allies, Britain, France and the United States were not prepared to defend this nascent state by force and when Ataturk attacked Armenia the Armenians had to call on the Red Army to protect them. Ataturk also attacked French occupied Cilicia given to the French by the treaty of Sevres as part of the mandate of Syria. When the French realised they did not have sufficient forces to hold onto Cilicia, they signed an agreement with Ataturk to give up Cilicia in return for maintaining the rest of the Syrian mandate. When the French withdrew from Cilicia, sixty thousand Armenians who had recently arrived in Cilicia fled in fear with the retreating French army. Many of these refugees sought asylum throughout the Eastern Mediterranean in Syria, Lebanon and Greece; however, a significant number fled to Western Europe. The largest group of these Western bound refugees went to France. A number of French journalists and politicians argued that France had a moral obligation to the Armenian refugees, due to its humanitarian traditions

¹⁰⁴ Mark Levene "Why is the Twentieth Century the Century of Genocide?" *Journal of World History* Vol.11 No.2. (Fall 2000) pp 305-336

¹⁰⁵ Eric D Weitz has argued that the Ottomans were caught between two emotions when they anticipated defeat as the Allies landed and then when they defeated them at Gallipoli, these mixed emotions impelled them toward the genocide "Linked Histories The Armenian Genocide and the Holocaust" *The Armenian Weekly* (April 26, 2008).

¹⁰⁶ Bloxham p134-169

and its failure to protect the Armenian population in Cilicia after the war. Humanitarian reasons did play a factor in French acceptance of these refugees; however, there were also practical economic reasons for welcoming these people on French shores.¹⁰⁷

France had suffered enormous casualties during the First World War with 1.3 million dead and 1.1 million severely wounded. These casualties created a huge labour shortage, which the Armenians could help to fill. The French government recruited labour throughout the Eastern Mediterranean. The Armenian refugees who had initially fled to this area then went to France under this scheme. A large number went to the industrial areas immediately around Paris but another significant group remained near the disembarkation point of Marseille.¹⁰⁸ It is interesting in respect to the Armenian community's later status as an accepted community that many French in the 1920s perceived the Armenians as too protective of their Armenian identity, resistant to assimilation and therefore a potential threat to French society which stresses the importance of immigrant groups assimilating quickly into French ways. As stateless persons Armenians found difficulty working since their documentation was not always accepted by different authorities in different French cities. This problem was resolved by international agreements in the mid-1920s.

This resolution of the Armenians' problem was due to the fact that the Armenians, as stateless persons, were not in a unique position. The Russian Revolution of 1917 had also caused many Russians to flee their country and during the First World War many other peoples had become displaced. Western governments made a distinction between the Russian refugees and other displaced people. While the latter were usually left to organisations like the Red Cross to care for, western governments looked after the Russians themselves. This was because Western governments hoped that the Russian refugees would return to Russia to overthrow the Bolsheviks. When the Western governments realized that the Bolsheviks had consolidated their position with their victory in the Russian Civil War, they knew that they had to take a different approach. They looked to the League of Nations High Commissioner for refugees, Fridtjof Nansen to address the problem of Russian refugees trying to cross international borders without documentation. In 1922 Nansen called an international conference to resolve this situation. At this conference sixteen countries agreed to issue travel documents. The agreement was followed in May 1924 by a similar agreement for Armenians signed by thirty eight states.¹⁰⁹ The new Nansen document did not have all the rights and privileges of a passport. It was an identity card that could also be used for travel. It was valid for one year and could be renewed once. After 1926 it gave the person covered by the document the right to return to the country that had issued the certificate. It did not give the holder the right to "equal treatment" for work, social security or tax purposes but it did give that person a degree of international protection.¹¹⁰

¹⁰⁷ Maud Mandel *In the Aftermath of Genocide; Armenians and Jews in Twentieth Century France* (Durham, NC and London : Duke University Press, 2003) pp22-28

¹⁰⁸ Philippe Bernard and Henri Dubief *The Decline of the Third Republic 1914-38* trans Anthony Forester (Cambridge England Cambridge University Press, 1988) p37

¹⁰⁹ Mandel *In the Aftermath of Genocide* pp31-32

¹¹⁰ John Hope Simpson *The Refugee Problem Report of a survey* (London: Oxford University Press, 1939)

The significant change in the French perception of the Armenian community and the French Armenian community's perception of itself was the Second World War. The assimilation of the French Armenian community into French society as an accepted community began with the recruitment of four hundred thousand Armenian immigrants holding Nansen documents into the French armed forces. In April 1939 all those claiming asylum were ordered to complete two years national service required of all Frenchmen. After France's defeat a large number of Armenians like other Frenchmen were rounded up for forced labour in Germany. The situation for the Armenians was also complicated when Germany invaded the Soviet Union. Since Armenia was part of the Soviet Union, the allegiances of Armenians resident in France were questioned by the Vichy and German authorities. The response of the Armenian community to this situation was varied. On the one hand, leaders of the community voiced their loyalty to France; on the other hand, there was a group within the Armenian community which was prepared to work in the Resistance against the Vichy and occupation forces.¹¹¹ Prominent among this group were Armenian communists who felt they were not only defending their adopted land but also their homeland which was under threat from German invasion. Among their number was Nissak Manouchian, a genocide survivor who became a poet and the subject of the 2009 French film "Armee du Crime". Manouchian led a group which engaged in 100 attacks on the Germans in 1943 and was subsequently executed along with the rest of his group. The Armenian genocide had coloured Manouchian's thinking; since he had suffered, he believed he had a responsibility to fight fascism in any instance.¹¹²

According to Mandel, the extent of Armenian participation in the Resistance is not resolved. A significant number did participate in the Resistance in different ways. Some fought for de Gaulle in the Free French forces. Others joined organisations working for the Germans in order to sabotage them. However, arguably most Armenians tried to accommodate themselves and their families to a dangerous situation for immigrants by not provoking the authorities to target them. The Occupation forced the Armenians to change their outlook of their situation in France and to accommodate themselves to this different outlook, the Armenians became naturalised citizens. This acceptance of French citizenship by the Armenians to which many of their compatriots had made significant contributions, arguably, was an important marker on the French Armenians' path to identifying themselves as an integrated community.¹¹³

The French historical involvement with the Armenian question bore similarities with the American case where there was also a clash of idealism and realist interests. French political actors invoked French republican values to promote the Armenian cause. The French Armenian diaspora could also derive security by invoking this French political culture about rights. Just as in the American case, this trend of rights would also clash with France's need to protect its strategic interests in the Middle East. This conflict would also be a feature of later debates on the Armenian genocide in French politics.

¹¹¹ Mandel *In the Aftermath of Genocide* pp180-185.

¹¹² Melinee Manouchian *Manouchian*, (Paris France: Loisirs, 1974)

¹¹³ Mandel *In the Aftermath of Genocide* pp180-185

Some Concluding Remarks

Denial of genocide haunts three groups, the perpetrators themselves, the victims and third party states. In the first instance promotion of denial could come back to haunt perpetrators because they never come to terms with their history. It can also haunt the victims since they need to reclaim the truth about their past. It also haunts what might be called bystander states to borrow Raul Hilberg's term.¹¹⁴ In this context it could be argued that it is the action or inaction of other states which can help determine how successful or unsuccessful denial may be in the short and in the long term. In the case of the Armenian genocide it has been the action and inaction of two states in particular the United States and France, which have been particularly significant,

The United States was for a long time complicit in denial of the crimes against humanity committed against the Armenians. Between the world wars and immediately after the Second World War the importance of Turkey to American strategic interests in the wider Middle East including its key role in American anti-Soviet policy meant that the Armenian issue was downplayed. This was particularly the case with respect to the Treaty of Lausanne which the Americans championed and was the treaty that overturned the Treaty of Sevres. Indeed, Lausanne guaranteed the immunity of the Turkish perpetrators of the Armenian genocide from prosecution.

France also played a part in the international community's denial of Turkey's crimes against humanity. Again the pivotal role she played was as a signatory to the Treaty of Lausanne. This act completely reversed her previous position as host for the Treaty of Sevres where she had confirmed her previous commitment made in the Joint Declaration of 1915 to establish international tribunals to try the perpetrators of the Armenian genocide. It was largely for geopolitical reasons particularly the protection of her interests in Syria which motivated her to take this position as well as for the fact that Ataturk had achieved a virtually impregnable position in Turkey.

The question arises over why France and the United States have become involved in the Armenian genocide again where both states to varying degrees have been complicit in its denial. Geopolitical interests, the basis of the arguments made by Bloxham and others for American and French complicity in Turkey's denial of the genocide explain why the United States and France would engage in this collusion but they do not fully explain why the United States and France have become involved in this issue again. To some extent this explanation for collusion reflects the realist assumptions which underpin an approach which lays such stress on geopolitical factors. There are others, the constructivists most prominently, who would argue that states are constrained by normative considerations internationally and in this context domestically.¹¹⁵

¹¹⁴ Raul Hilberg *Perpetrators, Victims, Bystanders: The Jewish Catastrophe 1933-1945* (London: Lime Tree, 1993); David Cesarani, Paul Levine *Bystanders to the Holocaust: A Re-evaluation* (London: Frank Cass, 2002)

¹¹⁵ Martha Finnemore, Karen Sikkink "International norm dynamics and political change" International Organization (Cambridge University Press, 1998)

Normative values as well as strategic interests influenced the American and French relationships to the genocide before, during and after the genocide in different ways. America had an interest in Armenia due to the missionary movement. Partly, as a consequence of this movement an Armenian diaspora emerged in the United States. The influence of the missionary movement and the nascent Armenian diaspora made the Armenian question a live political issue during the genocide and immediately after. Due to changing American strategic priorities and the decline of the missionary interest in Turkey as a consequence of the annihilation and dispersal of the Christian minorities in the Ottoman Empire, the Armenian issue lost its potency in American politics for some time. The issue never completely went away, however, and the US government could not completely reject the normative dimension of this issue not least because of its earlier historical involvement with the Armenians before and during the genocide. As it was involved in this issue at the time of the genocide Armenian campaigners have reminded the US government of its historical role as the primary eyewitness to the genocide and have made claims upon it to honour this legacy in order to maintain its legitimacy.

France had a different historical relationship to Armenia when it was first an ally of the Ottoman Empire and then, as it allied with the Ottoman Empire's enemy Russia found itself opposed to the Ottoman Empire. When it became embroiled in war with the Ottoman Empire it signed the Joint Declaration with Russia and Britain warning the Young Turks of the consequence of continuing their genocide against the Armenians invoking the term "crimes against humanity" to describe these atrocities.¹¹⁶ For a number of reasons France failed to honour its commitments to the Armenians as it abandoned them in Cilicia after Armenians had served in French forces during the First World War and then France failed to bring the perpetrators of the genocide to justice. As a consequence of this failure to fulfil its responsibilities important opinion formers in France questioned the legitimacy of French actions towards the Armenians and highlighted the normative values of the French republic to claim that France had a moral duty to offer the Armenian refugees safe haven. When the Armenian diaspora emerged in France they assimilated into the French republic and then fought in the Second World War. When the issue of the Armenian genocide re-emerged in French politics French Armenians recalled this service they had performed for the French republic in both World Wars and have challenged the republic to honour its moral responsibility to the Armenian survivors of the genocide.

Armenian pressure groups in the United States and France have had to develop a convincing argument in the context of American and French politics. The first stage was that the Armenians in both countries had to provide their own account and combat an already existing Turkish narrative of denial, which is the subject of chapter two. They then worked to develop pressure groups within both political systems lobbying political parties in the legislatures in the frameworks of different political systems to attempt to persuade American and French governments to no longer collude with Turkish denial and recognise the genocide. In each case they had to frame their arguments in the context of different Constitutional arrangements but also different political cultures particularly the different priorities attached to

¹¹⁶ For a discussion of the importance of the declaration in the emergence of the importance of crimes against humanity see Norman Geras's book: *Crimes against humanity. Birth of a Concept* (Manchester: Manchester University Press, 2011).

free speech. It is the central argument of this dissertation then that the protection of strategic interests is only one of a number of competing and overlapping factors which drive the debates over this issue in American and French politics. Other factors include the promotion of republican values, the influence of the American and French Constitutions, electoral politics, the interplay of governments, political parties in the legislatures and pressure groups, America's and France's historical relationship to the genocide, the role of historians in the debates and the impact of legislation on their work. In Chapter Two we will look at how the Armenian argument developed in reaction to a sustained campaign of denial by the Turkish successor state. In Chapters Three and Four we will look at how the Armenian argument has impacted on American and French politics.

Chapter Two: The Politics of the Historiography of the Armenian Genocide

This chapter shows how the argument between the Turkish and Armenian sides evolved. For a long time the dispute was confined to Turkish and Armenian writers and then it gradually widened because the arguments came to address other audiences apart from Turks and Armenians particularly audiences and networks in the United States and France, which both sides appealed to. This chapter shows how the argument shifted over time. In some ways it is a question of competing historical narratives both of which in their different ways are informed by assumptions about the nation, national identity and its other and there are parallels between them, which is not to say they are of equal validity. After all there is now a consensus among genocide scholars that the genocide did take place and there are some basic facts that are incontestable. A significant number of deaths occurred at the time, the vast majority of the victims were Armenian and the killers can be identified. What is at issue is what meaning to give to these facts.

The Established Facts of the Armenian Genocide

Scholars who recognise the Armenian genocide generally agree that it began in late April 1915, though there is less agreement as to when it ended. The traditional date for the beginning of the genocide is 24th April 1915 with the arrest of leading Armenian figures what Adam Jones has described as “eliticide”.¹¹⁷ Prior to this, and running concurrently, Armenians enlisted in the Ottoman army were put into labour battalions. These men and other battle aged men were killed. There then followed the temporary law of deportation where the rest of the Armenian community were deported on forced marches. Through the privations of these marches many Armenians died. However, others died through starvation, disease thirst and exposure to the elements but also through massacres. These massacres were primarily perpetrated by the Special Organisation, a paramilitary force that had two purposes to engage in operations outside the Ottoman Empire but also to deal with internal enemies of the empire. Scholars generally accept that the number of victims of the Armenian genocide runs from 1 million to 1.5 million although the exact figure is subject to dispute. There are issues still being debated around intent orders, planning and process where there are methodological differences among genocide scholars. However, the large majority of scholars agree that there was a genocide.¹¹⁸

¹¹⁷ Adam Jones *Genocide: A Comprehensive Introduction* pp101-116

¹¹⁸ See for example major surveys of the history of genocide: Martin Shaw *What is Genocide?* (Cambridge: Polity Press, 2007); Frank Chalk and Kurt Jonassohn *The History and Sociology of Genocide* (New Haven CT: Yale University Press, 1990); Samuel Totten, William S Parsons and Israel W Charny (eds.) *A Century of Genocide Critical Essays and Eyewitness Accounts* 2nd Edition (New York: Routledge, 2004); Ben Kiernan *Blood and Soil- A World History of Genocide and Extermination from Sparta to Darfur* (New Haven CT, Yale University Press, 2007)

Turkish Nationalist History of the Armenian Genocide

Recognition of the Armenian genocide was from the outset highly political because it coincided with political developments arising from the foundation of the Republic of Turkey. As the Turkish nation state was constructed it was necessary to produce and reproduce a strong sense of national identity. It was, however, difficult to avoid the genocide of the Armenians whose elimination had only taken place so recently. There are two issues in particular that had to be addressed. One was which groups were to be embedded in the nation state. Any recognition of Armenian identity in this context had to be avoided. The second issue revolved around what responsibility the new state had for what had happened to that group. This question was never purely an internal matter, partly because it involved the survivors and the descendants of those who had been expelled and murdered. It was also partly because it involved other states particularly the United States and France that had close ties to both groups.

The debate between the competing discourses developed through a number of stages. The Turkish Narrative, for example, has evolved over time. The first stage in this narrative was what has been called by Fatma Göçek the Investigative Narrative, which at least investigated what had happened albeit at the behest of outsiders. It was formed in the context of defeat and under pressure from the victorious Entente Powers at whose behest the trials, which were convened in Turkey after the First World War were held. These demands were not enforced systematically in a striking contrast with the later trials of Nazi perpetrators at Nuremberg. This partly explains why the Investigative Narrative did not follow through with these demands and why it left a number of questions unanswered.¹¹⁹ There are other reasons which have to do with the composition of the successor state, the Republic of Turkey which will be explored further.

The Ottoman Investigative Narrative

The Ottoman Investigative Narrative consisted of the memoirs of Said, Kamil and Talat Pasha, Mehmed Asaf and Dr. Reshid Bey, and also the investigative records of the tribunals. This literature did not deny that “massacres” of Armenians were committed but has concentrated on what happened and why. These works pursued two different arguments. One was that the Ottoman Empire was even-handed in its treatment of minorities and that the problems of the Armenians could have been satisfied within the empire if it had not been for the disloyalty of the Armenians and the corruption of certain Muslim officials. The other view was that the composition of the pre-war Ottoman Empire was hazardous to its continuing existence and that the Armenians posed severe problems to the empire’s structure.

¹¹⁹ Fatma Müge Göçek “Reconstructing the Turkish historiography on the Armenian Massacres and Deaths of 1915” in Richard G. Hovannissian (ed.), *Looking Backward, Moving Forward, Confronting the Armenian Genocide* (New Brunswick, New Jersey: Transaction Publishers, 2003) pp. 209-230

The tribunals to try the perpetrators of the Armenian genocide were convened under pressure from the victorious allies, primarily the British, who had a million soldiers in the Ottoman Empire and the Royal Navy all along the Turkish coast. The allies wanted the Ottoman Empire to hold the tribunals to try the perpetrators for crimes against humanity, principally the Armenian genocide and for the treatment of British prisoners of war. The political climate had been raised in Britain due to returning British soldiers recounting stories of torture at the hands of their Turkish captors. The tribunals were important because they were the first instances where the new crime of “crimes against humanity” was adjudicated. This crime had been considered by the allied powers as one of the charges with which to try all the leaders of the Central Powers in an international tribunal after the First World War; a tribunal that was never held. The Turkish tribunals have, therefore, added significance, since in the absence of an international tribunal they represent a precedent for the later Nuremberg Trials after the Second World War even though the Turkish tribunals were conducted under Ottoman law. Although the main focus of the Nuremberg Trials was the charge of waging aggressive war, the charge of “crimes against humanity” was also levied against the accused Nazis.¹²⁰ Gary Bass has argued that in the aftermath of the Second World War when the victorious allies were looking for a precedent for the crimes they were to charge the Nazis with at Nuremberg they forgot that they had used this term in 1915. Nuremberg also echoed the Entente’s plans in 1915 more fundamentally in the sense that while Stalin in 1945 suggested shooting between 50,000 and 100,000 Germans, Britain and the United States wished to see justice done through a court or in this case a military tribunal. This was the same reasoning behind the Entente’s declaration in 1915 when rather than shooting the Young Turk leadership they wished to see these perpetrators of these mass crimes put on trial for “crimes against humanity;” (incidentally this was an outcome proposed by the Treaty of Sevres after the war).¹²¹

The Turkish tribunals arose from commissions of inquiry established by the Ottoman Senate to investigate the actions of the Ottoman government during the war. The commission of inquiry had devolved responsibility for the tribunal to a special department of the Chamber of Deputies called the Fifth Department for examination. From 5 November to 21 December 1918, the Fifth Department interrogated all the members of the Ottoman War Cabinet except for those individuals who had fled the country. The interrogation consisted of ten questions posed to the accused to which the accused would have prepared a written response which he would repeat before the tribunal.¹²²

The most relevant accusation concerning the Armenian genocide was the charge of “issuing temporary laws, regulations and orders which ran completely against the principles of law and humanity and the letter and spirit of the Ottoman Constitution thus reducing the country to sheer and utter chaos”. This charge was

¹²⁰ Geoffrey Robertson *Crimes Against Humanity: The Struggle for Global Justice*, Fourth Edition, (London: Penguin Books, 2012) p 25

¹²¹ Gary Bass *Stay the hand of vengeance: the politics of war crimes tribunals* (Princeton, NJ: Princeton University Press, 2000); Norman Geras *Crimes against humanity Birth of a Concept* (Manchester: Manchester University Press, 2011); Geoffrey Robertson *Crimes Against Humanity: The Struggle for Global Justice*, London: Penguin Books 2012

¹²² Ahmet Seyhun *Said Halim Pasha* (Istanbul: The Isis Press, 2003) p116

significant since it included the international offence of committing crimes against humanity in the phrase “issuing temporary laws, regulations and orders which ran completely against the principles of law and humanity” as well as those against the domestic “letter and spirit of the Ottoman Constitution”.¹²³

Said Halim Pasha was Committee of Union and Progress president from 1913-1917, Minister of Foreign Affairs then grand vizier in 1913. His testimony was important because he was the only defendant appearing before the tribunals who had served in the war cabinet for the duration of the Armenian genocide. In his response to the latter question he made three different arguments that move from an excuse for the deportation of the Armenians to denial of intent to murder to disclaiming all responsibility on the part of the Young Turk government for the isolated actions of rogue individuals. These arguments appeared to endorse the view that there was no intent on the part of the government or no overall plan to commit genocide, that massacres occurred from circumstances where individual persons or groups were influenced by the situations in which they found themselves to act in a certain way and these individuals took the initiative to engage in acts against the victims rather than acting on orders passed down from above. Said Pasha was able to argue that the Armenians were deported to protect the army’s rear and its supply lines from the threat of seditionist attacks because the Ottoman army was indeed engaged in a ferocious struggle with the Russians after advancing into the Caucasus and the army was concerned about its lines of communication which were overstretched.¹²⁴

The chaos of war appeared to allow Said to deny that the Ottoman government intended to kill the Armenians when he stated that “transferring people did not mean exterminating them” since the Ottomans did not have adequate transport for both the army and civilians and if the Armenians needed to be removed from the war zone they would need to be removed on foot. Walking for many miles in harsh conditions would cause illness particularly if there were shortages of food and medicine. These shortages had been partly caused by the blockade imposed by the Royal Navy of Ottoman ports.¹²⁵

His third argument was that rogue individuals acting as agents of the government had committed abuses, but the Ottoman government could not be held responsible because these isolated unlawful acts do coincide with other instances of genocide where individuals and groups on the ground were affected by their situation and acted to solve problems which they believed would be looked on favourably by the government. In other instances of genocide some individuals and groups have acted on atavistic impulses to commit abuses against hated groups of people.¹²⁶

This narrative may be seen as a particular kind of history. It was a first version of history as it was not written by professional historians but personal recollections from memory, which by its nature can be uncertain. It could also be considered as a primary source but a problematic one in at least two respects. Since

¹²³ Ibid., p116

¹²⁴ Ibid.p120

¹²⁵ Ibid.p120

¹²⁶ Ibid.p120

these accounts were written by the accused themselves they were constrained and simultaneously questionable as these individuals wanted to avoid incriminating themselves but also from acting as witnesses against their comrades. This could have opened themselves up to accusations of treachery from their own side.

It is important to note that the Ottoman Investigative Narrative was never fully completed and it left a number of questions hanging. Among these are included Said Halim Pasha's response that the Armenians were victims of rogue individuals who were acting as agents of the state. In this case there are supplementary questions to be answered why no other agents of the state intervened to stop these rogue individuals from killing Armenians; how these rogue individuals were able to kill so many Armenians on such a vast scale without central planning and coordination; whether they were in fact really agents of the state as they claimed and not rogue individuals; the nature of the relationship between these individuals and the central government; and the chain of command that existed between these individuals and their superiors. These questions were never answered by the Turkish authorities.

One reason that this narrative was never completed and these questions answered was the fact that the tribunals came to an abrupt end. Furthermore, it was not in anyone's interest to pursue these questions any more. This is because it implicated a number of individuals with close ties to the new state but it also raised big questions about what this new nation state was. Rather than investigate these questions the Turkish state instead pursued a strategy of silence. Nevertheless, the key arguments made by Said Pasha and others that excuse, deny and disclaim responsibility for the Armenian genocide were all used to form the basis of the arguments in what was to become the master narrative of the Turkish Republic which Göçek calls the Republican Defensive Narrative.

Pan-Turkism and The Republican Defensive Narrative

The Turkish Republican Defensive Narrative has drawn on two intellectual traditions: one based on the preservation of the integrity of the Turkish nation state as promoted by Mustafa Kemal (Atatürk) and that of Pan-Turkism. Pan-Turkism was a school of thought introduced by Muslim emigres from the Russian Empire including most prominently Yusuf Akçura as a response to Pan-Slavism and was further developed by the nationalist theoretician and CUP insider from Eastern Anatolia, Zia Gökalp. The thinkers in this school believed that because huge swathes of Asian peoples spoke the same Turkish language despite variations in dialect they constituted a common people and should therefore have the same state that would encompass Anatolia, parts of Russia, Iran, Afghanistan and China. Yusuf Akçura had developed his ideas after studying the history of nomadic Turkish tribes and observed that these tribes had formed their identity through language and customs rather than through territory. From these studies Akçura went on to produce a manifesto for reform of the Ottoman Empire. According to Bernard Lewis, Yusuf Akçura drafted his theory of a Turkish and Pan-Turkish policy for a reformed Ottoman state in his work (*Uc tarç-y-Siyaset -- three kinds of policy*) examining three different forms of identity that the reformed Ottoman state could coalesce around, Ottomanism, Islamism and Turkism. Akçura believed there were major difficulties with the first two kinds of policy but in applying the third policy based "on the Turkish race there were fewer internal obstacles than for Ottomanism,

fewer external obstacles than for pan-Islam".¹²⁷ This policy based on the Turkish race would have the advantage that "it would rally the loyalty of the dominant Turkish race within the Ottoman Empire and reinforce it with that of the many millions of Turks in Russia and elsewhere beyond the Ottoman frontier". Akçura inspired other pan-Turkish thinkers such as the Azeri intellectual Ali Hazenzade to coin the slogan Turkicization, Islamization and Europeanization, which in turn led Zia Gökalp to write a book entitled *Turkization, Islamization, Modernization*.¹²⁸ William Cleveland has argued Gökalp believed that "Turkish national traditions, what he called the soul of the nation, had become submerged under the cultural practices of the people over whom the Turks ruled".¹²⁹ In Gökalp's view this authentic soul existed in popular culture where the people had continued to practice Turkish traditions. He also believed language was the true marker of nationalism and so rejected the Ottoman language as a composite of different languages which he wanted replaced by a simpler Turkish language. Gökalp also valued Islam as a key aspect of Turkism, which in his view had played a defining role in Ottoman greatness. He therefore sought a reformed Islam as a bed-rock of the Turkish nation.¹³⁰

Pan-Turkism as an intellectual school of thought was thus in the mix of febrile ideas that were germinating in the Ottoman Empire including Ottomanism, Islamism and Turkism. The CUP considered each of these ideologies in turn but in Bernard Lewis's account for the CUP many of these ideas were interchangeable. Ottomanism did not allow equality for non-Muslims, and "in administrative practice meant enforced Turkification"¹³¹ and Turkism "only included "those who profess Islam".¹³² These leaders were Islamist and indeed "used both pan-Islam and pan-Turkism when they suited their ends". Pan-Turkish ideas and culture were in turn promoted by Turkist clubs and journals so paving the way for Turkish Ottomans to assume an "identity and loyalty based on the Turkish nation".¹³³ Due to circumstances created by the First World War and its aftermath, as well as Kemal Atatürk's own priorities, pan-Turkism was rejected in favour of the foundation of a Republic concentrated in Anatolia as the "land of the Turks" to which these newly minted Turkish citizens would owe allegiance. Pan-Turkism had nevertheless played its part in the process of the development of the Turkish national identity and the Turkish nation which the Republican Defensive Narrative has sought to defend. It is significant, however, that in the creation of this new identity there was no recognition of the Armenians as a separate national group or for what had happened to them.

The Turkish Republican Narrative

There was almost complete silence in the historiography until 1953 when the Republican Defensive Narrative emerged. Silence may be understood as a strategy designed to protect the reputation of elites in the new Republic of Turkey and to aid

¹²⁷ Bernard Lewis *The Emergence of Modern Turkey* (Oxford: Oxford University Press, 2002) p327

¹²⁸ Ibid.p327

¹²⁹ William Cleveland *A History of the Modern Middle East* (Oxford: Westview Press, 2004) p139

¹³⁰ Ibid. pp139-140

¹³¹ Bernard Lewis *The Emergence of Modern Turkey* p349

¹³² Ibid.

¹³³ Bernard Lewis *The Emergence of Modern Turkey* pp353

the production of the new Turkish national identity that the different strains of Turkism had contributed to developing prior to the First World War. One reason for the application and success of this strategy of silence was that the Armenians were weak between 1920 and 1953 as their intellectual elite had been destroyed. Hence there was no need for a defensive narrative because there was no challenge from the victims and the descendants since the Armenian diaspora had lost their intellectual elite to produce a counter narrative affirming the reality of the genocide and thus underpin any significant campaign.

This defensive narrative emerged in fits and starts. There were ad hoc responses in the 1930s, a brief exposure in the 1950s in response to the Establishment of the Genocide Convention and it only really became a fully developed project in the 1970s in reaction to an aggressive Armenian campaign emerging from the Middle East targeting Turkish official interests in order to raise awareness of the Armenian genocide.

Uğur Ümit Üngör has identified one significant break in the strategy of silence in 1935 that coincided with MGM's plans to film Franz Werfel's novel of the Armenian genocide *The Forty Days of Musa Dagh*. This break occurred with a work written by the Turkish "regime propagandist" Bedri Gunkrut entitled *The History of Diyarbakir*, which along with situating a Turkish presence in the region for thousands of years spun the historical account of events at the beginning of the twentieth century in that all the acts of violence had been committed by Armenians and Kurds against the Turks rather than the converse.¹³⁴

However, this was a relatively isolated case in the context of the relative widespread silence on the subject. There were other reasons besides those already identified for this silence including Turkish domestic politics, which Göçek puts down to power elites at the foundation of the republic particularly those around Atatürk suppressing the subject and then the military dictatorship of the 1960s also suppressing any subversive subjects. The Turkish government then changed its policy in response to Armenian attacks on Turkish facilities and individuals in the 1970s. According to Göçek, an important point to make about the Turkish nationalist narrative of the 1970s and 1980s on the Armenian genocide was that these works were produced with assistance from the Turkish state in reaction to the Armenian attacks. Prominent among the Turkish bodies promoting this nationalist narrative was the Foreign Policy Institute and the Turkish Historical Society in Ankara.¹³⁵

As has been stated previously the emergence of the Republican Defensive Narrative also closely followed the foundation of the Genocide Convention in 1948. It could be argued that in response to the Genocide Convention silence was no longer the best strategy. Louise Nalbandian has written in this context of the culture created by the Convention.¹³⁶ Consequently, the Turks had to develop a new

¹³⁴ Uğur Ümit Üngör "Organizing Oblivion in the Aftermath of Mass Violence" *The Armenian Weekly* (April 26 2008) p25

¹³⁵ Göçek "Reconstructing the Turkish historiography on the Armenian Massacres and Deaths in *Looking Backward, Moving Forward* pp 209-230

¹³⁶ Louise Nalbandian *The Armenian Revolutionary Movement* (Berkeley, California: University of California Press, 1963)

strategy, which Göçek identified as the Republican Defensive Narrative. The Republican Defensive Narrative has integrated the core aspects of the Investigative Narrative into a sophisticated framework. It develops a theoretical framework with key elements of a nationalist narrative. It has challenged Armenian claims to nationhood while promoting Turkish nationhood; it has made arguments over territory, loyalty, autonomy and external enemies. It has undermined Armenian claims to sovereignty over territory and nationhood by challenging Armenian myths of origin, location and the heroic figures of the Armenian golden age. It has not recognised the validity of Armenian nationalism since the Armenians and Turks had shared the same history over many centuries. It has argued that the Armenians and Turks lived in peace until the mid- nineteenth century when troublesome elements in the Armenian community and the Great Powers encouraged Armenian nationalism. It has explained the reason for the relocation and massacres was on account of the subversive acts of Armenian revolutionary societies who along with the Armenian clergy acted as tools of foreign powers to undermine the Ottoman Empire from within.¹³⁷ This narrative was driven by the need to protect Turkey from both internal and external threats and in turn implied only Turks had the right to write this history and the key work in this narrative was by Esat Uras.

Göçek has divided this narrative into three “clusters”: the initial cluster of works written in 1953 by Esat Uras and YG Cark thoroughly investigated the records of the Armenians in the Ottoman Empire. The second cluster of works written in the 1970s and 80s in response to Armenian attacks on Turkish officials and facilities drew on the works in the first cluster. Writers in this cluster include Salahi Ramsdan Sonyel, Kamuran Gürtn and Mim Kemal Öke. The third cluster written since the 1990s either repeated the same arguments as those proposed in the 1970s and 80s or offered a new perspective while pursuing the same gist of the argument. Writers in this cluster are Hasan Celal Guzel and Yusuf Halacoglu.¹³⁸

Göçek’s explanation for the silence on the genocide and then emergence of the Republican Defensive Narrative denying the genocide accepts that the nationalist historical narrative is a discourse of power but one that is driven by the interests of power elites. There is, arguably, a deeper aspect of this dynamic. The reason why genocide has to be denied is not just due to the needs of a particular elite at a particular moment in time but also has to do with how nationalist narrative is constructed and reproduced. This may be connected to other arguments about how national identity is or has to be reproduced. Homi Bhabha has argued persuasively that, in the narrative of the nation, certain events have a “transparency or privileged visibility”¹³⁹ while others are left in the shadows and that culture is a “force for subordination...reproducing as much as producing” which suppresses events that contradict the narrative that the nation wants to recount for itself. One could argue the reproductive quality of nationalist narrative demands subordination and hence silence.¹⁴⁰

¹³⁷ Göçek “Reconstructing the Turkish historiography” in *Looking Backward, Moving Forward* pp209-230

¹³⁸ Ibid.

¹³⁹ Homi Bhabha “Narrating the Nation” in John Hutchinson & Anthony D Smith (eds.) *Nationalism* (Oxford: Oxford University Press, 1994) p 307 from “Introduction” in Homi K Bhabha (ed.) *The Nation and Narration* (London: Routledge, 1990) pp 1-7

¹⁴⁰ Ibid. p 308

As Michael Billig in particular has argued, the reproduction of national identity involves a two part process whereby the members of the nation continually remind themselves of their collective identity, “flagging of nationhood”, while simultaneously forgetting problematic aspects of nationhood that interfere with the reproduction of that identity.¹⁴¹ The production and reproduction of Turkish national identity has, arguably followed this process, highlighting some aspects of Turkish history while encouraging silence on the issue of the Armenian genocide in particular because acceptance of genocide would interfere with the reproduction of that identity. The evolution of Turks from Ottomans into Turkish citizens of a Turkish Republic would have been hampered by acknowledgement in this productive phase of national identity that the Turks committed genocide against the Armenians. It would also have interfered with the identity constituting capacity of the founding myths of the Turkish Republic. The Turkish nationalist narrative which includes these myths is a powerful discourse not only because it underpins the power of elites within Turkey but because it is important to the constitution of the collective identity of individual Turkish citizens. Since it is so important to this collective identity it is therefore necessary to subordinate the issue of genocide. One could argue that ideally a perpetrator nation would wish to subordinate genocide in its national narrative through silence, but when this nation is confronted by the victim group with a critical mass of evidence, then in order to be able to fulfil its role of helping to constitute identity, nationalist historians must also develop a robust defence against alternative and competing narratives which might threaten the successful reproduction of that identity itself. Their role is an important and powerful one.

One aspect of the Republican Defensive Narrative as a discourse of power after all is that it reproduces Turkish national identity through the mediation of myth in relation to its “other” and in the case of the Armenian genocide this “other” is the Armenian. By forming the national identity against the Armenian it also fractures the possibility of a more inclusive Turkish national identity. As a discourse of power it is diffusive by challenging the myths and narrative of the Armenians, in the process undermining Armenian national identity and thereby subordinating that narrative and identity. The fracturing involved in creating the Turkish identity was part of a violent process of transition from one identity to another. The formation of a Turkish national identity encouraged Turks to break with their past as members of the Ottoman Empire. This separation of the continuity of the Turkish-Ottoman past implied that aspects of that previous identity would have to be discarded. This identity was a multi-ethnic one that involved sharing a collective society with other ethnic communities, the idea of a new mono-ethnic community meant separation from the other communities, a separation which potentially meant expulsion or in extreme circumstances, death for the other communities. A more inclusive Turkish identity would potentially mean a reproduction of the old Ottoman identity, albeit on a smaller scale, however, since this is an identity which the Turks “fractured” to create their new Turkish identity. Arguably it would be counterproductive to accept this inclusive identity.

It is arguable that the most important of the writers supporting the master narrative of the Republican Defensive Narrative was Esat Uras, a former Ottoman

¹⁴¹ Michael Billig *Banal Nationalism* (London: Sage, 1995) p50

official and member of Atatürk's RPP party. Uras who is regarded as the prime authority on the Armenians by other Turkish nationalist historians appeared to demolish one by one all the Armenian claims to nationhood while also implying there is a tendency for treachery in the Armenian national character. His seminal work *Armenians in History and the Armenian Question* was first published in 1953 and then published again in 1975 as an English translation exploring all these themes.¹⁴² It is important to note as Üngör has established that Uras had previously produced a report on the Armenians for a department linked to the Interior Ministry, the main ministry responsible for the genocide, as part of a study of the different ethnic groups of Eastern Anatolia as the basis for future action. These studies were initiated when the Armenian genocide was already underway. This primary source of the Republican Defensive Narrative could, then, arguably, be tainted by being itself part of the genocidal process of paving the way for denial while in the midst of the genocide itself.

Uras's main argument was that Armenia throughout history has existed only as a geographic location. He argued that one cannot say that a sovereign independent Armenian nation state which was limited within borders and was recognised by other nations was located in Eastern Anatolia. To prove this thesis Uras examined Armenian myth with the intention of debunking it and, in the paradigm of nationalist discourse, attempted to show that Armenia never had a true golden age when it would have flourished as a sovereign nation with heroic leaders, that its myths of origin were based on a faulty premise, it has never really exercised sovereignty over Eastern Anatolia and therefore Armenian title deeds to Eastern Anatolia are worthless.¹⁴³

Uras identified three groups as being responsible for inciting the Armenian question: Armenian writers, the Istanbul Patriarchate and the Dashnaksoution (an Armenian revolutionary society). According to Uras the Dashnaks were primarily responsible since they aimed to rebel against the Ottoman government to encourage intervention by the European Great Powers. The Armenians were in turn manipulated by the Russians who wanted to gain access to the Mediterranean. Concerning the genocide itself, Uras alleged that the Armenians provoked a response from the Ottoman government by rebelling against the Ottoman government. The Ottoman government in turn had to make critical decisions to protect the state so it decided to deport the Armenians. In this account due to circumstances beyond the Ottoman government's control and of war including disease, hunger, anarchy and lack of transportation the relocation of the Armenians could not be carried out properly and this resulted in the deaths of many Armenians. Uras here established the main threads of the Turkish official narrative on the genocide that the Armenian deportations were instigated by the Ottoman government in response to Armenian rebellions and that Armenian deaths during these deportations were caused by the circumstances of war and breakdown in order in the Ottoman Empire rather than through any planned genocide by the Ottoman government.¹⁴⁴

¹⁴² Esat Uras, *Armenians in History and the Armenian Question* (Istanbul: Belge Press, 1953).

¹⁴³ *ibid.* pp305-334

¹⁴⁴ YG Gark in *Armenians in the Service of the Turkish State* (Istanbul: Belge Press, 1953) at the same time explored the theme of the Armenians as the loyal millet, who often worked as trusted bureaucrats in the Ottoman Empire.

There was a gap between the works published in 1953 and the next cluster of works starting in 1975. Göçek argued that this gap was because of the military coup and the censorship ordered by the military authorities. According to Göçek, the publication of works beginning in 1975 was in response to the murders of Turkish officials by Armenians. Perhaps it was no accident that two of the works in this cluster were written by a diplomat and a former civil servant. Göçek's argument that the publication of these works was in response to the murders of Turkish officials was that these works were commissioned by the Turkish authorities to protect the reputation of the Turkish state and this was their primary function. Another interpretation might be that the authors of these works also viewed the heightened campaign by Armenians to focus attention on the Armenian genocide as an attack on the collective identity which they shared. As well as acting as agents of the state, these writers, arguably, also perceived themselves as protecting their own identities as Turks.

Kamuran Gürün, a Turkish diplomat, published his work in 1985 as part of the Turkish response to the Armenian campaign of violence.¹⁴⁵ In this book Gürün, drawing on Uras, challenged Armenian claims to nationhood of having constituted a long-standing nation state in Eastern Anatolia, instead describing the Armenian nation as being a Church State where the Armenian Church was the most important institution. It was this church which Gürün blamed for being the main instigator of the Armenian question. Gürün alleged that having been inspired by foreign missionaries the Church sought autonomy for Armenia and to this end conspired with Russia against the Ottoman Empire. Although Gürün was reluctant to describe the Armenians as a nation only constituting a Church State on the question of the genocide itself Gürün contradicted himself by stating that "among the nations Turkey fought during the First World War the Armenians were included".¹⁴⁶ This statement represented a further development in the Turkish narrative from Uras's work towards the idea of a civil war between the Armenians and Turks which the American historian Bernard Lewis also touched upon.

This theme of civil war was one which Salahi Ramsdan Sonyel, a former civil servant from Cyprus would highlight in his book published in 1987.¹⁴⁷ Sonyel in his studentship at the University of London was assisted in his work by the Turkish Embassy in London. For Sonyel there were mutual excesses on both Armenian and Turkish sides which did not constitute a genocide but a civil war involving military and guerrilla actions, while at the same time the Ottoman Empire was afflicted by severe shortages of food and fuel which resulted in famine affecting not just Armenians but Muslims as well. The decision to relocate the Armenians was taken as a response to Armenian rebellion which according to Sonyel threatened the existence of the Ottoman state. Sonyel's thesis was that this rebellion was the culmination of the machinations of the Ottoman Armenians with the Armenian Church and revolutionary groups in the vanguard to involve the Great Powers in reforming the Ottoman Empire to secure Armenian autonomy. In so doing,

¹⁴⁵ Kamuran Gürün *The Armenian File: The Myth of Innocence Exposed* (London: K Rustem & Brother, 1985)

¹⁴⁶ *Ibid.* p215

¹⁴⁷ Salahi Ramsdan Sonyel *The Ottoman Armenians, Victims of Great Power Diplomacy* (London: K Rustem & Brother, 1987)

according to Sonyel's thesis the Ottoman Armenians allowed themselves to be pawns in the power games of Britain and Russia who had scant regard for the fate of the Armenians. These machinations ultimately resulted in the tragedy that befell the Armenians. In this work Sonyel also challenged Armenian claims to sovereignty over Eastern Anatolia by claiming that they had been a subject people under Byzantine rule and for hundreds of years under Turkish authority.

It was only after this work that more professional historians began to write on the subject. Two of the most important contributions were by Mim Kemal Öke and Yusuf Haloçoğlu. In a PhD dissertation published in 1988, Mim Kemal Öke, drew heavily on Gürün's argument that the Armenian Church as constituting a Church State was the foremost promoter of Armenian nationalism in the Ottoman Empire.¹⁴⁸ Where Öke diverged from Gürün was by arguing that the push for greater Armenian autonomy by the Armenian Church was an attempt to regain some of the authority it had lost as a consequence of the process of democratization and secularization that the Ottoman Empire was undergoing. As the other Turkish nationalist writers have argued, Öke concluded that the result of this drive for greater autonomy was the increased involvement of the Great Powers principally Britain and Russia, in the "internal affairs of the Ottoman Empire" when during the First World War these states encouraged the Armenians to rebel.¹⁴⁹

Yusuf Haloçoğlu, a professional historian, took a moderate approach to the Armenian genocide in contrast to other nationalist writers. Haloçoğlu's argument in his work published in 2002, was based on new sources from government records.¹⁵⁰ Despite Haloçoğlu supporting the traditional Turkish narrative of Armenian disloyalty as he cited close Armenian-Russian co-operation from 1908 onwards, on this question of Armenian autonomy Haloçoğlu has offered a nuanced perspective on Turkish-Armenian relations. This point was where Prince Sabhattin advocated reforms that would have broken up the Ottoman Empire into administrative units. These putative reforms offered Armenian hopes of greater autonomy, which some have argued were the basis of the Young Turk fears over Armenian growing assertiveness.

There are a number of common threads that link these Turkish nationalist historians of the Armenian genocide, particularly those writing latterly. Their emphasis appeared to have been to promote Turkish nationalist claims at the expense of Armenian ones and justifying the reasons for the deportation of the Armenians rather than exploring the details of the genocide itself. To this end they have drawn heavily on the earlier work by Esat Uras. These writers have attempted to rebuff Armenians claims to nationhood and sovereignty over Eastern Anatolia. They have also insinuated that the Armenians have had an inclination to disloyalty and rebellion highlighted by the role of Armenian revolutionary societies prior to and during the First World War, although a number of these writers have accepted that the Armenians were earlier called the loyal millet (religious minority). To this charge of disloyalty they have accused the Armenians of having been tools of foreign powers principally Russia to undermine the Ottoman Empire from within.

¹⁴⁸ Mim Kemal Öke *The Armenian Question 1914-1923* (London: K Rustem & Brother, 1988).

¹⁴⁹ Ibid. p83

¹⁵⁰ Yusuf Haloçoğlu *The Facts on the Relocation of the Armenians 1914-1918* (Ankara: Turkish Historical Society, Printing House, 2002).

In this context ironically there have been certain issues in which the Turkish nationalist narrative has shared common ground with the Armenian nationalist narrative. The first has been on how the Great Powers used the Armenian question as a lever to wield influence in the Ottoman Empire and engineer its break-up without maintaining a genuine interest in the well-being of the Armenian population of that empire. The second has been on the importance of Armenian revolutionary societies in the Armenian question although these narratives have diverged over the motivations underlying the formation of these societies. Once historians inside Turkey had written their works, elements of the Turkish state began to think how to promote their case outside their country looking to use state funding to encourage scholars to pursue their arguments already mapped out by Turkish historians.

Non-Turkish writers supporting the Turkish position

According to Roger Smith, Eric Markusen and Robert Jay Lifton, during the 1980s “the Turkish government supported the establishment of ‘institutes’ whose apparent purpose was to further research on Turkish history and culture. At least one also was used to further denial of the Armenian genocide and otherwise improve Turkey’s image in the West”.¹⁵¹ According to Smith, Markusen and Lifton one such institute was the Institute of Turkish Studies Inc. in Washington DC founded in 1982 “with a grant of three million dollars from the Republic of Turkey”.¹⁵² It has also received funding from “American corporations that sell military equipment to the Turkish government. In 1992 it began a fund-raising campaign to double its endowment to six million dollars with funds to be raised from businesses in America and Turkey”.¹⁵³ The Institute also promotes Turkey in higher education and to this purpose it subsidises individuals and institutions through grants for “research publications, scholarship funds, fellowships, seed money, conferences and seminars including matching funds, grants to individuals”.¹⁵⁴ According to Smith, Markusen and Lifton the Republic of Turkey has also funded university chairs in Turkish studies. In 1994 it gave a 1.5 million dollar grant to Princeton University to establish the Atatürk Chair in Turkish studies at that university. Dr Heath Lowry subsequently became the first chair in that department. The Institute of Turkish Studies was deeply involved in the process of establishing this chair and worked towards creating “endowed chairs at three other US universities”.¹⁵⁵ This involvement in American higher education by the Republic of Turkey and the Institute would not be particularly nefarious nor would the Institute’s role of “furthering knowledge and understanding of a key NATO ally to the United States, the Republic of Turkey” if, according to Smith, Markusen and Lifton this “furthering of knowledge and understanding “did not also in this trio’s words include “measures that have been construed as denial of the Armenian genocide”. It also needs to be said that it would be too simplistic to say that every non-Turkish historian who broadly supports the official Turkish position is a product of such manipulation.¹⁵⁶

¹⁵¹ Roger W Smith, Eric Markusen, Robert Jay Lifton “Professional Ethics and the Denial of the Armenian Genocide” *Holocaust and Genocide Studies* V9 N1 Spring 1995 p4

¹⁵² Ibid.

¹⁵³ Op.Cit.

¹⁵⁴ Ibid. p5

¹⁵⁵ Ibid.

¹⁵⁶ Op.Cit.

There have been important scholars who also need to be noted in this context. Perhaps the most important of these is Bernard Lewis who, whilst he drew on the argument of Uras, developed a rather subtle argument in a key work published in 1961 anticipating the 50th anniversary of the Armenian genocide by four years.¹⁵⁷ In his work Lewis also drew upon the arguments of Uras. Lewis's main argument was that the Armenians tried to encourage intervention by the European Great Powers to further their goals of autonomy leading to independence. These ambitions resulted in civil war because the Armenians' desire for independence posed a mortal threat to the Turkish heartland since the Armenians stretched across Anatolia from the Caucasian frontier of the Ottoman Empire to the Mediterranean coast. According to Lewis, "there then began a struggle between two nations for the possession of a single homeland" in which ironically Lewis acknowledged the figure accepted by Armenian historians for the number of Armenian dead in the genocide of 1915-16 of "one million".¹⁵⁸

Lewis was not a completely isolated figure. The Shaws, academic Stanford and his Turkish wife Ezel Kural Shaw in their work published in 1970 and Justin McCarthy in his work¹⁵⁹ took up this theme of civil war between the Armenians and Turks. However, these authors went one step further than Lewis and appeared to argue that the Armenians were the aggressors and either committed or planned to commit genocide against the Turks. According to McCarthy this was due to the fact that the Armenians wanted a "national state with what nineteenth-century writers called racial 'unity' or 'purity'"¹⁶⁰ that left no room for the Turks and these desires resulted in a civil war where Turks and Armenians were forced to take sides. In McCarthy's view if the Armenians had not been forced out of Anatolia the Turks would have had to flee themselves.

A decade later another author Guenter Lewy reacted to the onset of the 90th anniversary of the Armenian genocide, which would in all likelihood coincide with a renewed Armenian campaign for recognition of the genocide.¹⁶¹ Lewy in his analysis of the competing accounts of the Armenian genocide, while appearing to offer a balanced dissection of the arguments of the two narratives, offers a sophisticated pro-Turkish argument. By making some concessions to arguments made by Armenian writers and indeed most genocide scholars, he gave the impression of balance. However, a close examination of his analysis of the arguments and evidence for the positions of Armenian and Turkish writers revealed that he has created the impression of doubt around many of the Armenian arguments principally Dadrian's and his work on the verdicts of the post-war tribunals as well as nearly all eyewitness reports and diplomatic correspondence. Although he retreated from extreme Turkish positions he accepted the gist of the Turkish argument that there was no Turkish intent, which he identifies as the key issue.

¹⁵⁷ Bernard Lewis *The Emergence of Modern Turkey* (Oxford: Oxford University Press, 1961).

¹⁵⁸ *Ibid.* p356

¹⁵⁹ Stanford and Ezel Kural Shaw *The Ottoman Empire and Modern Turkey*; Justin McCarthy *The Ottoman Turks: An Introductory History to 1923* (London and New York; Longman, 1997); Michael Guenter's work *Pursuing the Just Cause of their People: A Study of Contemporary Armenian terrorism* tried to make the link between Armenian terrorism in the 1970s and 80s and previous acts against the Ottoman state.

¹⁶⁰ Justin McCarthy *The Ottoman Turks* p357

¹⁶¹ Guenter Lewy *The Armenian Massacres in Ottoman Turkey: A Disputed Genocide* (Salt Lake City: The University of Utah Press, 2005).

Lewy's central argument was that the Armenian genocide was really due to "the ineptness" of the Turkish authorities rather than a consequence of a planned genocide, which is the converse of the argument made by many Armenian writers suggesting a Turkish lack of power rather than an intention to concentrate power.¹⁶² In the alleged absence of central authority and resulting anarchy the real power was diversified and hence the responsibility for the Armenian massacres. He argued the main blame should lie "primarily on those who did the actual killing" which he implied were mainly Kurds and Circassians.¹⁶³ Lewy also returned to the favoured Turkish argument of communal strife resulting in "civil war" being responsible for many of the Armenian deaths but he did it from a position of contrived objectivity. His strategy was sophisticated by suggesting that the actions of the Turks and Armenians were equivalent resulting from the chaos of war, and even appearing to question the accounts given by both sides while effectively blaming the Armenians for starting the conflict. One writer Lewy cited to support his argument that the Armenian genocide was due to Turkish ineptness was former US army officer, Edward Erickson, who wrote a history of the Ottoman army during the First World War in which he argued concerning the deportations: that the Ottoman authorities did not have the logistical ability to make large scale population transfers. In a later work he appeared to contradict himself by praising the ability of the Ottoman forces to withstand the might of the allies, since the organizational ability to hold at bay so many allied troops from first rank powers suggests a degree of competence.

There may be a number of reasons why non-Turkish writers have been sympathetic to the Turkish narrative of the genocide. One reason may be the prosaic one that in order to gain access to the Ottoman archives to complete their academic research, professional academics may have to be cautious in arousing the sensitivities of the Turkish authorities on this issue. Another reason is that some authors such as Bernard Lewis have been concerned about the rise of radical Islamism in the Middle East and have perceived Turkey to have been an important secularist bulwark against this threat and would not wish to diminish the legitimacy of such an important secular state. Lewis is also an Orientalist being proficient in Turkish and Arabic literature. Edward Erickson as a former US army officer would also appreciate the strategic importance of Turkey when confronting this and other strategic threats to American interests and shown a favouritism to the martial qualities of the Turks. Justin McCarthy is another specialist in the whole scope of Ottoman history not merely the period of the Armenian genocide would naturally be sensitive to the Ottoman Turkish perspective. The fact that he has also written about ethnic cleansing of Muslims in the Balkans and the Caucasus suggests a degree of sympathy with the plight of the Muslims in the wake of Western expansion. Lewy has also appeared to display an ethnic favouritism towards the Turks although he has stated that the reason for his interest in the subject was his belief that there was no preconceived intent and organisation of the massacres of the Armenians to justify the term genocide for the Armenian case.

The focus of this small group of non-Turkish writers generally supporting the Turkish narrative has appeared to have concentrated on three main themes. The

¹⁶² *ibid.* p256

¹⁶³ *ibid.* p257

first is on the alleged disloyalty of the Armenians by accusing them of allowing themselves to be manipulated by the Great Powers to threaten the integrity of the Ottoman Empire. The second has been that the genocide was really a civil war between the Turks and the Armenians for control over the Anatolian heartland. A third theme has appeared to have been a slight shift in position where a number of writers have alleged that the genocide resulted from Ottoman incompetence rather than from intent to commit genocide. The implication of this argument has been that the Young Turks could not have organised a genocide of the Armenians even if they had so wanted. It is important to note that the main threads of the arguments made by these non-Turkish writers on the genocide have closely mirrored the Turkish official line on the genocide. Such work however has not persuaded the large majority of scholars who have been more willing to take seriously the Armenian case to which we now turn.

The Development of Armenian Responses

The Armenian narrative developed signally later than the Turkish narrative. Apart from eyewitness testimony there was not a great deal of historical work produced on the subject by Armenians initially. That is not to say that no historical work on the subject was produced. One important work was produced by the British historian Arnold Toynbee. This was a work that has often been dismissed by writers supporting the Turkish argument on the genocide as Entente propaganda. It was produced during the First World War by Toynbee and the parliamentary campaigner James Bryce as "The Treatment of the Armenians in the Ottoman Empire 1915-16". As Ara Sarafian and Claire Mouradian have argued, in fact this work can be proven to be a reputable publication and a valid rebuttal of the Turkish argument for a number of reasons. It was complemented by another publication published in 1916, which was "A Key to Names of Persons and Places Withheld from Publication in the Original Edition of "The Treatment of Armenians in the Ottoman Empire 1915-16". The primary sources and those individuals who submitted them were cited therein. It can also be argued that Toynbee's work was authentic because much of the evidence outlining the details of the massacres was obtained from the archives of the US State Department and the American Board of Commissioners for Foreign Missions (ABCFM), bodies of a state that was neutral at the time the work was published in 1916.¹⁶⁴

One fundamental reason for the earlier dearth of Armenian history of the genocide according to Marc Nichanian is the absence of the archive. As he has argued, the value put by historians and political society in general on archival evidence to establish historical events as "facts" and the relative dearth not only of the archive of the perpetrators but also of the victims made it difficult for the Armenian diaspora to establish the reality of the genocide beyond doubt. A significant contributing factor to the absence of any archive was the destruction of the Armenian intellectual elite at the beginning of the genocide. These were the historians and other intellectuals who would have compiled the documentary evidence of the genocide. Consequently, without the historians to write the history

¹⁶⁴ Ara Sarafian "The Archival Trail: Authentication of the Treatment of Armenians in the Ottoman Empire 1915-16" in Richard Hovannisian (ed.), *Remembrance and Denial: The Case of the Armenian Genocide*; Claire Mouradian Preface to *Les Massacres des Arméniens. Le Meurtre d'une nation (1915-1916)* (Paris: Payot, 2004).

of the genocide and without the archive it was almost impossible to write a history of the genocide beyond eyewitness testimony.¹⁶⁵ This absence of a history of the genocide one could argue made it difficult for the Armenians to even reconstitute themselves as a community. This is because part of the act of reconstitution of the community is the dependence on the narrative of what had happened to the community.. Another hindrance to reconstitution was the fact that the community was dispersed. The community was divided between a diaspora living in other states and that living in an Armenian state. This situation caused a lack of coherence and security.

The burden was taken up by writers in the diaspora particularly in the societies of America and France and their socialisation in these societies has significantly influenced how this narrative has been produced and elaborated upon. This is partly because the nature of politics in the United States is different from France, which, in contrast with France, tends towards the conservative centre right rather than the broad spectrum of political views and parties which exist in France. Consequently, the nature of politics in these states could affect how Armenians living in these states interpret the Armenian genocide for non-Armenian audiences in these states. Razmik Panossian has explored a number of the issues important to Armenian diaspora identity and how it has been affected by the interrelationship between the community in the diaspora and the one in the homeland.¹⁶⁶ Panossian argues that “there was a process of nation building and identity construction in the diaspora and the homeland”.¹⁶⁷ The fact that the Armenian nation is heterogeneous makes the “homogenization argument often at the heart of theories of nationalism rather problematic.”

This heterogeneous nature has implications for a common political approach by the diaspora and homeland on important political issues. Since the homeland and diaspora were ostensibly on opposing sides for almost half a century during the Cold War this is hardly surprising. However, as well as the reality of the Cold War, this common policy was also made problematic by the fact that according to Panossian “in the diaspora diaspora organizations fulfilled the role of a state.”¹⁶⁸ Since the Dashnakustion (the Armenian Revolutionary Federation) was a powerful voice in the diaspora and this organization was outlawed in Soviet Armenia, it was to be expected that the diaspora and the homeland would support different policies, including how they interpreted the Armenian genocide.¹⁶⁹ This fracture has been illustrated by Simon Payaslian by the fact that in the last five years the Republic of Armenia has been keen to foster closer ties with Turkey without a prior requirement that Turkey recognize the Armenian genocide while many in the diaspora, predominantly the Dashnaks, oppose this policy.¹⁷⁰ The Republic of Armenia’s policy is understandable given the realpolitik of Turkey’s strategic position. Since it is Armenia’s neighbour, Turkey can open a corridor for land locked Armenia to have

¹⁶⁵ Marc Nichanian *The historiographic perversion* (New York, NY: Columbia University Press, 2009). pp256-261

¹⁶⁶ Razmik Panossian *The Armenians from Kings and Priests to Merchants and Commissars* (New York, NY: Columbia University Press, 2006).

¹⁶⁷ Ibid. p4

¹⁶⁸ Op.Cit.

¹⁶⁹ Ibid. pp2-15

¹⁷⁰ Simon Payaslian *The History of Armenia: From the Origins to the Present* (Basingstoke: Palgrave Macmillan , 2007), p227

trade access to the Black Sea and can help Armenia in its relationship with Azerbaijan particularly over the status of Nagorno-Karabagh. This fracture has led to the narrative of the Armenian diaspora on the genocide being slightly more emphatic than that existing in the nation state.

Four main themes may be identified as integral to this Armenian narrative: firstly, the paradigm of rebellion, secondly, the historical continuity of the Armenians, thirdly, the legitimate desire for autonomy and fourthly, the obligation to remember. Panossian introduces the first of these themes, the “paradigm of rebellion” in Armenian identity exemplified by the battle of Avarayar in 451.¹⁷¹ In this battle the Armenians fought against the Persians who had demanded they give up their Christian faith. This battle “inserted martyrdom at the heart of Armenian history” and “national resistance against oppression fought in defence of church, nation, truth and justice.”¹⁷² Even though the Armenians lost, in Armenian nationalist history it became “a moral victory because Christianity remained the religion of the country and was used as a rallying cry against the “other”.¹⁷³ As part of the heroic generation of the Armenian golden age, Vardan the leader of the Armenian army and his followers were to “be celebrated and emulated”. The Armenian historiography of the Armenian question in the last fifty years, especially concerning the struggle of Armenian revolutionaries against Turkish oppression, has been significantly influenced by this paradigm.¹⁷⁴

Other themes integral to Armenian national identity which many of the writers in the Armenian diaspora and their sympathizers have addressed are the myths which Armenians have invoked to claim sovereignty over historic Armenia in Eastern Anatolia. The first of these themes is that the Armenians are descended from Aram son of Noah whose ark is supposed to have landed on Mount Ararat in the heart of historic Armenia but now in Turkey. Mount Ararat is thus signally important to Armenian national identity. The second theme is that the Armenians are the product of intermarriage between the Phrygians and the Urartians who had occupied the land of Armenia since time immemorial and this is the basis for the Armenian claim to title deeds over Eastern Anatolia. The third theme is that Armenia had a long standing existence as an independent nation state when Armenian kings Artaxias I and Tigranes first won independence from the Persian Seleucid Empire and then solidified this independence. This in turn led to an Armenian golden age under the Arsacid dynasty when Armenian literature and art flourished during which the Armenians became one of the first Christian nations in AD 301 when Gregory established the Armenian Apostolic (Gregorian) Church. The church would become a powerful force in the life of the Armenian nation throughout the centuries in confirming its independent identity. As has already been noted the desire to protect this independent Christian identity was one of the prime motivating factors for the Armenians to fight the battle of Avarayar. These themes have been highlighted in the works of Louise Nalbandian, Marjorie Housepian Dobkin, Dickran Boyjian, Peter Balakian, the British historian Christopher Walker and the French historian Yves Ternon.

¹⁷¹ Razmik Panossian *The Armenians from Kings and Priests* p 46

¹⁷² *Ibid.* p 48

¹⁷³ *Op.Cit.*

¹⁷⁴ *ibid.* p48

Along with the desire to establish Armenian claims to sovereignty over historic Armenia a number of Armenian historians and other sympathetic writers have tried to explain why the Armenians wanted greater autonomy from the Ottoman Turks and why the Turks committed genocide against the Armenians. Some have highlighted the subordinate position of Christians in the Ottoman Empire and the Muslim Turks sense of superiority. This unequal relationship encouraged Armenians to seek autonomy but also in these writers view created the space for genocide to occur. Others have suggested that there is an inclination for violence in the Turkish national character particularly focusing on the importance stressed on the warrior ethos, which could lead to genocide if confronted with a threat to its authority.

The descendants of the victims were the ones who undertook to focus the world's attention on the Armenian genocide. Young Armenians were particularly affected by the 50th anniversary of the Armenian genocide in 1965 and were angered that whereas other similar events had been remembered their trauma had not been. Christopher Walker, a British historian, who is on the whole sympathetic to the Armenians' historical situation is critical of the response some young Armenians took to the fact that the Armenian genocide had appeared to be forgotten by the international community, who instead of writing history to inform the world of the genocide engaged in acts of terrorism against Turkish targets not to achieve any political demands but to focus the world's attention on the genocide. However, there were a number of Armenian writers who did focus attention on the Armenian question and genocide before the terror campaign began in 1974.¹⁷⁵

The Armenian American Diaspora Narrative

A key work was by Louise Nalbandian, published in 1963.¹⁷⁶ It is notable that this work promoted civil rights and liberation movements at the time when the American civil rights movement was at its height and decolonization was occurring in the Third World. This work is important because both Armenian and Turkish narratives drew on this book to support their arguments. Nalbandian traced the development of the different Armenian revolutionary societies outlining the reasons for their establishment, their agendas and their various operations. It was strongly influenced by nationalist discourse; especially "the paradigm of rebellion" identified by Panossian, and reflected a tension between pragmatism and idealism. The first paragraph introducing her subject appears to be heavily influenced by the idealism of the times in which she was writing as it was the height of the Civil Rights Movement in the United States, almost twenty years after the creation of the United Nations and the UN Declaration of Human Rights.

The Armenian Revolutionary Movement of the nineteenth century was the expression of a new nationalism which embodied a fervent desire for individual freedom and political rights. At first the movement was only the inspired and inspiring response of a few patriotic individuals to those ideals. Through the stirring message of that handful of men, the Armenian people awoke from years of lethargy.

¹⁷⁵ Christopher Walker *Armenia: The Survival of a Nation* (New York, NY: St Martin's Press, 1980)

¹⁷⁶ Louise Nalbandian *The Armenian Revolutionary Movement* (Berkeley, California: University of California Press, 1963)

First, small groups, then organizations and finally political parties came into existence to create from those ideals a social reality.¹⁷⁷

Nalbandian's comprehensive analysis of the different Armenian revolutionary societies which emerged in the latter part of the nineteenth century, in trying to show these different groups in a heroic light also provided ammunition to Turkish and pro-Turkish authors in their conception of Armenians at the time as the disloyal "other" and inclined to use terrorism to achieve their ends. The historical context in which Nalbandian published the book might help to explain the idealist style of this narrative. Not only was it the time of the Civil Rights Movement but it was also written during the Cold War and an era of post-colonialism in which former European possessions in Africa and Asia embarked on self-rule. Nalbandian's narrative hinted a little at Marxist discourse in which "the [Armenian] masses realized their oppressed condition and knew that they deserved what other peoples at least to some degree now possessed".¹⁷⁸ It might appear a curious blend of Marxist and Nationalist discourse when she at the same time invoked the Battle of Avaryar and suggests that the Armenian revolutionaries were trying to emulate the heroic generation. This might be one example of where two normally mutually exclusive idealist world views coexist on the same page. However, Nalbandian's use of this strong language might convey the spirit of the time when a significant portion of the left believed that "oppressed peoples" in the developing world were justified in using force to achieve their freedom.¹⁷⁹

In outlining the manifestos and strategies of the different Armenian revolutionary societies, Nalbandian appeared to give credence to the arguments of Turkish nationalist historians; however, she did make some important distinctions between the aims of the different societies. The earliest two societies, which were formed in the 1870s: the Union of Salvation and the Black Cross Society were primarily defensive in nature. The programmes of the three remaining societies: the Armenakans, the Hunchaks and the Dashnaks, according to Nalbandian, could not support the traditional Turkish argument that all the Armenian revolutionaries wanted to achieve an independent Armenia and were willing to use terrorist methods to achieve it. Of the three only the Hunchaks wanted to achieve an independent Armenia and were willing to use terror to accomplish "the completed disintegration of the regime and not just against the Ottoman government but also against Turks and Armenians working for the government."¹⁸⁰ The Socialist Dashnaks were also prepared to use terror as outlined in their programme of 1892, but they did not seek an independent Armenia but "freedom that embodied political reforms and provided conditions for peace and progress".¹⁸¹ The Armenakans did not endorse the use of terror and like the Dashnaks, they did not aim for independence.¹⁸²

At the beginning of the 1970s two books came out that highlighted the actual commission of the Armenian genocide more directly. Although Marjorie Housepian Dobkin's book published in 1971, was ostensibly about the destruction of Smyrna

¹⁷⁷ *ibid.* p1

¹⁷⁸ *Ibid.* p66

¹⁷⁹ *ibid.* p65-66

¹⁸⁰ *Ibid.* p108

¹⁸¹ *Ibid.* p170

¹⁸² *ibid.* p171

(Izmir) by Turkish forces under Attaturk in 1922, the first two chapters outline the causes and commission of the Armenian genocide.¹⁸³ Dickran Boyjjan's work published the following year, was the first comprehensive Armenian work written in English to focus on the genocide itself and the Armenians' argument for recognition. Both these works reflected the period they were written in the middle of the Cold War, while Boyjjan's work appears also to be influenced by the growing interest in the Holocaust. Dobkins' book highlighted the conflict between idealist discourse on the part of the Great Powers and their policies driven by geopolitics. Dobkin reserved her greatest criticism in this regard for British Prime Minister, Benjamin Disraeli. She anachronistically described his imperialist policy for "the glory of the British Empire" as an "intransigent cold war policy in the Near East, which resulted in "disaster for a good many Ottoman Christians."¹⁸⁴ This policy was exemplified by the Treaty of Berlin in 1878 which overturned the Treaty of San Stefano, concluding the Russo-Turkish war of 1877-78, which had granted Armenians many concessions. Boyjjan's essential argument was that since the Nuremberg verdict confirming the guilt of the Nazis paved the way for compensation to be offered by West Germany to the state of Israel the Armenians should be similarly compensated by Turkey returning them to their homeland.¹⁸⁵

The major works written by Armenian historians were to be produced later and in a slightly different context by two of the foremost Armenian American writers, Richard Hovannisian and Vahakn Dadrian. They published work around the anniversaries of the genocide in 1985 and 1995 and prior to the introduction of resolutions in Congress to recognise the Armenian genocide most significantly in 2000. The timing of these works was arguably not accidental since there is an important correlation between commemoration, memory and history as David Bruce MacDonald and Paul Connerton have argued in their different ways. This commemoration of anniversaries is important as argued by David Bruce MacDonald because they are centred on the victims rather than the perpetrators. They keep alive the memory of the victims and offer a defence against forgetting what happened to them. This is also an idea central to the work of Paul Connerton who has argued that this defence against forgetting is vital especially against some forms of forgetting that are particularly pernicious, which suppress the past of the survivors rendering them mute and crushed. Indeed these commemorations can be seen as another way of reclaiming lost identity.¹⁸⁶

Richard Hovannisian has edited a number of books on the genocide to which he has made significant contributions. One of his first significant contributions on the question of the Armenian genocide was not in a book edited by him but in a book published by the Permanent Peoples Tribunal to coincide with the 70th anniversary of the genocide. This was a panel of lawyers, judges and academics assembled at the request of Armenian organizations in France to hear the case of the Armenian genocide. The convening of this tribunal was important since it was an attempt to partially fill the legal hole that had existed since the suspension of the

¹⁸³ Marjorie Housepian Dobkin *Smyrna 1922: the Destruction of a City* (New York, NY: Newmark Press, 1971)

¹⁸⁴ *Ibid.* p 33

¹⁸⁵ Dickran Boyjjan *Armenia: The Case for a forgotten genocide* Westwood (New Jersey: Educational Book Crafters, 1972) pp306-312

¹⁸⁶ David Bruce MacDonald *Balkan Holocausts*; Paul Connerton *The Spirit of Mourning-History Memory and the Body* (Cambridge: Cambridge University Press, 2001).

post-war military tribunals in Turkey. Contributions were submitted by historians, lawyers and the Turkish government outlining its position on the subject while Hovannisian presented the Armenian argument on the Armenian question from the late nineteenth century to the Treaty of Lausanne in 1923. Hovannisian's main point was that the Armenians sought greater autonomy from Ottoman rule rather than independence as a reaction to Ottoman oppression. This first took the form of self-defence groups that evolved into political societies that wanted cultural freedoms such as the ability to speak Armenian and local autonomy. Hovannisian also argued that a European attempt to resolve the Armenian question prior to the First World War by selecting European administrators to monitor the division of Eastern Anatolia into administrative districts created resentment on the part of Turkish officials at "interference in their internal affairs".¹⁸⁷

Hovannisian has been particularly revelatory in demonstrating how the Armenian question at the time of the genocide and subsequently had been influenced by geopolitics. He explained how the pressures affecting the Ottoman Empire ensuing in greater insecurity but with the corollary of demands by minorities for greater security allowed the Armenian question to become part of the wider Eastern Question.¹⁸⁸ The consequent demands by the Great Powers on the Ottoman Empire to treat minorities with greater respect and the refusal to enforce these demands created significant problems for the Armenians. In addition, since the Armenians lived on both sides of the border with the Russian Empire they were placed in a strategically dangerous position. The vulnerability of the Armenians in terms of geopolitics was also highlighted by Akaby Nassibian where he has shown how Britain's policy toward Armenians was never consistent and both betrayed the Armenians and manipulated their plight to pursue its own strategic interests.¹⁸⁹ In another work Hovannisian outlined how Turkey's strategy of denial had changed from absolute denial to one of requesting that both sides of the issue be heard. This denial had not only been propagated by "revisionist defenders of Turkey" but had been abetted by governments who for reasons of national interest had attempted to "suppress discussion or raise doubts about the Armenian genocide".

Vahakn Dadrian's most important work on the Armenian genocide was published in 1995 coinciding with the 80th anniversary of the Armenian genocide.¹⁹⁰ The central argument of this book was that the Turkish state has throughout history resorted to massacre "as a method of conflict resolution".¹⁹¹ He endeavoured to support this thesis by comparing the actions of two different Ottoman regimes: Abdul Hamid's in the 19th century and the Young Turks when dealing with perceived threats from Christians in the Balkans and Anatolia and concluded they decided on a similar approach. A resort to massacre was the common denominator and the treatment of the Armenians was the most explicit example of this policy. "The Armenian experience demonstrated that when it comes to resolving a lingering

¹⁸⁷ Richard Hovannisian. "The Armenian Question" in *The Permanent Peoples Tribunal; A Crime of Silence: The Armenian Genocide* (London: Zed Books, 1985) p 12

¹⁸⁸ . "The Historical Dimensions of the Armenian Question 1878-1923 in *The Armenian Genocide in Perspective* (New Brunswick, New Jersey: Transaction Publishers, 1986)

¹⁸⁹ Akaby Nassibian *Britain and the Armenian Question 1915-1923* (London & Sydney: Croom Helen, 1984)

¹⁹⁰ Vahakn Dadrian *The History of the Armenian Genocide* (Providence Rhode Island: Berghahn Books, 1995).

¹⁹¹ Ibid. p 383

nationality conflict most differences separating one regime from another will attenuate themselves for the purpose of forging a common response.¹⁹²

In tracing the development of the Armenian question, Dadrian lay much of the blame for the resulting disaster on the Great European Powers, who by couching their diplomatic language in idealist terms while being motivated by geopolitical interests severely undermined the security of the Armenians in the Ottoman Empire. Dadrian argues that the European powers were ostensibly concerned about democratic reforms to aid the Christian minorities but mainly the Europeans were concerned about the unending nationality conflict afflicting the Ottoman Empire which would affect their geopolitical interests. According to Dadrian, the European powers' role in the Armenian question made the Armenian question both an internal and external problem for the Ottoman Empire. The Europeans' demand for humanitarian reform and simultaneous failure to have realistic mechanisms to ensure these reforms were carried out made a dangerous situation worse. In addition their failure to enforce sanctions against the Turks for the massacres of 1894-96 created a situation where the Turks felt they could act with impunity against the Armenians further exacerbated by threats made against the Turks which "lacked credibility" a state of affairs that carried on in to the genocide of 1915-16.¹⁹³

Richard Hovannisian returned to the question of denial and its impact on the nationalist themes of collective memory and homeland in subsequent works. In another article published in 1999 Hovannisian echoes Stanton highlighting denial as the last stage of genocide by destroying the memory of the targeted group. One aspect of targeting memory is the destruction of evidence of the past inhabitation by the eliminated group in their homeland. In the Armenian case this has resulted in the destruction of Armenian buildings including monuments in Turkey.¹⁹⁴ This emphasis on Turkey's denial, arguably, helped shine a spotlight on Turkey's policy toward the Armenian genocide as a prelude to an impending campaign by Armenian pressure groups for a Congressional resolution on the genocide.

Vahakn Dadrian also published a new work in 1999 in the lead up to the introduction of a resolution. This book was more narrowly focused than his previous work on the history of the genocide.¹⁹⁵ It concentrated on how the geopolitical interests of the European powers in the Ottoman Empire affected how they approached the Armenian question and how these geopolitical concerns ultimately resulted in the genocide of the Armenians. Dadrian focusing on the role of geopolitics historically in the Armenian question could also be interpreted as trying to influence the Congressional debate albeit indirectly to highlight how much geopolitics still continued to influence the Armenian question around the issue of a Congressional resolution. Dadrian contextualised the Turko-Armenian conflict as being part of a wider struggle between the Ottoman Empire and minorities in the Empire. Dadrian's central point was that the Armenians played a pivotal role in the

¹⁹² Op.Cit.

¹⁹³ Ibid. p 380

¹⁹⁴ . "Denial of the Holocaust in Comparison with Holocaust denial" in Richard Hovannisian (ed.), *Remembrance and Denial: The Case of the Armenian Genocide* (Detroit, Michigan: Wayne State University Press, 1999) pp201-230.

¹⁹⁵ Vahakn Dadrian *Warrant for Genocide: Key Elements of Turko-Armenian conflict* (New Brunswick, New Jersey: Transaction Publishers, 1999).

Young Turks' sense of threats and opportunities for the Ottoman Empire. According to Dadrian the Armenians in Turkish eyes posed a threat to the Ottoman Empire by acting as a potential "satellite" allied to the Ottoman Empire's traditional enemy the Russian Empire but they also represented a barrier to the Young Turks' territorial ambitions in Central Asia. This point is persuasive; however, Dadrian's broader argument that only the Armenians among the subject peoples of the Ottoman Empire were victims of genocide is disputed now by many genocide scholars who have perceived a genocidal campaign of reordering the Ottoman Empire along ethnic lines conducted by the Young Turks against Assyrians, Greeks, Yezidis as well as Armenians.¹⁹⁶ Three years previously Dadrian had another work published outlining the evidence for German complicity in the Armenian Genocide.¹⁹⁷

Hovannisian in another article in the aftermath of the unsuccessful attempt in 2000 to secure Congressional recognition for the Armenian genocide highlighted this theme of memory again when outlining the three different approaches taken by the Turkish government when confronting those demanding recognition of the Armenian genocide; a strategy in the wake of the defeat of the resolution which appeared to have been successful yet again. The first tactic is denial which "aims to suppress memory and expunge the historical record. Second, rationalization gives explanation and excuses for what has occurred. Third, relativization attempts to obscure the intent and scope of the crime by placing it within the context of general human suffering during wartime".¹⁹⁸

Peter Balakian's book was published in 2005 in the lead up to another Armenian campaign to gain recognition by the US Congress for the Armenian genocide.¹⁹⁹ A poet and novelist, by training, he drew on previous accounts of the genocide, including eyewitness reports, diplomatic correspondence and other Armenian and non-Armenian authors to create a comprehensive narrative of the events leading up to the genocide, the course of the genocide and its aftermath. He particularly drew on Dadrian for much of the evidence to support his argument about the intent of the Young Turks to commit genocide. Balakian's account was critical of the United States. His argument concentrated on the triangular relationship between the United States and Turkey on one side and the United States and the Armenians on the other. The gist of his argument was that when the United States is forced to choose between acting on the idealistic principles enshrined in its political rhetoric which American missionaries imparted to Armenians or acting in its geopolitical interests in the Middle East it will always side with the geopolitically important Turkey rather than the less strategically important Armenians. Balakian argued that Turkey's government in its campaign of denial has undermined America's sense of humanitarian mission and also contradicted American history. This is because the Armenian genocide had been well documented in American official archives as well as in American newspaper archives. Consequently,

¹⁹⁶ Ibid. pp166-167

¹⁹⁷ _____, *German Responsibility in the Armenian Genocide: A Review of the Historical Evidence of German Complicity* (Watertown, Mass: Blue Crane Books, 1996)

¹⁹⁸ Richard Hovannisian. Introduction "Confronting the Armenian Genocide" in Richard G. Hovannisian (ed.) *Looking Backward, Moving Forward: Confronting the Armenian Genocide* (New Brunswick, New Jersey: Transaction Publishers, 2003) p2

¹⁹⁹ Peter Balakian *The Burning Tigris and America's response* (London: Pimlico, 2005).

Balakian's implication was that Turkey wanted the United States to deny its own historical record, incidentally the subject of the Armenian campaign for a US resolution in 2007-8. The tenor of Balakian's work was influenced by the recent emphasis on the protection of human rights in international law, an approach which he highlighted the French government endorsed when it recognised the Armenian genocide in 2001.

Hovannisian published another article preceding a further political campaign to gain Congressional recognition in 2007-8 for the Armenian genocide.²⁰⁰ In this article Hovannisian examined the two propositions offered by scholars who accept the fact of the Armenian genocide. On one side there are scholars such as Jay Winter who have argued that only total war where non-combatants as well as combatants are regarded as legitimate targets makes genocide possible.²⁰¹ Taking a different view to Winter and writers who support his position are scholars who believe the genocide was premeditated. Here Hovannisian appeared to endorse Winter's argument when he outlined how the Young Turks had used the opportunity of total war to create the ideal state they had envisaged prior to the war .

Other non-Armenian writers have contributed to the American historiographical debate on the genocide in support of the Armenian position such as GS Graber and Merrill Peterson. Graber's work which appeared a decade earlier than Peterson's has argued that official records can substantiate the claim that a genocide occurred.²⁰² This genocide, Graber has argued, was caused by geopolitics and was the result of Armenians living astride the border between the Ottoman and Russian Empires which allowed the Russians to intervene in Ottoman affairs and aroused Ottoman suspicions about the Armenians. Peterson also supports the fact that a genocide occurred but the focus of his work was more on American betrayal of the Armenians subsequent to the genocide.²⁰³

The most obvious point to make about the Armenian American diaspora narrative is that this narrative is the converse of the Turkish nationalist narrative and of those non-Turkish writers supporting this narrative. The most important task the Armenian narrative has had to do is to prove the reality of the genocide but also to explain why it occurred. The Armenian Genocide Museum in Yerevan through its collection of many documents on the genocide from the different international archives has had an important role to play in the former task and has facilitated the work of writers in the diaspora to perform the second task. Armenian American writers have also had to counter the main arguments made by Turkish nationalist historians around questions of nationhood, sovereignty and loyalty. In this context Armenian American writers have set out to prove Armenian long-standing claims to nationhood and sovereignty over Eastern Anatolia. The issue of Armenian loyalty to

²⁰⁰ Richard Hovannisian. "Wartime Radicalization or Premeditated Continuum" in Richard Hovannisian (ed.), *The Armenian Genocide Cultural and Ethical Legacies* (New Brunswick, New Jersey: Transaction Publishers, 2007).

²⁰¹ Jay Winter "Under the Cover of War: the Armenian genocide in the context of total war" introduction to *America and the Armenian Genocide of 1915* (Cambridge: Cambridge University Press, 2003)

²⁰² GS Graber *Caravans to Oblivion* (New York: J Wiley, 1996)

²⁰³ Merrill D Peterson *Starving Armenians: America and the Armenian Genocide 1915-1930 and After* (Charlottesville and London: University of Virginia Press, 2004) ; Another important work on the Armenian question and the genocide was by British historian Christopher Walker entitled *Armenia: the Survival of a Nation* (New York, NY St Martin's Press, 1980)

the Ottoman Empire has been one of the thorniest ones, which has been particularly exploited by Turkish nationalist historians. It has also been explored in depth by Armenian American writers. They have sought to disprove Turkish charges of innate treachery by pointing to the fact that they were previously known as the loyal millet and it was only Ottoman Turkish oppression which forced Armenian revolutionary groups to mobilise. In this regard many of these writers have focused on the Turkish warrior ethos and sense of superiority to minority groups like Armenian Christians as the motivations for this oppression. They have argued that the Armenians only looked to the Great Powers for protection when faced with horrendous persecution and massacre although these writers have accepted that the Armenians were manipulated by the Great Powers, principally Russia for their own imperialist goals. Writers in this narrative have also placed the Armenian question within the wider Eastern Question concerning the break-up of the Ottoman Empire and the machinations of the Great Powers to acquire the spoils of this collapse. Hovannisian and Dadrian in particular have emphasized the intent of the perpetrators and denial. However, they have also emphasized betrayal and abandonment by the Entente and neutral states, which include respectively, France and the United States. This is important because these are the two states that the Armenian diaspora has targeted to win support for recognition of the genocide and, in France's case, go further to criminalise denial of the genocide. The work we have discussed has either been produced in the United States or with an American audience in mind. There is another context where this literature developed, i.e. France. This context is slightly different.

French Armenian Diaspora Writing

The Armenian narrative we have discussed so far loomed large in the context of the diaspora in America. A complementary narrative was also produced in the context of the other major Armenian diaspora finding itself in France. French Armenian historiography of the Armenian genocide has taken a different approach to Armenian American writing, which has to be understood in the different political context in which it emerged. A great deal of French writing on the subject coincided with the end of the Armenian terror campaign of the 1970s and 80s and put this terrorism in a historical context. One of the foremost French Armenian writers was historian Anahide Ter Minassian. Gerard Chaliand was another French writer who was interested in the struggle of peoples in the Third World and the Armenian cause interested him in this context. Chaliand in collaboration with physician and historian Yves Ternon published a book in 1983 in which they compiled documents that confirm the "facts" of the Armenian genocide. It was the actuality of this genocide and the denial of the Genocide by Turkey, which Chaliand and Ternon used to contextualise the Armenian terror campaign against Turkish targets during the 1970s and 80s. "Armenian terrorism, [is] a terrorism of indignation born of the obstinacy of the Turkish state, of the silence of other states and of the failure of the conscience of mankind to recognize the reality of the genocide".²⁰⁴ Implicit in this

²⁰⁴ Gerard Chaliand and Yves Ternon *The Armenians From Genocide to Resistance* (London: Zed Press, 1983)

statement is a condemnation of the failure of the idealist international legal system of nation states to recognize “the justice of a lost cause” on behalf of the Armenians.²⁰⁵

According to Chaliand and Teron, in order to “break the wall of silence” over the genocide, groups like the JCAG (Commando of the Righters of Wrong for the Armenian Genocide) and the ASALA (the Secret Army for the Liberation of Armenia) engaged in “publicity terrorism” in the 1970s and 80s.²⁰⁶ This was a phrase coined by Chaliand to describe the process where these groups exploited the Western media’s need for profit which “gives pride of place to the spectacular and this in turn encourages terrorism”.²⁰⁷ In Chaliand’s and Teron’s argument this terrorism was a consequence of developments identified by Nalabandian where the re-emergence of the Armenian question in the 1960s coincided with the politics of identity arising from the national liberation movements of that era. These struggles created the problem of reconciling ideals such as human rights with the geopolitical interests of state power.

Anahide Ter Minassian’s book, was published the same year, 1983, as Chaliand and Teron’s work.²⁰⁸ It essentially traces the historical development of the Armenian Revolutionary Federation (the Dashnaksutiun) and its role in the Armenian question. Minassian appeared to make a connection between the historical role of the Dashnaks and that played by the terrorist groups, the JCAG and the ASALA. When the JCAG attacked Turkish targets in Western capitals “to engage international opinion to remind the Western states of their promises and obligations” Minassian appeared to suggest a comparison with the earlier Armenian struggle against the Turks since the Dashnak party “publicly supported” them.²⁰⁹ The struggles of the JCAG and the ASALA which had broadly similar goals “to gain recognition for the genocide, to return Armenians to their ancestral land and to reinstate Armenian culture in this land” in Minassian’s view also posed problems for the French Armenian community revolving around the idea of homeland. For a number of French Armenians, they had their vision of Israel which constituted Soviet Armenia but others had their vision of Palestine, i.e. historic Armenia, which was located in Turkey. Since the Cold War was still in full swing, the first of these visions caused difficulties for French Armenians’ sense of loyalty and the second was also entangled with the resistance movements of the time. Indeed, the ASALA stated that the reason for highlighting the Armenian question was that it was “part of the anti-imperialist struggle of the people of the third world”.²¹⁰

This latter agenda perhaps offers an explanation of why many Western governments found recognition of the Armenian genocide so difficult during the Cold War. Since both Armenian terrorist organizations originated in Lebanon and the Soviet Union at the time was assisting a number of third world resistance movements, Western governments would in all probability have wondered about the

²⁰⁵ Ibid.

²⁰⁶ Ibid. p 5

²⁰⁷ Op.Cit.

²⁰⁸ Anahide Ter Minassian *La Question Arménienne* (Roquevaire: Éditions Paranthèses, 1983)

²⁰⁹ *ibid.*p21

²¹⁰ *ibid.*p21

wisdom of angering allies such as Turkey, and possibly Israel, to support an Armenian cause which appeared antagonistic to Western interests.

The main aim of the earlier works by the French Armenian diaspora appears to have been to put the late twentieth century campaign by Armenian groups against Turkish targets in its historical context. To this end these writers have explained the reasons for the rise of Armenian revolutionary groups in the Ottoman Empire and their legacy in the late twentieth century. The explanation given for the rise of these groups echoing Nalbandian's in particular was that it was a response to Turkish oppression and a desire of these groups to protect their community. As this argument went, the motivation behind the formation of Armenian revolutionary groups in the Ottoman Empire was mirrored in the late twentieth century as the Armenians vented their frustration at Turkish official denial of the genocide and the international community's silence on this issue.

The attack by Armenian terrorists against the Turkish airlines counter at Orly airport in 1983 changed the politics of the French Armenian historiography of the genocide. Instead of trying to explain the reasons for the Armenian terror campaign in the 1970s and 80s by putting it in its historical context, French Armenian historians began to explore the Armenian question in greater detail. They highlighted the long-standing nature of France's relationship to Armenia from the Middle Ages onwards, especially from the nineteenth century and indeed the prominent role played by Armenians in French society. These historians also explained the genesis of contemporary political crises such as the conflict over Nagorno-Karabagh. These works have appeared to coincide with campaigns by Armenian pressure groups to encourage the French parliament to pass legislation on the Armenian genocide as well as to explain the causes of conflicts such as Nagorno-Karabagh. Besides Raymond Kévorkian who has produced the most comprehensive work in the French historiography of the genocide, Claire Mouradian, Anne Dastakian, Claude Mutfian, Patrick Donabedian and Dzovinar Kevoanian have also produced substantial work in the latter genre of French Armenian historiography of the genocide and other issues relating to the Armenian question.²¹¹ It should be noted here that Kevorkian in the production of his work drew heavily upon the archive of documents collected by Aram Andonian between 1918 and 1920 on the genocide itself and how the aftermath affected the refugees. The collection of five thousand documents is located in the AGBU Nubarian Library in Paris under Kévorkian's auspices. This archive has been particularly influential in the French debate where the documentation has been cited by Mouradian, Dastakian and others to refute Turkish denial of the genocide.

Within this group of writers Claire Mouradian has been particularly prominent. She directed one significant work to coincide with both the exhibition "Armenia in Montmartre" and the "Year of Armenia" celebrated in France in 2007,

²¹¹ Raymond Kévorkian, *The Armenian Genocide: A Complete History* (London, New York: IB Tauris, 2011); Claire Mouradian/ Anouche Kurth *Les Arméniens en France: Du chaos à la reconnaissance* (Toulouse: les éditions de l'attribut, 2010); Claire Mouradian, *Arménie une passion française*; Anne Dastakian, Claire Mouradian 100 réponses sur le génocide des Arméniens; Levon Chorbajian, Patrick Donabedian, Claude Mutfian *The Caucasian Knot: The History and Geo-Politics of Nagorno-Karabagh* (London and New Jersey: Zed Books, 1994; Claude Mutfian *Le Royaume Arménien de Cilicie xii –xiv siècle* (Paris: CNRS Editions, 2001)

which examined the relationship between France and the Armenians and the contribution of Armenians to French culture from the late nineteenth century to just after the genocide. Mouradian also wrote the Preface to a new French edition of Toynbee's work on the Armenian genocide published in 2004 in which she successfully rebutted claims by deniers that Toynbee's work was propaganda. This new edition coincided with Armenian attempts to have legislation introduced to criminalise denial of the Armenian genocide. Together with Anne Dastakian, Mouradian also produced a booklet which comprehensively addressed 100 of the most pertinent questions concerning the Armenian question and the genocide. This work appeared to be a primer to address any questions the political class may have had about the need for the legislation introduced the same year to criminalise denial of the Armenian genocide. Although she is a professional historian, Mouradian has also produced the first comprehensive sociological study of Armenians in France from the time of the genocide to the present day. This work published in 2010 also appeared to coincide with the latest efforts to pass legislation to criminalise denial of the Armenian genocide.²¹²

Claude Mutafian is another prolific writer on Armenian issues in France. Initially he was a mathematician but subsequently earned a doctorate in History. His work has varied from books on the Armenian medieval kingdom of Cilicia to producing with his co-author Patrick Donabedian the first history of Nagorno Karabagh to illuminate to opinion formers in the West the roots and causes of the conflict in that region when that conflict was well under way. Mutafian has also produced in conjunction with the Museum of the genocide in Yerevan a short history of the genocide. Dzovinar Kevonian's contribution to the work celebrating Armenia in Montmartre and the Year of Armenia was to highlight the assistance that France gave to the Armenians during the genocide. He particularly demonstrated the influence of the French Armenophile movement on promoting the Armenian cause in French public life during the course of the genocide. The piece generally emphasized the positive contribution made by France and French cultural society to the Armenian cause, although he did explain that French policy changed course on the Armenian issue from 1921 onwards.²¹³

Yves Ternon has been the strongest non-Armenian advocate of the Armenian position in the Francophone world. He stated that his purpose for writing his work was to "inform and to persuade people of its reality, to contribute to pricking peoples' consciences into an awareness of the dangers which threaten us".²¹⁴ In attributing responsibility for the genocide of 1915-16 to the Young Turk government, which he stated is an "incontestable fact" Ternon made a strong argument.²¹⁵ He blamed the "Pan-Turkish" ideology of the Young Turks which wished "to create by appealing to the mystique of racial identity, an empire equal to its ambitions".²¹⁶ In contrast to Ambassador Morgenthau and Dadrian he did not

²¹² Claire Mouradian/ Anouche Kunth *Les Arméniens en France: Du chaos à la reconnaissance*

²¹³ Dzovinar Kevonian "Un peuple dans la tourmente du génocide à l'après Lausanne" in Claire Mouradian (ed.), *Arménie-une passion française: le mouvement arménophile en France 1878-1923* (Paris: Magellan & Cie, 2007).

²¹⁴ Yves Ternon *The Armenians: History of a Genocide* (Translator Rouben Cholokian) (Delmar, New York, NY: Craven Books, 1981) p11

²¹⁵ *Ibid.* p 261

²¹⁶ *ibid.* p 266

attribute partial intentional responsibility to the Germans although he did state that the Germans were not active in the genocide but their passivity let it happen for strategic reasons. This was because they did not want “to do anything to jeopardize the alliance [between Germany and the Ottoman Empire] since they viewed alliance as important to protecting German lives and strategy on the Western Front”.²¹⁷ Ternon went further than even many Armenian authors when he claimed that the massacres of 1895 also constituted a genocide. How Ternon’s argument differed from Dadrian’s for example, was whereas Ternon claimed the massacres of 1895 were themselves genocide, Dadrian argued that they were a precursor which was part of a pattern of Turkish policy which reached its logical conclusion in genocide in 1915-16.²¹⁸ Ternon was particularly persuasive on highlighting the hypocrisy of the Great Powers whose motive was to parcel out the Ottoman Empire without encouraging rebellion within their own domains. In Ternon’s view their push for reform within the Ottoman Empire was in turn motivated by this same territorial greed, which caused the Sultan to fear territorial loss and divisions not only between Christians and Muslims but between the different generations of Turks.²¹⁹ Ternon’s argument that, by operating a policy of intervention ostensibly to help the Christian minorities, the European powers were really interested in partitioning the Ottoman empire, has appeared to validate the argument made by Turkish nationalist historians that the Armenian question like other minority issues was used as a wedge by the European powers to partition the Ottoman empire.

Jacques Derogy, was another French writer, who was influenced by Armenian nationalist history. Derogy happened to be an investigative reporter and popular journalist. He does not so much focus on the Armenian genocide itself but the campaign by an Armenian assassination operation called Nemesis set up after the First World War to kill the principal perpetrators of the Armenian genocide. Like other French writers on the Armenian question, his focus upon the assassination of the Turkish perpetrators of the genocide appears to contextualise in terms of power politics the terror campaign of the 1970s and 80s against Turkish targets.²²⁰

These writers have set out to prove a genocide was perpetrated against the Armenians and have explained why it occurred while endorsing a number of the themes of the Armenian nationalist narrative. These writers have supported Armenian claims to long-standing nationhood and sovereignty over Eastern Anatolia while challenging Turkey’s rejection of these claims. In explaining why the genocide occurred, they have focused on two main areas: firstly, Turkish racial theory and attitudes towards the Armenians and secondly, the hypocrisy of the Great Powers which used the Armenian question to promote their imperial agendas.

One significant group apart from the Armenians which challenged the Turkish wall of silence on the genocide was the Kurds. From the outset the Kurds realized the similarity between the fate of the Armenians and their own plight at the hands of the Young Turks. The leader of the Kurdish rebellion against the Turkish government, Sheik Said stated as his reason for going to war in 1925: “There is a lot

²¹⁷ *ibid.* p 267

²¹⁸ *ibid.* p 105

²¹⁹ *ibid.* pp 35-38

²²⁰ Jacques Derogy *Resistance and Revenge: The Armenian assassination of the Turkish leaders responsible for the 1915 massacres and deportations* (New Brunswick, New Jersey: Transaction Publishers, 1990).

of evidence available from authentic sources that they want to subject the Kurdish elite to the same treatment to which they subjected the Armenians and as a matter of fact this subject was discussed and decided in parliament last year".²²¹ The comparisons between the Armenians and Kurds were drawn in the 1930s by Kamurun Ali-Bedir-Khan and Herbert Ortel, Sureyya Bedir Kahn and Abdulaziz Yamulki amongst others, which included histories of the two groups.²²² This relationship reached its climax in the 1970s and 80s as the Kurdish PKK was formed in 1978 three years after the Armenian Secret Army for the Liberation was formed in Beirut. These two groups eventually cooperated in their attacks on Turkish consulates during this period as the ASALA wanted recognition of the Armenian genocide and the PKK stated that the Turkish government was committing genocide against the Kurds.²²³ This spirit of collaboration culminated in the recognition by the Kurdish Parliament in exile of the Armenian genocide in 1997. This resolution drafted by Zubeyir Aydar, Chairman of the Executive Committee condemned "the Ottoman State and their collaborators, the Hamidiye Alyalari formed by some Kurdish tribes for this crime before history". This resolution compared the policies of the Ottoman state with the Turkish state at the end of the twentieth century of "setting peoples and peoples of diverse opinion against each other". Abdullah Ocalan, President of the PKK in a subsequent letter to President Kocharian of Armenia in 1998 recognised the "Armenian holocaust" as a precedent for "the genocide of the Jewish people by the German Nazis in the Second World War". He also urged a dialogue between "all the contending parties, Turks, Armenians, Greeks and Kurds with the self-evident proviso that the Kurdish claim to self-determination and freedom will not be prejudiced as it was in Lausanne."²²⁴

The New Turkish Intellectual Discourse

The Kurds would not be the only group in Turkish society, which would come to accept the Armenian version of events. This is because Armenian historians and non-Armenian historians who share their perspectives have largely won the historical argument. Outside of Turkey the Turkish Republican Defensive Narrative had been largely discredited intellectually. Even inside Turkey voices have begun to appear that have challenged the narrative of denial. These Turkish intellectuals have increasingly moved towards the general international academic consensus on the genocide and have attempted to move Turkish society with them. Fatma Gocek identifies this movement of Turkish intellectuals as the Post-Nationalist Critical Narrative. The Post-Nationalist Critical Narrative, as its name suggests, beginning around the turn of the millennium is a decisive break with the Republican Defensive Narrative. Gocek presents the Post-Nationalist Critical Narrative as comprising three clusters. The first cluster attempts to comprehend how the genocide occurred and why the Turkish authorities have continued to deny the genocide. The second cluster consists of works that do not concentrate directly on the Armenians but

²²¹ Uğur Ümit Üngör, *The Making of Modern Turkey: Nation and State in Eastern Anatolia* p124

²²² Kamuran Ali-Bedir-Khan and Herbert Ortel, *Der Adler von Kurdistan* (Potsdam: Ludwig Doggenreiter, 1937); Sureyya Bedir Khan, *The Case of Kurdistan Against Turkey* (Philadelphia: The Kurdish Independence League, 1928); Abdulaziz Yamulki *Kurdistan ve Kurt İhilleri xana Tereqi*, 1938)

²²³ Uğur Ümit Üngör *The Making of Modern Turkey* p262

²²⁴ "Kurdistan Recognizes the Armenian Genocide", *Asbarez On-Line* 97/4/29

provide new information on the historical background of the events of 1915. The third cluster looks at Armenian culture within the Ottoman Empire. These include works specifically on the Armenian issue, works that “contextualise” the Armenian genocide within Turkish history and literary works by Turkish American writers translated into Turkish.

Taner Akçam is probably the best example of the writers comprising the first cluster of the Post-Nationalist Critical Narrative. He does not rationalise or relativize but instead tries to understand the context in which the genocide occurred and why the Turkish state has engaged in denial. In his first major work on the subject which was first published in Turkey in 1999, although Akçam tries to understand how the genocide occurred he lays the blame squarely on the Ottoman authorities.²²⁵ In a subsequent work published in 2004 Akçam addressed questions arising from nationalist discourse.²²⁶ Taner Akçam’s central argument was that the Turkish attitude to the question of the Armenian genocide is framed by Turkish national identity. He identified some key characteristics of this national identity. He argued that this identity was a delayed national identity and this late development has encouraged an aggressiveness to close the time gap. It has also been the victim of continual humiliation. The Turks have always identified themselves as a people who were born to rule, but this identity emerged against a fear of extinction. It is caught between the glory of the past and humiliation of the present. It also has a desire for revenge. There is also a drive for spiritual unity against the foreign and internal enemy.

He stated that the Turkish Republic was born out of the destruction of Christian populations in Anatolia and the establishment of a homogeneous Muslim state. He argued that the Ottoman elite believed that the Christian population was disloyal and was working with foreign interests to destroy the Ottoman Empire. Akçam blamed nationalism for the genocide, asserting that the emergence of Turkish national identity was one of the important reasons for the occurrence of genocide. He claimed that one major reason for Turkish denial of the genocide is that many of the founders of the Republic had been members of the Committee of Union and Progress and had thereby profited from the genocide, as had other Turks. This fact encouraged the new Republican government to state that the Republic was a new beginning and to disclaim all responsibility for the genocide. Akçam has acknowledged that this poses problems for national identity.²²⁷ Akçam has argued that a “fear of elimination” influenced Ottoman thinking due to the concern that the Ottoman Empire was on the verge of imminent collapse. Consequently, Ottoman administrators tended to blame the Christian peoples of the Empire for this collapse.²²⁸

Another Turkish historian who is sympathetic to the issues raised by the Armenian case and is keen to develop closer relations with the Armenians is Selim Deringil. Writing “In Search of a Way forward” a response to Armenian historian

²²⁵ Taner Akçam *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility* (London: Constable & Robinson Ltd. 2006), Originally published in Turkey in 1999 by IMGE Kitavebi, Ankara

²²⁶ _____ *From Empire to Republic: Turkish Nationalism and the Armenian Genocide* (London and New York: Zed Books, 2004).

²²⁷ *ibid.* pp39-50

²²⁸ *ibid.* pp77

Ronald Suny, Deringil stated that “colossal crimes had been committed against the Armenian people in Eastern Anatolia and elsewhere”; therefore “no historian with a conscience can possibly accept ‘the civil war’ line, which is a travesty of history”.²²⁹ He went on to plead for communication to be developed between Turks and Armenians so they should “step back from the was-it –or-not dialogue of the deaf, which only leads to mutual recrimination and is ultimately unproductive”. In place of this “dialogue of the deaf” Turks and Armenians should focus on historical research which searches for “a common project of knowledge”.²³⁰

Writers representing the second cluster are M. Şükrü Hanioglu,²³¹ Osman Selim Kocahanoglu²³² and Fuat Dunder.²³³ The novelist Orhan Pamuk is the most famous of the Turkish writers that comprise the third cluster of trying to contextualise the Armenian genocide within Turkish history. In a collection of essays published in 2007 he discussed the issue of the Armenian genocide with regards to his trial for insulting Turkishness and in the context of the perceived lack of human rights in Turkey.²³⁴ These charges were initiated by comments he made in an interview he made with a Swiss journal in which he gave figures of one million Armenians and thirty thousand Kurds dead. This interview was given in the context of him being awarded the Nobel Prize for Literature for a novel highlighting ethnic violence in Anatolia.

The common factors that can be identified linking the writers in this school are that they have supported the Armenian argument against the narrative of the Turkish state and they have stated unequivocally that a genocide was committed by the Ottoman government against the Armenians. One such writer, Taner Akcam, has discovered powerful evidence by researching Ottoman primary sources proving the reality of the genocide to bolster the Armenian argument. He has indeed gone further than some other writers in this school to argue that the successor Turkish state bears some responsibility for the genocide since members of the new government had participated in the genocide during the previous regime.

The Armenian Response

While some Turkish nationalists had to resist the arguments of people like Akcam there has been an interesting response from the Armenian side and a key role in this regard was taken by Grigor Suny. He has now been collaborating with Armenian and Turkish historians based on a shared acceptance that a genocide occurred. While Suny believes that the massacres represented an act of genocide, he does not accept that they were planned and premeditated but should be seen partially as a consequence of the breakdown of the Empire. In his view they were an act of revenge to remove from Anatolia a group that had encouraged foreign intervention in the Empire and hindered Turkish expansionist ambitions. It needs to be

²²⁹ Selim Deringil “In Search of a Way Forward” *Armenian Forum* (1998) p71

²³⁰ *ibid.* pp70-71

²³¹ Hanioglu looks at the rise of the Young Turks in *Preparation for a Revolution: The Young Turks 1902-1908*, (Oxford: Oxford University Press, 2001)

²³² Kocahanoglu studies the tribunal process in “The Interrogation and Trial of the Union and Progress: Proceedings of the Ottoman Assembly”, *Temel Yayinlan* (1998)

²³³ Fuat Dunder examines the CUP relocation and resettlement of Muslim refugees on the land taken from the Armenians in “The Muslim Settlement Policy of the Union and Progress Party”, *İletsim* (2001)

²³⁴ Orhan Pamuk “On Trial” *Other Colours: Essays and a Story* (London: Faber & Faber Ltd., 2007).

understood as part of a war in which the deportation policy was integral to the genocide. There were underlying factors such as “social hostilities between Armenians and Turks, Kurds and Armenians”; these “fed the mass killings, which the state encouraged (or at least did little to discourage)”.²³⁵ Suny by downplaying pre-meditation one could argue has made possible a dialogue. Historians such as Suny have been leaning more to a historiographical approach rather than the legal one adopted by the Convention that is connected to prosecution. A key aspect of this bridge-building between Armenian and Turkish historians was the convening of the first WATS workshop in March 2000 at the University of Chicago to create understanding between Armenian and Turkish intellectuals followed by a number of other workshops held over the following ten years. One consequence of these workshops was a conference on the Armenian genocide held in Istanbul in 2005. This could be interpreted as a successful outcome of Suny’s approach.

It should be noted here the influence of the Armenian Genocide Museum and Institute in Yerevan on the historiography of the Armenian genocide. This is because it is not only a museum but a research centre. It has stated that its’ primary research goal is “to study the Armenian genocide that occurred in the Ottoman Empire”. It does this through “the scientific research of historical documentary materials, archived documents, photographic documentation and accumulation of new data”. It acquires “materials and documents from various international archives”. It also “collects catalogues and archives eyewitness accounts of the Genocide”. It has also translated these archived documents and accounts. Besides the dissemination of the various eyewitness accounts the Museum and Institute’s most significant contribution to the historiography of the genocide is through the assistance given to scholars of the genocide through the collection of documents from the various international archives including American, British, German, Russian, French, Austrian and Turkish and the publication by the Institute of the product of these scholars’ research into the various archives. Among the scholars whose research of the documentary evidence was published by the Institute has been Ara Sarafian with his research into the American documentary evidence, VA Mikaleyan on his research into German diplomatic records and Artem Ohandjian with his work on the Austrian documents on the genocide. Another notable author who has been published by the Institute was Claude Mutaian with his short work on the genocide. These works have been important because they have made easily accessible the overwhelming evidence of the genocide which can help challenge the Turkish government’s campaign of denial of the genocide. They are also important sources of primary evidence for other authors on the genocide to draw upon in the production of their own work. The aim of the state of Armenia to establish diplomatic relations with Turkey and the stated goal of the Genocide Museum and Institute to “encourage and support academic dialogue” on the genocide has also influenced the politics of the historiography. The bridge building between Armenian and Turkish academics to ultimately collaborate on a joint work on the genocide must not be seen as coincidental to the stated goal of the museum where Armenian and Turkish writers have begun to challenge prevailing orthodoxies on the genocide. This process is still in its early stages where Armenian diaspora writing still tends to

²³⁵ Ronald Grigor Suny “Empire and Nation: Armenians, Turks and the End of the Ottoman Empire” Armenian Forum 1998 p51

view the genocide from a predominantly Armenian perspective although this is changing gradually.²³⁶

The Turkish official response to the new Turkish discourse

Turkish nationalists could not let the challenges go unanswered which were not only coming from without but within. The particular problem they faced was that they had to do so in a political context that had changed, which included the process of Turkey's putative accession to the European Union. This process in Turkey has been marked by divisions between and within sections of Turkish society. Those in favour of Turkey's accession according to Anthony Barnett are generally cosmopolitan and want an "end to the influence of militaristic nationalism" in Turkey and desire "an enhanced role for Turkey in the world".²³⁷ Opposition to Turkey's accession "draws upon a mix of right wing (even fascist) rage, nationalist opportunism and Islamic fundamentalism".²³⁸ The Turkish establishment often described as the "deep state" which according to Elif Shafak "is an intricate network which stretches across a wide range of professionals from the security forces to parts of the bureaucracy and judiciary" is particularly divided over the issue of Turkey's accession.²³⁹ On the one hand some within the establishment, particularly within the military, according to Hrant Dink, are concerned that failure to achieve EU accession would result in Turkey becoming "strategically irrelevant".²⁴⁰ On the other hand, others within the establishment are, according to Murat Belge, concerned that the growing democratisation of Turkey's society associated with the process of accession would lead to the establishment losing its influence and power. According to Belge this latter group and associated nationalists use any issue that reflects badly on Turkey to campaign against Turkey's EU accession and according to Belge the issue of the Armenian genocide is particularly useful in this respect.²⁴¹

Elif Shafak has argued in order to resolve the tensions between these groups of nationalists on the one hand and reformers on the other the government of Prime Minister Recep Erdogan of the Islamic AKP party introduced Article 301 of the Turkish criminal code which punishes with up to three years in prison anyone who insults Turkishness. According to Shafak the vagueness of this offence has

²³⁶ Valentina Minalyan, *Germany and Armenia 1914-1918, Collection of Diplomatic Materials, Vol 1* (Yerevan: Hayastan Edition, 2006); Artem Ohandjian *Austria-Hungary and Armenia 1912-1918* (Yerevan: Museum-Institute of Armenian Genocide of National Academy of Science, 2005); Artem Ohandjian *Austo-Hungarian Diplomats' accounts on the Armenian Genocide (1915-1918)* (Yerevan: Nahapet Edition, 2004); Ara Sarafian, *The United States Official Records on the Armenian Genocide* (Yerevan: Museum-Institute of Armenian Genocide of National Academy of Science, 2004); Claude Mutafian *Le Genocide des Armeniens* (Yerevan: Museum-Institute of Armenian Genocide of National Academy of Science, 2008), Rouben Paul Adalian, *Remembering and Understanding the Armenian Genocide* (Yerevan: Museum-Institute of National Academy of Science, 2008).

²³⁷ Anthony Barnett "Turkish Freedom; a report from the frontline in David Hayes and Tony Curzon Price (eds.), *Turkey: Writers, Politics and Free Speech* The Open Democracy Quarterly Series 1 Volume 2 (2007)

p54
²³⁸ Ibid.

²³⁹ Elif Shafak "Turkey's home truths" *Turkey: Writers, Politics and Free Speech* p.58

²⁴⁰ Hrant Dink "The water finds its crack: an Armenian in Turkey" *Turkey: Writers, Politics and Free Speech* p19

²⁴¹ Murat Belge "The trials of free speech in Turkey" *Turkey: Writers, Politics and Free Speech* pp. 44-48

opened the door to nationalists particularly nationalist lawyers to “attack and harass open minded voices”²⁴² through the courts and thus “ultranationalists opposing EU membership can file complaints against anyone whose words they might find offensive”.²⁴³ Article 301 has been used particularly against those who have brought the issue of the Armenian genocide into the public domain especially the novelists Orhan Pamuk and Elif Shafak as well as the Turkish-Armenian journalist Hrant Dink; however, the largest group of individuals ensnared by this law was a group of five writers (journalists and academics) involved in a watershed event, the first academic conference in Turkey examining the Armenian genocide entitled “Ottoman Armenians during the Decline of the Empire: Issues of Scientific Responsibility and Democracy” convened at Bilgi University in Istanbul on 24-25 September 2005. The case against these writers revolved around attempts by a nationalist group of lawyers “The Turkish Union of Lawyers” to prevent the conference from going forward. The five writers involved in the conference challenged this action as an “abuse of legal process” but were subsequently charged under Article 301 for “denigrating a Turkish institution”. These five defendants appeared before a judge and spoke from a written statement; the judge subsequently postponed the trial to a later date.²⁴⁴

The grounds for Orhan Pamuk’s indictment under Article 301 was a statement he made in an interview in February 2005 to the Swiss journal *Tages Anzeiger* where he quoted the figures of 1 million Armenians and 30,000 Kurds dead as a result of action by Turkish authorities. Pamuk was later charged with publicly “denigrating Turkish identity”. According to Belge, Pamuk’s case was encompassed within the bigger clash in Turkey over the European Union because “from the point of view of the nationalists in Turkey the world is divided into ‘us’ and ‘them’ and it is obvious that a man like Orhan Pamuk stands closer to ‘them’ than to ‘us’”.²⁴⁵ In addition, although “Pamuk is not a political writer...he is aware of the role expected of an intellectual and is willing to play it. This role involves talking about all Turkey’s problems including the Kurdish one”.²⁴⁶ According to Belge, “this is not an attitude approved by nationalists and consequently he is attacked by them some claiming that he [was] critical of Turkey in order to win the Nobel Prize for Literature”.²⁴⁷ The case against Pamuk was eventually dropped on 22nd January 2006. Elif Shafak for her part was charged under Article 301 unusually for the content of her novel *The Bastard of Istanbul* in which her Armenian characters were accused of “defaming and belittling Turkishness”. On 7 June 2006 charges against Shafak were also dropped.²⁴⁸

Hrant Dink who was one of the participants at the academic conference in Istanbul on the Armenian genocide was the most persistently targeted and ultimately most serious victim of Article 301. According to Isabel Hilton Dink belonged to “a group of Armenian writers and intellectuals who sought through discussion to defuse

²⁴² Shafak “Turkey’s home truths” *Turkey: Writers, Politics and Free Speech* p59

²⁴³ Ibid.

²⁴⁴ Barnett: “Turkish Freedom” *Turkey: Writers, Politics and Free Speech* p51

²⁴⁵ Murat Belge “The trials of Turkish writers: ‘love me or leave me? The strange case of Orhan Pamuk” *Turkey: Writers, Politics and Free Speech* p35

²⁴⁶ Ibid.

²⁴⁷ Op.Cit.

²⁴⁸ Shafak “Turkey’s home truths” *Turkey, Writers, Politics and Free Speech*, pp59

tensions between the Armenian diaspora and Turkey”.²⁴⁹ To this end Dink had established the bilingual Turkish-Armenian weekly *Agos* in whose offices Armenian and Turkish journalists and intellectuals engaged in discussion. Dink was charged three times under Article 301, tragically, the instance with the most serious consequences for him deriving from a sentence he had written in an article appealing for the Armenian diaspora to change their attitude towards Turks to instead focus positively on Armenia rather than negative connotations associated with Turks. In the article he stated: “The Turk has become such a source of pain that it ‘poisons’ the Armenian blood. There are two ways of getting rid of this poison. One way is for the Turks to empathise with you and take action to reduce your trauma. At the moment this seems unlikely. The second way is for you to rid yourself of it yourself. Turn your attention towards the state of Armenia and replace the poisoned blood associated with the Turk with fresh blood associated with Armenia”.²⁵⁰ This latter sentence including “poisoned blood associated with the Turk” was the basis for one of the charges under Article 301 with “denigrating Turkishness”. Appallingly, while Dink was awaiting trial a Turkish youth accosted him outside the offices of his newspaper on 19th January 2007 and shot him dead. The youth gave the reason for this murder being the fact that he had heard Dink had called “Turkish blood dirty”. There was later some suspicion that the youth had acted on behalf of a wider group of Turkish nationalists but this was never proven in court. The Turkish Prime Minister Erdogan commented that “once again dark hands have chosen our country and spilled blood in Istanbul to achieve their dark goals”.²⁵¹ According to Peter Balakian, “voices of extreme nationalism, including from within the state,.....blame Dink’s death on calls from the international community (for which they hold the Armenian diaspora responsible) for recognition of the Armenian genocide”.²⁵² At Dink’s funeral tens of thousands of Turks walked behind his coffin chanting “We are all Hrant Dink. We are all Armenians”.²⁵³

The Turkish government is thus wrestling with internal divisions within Turkish society on the issue of the Armenian genocide. According to Belge, it is such a topical issue partly because “generations have grown up without having the least information about it unless they were told about Armenian atrocities against Turks”. The Turkish state has had to try to respond to this emerging consensus between Armenian and Turkish intellectuals forming not only internationally but also within Turkey Orhan Tung, press counsellor for the Turkish embassy in London outlined this response, which is as follows. There is no consensus among historians on the genocide, for example historians Justin McCarthy and Bernard Lewis contradict this claim of genocide. The deportations were “a security measure to stop the Armenians from co-operating with foreign forces invading Anatolia”. Other states’ legislatures should not involve themselves in the issue since “past events should instead be left to historians”. Indeed to further this approach the Turkish government has opened its archives in contrast to the Armenian position where the

²⁴⁹ Isabel Hilton “Hrant Dink: an open democracy tribute 19January 2007” *Turkey: Writers, Politics and Free Speech* p13

²⁵⁰ Üstun Bilgen Reinart “Hrant Dink: forging an Armenian identity in Turkey” *Turkey: Writers, Politics and Free Speech* pp.87

²⁵¹ Gunes Murat Tezcur “Hrant Dink: the murder of freedom” *Turkey: Writers, Politics and Free Speech* p98

²⁵² Peter Balakian “Hrant Dink’s assassination and genocide’s legacy” *Turkey: Writers, Politics and Free Speech* p113

²⁵³ Ibid.

Armenian state archives and the Dashnak party archives remain closed. The fact that the Armenians rejected Turkey's invitation in 2005 for a Joint Commission of historians and other experts to investigate the genocide is also offered as proof of Armenian lack of confidence in their position. In contrast the Turkish state was willing to accept the findings of the commission.²⁵⁴

The Most Recent Works on the Armenian Genocide

Armenian and Turkish historians have indeed already been jointly working to examine the genocide. The bridge building undertaken by the WATS workshops culminated in 2011 with the publication of a collection of essays from Armenian, Turkish and other experts on the genocide edited by Ronald Suny, Fatma Göçek and Norman Naimark.²⁵⁵ These essays covered a number of themes. Besides the historiographies of the genocide written by Suny and Gocek, the various writers covered the origins of the genocide, the international dimensions of the genocide, the genocide itself and continuities in policy between the Young Turk regime and the successor state of the Republic of Turkey. These historians provided many new insights that have encouraged a deeper and more contextualized understanding of the genocide beyond the traditional limits of the competing narratives and could be said to have created a new consensus.

One such new perspective was offered by Gerard J Librardian namely that the Armenian political parties rather than attempting to overthrow the Ottoman Empire were in fact eager to participate in the democratic functions of the state prior to the First World War and were prepared to engage in "conditional cooperation" with the Young Turks and other Ottoman political parties.²⁵⁶ David Gaunt highlighted the fact that Ottoman Assyrians were subject to similar treatment as the Armenians where over 250,000 Assyrians, over 50% of the population, were killed in an act that could be described as genocide.²⁵⁷ Fuat Dundar has challenged the traditional view of Turkish researchers that the deportation of the Armenians to the South Eastern deserts was simply relocation. Dundar has argued that the experience and knowledge acquired by the Ottoman authorities and the Young Turk leadership of the effects of deportation in the later years of the Ottoman Empire and their knowledge of the harsh conditions existing in destinations selected for the Armenians undermines this traditional Turkish argument. Due to these facts the Young Turk leadership were well aware that their decision to deport the Armenians to such regions would result in genocide.²⁵⁸ In his exposition of continuities between the Young Turk and Kemalist republic, Eric Jan Zürcher has made a convincing case for why there was silence on the genocide during the Kemalist Republic. According to Zürcher the need to "mobilise" the Muslim population

²⁵⁴ Orhan Tung "There was no Armenian genocide" *New Statesman* (23 October 2007)
<http://www.newstatesman.com/print/20071023001>

²⁵⁵ Ronald Grigor Suny, Fatma Muge Gocek, Norman M Naimark (eds.), *A Question of Genocide Armenians and Turks at the end of the Ottoman Empire* (Oxford: Oxford University Press, 2011)

²⁵⁶ Gerard J Librardian "What was Revolutionary about Armenian Revolutionary Parties" *A Question of Genocide* p82

²⁵⁷ David Gaunt "The Ottoman Treatment of the Assyrians" *A Question of Genocide* p244

²⁵⁸ Fuat Dundar "Pouring a People into the Desert: The 'Definitive Solution' of the Unionists to the Armenian Question" *A Question of Genocide* p276

during the years 1918-1922 “made any serious reckoning “with the genocide “an impossibility”. Once the Republic was established “the composition of the ruling elite precluded it”. This was because not only had members of the government been involved in the massacres but the continued rule of the new government “depended on a coalition with provincial notables, landlords and tribal chiefs who had profited immensely from the departure of the Armenians and Greeks”.²⁵⁹

There is a cluster of writers in *A Question of Genocide* who have highlighted the impact of demographic engineering by Turkish governments on the genocide. These writers include Fikret Adanir, Stephen Astourian and Uğur Ümit Üngör. Fikret Adanir has described how the Ottoman defeat in the Balkan war of 1912-13 led the Young Turks to abandon Ottomanism which sought to create “a secular multi-ethnic state” in favour of a “vindictive nationalism” that aspired to a new mobilization along Turkish-Islamic lines. Another significant point made by Adanir was that defeat in the Balkan war had increased the distrust the Young Turks felt for the Ottoman Christians who they blamed for the defeat.²⁶⁰ For his part Astourian has shown how the resettlement of Muslim refugees (muhacirs) from the Caucasus in the late 1850s and 60s and from the Balkans between 1878 and 1914 contributed to competition for the same resources such as land and property with the Armenians in Cilicia and Eastern Anatolia. According to Astourian these armed muhacirs participated in the massacres of Armenians in the 1890s, 1909 and the genocide, a group “they associated with the Christian enemies who had expelled them from their previous homelands”.²⁶¹ As for Ümit Üngör, the resettlement of the latest of these refugees from the Balkans as a result of the Balkan war and ethnic cleansing to replace the Armenians who were to be deported from Eastern Anatolia and Cilicia was a key component of the demographic engineering of Anatolia by the Young Turk regime. According to Üngör the goal of the Young Turks was to “homogenize” Anatolia through a process of: “deportation, expulsion and assimilation” developed in three stages. Firstly; there was “the Armenian genocide, the second stage was the expulsion of the Greeks and the third stage was the deportation and dissolution of the Kurds” which the Young Turks hoped would result in assimilation. The continuity of these policies from the early 1900s to 1950, according to Üngör, underlines the fact the Young Turk regime lasted until 1950.²⁶²

The consensus established by these writers was to a degree supported by another work published the same year by French Armenian historian Raymond Kévorkian which is the most comprehensive work on the subject to date. Kévorkian’s history of the Armenian genocide examines the lead up to and aftermath of the Armenian genocide through the activities of Armenian and Turkish elites and the genocide itself at a regional level. Kévorkian’s novel contribution has been to highlight the commonalities between the Young Turks and Armenian revolutionary groups as their growing radicalization mirrored each other. Indeed,

²⁵⁹ Erich Jan Zürcher “Renewal and Silence; Post-war Unionist and Kemalist Rhetoric on the Armenian Genocide” *A Question of Genocide* p306

²⁶⁰ Fikret Adanir “Non-Muslims in the Ottoman Army and the Ottoman Defeat in the Balkan War of 1912-1913” *A Question of Genocide* p113

²⁶¹ Stephen H Astourian “The Silence of the Land: Agrarian Relations, Ethnicity and Power” *A Question of Genocide* p55

²⁶² Uğur Ümit Üngör “‘Turkey for the Turks’: Demographic Engineering in Eastern Anatolia 1914-1945” *A Question of Genocide* p287

according to Kévorkian each of these elites believed they had a “sacred mission saving the nation”. Kévorkian has also supported Librardian’s argument that the Armenian political parties engaged had cooperated with the Young Turks and other Turkish parties. In fact Kévorkian has shown that this cooperation continued almost to the onset of the genocide itself.²⁶³ Cooperation between Armenian and Turkish scholars was a continuing feature of the years 2010- 2011 as Taner Akçam and Vahakn Dadrian co-authored *Judgement at Istanbul: The Armenian Genocide Trials* which has examined the Military Tribunals of the perpetrators of the Armenian genocide in light of the records of the trials.²⁶⁴

The validity of documents in the archive was the focus of two works published in 2012 by Taner Akçam²⁶⁵ and Turkish nationalist historian Yucel Guclu.²⁶⁶ Both researched the same archival source the Ottoman state archives and arrived at conflicting conclusions. Taner Akçam concluded that a forensic examination of the documents in the Ottoman archive can corroborate the evidence existing in Western archives that genocide did occur. Like Üngör he has exposed a demographic project from these documents that could only have genocidal implications. According to Akçam “the principle that the Armenians must not exceed 5 per cent of the Muslim population in some Western provinces while those deported must not exceed 10 per cent of the Muslims at their destinations amounts to an order for their near total annihilation”.²⁶⁷ Yucel Guclu’s examination of the Ottoman records has arrived at the opposite conclusion. According to Guclu in contrast to the Holocaust the Ottoman documentary record proves that there was no intent on the part of the Ottoman authorities to commit genocide against the Armenians. This divergence between these conclusions illustrates the fact that different motivations can influence how the evidence of the same event is interpreted.

There has been an increasing focus recently on the Turkification of the Ottoman economy and the relationship of this economic process to the Armenian genocide. This genre has included works by Christian Gerlach, Hilmar Kaiser, Bedross Der Matossian, Ayhan Aktar, Uğur Ümit Üngör and Mehmet Polatel. Christian Gerlach has embarked on a comparative study of the expropriation of the property of Jews by the Nazis and Armenians by the Young Turks. He has observed that in both cases the expropriation encouraged violence against the victims. Hilmar Kaiser has highlighted the fact that the legal protection apparently offered to Armenian property by Ottoman law was a sham. According to Bedross Der Matossian the “confiscation” of Armenian property by the Young Turk regime was confirmed by the successor regime of the Republican People’s Party, which had no intention of returning their property to the Armenians. Sait Cetinglu has also demonstrated the long-standing nature of the gradual economic diminishment of Armenians in Turkish life from 1895 to the pogrom which occurred against Christians in 1955. As Ayhan Aktar has argued, “the turkification programme can

²⁶³ Raymond Kévorkian *The Armenian Genocide: A Complete History* (London, New York: IB Tauris, 2011)

²⁶⁴ Vahakn Dadrian and Taner Akçam *Judgement at Istanbul: The Armenian Genocide Trials* (Oxford, New York: Berghahn Books, 2010)

²⁶⁵ Taner Akçam *The Young Turks’ Crime Against Humanity: The Armenian Genocide and Ethnic Cleansing in the Ottoman Empire* (Princeton, New Jersey: Princeton University Press, 2012)

²⁶⁶ Yucel Guclu *The Holocaust and the Armenian Case in Comparative Perspective* (Lanham Maryland : University Press of America, 2012)

²⁶⁷ Taner Akçam *The Young Turks Crime Against Humanity* p4

thus be defined as a set of policies aimed at the establishment of the unconditional supremacy of Turkish ethnic identity in nearly all aspects of social and economic life.²⁶⁸ Üngör and Polatel's book has built on these previous works, other works and primary research to offer some important insights. The first of these was that "in all genocides the possessions of the victims both individually and as a group play a role in the initiation, development and aftermath of the destruction".²⁶⁹ The second of these was that economy of the Turkish successor state was built on the proceeds of the property of the Ottoman Armenians. In their words "economic destruction served and precipitated economic construction".²⁷⁰ The third point is that there was continuity between the economic policies of the Young Turk regime and the successor Kemalist government towards the Armenians. The government of the Republican People's Party was never going to return to the Armenians their confiscated property.²⁷¹

Conclusion

The politics of the historiography have gone through a number of stages. This was reflected in the evolution of the Turkish narrative. The first phase of this narrative was what Göçek has called the Ottoman Investigative Narrative around the trials after the First World War in Turkey of officials involved in the Armenian genocide, which at least investigated what had happened albeit at the behest of outsiders. This was followed by a period of relative silence which was itself a strategy employed by the Turkish state to avoid difficult questions about the legitimacy of the new state and to protect the new Turkish national identity from attack. When the Genocide Convention was established in 1948 these questions about what had happened to the Armenians could no longer be avoided so a more robust Turkish defence of the Turkish state and national identity over the question of the Armenian genocide emerged in fits and starts in the 1950s. A key work at this time in a narrative, which has been described by Göçek as the Republican Defensive Narrative, was by Esat Uras. This narrative became more developed in the 1970s and 80s by Turkish nationalist historians in response to Armenian attacks on Turkish official targets; many of these Turkish nationalist historians drew upon the work of Uras to underpin their arguments. These historians were notably supported by the

²⁶⁸ Christian Gerlach, *Extremely Violent Societies: Mass Violence in the Twentieth Century World* (Cambridge: Cambridge University Press, 2010); Hilmar Kaiser "Armenian Property, Ottoman Law and Nationality Policies during the Armenian Genocide 1915-1916 in Olaf Farschid, Manfred Kropp and Stephen Dahne (eds.), *The First World War as Remembered in the Countries of the Eastern Mediterranean* (Beirut: Orient Institute, 2006), Bedross Der Matossian "The Taboo within the Taboo: The Fate of the 'Armenian Capital' at the End of the Ottoman Empire in *European Journal of Turkish Studies* (2011); Ayhan Aktar "Homogenising the Nation: The Turkish Experience of Population Exchange Reconsidered" in *armennews* p92 from Ayhan Aktar *Crossing the Aegean* (Oxford: Berghahn Books, 2003)..

²⁶⁹ Uğur Ümit Üngör and Mehmet Polatel, *Confiscation and Destruction: The Young Turk Seizure of Armenian Property* (London, New York: Bloomsbury, 2011) p5.

²⁷⁰ Ibid. p168

²⁷¹ Ibid. p170; There have been other important recent works on the Armenian genocide. These include: Yektan Turkeyilmaz "Rethinking Genocide: Violence and Victimhood in Eastern Anatolia, 1913-1915" dukespace.lib.duke.edu, 2011; Bedross Der Matossian "Venturing into the Minefield: Turkish Liberal Historiography and the Armenian Genocide" in Richard Hovannisian (ed.), *The Armenian Genocide: Cultural and Ethical Legacies* (New Brunswick: New Jersey: Transaction Publishers, 2007); Ayhan Aktar "Debating the Armenian Massacres in the last Ottoman Parliament November-December 1918" *History Workshop Journal*, Oxford University Press (2007).

Turkish state in their endeavours. Their arguments were in turn endorsed by a number of non-Turkish historians.

Conversely, the Armenians took a long time to develop their argument. This was because the Armenian intellectual elite had been destroyed as well as the ability to construct a meaningful archive of the genocide that could not be summarily dismissed by the Turkish state. Latterly, Armenian intellectuals developed their argument not in the context of a state but in a diaspora. This fact influenced the development of their argument in different ways. This was because the Armenian diaspora largely resided in two states, the United States and France. These different political contexts influenced how Armenian intellectuals living in these two states developed their arguments. This produced an impasse between the competing Armenian and Turkish narratives. However, very recently moves by Turkish and Armenian intellectuals and historians have created a dialogue. It is hard to tell if this will achieve a resolution to the impasse since a great deal of effort has been exerted by the Turkish state and Armenian pressure groups on both sides of the issue. Although it is very late in the day this intellectual consensus is very welcome. However, the Armenian genocide has now been turned into an international political issue to which we now turn.

Chapter Three: The Battle for a US Congressional Resolution

This chapter about the debates over a US Congressional Resolution to recognise the Armenian genocide will highlight the complexity of this issue in American politics. A number of competing and overlapping themes run through this chapter. The first theme is that of American republican culture, which in contrast to French republican culture promotes freedom as its overarching principle most obviously demonstrated in the Bill of Rights of the US Constitution. The second theme is how the US Constitution by defining the separate but equal powers of the different branches of the US government establishes the ground-rules for the interplay of the different actors in the political debate on this issue. The third theme is how America's historical relationship to the Armenian genocide, principally, how its historical documentary record of the genocide influenced the debate over legislation on this issue. The fourth theme is the geopolitical question of how this issue could potentially affect America's strategic and geopolitical interests in the Wider Middle East and its relationship not only with Turkey but also with Israel. The fifth theme is the interplay of officials from the executive branch, political parties in Congress mainly Democrat representatives and the influence of pressure groups in which the Armenian lobby represented the Armenian American community, American lobbyists acted on behalf of the Turkish government and the Jewish American lobby were caught in the middle. Finally, there is the variable role of academics in the debate sometimes playing an active role while on other occasions playing a more passive part. The interplay of these factors will now be analysed.

A Framework for understanding the Armenian genocide issue in American Politics

The American political approach to the issue of the Armenian genocide could best be characterized by ambivalence, which is ambivalence between the promotion and presentation of ethical principles as a basis for policy and protecting the realist geopolitical interests of the United States. Many critics, most prominently, Noam Chomsky, question whether this ambivalence could exist at all in relation to the Armenian genocide or more broadly. According to Chomsky there is "no double standard" but a "single standard and it's followed constantly. There are policies formulated in the perceived interests of domestic US power, the state corporate nexus. And these policies are followed quite consistently. There are no double standards. They have nothing to do with law or morality or human welfare. They have to do with maximizing certain interests".²⁷⁰ According to Howard Wiarda and Esther Skelley this impression of a consensus can be explained by American policy during the Cold War when both Democrat and Republican administrations found that promotion of democracy and human rights could be an "effective instrument in the Cold War"; when "Democrats often supported the policy for one set of reasons (humanitarian concerns) and Republicans for another (strategic)."²⁷¹ This consensus was formalized in the 1990s around the time of the Miami Summit of December

²⁷⁰ David Barsanian and Noam Chomsky *Propaganda and the Public Mind Conversations with Noam Chomsky* (London: Pluto Press, 2001) p46

²⁷¹ Howard J Wiarda, Esther M Skelley *The Crisis of American Foreign Policy: The Effects of a Divided America* (Lanham, Maryland : Rowman & Littlefield Publishers Inc., 2006) p181

1994 when a bi-partisan foreign policy was built around three pillars: democracy and human rights, open markets and free trade.²⁷² If one accepts that this consensus may have existed up to the Iraq war although it was surely tested during the Vietnam War, what then should be the basis for policy when “the human rights agenda” and realist geopolitical interests clash?

One public figure who argues that ambivalence exists at the heart of American foreign policy, which exacerbates this clash between principle and realist interest is, perhaps surprisingly, former Secretary of State Henry Kissinger. According to Kissinger²⁷³ this ambivalence has its roots at the founding of the American republic between the idealism of the author of the Declaration of Independence and future president Thomas Jefferson and the realism of the founder of the US Treasury Alexander Hamilton. It was on the occasion of the Armenian genocide that this ambivalence characterising the formation of US Foreign policy became most marked. Kissinger describes this period as “the hinge” where at this time the two most prominent figures in American politics, former president Theodore Roosevelt and incumbent president Woodrow Wilson, advocated two contrasting policy frameworks. Roosevelt wanted an American foreign policy based on America’s national interests where the United States would be one of a number of states, perhaps the most important one, upholding the global balance of power to defend American security.²⁷⁴ Wilson, in contrast, opposed the idea of the balance of power; indeed he blamed this system of “organized rivalries” among the European Great Powers for the outbreak of the First World War. Instead, Wilson wished to replace this system with a “community of power”, the League of Nations, underpinned by “morality” and “public opinion” and defended by a “policing mechanism”.²⁷⁵ In other words, he wished to remake the old world order on American democratic values. According to Kissinger, Wilsonian values were more in tune with “the wellspring of American emotions” in which “the American people’s abiding conviction has been that its exceptional character resides in the practice and propaganda of freedom”.²⁷⁶ Since Wilson’s time, US foreign policy has been presented in this idealist framework to the outside world. According to Kissinger this construct poses a problem for foreign states and groups trying to interpret American intentions because “America’s claim to altruism evokes a certain aura of unpredictability; whereas the national interest can be calculated, altruism depends on the definition of its practitioner”.²⁷⁷

Kissinger is not alone in drawing attention to the promotion of values or idealist principles. Others such as Joseph Nye have argued that this stems from the desire of the United States to enhance its soft power. Soft power is defined by Nye as “getting others to want the outcomes you want and to do so it “co-opts people rather than coerces them” and “rests on the ability to shape the preferences of others”.²⁷⁸ It does this through “an attraction to shared values and the justness and

²⁷² *ibid* p181

²⁷³ Henry Kissinger *Diplomacy* (New York, London: Simon & Schuster, 1994).

²⁷⁴ *ibid.* p39

²⁷⁵ *ibid.* p51

²⁷⁶ *ibid.* p44

²⁷⁷ *ibid.* p46

²⁷⁸ Joseph S Nye, Jr. *Soft Power: The Means to Success in World Politics* (New York, NY: Public Affairs, 2004) p5

duty of contributions to the achievement of those values”.²⁷⁹ An issue such as recognition of genocide would be a strong test of this kind of power. Two issues arise from Kissinger’s and Nye’s arguments. One is that the promotion of values in the presentation of American foreign policy opens the way for groups inside the American political process to press their claims. A second issue is this ambivalence in the eyes of outside actors and this is particularly true for the Turkish state.

Another problem, which other states confront when managing United States foreign policy formation is that American foreign policy making is complicated by the US system of government based on “separation of powers” with “checks and balances” regulating the relationship between the executive and legislative branches. It is an important point to make that “the Constitution did not create separate institutions with separate powers but separate institutions sharing power described as ‘checks and balances’”.²⁸⁰ This separation of powers in the Constitution gives the Senate the right to “advise and consent” to treaties and “to confirm nominations of the president to diplomatic and consular offices” and the House of Representatives has “the power of the purse” since all money bills must be introduced in the House and it also funds the administration of foreign policy.²⁸¹ Congress also has the additional power of oversight “to ensure that the president and the executive branch implement policies in accordance with the letter and intent of legislation” and this has great sway for limiting the President and executive branch’s freedom of action since this power has the potential even to impeach the President if his actions have gone beyond the scope of legislation.²⁸² Along with these powers “partisanship, self-interest and the desire to be re-elected with all these factors being closely interrelated” are the motivating factors for congresspersons’ voting patterns, which includes foreign policy issues.²⁸³ The fact that congressional elections are held every two years resulting in a change in control of Congress also creates uncertainty in foreign policymaking.²⁸⁴ These complications including the fact that treaties have to be ratified by the Senate and both houses of Congress contribute to foreign policy formation through their respective committees, which are in turn influenced by public opinion and various lobbies, means that the United States executive branch has to take all these factors into consideration when making foreign policy.²⁸⁵ This separation of powers also influences how foreign governments perceive American foreign policy making. Cengiz Candar has argued that the American system of government has confused the Turkish government in particular who cannot accept that the US executive and legislative branches often sharply disagree. This is deeply perplexing for the Turkish military who “would not accept any argument on the

²⁷⁹ Ibid. p7

²⁸⁰ Jerel A. Rosati *The Politics of United States Foreign Policy* (Belmont CA: Thomson/Wadsworth, 2004) p294

²⁸¹ Richard Johnson *The Administration of US Foreign Policy*, (Austin & London,: University of Texas Press) p173, James Dull *The Politics of American Foreign Policy* (Englewood Cliffs, New Jersey: Prentice Hall Inc., 1985) p94

²⁸² Jerel A Rosati p325

²⁸³ Wiarda, Skelley *The Crisis of American Foreign Policy* p64

²⁸⁴ Jerel A. Rosati p331

²⁸⁵ Roger Trask *The United States Response to Turkish Nationalism and Reform 1914-1939* (Minneapolis: University of Minnesota Press, 1971). p 245

inability of the administration to lead Congress on issues of strategic importance to the United States".²⁸⁶

The US Constitution has also played a pivotal role in framing the political debate in the United States on the issue of the Armenian genocide, namely through the First Amendment of the Bill of Rights. The First Amendment stipulates that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or of the right of the people peaceably to assemble and to petition the Government for redress of grievances".²⁸⁷ The clauses relating to freedom of speech and the press are especially pertinent to subsequent debates on the Armenian genocide. It has been established by various jurisdictions in the United States that the right of free speech granted by the First Amendment cannot be infringed unless there is an imminent threat to public order.²⁸⁸ This interpretation grants great protection for freedom of expression, and this freedom along with that of the press offers legal space for genocide denial even for that of the Holocaust. It also influences what kind of legislation can be introduced into Congress. Legislation similar to that introduced in the French Parliament to criminalise Holocaust denial and then denial of the Armenian genocide would immediately fall foul of the terms of the First Amendment. This situation is mainly due to the fact that the protection granted to free speech by the First Amendment of the US Bill of Rights is much broader than the more limited protection offered by the French Declaration of the Rights of Man. Recognition of the Armenian genocide would then be the limit of what Armenian campaigners in the United States could realistically hope to achieve. The fact that Armenian campaigners were not satisfied with this outcome in France and pushed for criminalisation of denial of the genocide, may have lead some American legislators to be concerned that Armenian campaigners in the United States would not be satisfied with recognition and consequently they would not want to entertain the possibility of treading into unconstitutional territory.

In addition to these constitutional questions the actions of a number of pressure groups that before, during and after the genocide have exerted influence on the United States government's approach to the Armenian question including: the Turkish, Armenian, Israeli, Greek and Kurdish lobbies as well as American missionaries. Paul Watanabe has argued that some ethnic groups have played an important role in relation to Congress on this issue. Pressure groups can help Congress to challenge the power of the Executive branch. Congress is generally wary of the experts within the Executive branch particularly those in the State Department. Ethnic pressure groups bring their own level of expertise given their in depth knowledge of the region from which they originally came and their connections with their compatriots still living in the region. The relationship between Congress and the ethnic groups can be mutually beneficial. Congress can help ethnic groups to achieve the results they require from different campaigns while

²⁸⁶ Cengiz Candar "Some Turkish Perspectives on the United States and American Policy" *Turkey's Transformation and American Policy* (New York, NY: The Century Foundation Press, 2000) p 135

²⁸⁷ The First Amendment of the Bill of Rights of the Constitution of the United States of America

²⁸⁸ Perhaps the most significant of these opinions was made by Justice Oliver Wendell Holmes in the *Abrams v US* case in 1919 where Abrams had been arrested for publicly proffering pro-Bolshevik material an act which Holmes stated should be met in "the free market of ideas" rather than the courts. *Abrams v United States* 250 US. 616 (1919)

Representatives and Senators may see the particular cause and expertise of the pressure groups as useful tools to “check” and “balance” the power of the presidency.²⁸⁹ There is also the fact that American politicians are generally less well educated than their French counterparts, which has a number of implications. The first of these is that American politicians are more dependent on their staff to provide them with the background information and analysis for a particular piece of legislation. The various legislative assistants on the Congressional staff will in turn often rely on the Congressional Research Service or on the various lobby groups to help them to compile their briefs for the politicians. Consequently, since American politicians do not have the same academic background as French politicians lobby groups can have a greater influence over the course of legislation since they have specialist knowledge and expertise on the issues they are promoting.

The Cold War

The Armenian campaign for a Congressional resolution recognising the Armenian genocide should be understood in the context of Turkey’s relationship with the United States, particularly during the Cold War in the first instance. Turkey’s relationship with the United States during the Cold War can be divided into three distinct periods. The first period heralded the instigation of the policy of containment immediately after the Second World War up to the Turkish invasion of Cyprus in 1974. The second period was from the Cyprus invasion to the Iranian revolution and soviet invasion of Afghanistan in 1979. The third period followed from these events coinciding with the election of Ronald Reagan in 1980 to the collapse of the Soviet bloc in 1990. Successive American administrations during the Cold War regarded Turkey’ views with varying degrees of importance reflecting changing strategic priorities and also how the actions of Turkey, such as in the invasion of Cyprus, might affect their own regional and global position.

According to Dankwart Rustow²⁹⁰, Turkey was in a precarious position at the end of the Second World War, ironically, because of its position of neutrality during the war. Since the Allies had to plan combat operations and thereby stipulate areas of occupation, Turkey’s neutrality made her “future position ambiguous” to Soviet leader Joseph Stalin. In addition, Stalin wanted to reopen the question of control over the Bosphorus Straits which had apparently been resolved by the Montreux Convention. in 1936 Stalin also wanted the return of Kars and Ardahan to Soviet control. For these reasons Turkey was the first state to employ a policy of containment against the Soviet Union. The Soviet Union did not only threaten Turkey but appeared to take advantage of a Communist uprising in Greece to increase its influence in the region. Due to an impending British financial crisis Britain could no longer afford to station sufficient forces in Greece to quell this rebellion. The Greek uprising combined with Soviet ambitions in Turkey suggested to the Truman administration a wider Soviet policy of expansion into the

²⁸⁹ Paul Watanabe *Ethnic Groups, Congress and American Foreign Policy: the politics of the Turkish arms embargo* (Westport, Connecticut: Greenwood Press, 1984) pp34-36

²⁹⁰ Dankwart Rustow *Turkey: America’s Forgotten Ally* (New York, NY: Council on Foreign Relations, 1987)

Mediterranean. To prevent this eventuality, Truman issued the Truman doctrine in 1947 providing financial aid to Greece and Turkey, which would become part of a European wide programme of financial assistance (the Marshall Plan) to underwrite the policy of “containment” of Soviet aggression employed by the Truman during the early stages of the Cold War.²⁹¹

As part of this policy of containment Turkey was supposed to act as a buffer between the Soviet and American interests in the region. According to Rustow one of the main reasons for the Truman doctrine was to create a ‘northern tier’ barrier against Soviet incursion into Turkey, Greece, Iran and Afghanistan. The ‘northern tier’ defence system was one of a number of important strategic initiatives made by Turkey during this period. In 1952 the United States supported Turkey and Greece’s admission into NATO. The Turkish President Inonu, motivated by a desire to distinguish Turkey’s secular character from that of its Islamic neighbours pushed for closer integration with Europe. Between 1947 and 1952 Turkey joined the Council of Europe, later becoming an associate member of the European Common Market in 1964.²⁹²

The years 1962 to 1964 were significant ones for the US-Turkey relationship for two reasons, 1962 marked the culmination of the Cuban Missile Crisis and 1964 signified the beginning of tensions over Cyprus. The Cuban Missile Crisis was particularly problematic for Turkey because President Kennedy did not consult the Turks when he withdrew the missiles stationed in Turkey as part of his agreement with Soviet premier Nikita Krushchev, resolving the crisis.²⁹³ The Cyprus Crisis in 1964 also exposed fractures in the US-Turkey relationship when President Lyndon Johnson in response to Turkey’s threats to invade Cyprus warned them that he was “reconsidering NATO’s obligation to protect Turkey against the Soviet Union”.²⁹⁴ Interestingly the Cyprus issue became a splinter in US-Turkish relations just as Cold War tensions between the United States and the Soviet Union were beginning to ease during a period of détente.

The post-Second World War campaign by the Armenian American community to gain recognition by the US Congress for the Armenian genocide also coincided with a breakdown in Turkey-US relations commencing in 1965 with the 50th anniversary of the genocide. In recognition of the anniversary Governor John H Reed of Maine and John A Volpe of Massachusetts made statements marking the anniversary. Senators also made speeches in the US Senate remembering the genocide. Future US president Gerald Ford as a representative from Michigan

²⁹¹ Ibid. p88; George C McGhee *The US-Turkish NATO Middle East connection: how the Truman doctrine and Turkey’s NATO entry contained the Soviets* (London: Macmillan, 1989). Former US Ambassador to Turkey, McGhee, cited a report by the US Joint Chiefs of Staff dated 23rd August 1946 that viewed Turkey as ‘the most important factor in the Eastern Mediterranean and the Middle East.

²⁹² Bernard Lewis *The Emergence of Modern Turkey* Preface to the third edition p x; William Cleveland *A History of the Modern Middle East* pp 276-277; McGhee pp147-160; Ekavi Athanassopolou *Turkey: Anglo-American security interests 1945-1952; the first enlargement of NATO* (London: Frank Cass, 1999); Fotios Moustakis *The Greek-Turkish relationship and NATO* (London: Frank Cass, 2003).

²⁹³ Rustow *Turkey: America’s Forgotten Ally* p92; McGhee *The US Turkey NATO Middle East Connection* pp166-167

²⁹⁴ Cleveland *A History of the Modern Middle East* p287; McGhee *The US Turkey Middle East Connection* p162

declared on the floor of the House of Representatives; "We mark the 50th anniversary of the Turkish genocide of the Armenian people".²⁹⁵

The campaign for recognition by the Armenians and the counter campaign by the Turks to prevent official recognition by the United States really started to gain strength in the 1970s. The Turkish government took advantage of its importance as a NATO ally guarding the entrance to the Black Sea and as a customer of US weapons firms to apply pressure on the US administration and media to prevent recognition. On the question of coverage in the US media the Turks persuaded the media not to use the word genocide and argued that the Turkish position should be given equal weight whenever the issue of the genocide was debated. Turkish lobby groups working with the Turkish government also published pamphlets presenting the Turkish argument on the issue.

In response to Turkish denial the Armenian American lobby groups campaigned even harder for a Congressional resolution recognising the Armenian genocide. These groups won some success when the House of Representatives passed a Joint Resolution HJ Res 148 marking the 24th April 1975 as a "National Day of Remembrance of Man's Inhumanity to Man". The passage of this resolution was significant since the 24th April has commonly been accepted by Armenians as the start of the genocide. The Armenians were unsuccessful in having Turkey referred to in the resolution since the State Department had opposed any mention of Turkey. The resolution was not passed by the Senate, however. When it was referred to the Senate Judiciary Committee, the committee did not approve it for debate by the full Senate.²⁹⁶

This resolution followed a breakdown in US-Turkey relations signified by the Turkish invasion of Cyprus in 1974 in response to a Greek military coup. Congress under pressure from Greek American lobbyists imposed an embargo on bilateral military aid to Turkey. The success of the Greek lobby had the by-product of convincing the Armenian lobby that it could be similarly successful, proven by the relative success of the 1975 resolution.²⁹⁷ The Armenians were to pursue such strategies again in the 1980s. The American embargo of Turkey, however, had a number of harmful consequences for American strategy. Turkey developed its relations independent of the West, receiving substantial Soviet aid.²⁹⁸ According to Bloxham, the United States' own policy of détente with the Soviet Union had given Turkey the space to adopt this policy.²⁹⁹ It also joined the Islamic Conference Organisation and establishing closer economic ties with other Middle Eastern countries such as Saudi Arabia and Iran.³⁰⁰ The United States was concerned about these developments even though Turkey did not disengage from NATO. It closed US bases in Turkey not NATO ones and it cooperated with the US within the NATO framework. The Carter administration wanted to remedy this situation. By April 1978 President Carter promised to lift the Turkish embargo and in February 1979

²⁹⁵ Balakian *The Burning Tigris* p378

²⁹⁶ Ibid. pp385-386

²⁹⁷ Bloxham *The Great Game of Genocide* pp220-221; McGhee *The US Turkey NATO Middle East Connection* p163

²⁹⁸ Rustow *Turkey: America's Forgotten Ally* p9

²⁹⁹ Bloxham *The Great Game of Genocide* pp220-221

³⁰⁰ Rustow *Turkey: America's Forgotten Ally* p9

arms shipments were renewed. The Soviet invasion and the Iranian Revolution of that year had dramatically altered both Turkey's and the United States evaluation of their relationship and the attitudes of the Carter and Reagan administrations to that of the Armenian issue.³⁰¹

The Iranian Revolution and the Soviet invasion of Afghanistan forced Turkey to re-evaluate the policy of neutralisation it had followed in the late 1970s.³⁰² For the United States, Turkey was more important and simultaneously more in danger.³⁰³ Turkey consequently had to play a more important role in defence of Europe, the eastern Mediterranean and the Middle East.³⁰⁴ This strategic significance was one motivation for the Defence and Economic Cooperation Agreement signed by the incoming Reagan administration.³⁰⁵ It is ironic that just as Turkey became strategically more important for US administrations that the Armenians decided to push harder for a Congressional Resolution recognising the Armenian genocide. The different approaches of two presidents towards the Armenian issue in this period offer an interesting contrast but also reflect strategic realities. In 1978 in a White House reception highlighting the contribution of Armenian Americans to American society President Carter did not use the words "genocide", "Turkey" or the Ottoman Empire.³⁰⁶ President Reagan in a 1981 proclamation on the Holocaust did refer to the Armenian genocide using the word genocide but opposed official recognition of the Armenian genocide.

During the 1980s Turkey's importance to American global strategy remained strong. According to Balakian, the importance of Turkey was reflected by the fact that American military aid to Turkey grew from \$453.8 million in 1981 to \$704.1 million in 1982.³⁰⁷ Turkey's importance to American global strategy in the 1980s had interesting parallels to the strategic vision of Bristol and his cohort. According to Rustow, Turkey preserved stability in the Middle East and "neutralized the region as an arena in the East-West conflict. Specifically the Turkish barrier gives fullest scope to two inherent tendencies in the region-toward what might be termed checkerboard divisions and self-adjusting realignments".³⁰⁸ In other words the buffer represented by Turkey prevented the Soviet Union from interfering in the Middle East- thus allowing the states in the region to reach their own "equilibrium" and resolve their conflicts without Soviet interference. Turkey by neutralising the region freed the United States to pursue policies elsewhere in the world without imminent danger of fighting a war in the Middle East. Turkey's ability to maintain the balance of power in the region, according to Rustow was especially important to Israel since it prevented Israel not just from facing Soviet arms on the Golan Heights but "the full force of the Red Army itself".³⁰⁹

³⁰¹ Ibid. pp103-104; McGhee *The US Turkey NATO Middle East Connection* p168

³⁰² Ibid.

³⁰³ Bernard Lewis Introduction to *Turkey: America's Forgotten Ally* p ix.

³⁰⁴ Ibid. p ix.

³⁰⁵ Rustow *Turkey: America's Forgotten Ally* p109

³⁰⁶ Balakian *The Burning Tigris* p386

³⁰⁷ Ibid. Since 1982 through its various aid programmes the US has given Turkey from \$600 million to \$800 million see McGhee *The US Turkey Middle East Connection* p173

³⁰⁸ Rustow *Turkey: America's Forgotten Ally* p110

³⁰⁹ Ibid.

The close US-Turkish military interdependence was highlighted in 1984 when the US House of Representatives and Senate considered a resolution to recognise the Armenian genocide. In response Turkey warned the Reagan administration that it would close down American military bases in Turkey and end weapons contracts with US defence corporations.³¹⁰

Turkey faced a more ominous campaign in 1989 because a bill commemorating the 75th anniversary of the Armenian genocide was sponsored by Senate majority leader Bob Dole. Since resolutions recognising the Armenian genocide had often foundered in the Senate the fact that such an influential Senator had introduced the bill meant the Turkish government faced a more significant threat. To counter Dole's influence Turkey persuaded Senator Robert Byrd as former majority leader to use his own considerable influence to support Turkey's position. The bill subsequently lost by 12 votes.³¹¹

The End of the Cold War and the New World Order

According to Bloxham, the seismic events of 1989-1990 had the potential to seriously affect Turkey's strategic relationship with the United States. The fall of the Berlin Wall, signifying the collapse of the Eastern bloc and the Soviet Union could have seriously diminished Turkey's strategic importance to the United States, since the role it had previously performed was now superfluous. Indeed, a number of Congressmen called for aid to Turkey to be cut and its relationship with the United States to be downgraded. One could argue that Iraqi leader Saddam Hussein's invasion of Kuwait in 1990 changed this perception. In the lead-up to the First Gulf War to oust Saddam from Kuwait, Turkey played an important role in helping to assemble a coalition including Islamic states to fight Saddam. This role highlighted Turkey's continuing importance in the region. According to Bloxham a number of American and European strategists believed that the collapse of the Soviet Union offered an opportunity for Turkey to increase its strategic significance. This was due to the perception that Turkey's cultural and linguistic ties with the Central Asian republics that had formerly been Soviet republics could aid the United States in promoting its influence in the Caucasus and Central Asia.³¹²

The continuing importance of Turkey in this "New World Order" provided the context for the April statements made in the 1990s by two US presidents George HW Bush and Bill Clinton in connection with the genocide. In Bush's April 1990 statement he failed to refer to Turkey or use the word genocide.³¹³ President Bill Clinton, in his own statement on 23rd April 1995 commemorated the victims but did not use the word genocide.³¹⁴ The end of the Cold War also had important implications for the Armenian diaspora and the State of Armenia. The collapse of the Soviet Union meant the destruction of the internal networks that had sustained Armenia within the Soviet system. The new government of Levon Ter Petrosyan had to establish its own trade networks as well as foreign policy which had

³¹⁰ Balakian *The Burning Tigris* p387

³¹¹ Ibid.

³¹² Bloxham *The Great Game of Genocide* p222

³¹³ Balakian *The Burning Tigris* p387

³¹⁴ Ibid. p388

previously been the responsibility of the Soviet government. To help establish these systems of trade and foreign policy Ter Petrosyan's government sought help from the diasporan communities principally those in the United States.³¹⁵

These diasporan communities had helped the Armenian authorities with respect to the earthquake in 1988 and the conflict in Nagorno-Karabagh that had erupted the same year. Ter Petrosyan's government's priority was to ensure the geopolitical and economic security of Armenia, which would involve the removal of the economic blockade by Turkey and Azerbaijan. On a visit to the United States after meeting President Clinton, Petrosyan stated in a speech in Detroit the need for a "balanced foreign policy toward Russia, Turkey and Iran". This put him at odds with the Dashnaksutiun party which demanded Turkey's recognition of the genocide and its withdrawal of support for Azerbaijan over the conflict in Nagorno-Karabagh as a precondition for rapprochement between Armenia and Turkey.³¹⁶

After the Dashnaksutiun condemned Ter Petrossyan's statement Ter Petrossyan accused the party of terrorism and plotting to overthrow the government and closed down its activities in Yerevan in December 1994. Ter Petrossyan went on to ask diaspora groups to tone down their demands for international recognition of the genocide, which was condemned once again by the Dashnaksutiun. The Ter Petrossyan government eventually fell on grounds of corruption and divisions over foreign policy. It was replaced by the Robert Kocharyan government, which also aimed to promote economic development through removal of the economic blockade and through lobbying by the diaspora groups for economic assistance. The Kocharyan government radically altered the country's foreign policy on the genocide as it established international recognition of the genocide as a key plank in the state's foreign policy. This policy became gradually more subtle as it moved closer to the West while still maintaining close ties with Russia and Iran. This movement toward the West was perhaps best illustrated by Armenia's participation in a NATO summit in Washington DC in April 1999.³¹⁷

The Kocharyan government's relationship with the diaspora could best be described as nuanced particularly with respect to recognition of the genocide. The diaspora itself at this time viewed the state of Armenia differently than their forebears had done. The new generation of Armenians had limited connections to historic Armenia in Eastern Anatolia and tended to view the new state of Armenia as the homeland.³¹⁸ The Kocharyan government endeavoured to build on these feelings. It had tried to develop stronger ties with the diaspora through Armenia diaspora conferences, one of which was held in September 1999, followed by those held in May 2002 and September 2006 along with greater cooperation with the Dashnaksutiun. The conferences stated a willingness to secure international recognition of the genocide although according to Payaslian this was more for "diaspora consumption than guiding government policy".³¹⁹ The government's statements would sometimes support the demand that Turkey recognise the genocide

³¹⁵ Simon Payaslian *The History of Armenia* p203

³¹⁶ *Ibid.* p204

³¹⁷ *Ibid.* p215-222

³¹⁸ *Ibid.* p225

³¹⁹ *Ibid.* p226

before relations between Armenia and Turkey could be on a full diplomatic basis and at other times would de-emphasise this demand.

The Tripartite Relationship- The 2000 Resolution

The Armenian lobby groups softened their strategy in the autumn of 2000 when they requested Congress to pass a nonbinding resolution asking the president in his 24th April statement remembering the genocide to refer to the event as genocide. The first draft of the resolution also encouraged US diplomats in their training programmes on human rights and ethnic cleansing to learn about the official US government records on the Armenian genocide. The House subcommittee on International Relations and Human Rights regarded the resolution as limited in scope and relatively safe and passed it by a large majority.³²⁰ This measure, however, was to become controversial and the controversy highlighted the complicated nature of US strategic relationships. Not only did the United States have an important strategic relationship with Turkey but it, arguably, also had an even more important relationship with Israel. According to Yair Auron this relationship was further complicated by the fact that over the preceding ten years Turkey and Israel had developed an important mutually beneficial “partnership” based on shared interests.³²¹

According to Auron, these shared interests relate to three broad categories: “the military and civil; the strategic and economic; the institutional and human”. The main strategic imperative driving Turkish policy since the collapse of the Soviet Union in 1991 has been, interestingly, the same as the one which influenced a number of the CUP, the promotion of pan-Turanism in Central Asia. According to Auron, Turkey faced an important dilemma when it sought to expand its influence into the Turkic Republics after 1991 since it risked “abandonment by Europe”. In order to avoid isolation by the West as it engaged in Central Asia Turkey needed closer ties with Israel. Israel could offer the Turks a guarantee of close connections with Western Europe and the United States. Israel through its relationship with the United States could relieve Turkey’s isolation by counterbalancing the Greek and Armenian lobbies in American politics. This relationship has ebbed and flowed, after the War in 1967 which plunged Israel into conflict with its Arab neighbours, Turkey pursued a policy of neutrality with Israel. The relationship grew closer as Turkey’s strategic importance grew during the 1980s.³²²

Israel had also provided Turkey with state of the art weapons and electronics and insights into Israeli military and intelligence strategic and tactical thinking which encouraged “joint manoeuvres” and cooperation in counter-terrorism. The fact that Turkey and Israel are both “democratic, stable, strong and pro-Western” has also encouraged this cooperation. In an “unpredictable region” Turkey finds a

³²⁰ Ibid.

³²¹ Yair Auron *The Banality of Denial* (New Brunswick, New Jersey: Transaction Publishers, 2003) p62; Raphael Israeli “The Turkish-Israeli Odd Couple” *Orbis* volume 45 issue no 1 (winter 2001) pp 65-79; Alon Liel *Turkey in the Middle East, Oil Islam Politics* (Tel-Aviv: Hakibbutz Hameuchad,, 1994) ; Alon Liel *Turkey-Military, Islam and Politics 1970-2000* (Tel Aviv: Hakibbutz Hameuchad, 1999); Arey Schmuelevitz, *Turkey in the 20th Century: Between Modernization and Tradition* (Tel-Aviv: Ministry of Defence, 1997); Ehud R. Toledano an Introduction to *The History of the Ottoman Empire* (Tel-Aviv: Ministry of Defence, 1985).

³²² Amikam Nachmani “The Remarkable Turkish Israeli Ties,” *Middle East Quarterly* Vol. V No. 2 (June 1998) p21 quoted in *Cumhuriyet* (Nov. 5 1994)

relative degree of confidence in Israel while Turkey offers a way out of Israel's own isolation in a generally hostile Middle East and possible mediator with hostile Muslim states.³²³ According to Auron there has been a tacit agreement underpinning this partnership whereby Turkey maintains a "positive neutrality" towards the Palestinian issue and Israel is "sensitive" towards issues that are problematic for Turkey.³²⁴ Turkey and Israel, therefore, have important reasons for maintaining the partnership; however, the United States also has important reasons for preserving the Turkish-Israeli "partnership" and those imperatives have had implications for the campaign for a Congressional resolution recognising the Armenian genocide.

Arguably, Turkey and Israel represent the two standard bearers of US policy in the Middle East and Central Asia. According to Auron, Turkey is very important for aiding the policy of the United States towards Russia and both Turkey and Israel are important in affecting US oil policy in the Middle East. Turkey's assistance in aiding American penetration of Central Asian oil resources through its linguistic and cultural links with the Asian Turkic Republics has, arguably, been strategically significant, not least because it provides an alternative source and route for energy via a Turkish pipeline, separate from Russia and the Arab states.³²⁵

These strategic factors underpinning US, Turkish and Israel foreign policy all played a role in the politics surrounding the 2000 resolution in the US Congress to recognise the Armenian genocide. According to Auron the "conduit"³²⁶ for Turkey to apply pressure on US politicians to prevent passage of the resolution was the network of pro-Israel Jewish-American lobby groups including: the American Israel Political Affairs Committee (AIPAC), Bnai Brith and the Anti-Defamation League. Auron cites Turkish journalist Sedat Sertoglu who reported that these groups had serious discussions with the Turks who informed them if the resolution was passed it would not only "have a strong negative effect on Turkish American relations but also on Turkish-Israeli strategic relations".³²⁷ According to Auron, the pro-Israel lobby then encouraged President Clinton to send a letter to Speaker of the House of Representatives, Denis Hastert, on the evening before the resolution was to be debated on the floor of the House of Representatives warning that it would threaten American lives. The pretext for this danger was the Turkish threat to close Incirlik air force base from which US planes enforced the no-fly zone.³²⁸

According to Auron, the Speaker was also asked by the pro-Israel lobby "if he had stopped to consider how many Jewish votes he would lose in the case of acceptance of the resolution".³²⁹ In response to this pressure Speaker Hastert removed the bill (H.Res. 596) from the Congressional timetable on 19th October 2000 a few hours before the full House was due to debate the bill. In his statement Speaker Dennis Hastert explaining the reasons for his decision highlighted President

³²³ Auron. *The Banality of Denial* p65

³²⁴ Ibid. p115

³²⁵ Ibid. p64; Alon Liel *Turkey in the Middle East Oil Islam Politics*; _____ Turkey – Military, Islam, Politics; Arsh Schmuelevitz *Turkey in the 20th Century*

³²⁶ Auron *The Banality of Denial* p64; Amikam Nachmani "The Remarkable Turkish-Israeli Ties" p21

³²⁷ Sedat Sertoglu "Behind the Scenes" *Istanbul Sabah* (Ankara Edition) (23 October 2000)

³²⁸ Auron *The Banality of Denial* p112

³²⁹ Sertoglu "Behind the Scenes"

Clinton's concerns where "the President believes that passage of the resolution may adversely impact the situation in the Middle East and risk the lives of Americans".

The gist of Auron's argument is that the alliance between Turkey and Israel led Turkey to try to encourage Israel to use its influence with the pro-Israel lobby in Washington DC. This lobby in turn would pressure the Clinton administration into leaning on Congress to drop the legislation. Despite the Turkish government applying its own threats to the Clinton administration with respect to hampering American efforts to enforce a no fly-zone over Iraq, Auron's argument is convincing. Although Auron's argument is persuasive concerning the 2000 resolution an investigation into subsequent debates in 2007 and 2010 demonstrate that this pro-Israel lobby is by no means monolithic and can be fractured.

As we shall see the last minute failure to achieve passage of the resolution was not the end of the matter for the Armenian lobby, however. A conversation this author had with an Armenian source, who was in Washington in 2000 and contributed to the Armenian campaign for the resolution, revealed that although the Armenians were disappointed with the outcome they were by no means disheartened. They were prepared to push for another resolution when the time was right. Indeed, Representative Adam Schiff, who was elected in 2000 for the district of Burbank, California, which has the largest Armenian constituency in America, sponsored a resolution in 2004 which did not garner the necessary support. This was due to opposition from the Bush administration, which feared a breakdown in the United States-Turkey alliance.³³² An examination of the 2000 debate and previous debates on the issue has demonstrated that Armenian Americans have pressed for legislation on the Armenian genocide coinciding with significant events such as anniversaries of the Armenian genocide or in the lead up to presidential elections when the presence of Armenians in important states in the presidential electoral college has heightened their influence as a constituency. They have also pushed for legislation when prominent supporters of the Armenian issue have assumed positions of power in Washington DC. Such was the case in 1990 when Republican Senator Robert Dole was Senate Majority Leader and would also be the case in 2007 when California Democrat Representative Nancy Pelosi became Speaker of the House of Representatives.

Subsequent to the failure to achieve recognition by the US Congress of the Armenian Genocide a Turkish Armenian Reconciliation Commission (TARC) was created in 2001 with the US State Department as mediator. This arbitration process was not universally supported by the Armenians since the Dashnaksutium excluded from the negotiations was opposed to it. One consequence of this negotiation was that the Commission requested research by the International Centre for Transnational Justice to establish if "the UN Genocide Convention could in fact be retroactively applicable to the Armenian case". It concluded that the Armenian Genocide met the definition of genocide but "the Convention does not permit retroactive compensation for damages".³³³

³³² "US Congress debates Armenian Genocide 3-21-2007 Washington (UPI) Assyrian International New Agency

<http://www.aina.org/news/20070321120451.htm>

³³³ Simon Payaslian *The History of Armenia* pp226-227; It is important to note here that the Armenian source wished to remain anonymous for his own reasons.

The 2007 Resolution

The debate over the proposed 2007 Congressional resolution highlighted a number of the same strategic and moral issues that previous prospective resolutions had touched upon. However, this prospective resolution was introduced against a fraught backdrop of an ongoing war in Iraq and the lead up to the 2008 US presidential election, which heightened the stakes in the realist political versus idealist ethical dialectic to a greater degree than previous campaigns. Since the resolution was introduced in the year before a presidential election, Democrats and Republicans would be well aware of the fact that the Armenian communities could be important for the outcome of the election in the Electoral College. This was because the Armenians were mainly located in the states of California, New York, Massachusetts and Illinois.³³² The electoral importance of this fact meant that it was by no means certain that the strategic relationship with Turkey would trump the Armenian position. The political context for the 2007 and then 2010 resolutions represented a period of maximum danger for the Turkish position. It also, arguably, represented the culmination of all the campaigns to recognise the genocide; it is even possible that it will settle the issue for some time. There are a number of reasons for this view. One is that the present Speaker of the House of Representatives, Nancy Pelosi, with a large Armenian constituency in her San Francisco district has supported the resolution. The language of the 2007 resolution was also different from previous resolutions and went much further than earlier ones. Whereas a previous resolution HR398 requested that “foreign service officers be educated about human rights and ethnic cleansing by being familiarized with the United States official records on the Armenian genocide”. The 2007 resolution read as the “Affirmation of the United States Record on the Armenian Genocide”, a much stronger endorsement of the United States official record of the genocide. The scene was set then for an almighty battle in which the Congressional leadership largely supported the resolution against a mighty lobbying effort in which former House majority leaders, current and former Secretaries of State and Defence would support the Turkish position. This battle would be conducted both in Congress itself and in the media and would continue long after the presidential election.

House Resolution 106

House Resolution 106 was controversial because it gave ethical and pragmatic reasons for legislation recognising the Armenian genocide.³³³ Arguably, the

³³² The Armenian American community stands at around 1 million, the largest Armenian American community is in Glendale Los Angeles but there are also substantial communities in the San Francisco area, Boston (Massachusetts), New York city, Hartford (Connecticut), Syracuse (New York State), Cleveland (Ohio), Chicago, Detroit and Winston-Salem (Massachusetts).

³³³ **H.Res.106**

<http://www.govtrack.us/congress/record.xpd?id=110-h200719015-66&bill=hr110-106>

resolution was ethical since it highlighted the importance of “*appropriate understanding and sensitivity*” in US foreign policy “*concerning issues related to human rights, ethnic cleansing and genocide*”. The realist pragmatic reasons featured in paragraph 30 of the resolution.

Despite the international recognition and affirmation of the Armenian genocide, the failure of the domestic and international authorities to punish those responsible for the Armenian genocide is a reason why similar genocides have recurred and may recur in the future, and that a just resolution will help prevent future genocides.

The fact that the resolution highlighted the fact that the United States has its own considerable official record on the genocide might have been seen by the Turks as threatening since this official record supports the Armenian position over that of the Turks. This highlighting of the US official record is stressed in the short title..

This resolution may be cited as the “Affirmation of the United States Record on the Armenian Genocide Resolution”.

This is outlined in detail in paragraph 8:

The United States National Archives and Record Administration holds extensive and thorough documentation on the Armenian Genocide, especially in its holdings under Record Group 59 of the United States Department of State, files 867.00 and 867.40, which are open and widely available to the public and interested institutions.

The resolution stipulates how this evidence is supported by evidence in the archives of other states. It also documents previous American political involvement in the issue of the Armenian genocide by Ambassador Morgenthau, President Wilson, the Senate and American Commissioner and previous statements referring to the issue of the Armenian genocide in Congress. What may appear to be just a symbolic resolution “affirming the United States Record”, actually concentrated on the historical record of the Armenian genocide. The fact that there is an historical record is a major issue for both sides. On the one hand the Turkish state challenges this record. On the other hand the fact is that it is entered as an historical record but it is used by Armenians to back up their claims.

The Resolution is Introduced

The main sponsors of the resolution: Adam Schiff, Frank Pallone, Brad Sherman and Anna Eshoo offered ethical reasons for their support of the resolution; however, press reports suggested political reasons may have also been a factor in their decisions. Adam Schiff Representative for Glendale, California, a district with between 70,000 to 80,000 Armenians, according to Washington (UPI) sponsored the resolution in order to protect the “moral authority” of the United States to mount campaigns against present day atrocities like the Darfur Crisis.³³⁴ According to Glenn Kessler of the *Washington Post*, Schiff may have had more pragmatic political reasons for supporting the resolution. Given the large Armenian

³³⁴ UPI “US Congress Debates Armenian Genocide” Assyrian International News Agency
<http://www.aina.org/news/20070321120451.htm>

constituency in his district Congressman Schiff won his seat in 2000 when he defeated Republican James Rogan who according to Kessler had been “sandbagged when House Speaker J Dennis Hastert reneged on a pledge and pulled the bill” after President Clinton had requested its withdrawal.³³⁵ After the resolution was introduced it was sent to the House Foreign Affairs Committee to consider.

Mark Up

The committee then embarked on marking up the resolution, the stage when a committee examines the legislation line by line to discuss what language or phrases in the bill need to be amended or left intact. When it was about to begin this process it came under intense pressure not only from lobbyists working on behalf of the Armenians and Turks but from the Bush administration. President Bush, himself in a statement three hours before the committee members were due to vote on the resolution, warned :

“Its passage would do great harm to our relations with a key ally in NATO and in the global war on terror”.³³⁶

Before Bush spoke Secretary of State, Condoleezza Rice and Defence Secretary Robert Gates also spoke at the White House. Rice said:

“The passage of this resolution at this time would be very problematic for everything we are trying to do in the Middle East”.³³⁷

Gates added that 70% of US airfreight and 1/3 of the fuel used by US forces in Iraq went through Turkey. Gates commented:

“Access to air fields and to the roads and so on in Turkey would very much be put at risk if this resolution passes and Turkey reacts as strong as I believe they will”.³³⁸

Both Rice and Gates would be deployed later in a lobbying campaign as the resolution came closer to a vote by the full House of Representatives. House Foreign Affairs Chairman Tom Lantos on the mark up outlined the real military consequences of passage of the resolution but also framed the terms of the vote of the committee in ethical terms.

Lantos observed:

“Members of this committee have a sobering choice to make. We have to weigh the desire to express our solidarity with the Armenian people and to condemn this historic nightmare through the use of the word “genocide” against the risk that it

³³⁵ Glenn Kessler “White House and Turkey Fight Bill on Armenia” *Washington Post* October 10 2007
<http://www.washingtonpost.com/wp-dyn/content/article/2007/10/09/AR200710090347-pf-h>

³³⁶ Desmond Butler “Bush Urges Defeat of Genocide Bill” *The Associated Press*
<http://abcnews.go.com/print?id=3711930>

³³⁷ Butler *The Associated Press*

³³⁸ Butler *The Associated Press*

could cause young men and women in the uniform of the United States armed services to pay an even heavier price than they are currently paying. This is a vote of conscience, and the Committee will work its will".³³⁹

The Foreign Affairs Committee divided across party lines with eight Democrats voting for the resolution and eight Republicans for it. The committee adopted the resolution 27 to 21. After the resolution passed the committee stage Lantos said he would introduce a resolution praising US-Turkish friendship the following week.³⁴⁰ Condoleezza Rice in the meantime contacted the Turkish government to try to put their concerns at ease. The Turkish response to the committee passing the resolution was strident. Turkish officials warned "military relations with the United States can never be the same" if the resolution passed. The Turkish government also recalled its ambassador in Washington back to Turkey for "consultations". As a consequence of these events 14 representatives who had previously endorsed the resolution decided to withdraw their support.

Committee Chairman Tom Lantos in his statement had outlined the dilemma members of the committee faced between taking a normative position of condemning "this historic nightmare" as a genocide and the potential dangers a vote in favour of the resolution could cause to American forces in Iraq. This choice was not a hypothetical one but one that could have had very real implications for those men and women. In a very poignant way Tom Lantos's statement and the vote of the committee highlighted the difficult decisions American policymakers had been confronted with as they sought to reconcile a desire to be true to American ideals with their duty not to endanger American interests, and in this case the most fundamental interests of all the lives of American servicemen and women.

The Lobby War

According to Marilyn W Thompson of the *New York Times* the lobbying campaign for and against the resolution was fierce, which commenced as soon as the resolution was introduced.³⁴¹ Supporting the Armenian position were the Armenian lobby groups: the Armenian National Committee of America and the Armenian Assembly of America. Lobbying for the Turks were former Congressmen who had held important positions in the House of Representatives. These included former Speaker designate of the House, Louisiana Republican, Robert Livingston, Richard Gephardt former House Majority Leader and Stephen Solarz, formerly an influential Democratic Congressman.

³³⁹ Huliq News

http://www.huliq.com/37614/opening_statement_by_chairman_lantos_at_markup_of_h_res_106

³⁴⁰ "US Bill on Armenia moves forward

<http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/i/h/world/america/70387>

³⁴¹ Marilyn W. Thompson "An Ex-Leader in Congress is Now Turkey's Man in the Lobbies of Capitol Hill" *The New York Times* Washington Oct 16, 2007

http://www.nytimes.com/2007/10/17/washington/17_lobby.html

These lobbyists worked with the Bush administration in a combined effort to derail the resolution. This effort was launched after meetings between Livingston and Vice-President Cheney and key White House political strategist, Karl Rove. Livingston communicated with Karl Rove on 28 November 2006. In January he spoke with an aide to Dick Cheney and arranged visits to Congress for Turkish ambassador Nebi Sensoy. The day after Schiff introduced the resolution Livingston called Representative Bobby Jindal a Republican from Louisiana and Jindal withdrew his name from a list of cosponsors.

In visits to Capitol Hill, Livingston, Gephardt and Solarz argued that the resolution threatened the national security of the United States. Livingston underlined this danger when he accompanied Sensoy and other Turkish officials to Capitol Hill to warn Representatives that the resolution threatened to destroy the Iraq war alliance. Livingston was able to persuade a number of Republican Congressmen to withdraw their support for the resolution. Livingston had mixed success with Democratic Representatives. Livingston and another lobbyist from his firm accompanied Mr Sensoy and the Turkish foreign minister Abdullah Gul to a meeting on Capitol Hill with a number of members including Democratic Representative John P Murtha. After this meeting Murtha wrote to Speaker Pelosi to ask her not to timetable a floor vote. Incidentally, Livingston gave \$3,000 in campaign contributions to Mr Murtha's campaign in February 2007. Livingston was less successful in trying to persuade Representative Tom Lantos. Although Lantos had opposed a previous resolution and twice met with Turkish officials concerning the 2007 resolution, this time Lantos was prepared to support the resolution. To underline the strength of the Turkish lobbying effort, records filed at the US justice department show that the Turkish government up to March 2007 had spent \$3.2 million for lobbyists and public relations firms. Representative Adam Schiff described Turkey's lobbying campaign as "the most intense I've ever seen". In addition to this effort by American lobbyists working on behalf of the Turkish government the Turkish American Heritage Political Action Committee also wrote to members of Congress persuading them to oppose the resolution. The letter rejected the use of the term genocide stating "there were numerous deaths on both sides due to war, disease, hunger and civil strife".³⁴²

In contrast to the campaigning methods of the Turkish government the Armenians had not spent a great deal of money but instead used the grassroots to put pressure on members of Congress. As a mark of the importance of the Armenian constituency for American domestic politics the Congressional Caucus on Armenian Issues has about 120 members while the Congressional Turkey Caucus has about half that number.³⁴³ Heather Gregg in a Working Paper for a Washington based conference on America's Approach to the Armenian genocide explains the effectiveness of the two Armenian lobby groups, ANCA and the Assembly. According to Gregg, these two groups may not have succeeded yet in gaining official US recognition of the genocide, but they have been successful in other issues of importance to Armenians such as the disbursement of US aid to Armenia and

³⁴² Richard Simon "Genocide Resolution still far from certain" *Los Angeles Times* April 21 2007

<http://articles.latimes.com/2007/apr/21/nation/na-genocide>

³⁴³ Alan K Ota CQ Staff "Turkey Hires Familiar Faces for Genocide Debate" Oct5 2007 CQ.com

http://public.cq.com/docs/cqt/news_110-0000002601120.html

Nargono Karabagh. Gregg attributes this success to “hyper-mobilization” of Armenian resources. By taking “different approaches to lobbying, [ANCA and the Assembly] have mobilized more than one organization alone and have doubled outreach projects and resources, magnifying the Armenian presence in the US”. The Armenian lobby groups have also created “alliances with members of Congress, and other lobby groups” such as the Greek and Kurdish lobbies to campaign jointly on issues that concern them and with the “bi-partisan Congressional Caucus on Armenian Issues.”³⁴⁴

ANCA and the Assembly have different strategies to gain their mutual goal of recognition for the genocide, and ANCA has stronger demands for reparations and territory than the Assembly. ANCA practices a “bottom up” strategy. It combines lobbying on Capitol Hill with lobbying at “state and city level for recognition and the Day of Remembrance”. The Assembly also lobbies Congress but focuses more on increasing documentation on the Armenian genocide. It also sponsors the Armenian National Institute whose task is “achieving recognition and affirmation of the Genocide”.³⁴⁵

The fact that the vast bulk of state legislatures in the United States (41 out of 50) have recognised the Armenian genocide while the United States Congress is yet to do so raises some interesting issues. It testifies to the success of Armenian lobbying at a local level even in the absence of significant Armenian communities. This success can largely be attributed to the fact that state legislatures are primarily concerned with local and state politics rather than foreign policy. Even though the Armenian genocide on the surface appears to be a foreign policy issue the existence of Armenian constituents, lobby groups and donors in a state makes it a local and state issue for many state legislators. Consequently, these state politicians would be more interested in gaining the support of these Armenian groups as well as having the freedom to support a noble cause without worrying about how their support for this resolution would affect the strategic interests of the United States. The one state that may be an exception to this rule is Texas with its major oil companies most notably Chevron and Exxon who have major stakes in the ever more important oil industry situated around Baku in Azerbaijan. Despite this fact the state legislature of Texas has recognised the Armenian genocide. In contrast to state legislatures politicians in Congress have to concern themselves with foreign policy issues. Since the United States Congress shares foreign policy-making with the executive branch, politicians in Congress have to take into account how their decisions affect the strategic interests of the United States. The executive branch has always been able to draw upon this sense of mutual responsibility for these strategic interests to put pressure on politicians in Congress to withdraw their support for resolutions recognising the Armenian genocide.

The Armenian American community’s different approaches to achieving recognition of the genocide have occasionally resulted in divisions. The most serious split occurred over the founding of a museum commemorating the genocide on the site of the National Bank of Washington in Washington DC. The split occurred after the Armenian Assembly of America approached retired Armenian

³⁴⁴ Heather S Gregg “Divided They Conquer; The Success of Armenian Ethnic Lobbies in the United States” August 2002 Working Paper #13 p2

³⁴⁵ Gregg p19

American publisher, Gerard Cafesjian for his foundation to help to purchase the site of the museum. The museum and the fundraiser then later fell out. Different reasons were given for this disagreement. The board of the museum alleged it was about money while Mr Cafesjian alleged it was over the size and scope of the museum. Cafesjian ultimately filed suit both in Minnesota and in Washington for the return of the money he had contributed to the project.³⁴⁶ There were also differences over the museum's content. There were some Armenian groups that wanted to include references to other genocides within the scope of the museum's content. The Armenian National Committee of Central Massachusetts believed that a museum "to educate people about the Armenian genocide in particular as well as genocides in general" was a significant step forward.³⁴⁷ Litigation over the museum ultimately ended with the bereavement of Mr Cafesjian, which cleared the way for the opening of the museum. The different Armenian groups ANCA and the Assembly also have different objectives. ANCA demands the return of historic Armenia while the Assembly does not take such a hard line although it does campaign for insurance policies with American companies made by Ottoman Armenians to be refunded to the families of the victims.

The Armenian campaign for the 2007 resolution demonstrated a twin track approach of lobbying by pressure groups based in Washington DC along with mobilisation of the grass roots. Concerning the first approach, prior to the vote by the House Foreign Affairs Committee Bryan Ardouny, executive director of the Armenian Assembly wrote to Committee Chairman Tom Lantos and leading Republican on the committee, Ileana Ros Lehtinen (Florida) to secure their support for the bill. In the letter Ardouny stated: "We have a unique opportunity in this Congress, while there are still survivors of the Armenian genocide living among us to irrevocably and unequivocally reaffirm this fact of history". Concerning the second approach, the Assembly and the Armenian National Committee also encouraged Armenian Americans to contact Members of Congress to ensure that a successful committee vote would lead to a vote by the full House. The initial success of the Armenian lobby effort prior to the Committee vote was demonstrated by the number of sponsors and co-sponsors the resolution had garnered numbering 191 members of the House, according to ANCA the most in 20 years and a quarter of the Senate including Majority Leader Senator Harry Reid (D-Nevada) and California Senators Dianne Feinstein and Barbara Boxer.³⁴⁸

The Bush administration made its own contribution in the lobbying campaign against the resolution deploying present and former US Secretaries of State and Defence. The arguments offered by these officials in letters to Congress highlighted the geopolitical importance of Turkey for wider United States regional strategy. One of the goals of the US administration suggested by the Secretaries of State was to promote reconciliation between Turkey and Armenia. The Secretaries of State also informed Representatives that "the United States must recognize important contributions Turkey is making to US national security and stability in the Middle East and Europe". This includes its role as "indispensible partner providing

³⁴⁶ Stephen Manning, Associated Press Writer "Dispute Roils Plans to Build Museum ABC News, October 12 2007

³⁴⁷ Colleen Sullivan "Museum plans are stymied Armenian dream now under threat" *Worcester Telegram and Gazette*, December 23 2007

³⁴⁸ Richard Simon "Genocide Resolution still far from certain" *Los Angeles Times* 21st April 2007

assistance to US troops in Iraq and Afghanistan through access to Turkish airspace, military bases and border crossings with Iraq". The Secretaries of State even suggested that Turkey is a "linchpin in the tranship of vital cargo" to Iraq.³⁴⁹

The Secretaries of Defence outlined the importance of Turkey to the United States strategy in greater detail. According to the Secretaries, "Turkey plays a central role in supporting US national security interests in the Balkans, greater Middle East and the Black Sea region". Turkey also supported US goals and interests through "its close relationship with Israel, its deployment of military forces to the Balkans and its contribution to the NATO effort" in Afghanistan. The Secretaries of Defence warned that passage of the resolution would risk the lives of US troops because the Turkish parliament "would likely respond to the Turkish public's call for action by restricting or cutting off access to the Turkish airbase at Incirlik and closing the crossing point into Iraq at the Harbor gate. There would also be the possibility that the Turkish parliament would restrict the number of US flights in Turkish airspace "vital to transporting supplies and fuel to US troops."³⁵⁰

The relative strength of the lobbies: the Armenian American lobby and the Turkish lobby predominantly involving American lobbyists in the pay of the Turkish government can be measured in degrees. The fact that Armenian American pressure groups were able to secure passage of the legislation through the House Foreign Affairs Committee and onto the floor of the House is a tribute to their strength and tenacity. As for American lobbyists supporting the Turkish position the fact they needed the help of present and former Secretaries of State and Defence to fight their corner demonstrated that though they were persuasive they could not overcome the Armenian American argument on their own. It required at least two governments, the Turkish and US governments with Israel's waiting in the wings along with hired lobbyists to counter the Armenian American lobby. The context of the war on terror was also prominent in the lobby debate as the various administration officials highlighted the important role that Turkey was playing as an ally of the United States in the global conflict. The implicit risk to the lives of American troops by any reduction of Turkey's role was also emphasized by these officials. These dangers made a powerful counter-argument to the moral one of recognizing a genocide and raised the stakes significantly higher than those in previous debates on the issue. These issues would be a feature of the subsequent legislative debates on the Armenian genocide.

The Legislative Debate

After the House Foreign Affairs Committee had passed the resolution, another front from the struggle fought in Congressional offices and lobbies opened up on the floor of the House of Representatives. The key speakers in the debate on House Resolution 106 on the floor of the House were on the pro-Turkish side, Republican Representative Virginia Foxx from North Carolina and on the Armenian side, Democrat, Frank Pallone from New Jersey. Representative Foxx's arguments emphasized the interests of the United States while portraying the motivations of those supporting the resolution as being driven themselves by domestic political

³⁴⁹ <http://www.govtrack.us/congress/record.xpd?id=110-h20071015-66&bill=hr110-106>

³⁵⁰ *ibid.*

interests. Representative Pallone concentrated on the ethical obligations of the United States embodied in the resolution and its duty to recognise its own official history of the genocide.

Foxx in her statement highlighted the importance of Turkey to the wider realist geopolitical interests of the United States “Turkey has a significant constructive, physical and influential reach in the Balkans, the Middle East, the Caucasus and Central Asia. Foxx focused on a number of areas: energy issues” Turkey is becoming a reliable energy hub for the Western World in a highly volatile region, completing the East West Energy Corridor”; NATO “For decades, Turkey has stood as the bulwark of the North Atlantic Treaty Organization, NATO, on the south-eastern flank of the alliance and guarded a long common border with the Soviet Union; “the war on terror” “Turkey has become an important partner of the United States in facing new major challenges such as international terrorism, ethnic and religious extremism and fundamentalism”; and the war in Afghanistan “Turkey continues to play an important role in Afghanistan, having twice commanded the International Security Assistance Force and maintaining a provincial reconstruction team in Afghanistan which builds hospitals, schools and roads”. In addition to these strategic concerns Foxx tried to present Speaker Pelosi as playing party politics at the expense of the national interest prioritising the “provincial” interests of her Armenian constituents, “a small interest group” over those of the United States which “does great harm to the United States”.³⁵¹

Frank Pallone by contrast in his statements to the House highlighted the ethical obligations of the United States and the international community in recognising the Armenian genocide in idealist terms. “The United States must never allow crimes against humanity to pass without remembrance and condemnation. As a society, we cannot effectively work to end crimes against humanity without recognizing those that have previously occurred”.³⁵² Pallone pinpointed the real consequences of failure to recognise genocide and its denial. “Turkey’s policy of denying the Armenian genocide gives cover to those who perpetrate genocide everywhere. If the cycle is to end there must be accountability for genocide. Genocide denial is the last stage of genocide”. According to Pallone the international community or “global community” has this obligation “we must collectively stand for historical truth and recognize the worst humanitarian crimes that we have seen”. In another statement Pallone declared “By recognizing these actions as genocide we can renew our commitment to prevent such atrocities from occurring again”. Pallone explained the purpose of the resolution, highlighting the importance of history and particularly history contained in official documents, “to affirm the US record on the Armenian genocide by recognizing it as a historical fact”. Pallone emphasized that this resolution reflects the noble role of the United States during the genocide praising “the American record of opposition to this tragedy which is marked by courageous diplomatic protests and unprecedented American relief efforts for the survivors of this crime”.³⁵³

³⁵¹ <http://www.govtrack.us/congress/record.xpd?id=11110-h20071015-66&bill=hr110-106>

³⁵² <http://www.govtrack.us/congress/record.xpd?id=1110-h20070419-35&bill=hr110-106>

³⁵³ <http://www.govtrack.us/congress/record.xpd?id=110-h20070213-4&bill=hr110-106>

The issues raised by Representatives Foxx and Pallone highlight the dichotomy in American policy between the protection of its strategic interests and the promotion of republican values. Is the United States as Foxx would have it primarily interested in securing its vital interests in the Middle East and Turkey is pivotal in this role? Or does the United States as Pallone argued have a responsibility to prevent crimes against humanity? The gist of Pallone's argument is that the United States cannot prevent crimes against humanity in the present or future if it does not recognise those that have occurred in the past. The implication from this debate is that the United States has to make a choice between protecting its own interests and fulfilling its responsibility implicit in the Constitution of promoting justice in the world. In this debate as in the lobby war the war on terror provided the ever present backdrop.

A further issue highlighted by the legislative debate concerned the nature of history, particularly official history. This is because Pallone's explanation that the purpose of the resolution is "to affirm the US record on the Armenian genocide by recognizing it as a historical fact" raises some interesting questions on what constitutes valid history. Is this kind of history contained in official documents given more legitimacy than other kinds of history according to this resolution? Would only official documents establish the genocide as a historical fact? If this is the case, are official documents completely reliable as unmediated versions of historical events or can they also be slanted in a particular way to reflect a particular governmental or departmental line? One can accept Pallone's argument up to a point. Official documents are primary sources and by assessing the bulk of these documents on the genocide, one can ascertain the probability of whether a genocide occurred given the correlation between the reports of different actors such as consular officials, missionaries and even allies of the Turks; however, there is still an issue whether official documents are beyond reproach or not.

The Impact on Jewish-American groups

The 2007 campaign for a Congressional resolution was also significant because it impacted on the survivor group of the Holocaust, the genocide which gave rise to the Genocide Convention, causing splits between Jewish Americans and the state of Israel. These splits should be seen in the context of the relationship between Turkey and Israel, who, according to Yair Auron had developed an important mutually beneficial partnership based on shared interests. According to Auron these shared interests related to three broad categories: "the military and civil; the strategic and economic; institutional and human".³⁵⁴ A tacit agreement underpinned the partnership between Turkey and Israel, according to Auron, whereby Turkey maintained "positive neutrality" towards the Palestinian issue and Israel was "sensitive towards issues that were problematic for Turkey."³⁵⁵ As a consequence of this burgeoning Turkish-Israeli relationship the Turkish government believed that it could rely on the Israeli government to tell what the Turks perceived to be the powerful Jewish-American lobby to stop the resolution. This lobby has been subject to an intense debate on the degree of its influence and its practices,

³⁵⁴ Auron p62

³⁵⁵ Ibid. p115

which has largely been provoked by the book written by academics John J. Mearsheimer and Stephen M. Walt.³⁵⁶ Chomsky, himself, in a review of the book criticized its findings arguing that the Israeli lobby is just like any other lobby and the reason it has any influence within American foreign policy circles is that American and Israeli political interests largely coincide.³⁵⁷ Steven Rosenthal in his book *Irreconcilable Differences* goes further than Chomsky in outlining in great detail major splits within the Jewish American community towards Israeli policy including the 1982 invasion of Lebanon settlements in the West Bank and the Intifada.³⁵⁸ While Mearsheimer and Walt do state that this lobby is by no means monolithic “not a single unified movement with a central leadership” and the “various groups that make up the lobby do not agree on every issue although they share the desire to promote a special relationship between the United States and Israel”³⁵⁹ and according to Morton Abramowitz such an issue as the Armenian genocide has divided Jews in America and Israel,³⁶⁰ this article will demonstrate that these divisions on the Armenian genocide can be quite serious.

On the question of the 2007 resolution, initially, most of the major Jewish-American groups came out against the resolution sponsored by Congressman Adam Schiff, who also happened to be Jewish-American. These groups included the American Jewish Committee, Bnai Brith International, the Anti-Defamation League (ADL) and the Jewish Institute for National Security Affairs (JINSA). Indeed, in February 2007 a number of leaders of Jewish-American organizations including those of the Anti-Defamation League and the American Israel Public Affairs Committee met with civilian and military officials of the Turkish government that included Turkish Foreign Minister Abdullah Gul in a Washington DC hotel to discuss how to stop the resolution.³⁶¹ According to Tom Tugend, Turkish and Jewish leaders in a letter to the American Jewish Committee warned that the Armenian genocide resolution “has the clear possibility of potentially endangering the interests of the United States by adversely affecting relations between Turkey and both the United States and Israel. JINSA endorsed the letter and the national director of the ADL, Abraham Foxman, commented that “I don’t think congressional action will reconcile the issue. The resolution takes a position, it comes to a judgement”. He also stated that “the Turks and Armenians need to revisit their past. The Jewish community shouldn’t be the arbiter of that history nor should the US Congress”.³⁶²

Foxman’s comments then ignited a controversy within the ADL. According to Neela Bannerjee, the controversy came to a head in the suburbs of Boston which

³⁵⁶ John J. Mearsheimer and Stephen M. Walt *The Israeli Lobby and US Foreign Policy* (London: Penguin Books, 2008)

³⁵⁷ Noam Chomsky “The Israel Lobby” *Z Net* (March 28 2006) Initially written in response to an article by Mearsheimer and Walt published in *The London Review of Books*

³⁵⁸ Steven T. Rosenthal *Irreconcilable Differences? The Waning of the American Jewish Love Affair with Israel* (Hanover and London: Brandeis University Press published by University Press of New England, 2001)

³⁵⁹ Mearsheimer and Walt *The Israeli Lobby and US Foreign Policy* p5

³⁶⁰ Morton Abramowitz “American Policymaking in Turkey” *Turkey’s Transformation and American Policy* (New York, NY: The Century Foundation Press, 2000) p168

³⁶¹ Richard Simon “Genocide resolution still far from certain” *Los Angeles Times* April 21 2007

³⁶² Tom Tugend “The Armenian Genocide debate pits moral values against realpolitik” *The Jewish Journal* 3 May 2007

http://www.jewishjournal.com/articles/print/the_armenian_genocide_debate_pits_moral_valu...

have Armenian and Jewish constituencies. Local boards of Selectmen, local community leaders which have programmes promoting tolerance, had voted to cut ties with the ADL. Responding to the views of many of its New England members on 17th August 2007 the New England Anti-Defamation League passed a resolution asking the ADL as a whole to recognise the Armenian genocide. The national governing body of the ADL then sacked the regional director encompassing New England, Andrew Tarsy. This decision then provoked two members of the ADL's New England Board to resign.³⁶³

According to Steve Clemon, Foxman facing a crisis within his organisation reinstated Tarsy and after a number of discussions described the Armenian massacres as "tantamount to genocide".³⁶⁴ However, the ADL still opposed Congress acting on the resolution. Mark Perelman catalogued how the ADL's statement created a potential crisis in relations between Turkey and Israel.³⁶⁵ In order to prevent a breakdown in these relations the ADL sent a letter to Recep Tayyip Erdogan, the Turkish Prime Minister stating its "deep regret" and the wish "to deepen our friendship". The Turkish government had expressed its displeasure at the ADL's use of the word genocide informing Israeli officials and Jewish American leaders of the threat to Israeli-Turkish relations but Nabi Sensoy, the Turkish ambassador, tried to defuse the situation stating: "we have to avoid at all costs the derailment of good relations between Turks and Jews".³⁶⁶

Once the ADL had clarified its position to Prime Minister Erdogan and had confirmed publicly that it would still oppose the resolution a position which Tarsy had agreed upon. Erdogan appeared to be satisfied commenting to reporters "the wrong step that has been taken is corrected". The ADL's "tantamount to genocide" statement, had, however, encouraged a great deal of behind the scenes diplomatic activity between the Israeli and Turkish governments. Perelman cites the Israeli daily Ha'aretz, which claimed Abdullah Gul the Turkish Foreign Minister challenged the Israeli ambassador to Ankara, Pinhas Avivi, that Israel should have done more to change the ADL's position. The impression the Turkish government has that Israel has ultimate control over the positions of all Jewish American organisations was confirmed by Turkey's ambassador to Israel, Namik Tan, when he said he had expected Israel to "deliver" Jewish American organisations and prevent a Congressional resolution on the Armenian genocide.³⁶⁷ Matthew Yglesias outlined the dangers of the perception held by Turkey of the close links between Israel and Jewish American groups arising from the controversy involving the ADL in the Armenian genocide resolution: "there are some real dangers to both Israel and to American Jewish organizations from Jewish civil society groups coming to be too closely aligned with Israel policy. Since the Knesset cannot in fact control the actions of the ADL or the AJC, or any number of other Jewish institutions Israel has

³⁶³ Neela Banerjee "Armenian Issue Presents a Dilemma for US Jews" *The New York Times* 19/10/2007
http://www.nytimes.com/2007/10/19/US/19/genocide_r=1asq+Anti-Defamation...

³⁶⁴ Steve Clemons "American Jewish Community Grappling with Armenian Genocide" *The Washington Note* Thursday August 30

<http://www.thewashingtonnote.com/archives/002312.php>

³⁶⁵ Mark Perelman "Armenian Genocide Crisis Tests Tight Ties Between Turkey and Israel ADL to Ankara: 'Deep Regret'" Wednesday August 29, 2007 *The Forward*

<http://www.forward.com/articles/11509/>

³⁶⁶ *ibid.*

³⁶⁷ *Ibid.*

a fairly strong interest in not being held accountable on the international stage for the actions of those groups. Conversely the ADL and similar groups aren't going to want to be leaned on in this way".³⁶⁸

The Turkish government, perhaps, has a misconception that Israel has complete control over all Jewish American groups. What this example shows is that these groups do have some degree of autonomy and are sensitive to their own members' opinions as well as the geopolitical relationships of the state of Israel. The controversy engulfing Jewish-American lobby groups highlights the variety of perspectives within these groups on an issue like the Armenian genocide and the limits of Israel's influence over these groups even on an issue integral to an important strategic relationship for Israel. The experience of the Jewish lobby groups illustrates a profound point in that it shows that the issue of genocide occurring to another group can influence the intra group relations of a group that was not affected by the genocide such as the Jewish-American polity. Arguably, as this case illustrates, it is especially true of a group whose identity was also considerably influenced by having been a victim in its own genocide as members of the Jewish community were.

The Media Debate

This Armenian genocide resolution became the subject of discussion in highly influential public journals. Not only are they important formers of public opinion but they represent a broad cross section of opinion from writers writing for the *Conservative National Review* to the *Liberal New Republic* where writers on the Right generally opposed the resolution while writer on the left generally supported it. These writers include Anne Applebaum³⁶⁹, Barbara Lerner³⁷⁰, Los Angeles Congresswoman Jane Harman,³⁷¹ Irshad Manji³⁷², journalist academic Samantha Power,³⁷³ Hal Fessenden, Larry Siems and Peter Balakian,³⁷⁴ deputy editor of *The Washington Post*, Jackson Diehl,³⁷⁵ Matthew Iglesias³⁷⁶ and Robert Kaplan.³⁷⁷ The

³⁶⁸ Matthew Yglesias "Turkey, Israel and the ADL" *The Atlantic*
<http://www.theatlantic.com/politics/archive/2007/08/turkey-israel-and-the-adl/45951>

³⁶⁹ Anne Applebaum "The Worst of the Madness" *The New York Review of Books* (November 11 2010)
<http://www.nybooks.com/articles/archives/2010/nov/11/worst-madness/pragmatism=false>

³⁷⁰ Barbara Lerner "History Speaks the Moral Case against the Armenian Genocide resolution" *National Review Online* October 18 2007

³⁷¹ Jane Harman "The genocide vote: Now is not the time" *The Los Angeles Times* (October 12, 2007)
<http://www.latimes.com/news/opinion/sunday/commentary/la-oe-harman>

³⁷² Irshad Manji "Sending the World a Message on Genocide" *The New Republic* (Oct 24 2007)
<http://www.cbsnews.com/stories/2007/10/24/opinion/printable>

³⁷³ Samantha Power "The US and Turkey: Honesty is the Best Policy" *Time* (Oct 18 2007)
<http://www.time.com/time/printout/0,88816/1672790.00.html>

³⁷⁴ Hal Fessenden, Larry Siems and Peter Balakian In response to "Left Out in Turkey by Christopher Bellague" *The New York Review of Books* (September 22, 2005)
<http://www.nybooks.com/articles/archive/2005/sep/22/left-out-in-turkey/>

³⁷⁵ Jackson Diehl "The House's Ottoman Agenda" *The Washington Post* (March 5 2007)
<http://www.washingtonpost.com/wp-dyn/content/article/2007/03/04/AR2007030401047.html>

³⁷⁶ Matthew Yglesias "Realism and the Armenian Genocide" *The Atlantic*
<http://www.theatlantic.com/politics/archive/2007/10/realism-and-the-armenian-genocide/40261>

³⁷⁷ Robert Kaplan "Earth, Fire, Water Revisiting the Armenian Genocide" *The Atlantic* (October 2007)
<http://www.theatlantic.com/magazine/print/2007/10/earth-fire-water/6401>

debate was evenly divided among those writers opposed to legislation recognising the Armenian genocide, those supporting the resolution and those writers who were sympathetic to the Armenian position but felt that the time was not right.

Those in the opposition camp included Anne Applebaum, Barbara Lerner and Jane Harman Democrat Congresswoman for Venice Beach California . The opinions expressed by this cohort largely reflect a realist standpoint that a vote in favour of the resolution would harm American interests and that the use of the term genocide is divisive. The first of these writers Anne Applebaum was critical of how invocation of genocide to define historical events has been used as a “political weapon both between and within countries” and cited the dispute between Armenia and Turkey as an example of the former.³⁷⁸ Another critic of the resolution, Barbara Lerner drew heavily on the Turkish narrative. Her argument had three main themes. Firstly, the Armenians were at war with the Turks. Secondly, she distinguished between disloyal Armenians and loyal Armenians who were left unharmed. Thirdly, the Ottoman Empire was in chaos and consequently the Armenians were victims of the social breakdown of the Empire rather than state organised murder. Jane Harman stated in her piece that she had originally co-sponsored the resolution but after meeting Turkish officials and Armenians on a visit to Turkey she felt it would be counter-productive as it would hinder reconciliation between Turkey and Armenia and it would endanger American national interests.

Those writers in favour of legislation recognising the genocide included Irshad Manji, Samantha Power and Hal Fessenden, Larry Siems and Peter Balakian. This school took a normative position that legislation recognising the Armenian genocide would underpin American ideals of freedom, truth and justice. These were universal values fundamental to post-war Western democracy, which some argued had been undermined by the invasion of Iraq. A number of these writers also made the comparison with Germany’s approach to the Holocaust and Turkey’s denial of the Armenian genocide, highlighting the fact that this denial was contrary to the principles underpinning post-war Western democracy. Irshad Manji was one writer who highlighted the importance of these universal values in her article. The essential point that Manji made was that America was the only country in the world that had a global constituency. America’s reputation had been severely damaged with this constituency by the invasion of Iraq and atrocities committed there. Passage by Congress of a resolution recognising the Armenian genocide would go some way to repairing this damage. Samantha Power is particularly influential having written a book on America and genocide. Power urged politicians to tell the truth while attacking the Bush administration for doing exactly the opposite. She also challenged a number of the realist arguments put forward for opposing the resolution. Power gave four significant reasons why “recognition” of the genocide was warranted. The first of these was the “the House Resolution tells the truth” and the “US would be the 24th country to acknowledge it”. By encouraging Congress to join it in “avoiding honesty”, the US administration was acting in a way which would not have been acceptable if a West German government had denied the Holocaust. Secondly, there was also a practical problem that the passage of time would only worsen the difficulties since the survivors were passing away and their

³⁷⁸ Anne Applebaum “the Worst of Madness” p7

descendants would carry on the struggle. Thirdly, America's leverage over Turkey was greater than Turkey's over the United States. Power cites a number of examples of this leverage: the US bringing Turkey into NATO, support for Turkey's EU accession, trade and military assistance. Fourthly, Turkey was not cooperative with the United States as it prepared to invade Iraq and has been difficult since the invasion. In a letter to the *New York Review of Books* Hal Fessenden, Larry Siems and Peter Balakian highlighted how out of step Turkey was with the western world on the subject of the Armenian genocide. They cited correspondence from the German Bundestag to the Turkish government acknowledging Germany's complicity in the Armenian genocide and reflecting on its own experience in the Second World War stressed how important "it is for every people to face the dark sides of its own past".³⁷⁹ These authors then highlighted how Turkey was following the opposite path by threatening other governments that recognised the genocide and by suppressing public discourse on the subject was not a "serious democracy".

There was a third group of writers who might be described as having taken a neutral position. This camp included Jackson Diehl, Matthew Iglesias and Robert Kaplan. These writers on the whole appeared to recognise the normative value of the Armenian case that a vote in favour of the resolution would render justice to the Armenians. However, this view was balanced by the realist assumptions that the timing of the legislation would hinder effective American policy in the Middle East and the wider region. One such writer was Washington Post journalist Jackson Diehl. In his piece Diehl defined the threat posed to American interests through hints made by the Turkish military to prevent American access to Incirlik airbase which played a pivotal role in the war in Iraq as well as pressure from Turkish public opinion to oppose Turkish American co-operation. However, Diehl was critical of American politicians and Turkish officials alike. He questioned American politicians' ability to evaluate history and he was also critical of the Turkish political class's inability to come to terms with its history. Matthew Yglesias in his article questioned whether those concerned about the impact of the resolution on America's strategic relationship with Turkey were correct. This was because Turkey had more fundamental strategic interests that were benefited by its relationship with the United States irrespective of resolutions introduced by Congress such as the strategic partnership with Israel and membership of NATO.

Robert Kaplan in his article "Earth, Fire, Water" took a position that is similar to Bloxham's argument in a number of ways. Firstly, that although he was in agreement that the Armenians were victims of genocide, this genocide was a consequence of realist issues arising from the collapse of the Ottoman Empire. Secondly, he placed the genocide in its historical context that it was a precursor to genocides in the present day. Thirdly, although he believed that the Armenians' case was just, he highlighted the realist concern that the timing of the Congressional resolution commemorating the Armenian genocide was wrong when American troops were still fighting in Iraq. Conversely, he made some significant observations about the Armenian genocide that could, arguably, ironically, have made a stronger case for the legislation than even by some of the primary advocates for this resolution. Although Kaplan appeared to accept the traditional Turkish line that the genocide was really a civil war between the Armenians and the Turks he took a

³⁷⁹ Hal Fessenden, Larry Siems and Peter Balakian in response to "Left Out In Turkey" p2

novel approach to this argument in light of the Holocaust of the Jews. According to Kaplan, the Germans have accepted responsibility for the Holocaust not only because Germany was occupied after the Second World War and had to accept Western liberal democratic norms but also because the Jews “had been a minority with no territorial claim unlike the Armenians, whose very existence threatens Turkey’s right to sovereignty over eastern Anatolia”. This fact has some severe implications. According to Kaplan, “in the Near East where states built on a single tribal entity occupy formerly mixed areas, to acknowledge crimes against a whole people is to put your own dominion in doubt”.³⁸⁰ In Kaplan’s view, the Armenian genocide, which was a “conflict over territory,” rather than the Holocaust, was the true precursor of the ethnic conflict during the 1990s in the Balkans, Rwanda and East Timor. “Eastern Anatolia in 1915 like Bosnia, Kosovo and Rwanda was a battlefield upon which two peoples fought over the same soil with one in a strong enough position to destroy the other”.³⁸¹ Kaplan’s account of how the genocide occurred is nuanced. He quoted the Armenian historian Ronald Grigor Suny who supported the view that the Armenian genocide occurred as the Ottoman Empire collapsed as a consequence of the First World War as “political disorder led to chaos...A state of war existed between the Muslims and the Armenians as the government abdicated its responsibilities”.³⁸² According to Kaplan this disorder did not absolve the Ottoman government of the charge of genocide since “the various local massacres suggested a deliberate policy crafted in Istanbul.

The Academic debate- A Missing Voice

American academics are largely missing from this debate in contrast to France. They were not missing all the way though there was a point when their voice was heard on the publication of a full page advertisement in the *New York Times* on 19th May 1985. The advertisement was subsidised by a Turkish government association and was signed by a number of scholars including historians and linguists specialising in Middle Eastern studies at prominent American universities most significantly including Professor Bernard Lewis a respected authority in Middle Eastern history at Princeton University. The advertisement was opposed to a bill introduced in Congress House Joint Resolution on the National Day of Remembrance of Man’s Inhumanity to Man which highlighted “the one and one half million people of Armenian ancestry who were victims of genocide perpetrated in Turkey between 1915 and 1923”. The advertisement went on to deny in great detail a number of the facts of the Armenian genocide. The scholars’ support for the advertisement has been used subsequently by the Turkish government as “proof” that a large number of professional academics dispute the Armenian version of the reality of the events of the Armenian genocide. Academics opposed to the views expressed in the advertisement objected to the involvement of these academics in the political debate. Genocide scholar Israel Charny in particular corresponded with them, asking them to explain the reasons for their endorsement of the advertisement. According to Charny, a number of these scholars employed “thinking defence mechanisms” that tried to offer a scientific justification for their

³⁸⁰ Robert Kaplan “Earth, Fire and Water” p4

³⁸¹ Ibid.

³⁸² Ibid. p5

approach such as there was not enough evidence to prove the reality of the genocide.³⁸³

It should be remarked that the reaction of fellow academics to the sponsorship of the advertisement was outrage rather than engagement in debate with these academics. This contrasted with the situation in France where academics on both sides would debate the issue. One explanation for this difference is the relative independence of American academia vis-à-vis government and American academics are not expected to engage in political debate. This is despite the fact that American academics have moved from academia into government. Conversely, in France French academics in their professional capacity are expected to fulfil a public role; politics impinges more on this role than it does in the American case so French academics are more inclined to engage in public debate.

The Genocide Scholars Intervention

Although academics in the mainstream American university system did not involve themselves in the political debate a group of scholars did engage in the political process on this issue, the International Association of Genocide Scholars. Between 2005 and 2009 besides the fact that a number of these scholars testified before Congressional committees on the subject most notably Israel Charny, IAGs sent open letters to Turkish Prime Minister Recep Tayyip Erdogan, Tom Lantos and Ileana Ros-Lehtinen, Chairman and Ranking Member respectively of the House Foreign Affairs Committee and President Obama. It is important to note that the IAGs in 1997 had unanimously recognised the Ottoman massacres of Armenians in 1915-16 as genocide. The letters could be seen as collective responses to overtures made by the Turkish Prime Minister and the American President but also particularly in the case of the letter to the House Foreign Affairs Committee to influence policy. In this letter the scholars wrote that Congress would not be “adjudicating history” but instead would “affirm the truth about the genocide whose veracity has been proven by “documentation and scholarship”.

Suspension of the Resolution

During the two week period following the Committee’s mark-up of the bill and Speaker Pelosi’s promise to bring the resolution to the floor for a vote of the full House, co-sponsors of the resolution came under pressure from the Bush administration. As both the Bush administration and Turkey warned of the consequences of passage of the legislation and tensions increased in Northern Iraq two dozen Representatives who had co-sponsored the bill reneged on their prior support. These members of Congress questioned whether the legislation could pass. On account of this declining support the sponsors realized they could not guarantee a successful outcome. One of these sponsors Representative Brad Sherman (Democrat-Sherman Oaks) stated “if this were to come up to the floor today it would

³⁸³ Israel W Charny and Daphna Fromer, “A Follow-up of the Sixty-Nine Scholars Who Signed an Advertisement Questioning the Armenian Genocide” *Internet on the Holocaust and Genocide* Special Issue 25/36 (April 1990) pp6-7, Roger W Smith “Professional Ethics and the Denial of the Armenian Genocide” p15

be too close to call". Consequently, the four sponsors of the legislation, Representative Adam Schiff, Brad Sherman, Anna G Eshoo and Frank Pallone drafted a letter to Speaker Pelosi asking for a delay to a vote on the resolution. In the letter the sponsors stated they would push for a vote later that year or the following year "provided the timing is more favourable". According to the sponsors they had delayed the vote to regain support for the bill. Adam Schiff confirmed: "We're not going to bring it up until we're confident we have the votes to pass it".³⁸⁴

There are significant reasons why the 2007 resolution failed to come to a vote. Despite the Armenian American lobby groups enjoying powerful political support from the leadership of the House Democrats, having gathered enough sponsors of the resolution to ensure passage and the pro-Israel lobby was splintered, other factors particularly strategic ones were even more important in 2007 than they had been in 2000. The most salient issue affecting the debates was the on-going war on terror, predominantly in Iraq and Afghanistan. Turkey played a pivotal role in the conflicts in both countries as a transit point for American forces and supplies into Iraq and as an active participant in the war in Afghanistan. The Bush administration was able to persuade enough representatives that legislation on the Armenian genocide would seriously hinder the prospect of success in these conflicts and would endanger American forces. The leadership of the House Democrats and the sponsors of the bill had to admit defeat while hoping they could bring the bill to a vote when the time was more favourable.

The Obama Visit to Turkey

The political and ethical dialectic which had framed the debate in Congress over the resolution also influenced President Obama's visit to Turkey and his speech to the Turkish parliament, according to former US ambassador to Turkey, Mark Parris in an interview with Turkish daily *Hurriyet*. This visit occurred soon after Obama's election and was part of an American effort to re-set American policy in the Middle East after the Bush years and to gain support for this policy change throughout the Middle East. According to Parris, the Obama administration regarded Turkey as very important for resolving many of the "serious issues" confronting the incoming administration. This is due to Turkey's historic or current influence in the region, "its long standing influence on both sides of the Afghanistan/Pakistan border, its role in the international force in Afghanistan and its "soft power" which it can deploy. According to Parris, in addition to Afghanistan/Pakistan, Turkey can also aid US goals in Iran, Russia and strategic energy issues, Israeli-Arab relations, and relations to the Muslim world.

Parris turned to the subject of President Obama's speech to the Turkish parliament. In Parris's view, President Obama in addressing the Turkish government and people, did not shy away from raising some of the difficult ethical questions confronting Turkey in regards to its history while comparing Turkey's situation to that confronting the United States in terms of its own historical record. Obama drew parallels between the mass killing of the Armenians in 1915-16 to what

³⁸⁴ Richard Simon "Sponsors delay genocide vote" *Los Angeles Times* October 26 2007
<http://articles.latimes.com/2007/10/26/news/na-genocide26>

happened to the Native Americans at the hands of the US government and settlers commenting that “ultimately nations are better off in confronting the dark chapters all have in their pasts”. He did not retract his previous comments during the presidential campaign that he regarded what happened to the Armenians as “genocide”.³⁸⁵

The 2010 resolution

After the Obama visit to Turkey campaigners for a resolution had not given up hope as they pushed for another resolution. This situation in 2010 was complicated, however, as both the domestic and international political context had changed since the 2007 resolution. On the positive side for campaigners supporting a resolution, there had been a dramatically increased Democratic majority in the House of Representatives from the previous election and both President Obama and Secretary of State Hillary Clinton had previously supported a resolution recognising the genocide. Internationally, however, the context was more complex. Switzerland had been trying to facilitate negotiations between Turkey and Armenia to “normalise” relations, which would open up the border between them to trade. In a planned withdrawal of American troops from Iraq in 2011, Turkey would provide the easiest and safest route for these troops to withdraw.³⁸⁶ In a period of increased tensions with Iran due to Iran’s nuclear programme, Turkey occupying a permanent seat on the UN Security Council and as a Muslim power sympathetic to the United States and Israel could be integral to a US campaign for sanctions against Iran.³⁸⁷

The 2010 resolution called on “President Barack Obama to ensure that US foreign policy reflects an understanding of the ‘genocide’ and to label these killings as such in his annual statement on the issue”. The lead up to the vote in the House Foreign Affairs Committee was marked by an intense lobbying campaign by both Turkish and Armenian lobbying groups. According to Ken Hachikian of ANCA, who took a lead role in the Armenian lobby effort, the Turkish government spent \$1 million lobbying Congress in the months leading up to the vote. A New York Times article dated 3rd March 2010 reported that Turkish groups took out a full page advertisement in the Washington Post before the vote while eight Turkish members of Parliament visited Capitol Hill to lobby Congress. According to Hachikian his committee had spent only \$75,000, which involved “adverts in media outlets used by members of Congress and their staff”.³⁸⁸

There was a perception on both the Turkish and Armenian sides that the Obama administration would not mount a concerted campaign against the resolution as previous administrations had done. According to Aram Hamparian of ANCA “the fact that the administration has not come out against it I think has been a

³⁸⁵ “Transcript of Mark Parris Interview “ with Hurriyet
http://www.hurriyet.com.tr/english/domestic/11416707_p.asp

³⁸⁶ “Turkish anger at ‘genocide’ vote” *BBC News*
<http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/world/americas/855092...>

³⁸⁷ Robert Tait & Ewen MacAskill “Furious Turkey threatens to downgrade US links after vote on Armenian genocide” *The Guardian* 6th March 2010

³⁸⁸ Tait, MacAskill “Furious Turkey threatens to downgrade US links” *The Guardian* 6th March 2010

change. It represents a real shift since the Bush administration or the Clinton administration".³⁸⁹

Secretary of State Hillary Clinton's position appeared ambiguous. When she was questioned on the issue before Congress in recent meetings she did not speak out against the resolution. In the previous week in front of the same committee she stated the position of the Obama administration on the issue "our interest remains a full, frank and just acknowledgement of the facts related to the historical events" but this should come from the people closest to the events.³⁹⁰ However, the night before the Foreign Affairs Committee was due to vote on the resolution, she phoned the committee chairman, Los Angeles Congressman Howard Berman to ask that the committee not vote on the resolution.³⁹¹

When the committee assembled to consider the resolution, they debated the issue for three hours. At the start of the hearing Howard Berman called Turkey a vital and usually loyal ally but said that nothing justified "turning a blind eye to the reality of the Armenian genocide". The gist of Berman's argument was that Turkey had to come to terms with its past just as Germany had to accept responsibility for the Holocaust and South Africa for apartheid".³⁹² After three hours debate³⁹³ the resolution passed by 23 votes to 22.³⁹⁴

The passage of the resolution provoked a strong response from Turkey, who withdrew their ambassador to Ankara for consultations. Turkish Prime Minister Erdogan attacked the resolution stating: "We condemn this resolution which accuses the Turkish nation of a crime it did not commit".³⁹⁵ He also warned that the resolution could threaten Turkey's negotiations with Armenia. Turkey's foreign minister Ahmet Davoglu blamed the Obama administration for not putting enough pressure on the committee to avoid voting on the resolution: "The picture shows that the US administration did not put enough weight behind the issue".³⁹⁶ Suat Kiniklioglu, the deputy chairman for external affairs in the majority Justice and Development Party (AKP) threatened major consequences if the resolution passed the full House of Representatives: "If they choose to bring this to the floor they will have to face the fact that the consequences would be serious --the relationship would be downgraded at every level". He added: "Everything from Afghanistan to Pakistan to Iraq to the Middle East process would be affected".³⁹⁷

³⁸⁹ Brian Knowlton "A Changed U.S. House to Vote on Armenian Genocide" *The New York Times* 4th March 2010
[http://www.nytimes.com/2010/03/04/us/04iht-genocide.html?sq=Armenian Genocide Resoluti..](http://www.nytimes.com/2010/03/04/us/04iht-genocide.html?sq=Armenian%20Genocide%20Resoluti..)

³⁹⁰ Brian Knowlton "A Changed U.S. House to vote on Armenian Genocide" *The New York Times*

³⁹¹ Brian Knowlton "House Panel Says Armenian Deaths were Genocide" *The New York Times* 5/3/2010
<http://www.ny.times.com/2010/03/05/world/europe/usarmenia.html?ref>

³⁹² Giles Whittel "Turkey recalls Ambassador after US vote on Armenia 'genocide'" *The Times* 5/3/ 2010
http://www.timesonline.co.uk/tol/news/world/us_and_americas/article_750439

³⁹³ Whittel "Turkey recalls Ambassador" *The Times* 5/3/2010

³⁹⁴ Tait and MacAskill "Furious Turkey threatens to downgrade US links" *The Guardian* 6/3/ 2010

³⁹⁵ Whittel "Turkey recalls Ambassador" *The Times* 5/3/2010

³⁹⁶ Tait and MacAskill "Turkey recalls Ambassador" *The Guardian* 6/3/2010

³⁹⁷ Ibid.

The response of Hillary Clinton after the vote indicated that the Obama administration had changed its tone on the issue: "We do not believe that the full Congress will or should act upon that resolution and we have made that clear to all the parties involved. Clinton recognised that the Obama administration had changed its position stating that circumstances had "changed in very significant ways".³⁹⁸ Clinton also stated her concern that this measure would threaten negotiations between Turkey and Armenia.

In contrast the Armenian and lobby groups respectively welcomed the vote and were confident of the resolution's eventual passage. The Armenian foreign minister Nalbandian defined the vote as "an important step towards the prevention of crimes against humanity". Ken Hachikian of ANCA stated that he had the necessary votes to ensure passage since 215 members had supported the resolution.³⁹⁹

The reasons for failure of the 2010 legislation were broadly similar to those of the 2007 legislation although the circumstances were slightly different. One complicating issue was the fact that both President Obama and Secretary of State Hillary Clinton had supported the 2007 resolution. Indeed, the Obama administration initially appeared neutral on this issue but changed its position after pressure from the Turkish government. The need to extricate the United States from the on-going conflict in Iraq in the most efficient and least harmful manner required the continued co-operation of the Turkish government. The use of Incirlik airbase in Turkey as a transit point out of Iraq as it was as a transit point for supplies into Iraq was essential as an essential part of the strategic chain of withdrawal from Iraq. The subsequent opposition of the Obama administration to this legislation had the consequence of diluting support from House Democrats. In addition, the legislative timetable would be taken up with domestic concerns where the efforts of the House Democrats would be taken up with the Obama's economic and healthcare plans.

Conclusion

What this chapter has shown is that it has demonstrated the key role of a number of factors. Firstly, republican values, secondly the US Constitution, thirdly the shadow of history, fourthly the weight given to different political priorities reflecting the interplay of complex political forces and fifthly, mainly by its absence the involvement of academics in the debates.

The Constitution is not specifically cited in the US debates as it is in the French debate since the prospective American legislation does not threaten the US Constitution's separation of powers nor the fundamental freedoms guaranteed by the Bill of Rights. It does, however, provide the context in which the debates are framed as the American debates reflected the Constitution's separation of powers as the executive branch through its many powerful and influential officials lobbied the legislature to drop the legislation but Congress had a degree of control over its legislation. On the one hand, there was still the unmistakable fact that the legislature still held residual power so that the executive branch could try and persuade but they could not force the legislature to act a certain way. The abandonment of the bill by

³⁹⁸ *BBC News*

³⁹⁹ Tait and MacAskill "Furious Turkey threatens to downgrade US links" *The Guardian* 6/3/210

Congress, however, reflected the persuasiveness of the officials from the executive branch. The Constitutional protection of free speech by the first amendment of the bill of rights also governed what kind of legislation could be introduced, which could not permit similar legislation to that introduced latterly in the French parliament.

America's historical relationship to the Armenian genocide was a powerful feature of the 2007 debate. It is important to note that the United States as a non-participant does not bear any responsibility for the Armenian genocide but it does have another kind of responsibility as the foremost eyewitness to the genocide since it was a neutral in the Entente's war with the Ottoman Empire and thus has the most comprehensive documentary record of the genocide. This documentary record was the subject of the legislation introduced in Congress in 2007 as the legislation specifically referred to America's historical record of the Armenian genocide. Frank Pallone in particular cited this record in the debates in the House of Representatives stating that the legislation wishes "to affirm the US record on the Armenian genocide by recognizing it as an historic fact".

In the lead up to the legislative debates and during the legislative debates themselves administration officials and Representative Foxx promoted the strategic importance of Turkey to the on-going campaigns in Iraq and Afghanistan as well as the role it played in other spheres. Indeed the then Secretary of State Condoleezza Rice stated that passage of this resolution would be "very problematic for everything the United States was trying to do in the Middle East". Representative Foxx outlined the importance of Turkey in a number of areas; its influence in the Balkans, Middle East, the Caucasus and Central Asia, its role in protecting energy interests, its historic membership of NATO and protection of NATO's south-eastern flank, its role in the war on terror having commanded the International Security Assistance Force in Afghanistan.

The American debates on this issue showcased the powerful interplay in American domestic politics between the Bush and Obama administrations, political parties in Congress and pressure groups including lobbyists working on behalf of Turkey with the media adding its voice to the mix. Although there was bipartisan support for the legislation the primary supporters of the bill were the Democratic leadership principally Speaker of the House Nancy Pelosi. Powerful Democrat support for the resolution meant that the executive could not be certain of preventing passage of the legislation and thus had to exert great pressure to persuade a number of Representatives to withdraw their support. The American debate showed the relative influence of pressure groups and lobbies where the Armenian community was represented by Armenian lobby groups drawing upon their relationships with Representatives in Congress but not opposed by Turkish pressure groups but by American lobbyists working for the Turkish government supplemented by American officials. The course of the debates also highlighted how this issue could draw in other groups not directly involved in this issue like Jewish American lobby groups and could indeed cause splits within their ranks.

The American resolution, probably due the nature of the resolution and to the Constitutional protections of free speech could not impact greatly on academic and historical work. This may be one reason why academics did not involve themselves

greatly in the debate in the United States on this issue in contrast to the way that French academics contributed to the debate on French legislation on the Armenian genocide.

Chapter Four-French Law and Turkish Denial

Introduction

This chapter examines the development of French legislation from recognition of the Armenian genocide to prospective legislation to criminalise its denial. This has a number of threads. The first of these has to do with French Republican culture principally the Declaration of the Rights of Man, which is a predominant feature of the debates although according to a number of writers the “Rights of Man” which underpin this culture and the associated European declaration of human rights are not seen as absolute. These writers have noted how these rights underpinning French and European culture often come into conflict. According to Paul Ignaski, “legal instruments against racism and anti-Semitism confront a dilemma of striking a balance between the potentially conflicting rights of freedom of expression and the right of freedom to not being subjected to hatred on the basis of ethnic or religious identity especially if the hatred leads to discrimination or violence”.⁴⁰² Whilst for Sévane Garibian the “principle of unlimited limitations” if it is deemed “necessary” is enshrined in Article 4 of the Declaration of The Rights of Man”, which put limits on certain freedoms if they harm others.⁴⁰³ The first thread of the chapter is that if French republicanism, in this sense, is a political context that shapes the discourse and it is a constant reference point, the French republic does not set freedom above all other values as American political culture does. In that important sense the French republic differs significantly from that of the United States.

The second thread has to do with French Constitution as a political and legal document which defines the limits of the law and the separate powers of the different branches of the French government. The third thread has to do with France’s history and its different involvement in the Holocaust and the Armenian genocide. The fourth thread has to do with the geopolitical question of the French state’s relationship to Turkey both independently and as part of the EU. The fifth thread has to do with divisions in French domestic politics between the right and left over legislation on the Armenian genocide and especially divisions within the right and to some extent also on the left. There is also the related question of how another feature of French domestic politics on this issue is that Turkish and Armenian pressure groups operate as actors in French domestic politics and how their influence relates in particular to the question of laïcité (the French approach to secularism) and its particular place in French republican culture. Finally, there is the question of academic freedom, history and the law.

There are a number of key political actors that are prominent in the debates over legislation on the Armenian genocide. Firstly, there are the political parties and politicians both in the government and in the opposition. Secondly, there are states

⁴⁰² Paul Ignaski “Legislating morality, and competing ‘rights’: legal instruments against racism and anti-Semitism in the European Union” *Journal of Ethnic and Migration Studies* Vol.25 No. 3.(July 1999) pp509-516 p 509

⁴⁰³ Sévane Garibian “Taking Denial Seriously: Genocide Denial and Freedom of Speech in the French law” <http://archive-ouverte.unige.ch>; See also Peter R Teachout “Making Holocaust Denial A Crime Reflections on European Anti-Negationist Laws from the Perspective of US Constitutional Experience” *Vermont Law Review* Vol. 30:655

including foreign states such as the Turkish state. Thirdly, the pressure groups of the Armenian and Turkish diasporas are influential to varying degrees in the debates. Fourthly, there are the historians anxious to guard their professional autonomy. This chapter thus deals with a very complex set of issues and analyses what is a shifting dynamic over time. In this dynamic different actors have shifted their perspectives in important ways as different issues have emerged.

The French Political Framework

The French legislative approach to confronting denial of the Armenian genocide is not only a domestic political issue but also highlights important foreign policy concerns. The manner in which successive French governments have framed their foreign policy can be interpreted as a blend of realism with a heavy dose of idealism, and this idealism is derived from a perception of France's role in the world, based on its history and its sense of mission as a consequence of that history. One French perspective is that France has a particularly grand status: as de Gaulle expressed it "France cannot be France without greatness".⁴⁰⁴ This perception of greatness is due to the Republican idea that French civilisation is universal; consequently according to at least one important French standpoint they "have a peculiarly important cultural mission to fulfil in the world".⁴⁰⁵ This "civilising mission" which, from a certain French perspective has influenced French foreign policy for much of its modern history, has its origins in the Enlightenment and the French Revolution. It was this era which introduced to the world the ideals of "the Rights of Man", and it was the French ambition at the time that these "rights" would be established in France, then Europe then finally its colonies and the rest of the world.⁴⁰⁶ This history has relevance to this thesis since this mission of promoting the Rights of Man also helps frame the arguments of a number of the French parliamentarians debating the prospective law to criminalise denial of the Armenian genocide.

The ambivalence at the heart of France's "civilising mission" between realism and idealism, which also influences the debates over the Armenian genocide denial law has a long history. From a realist perspective, according to Gordon Cumming, and John Dreifort, the actuality of France's civilising mission did not match its rhetoric concerning French claims to assimilate natives into French civilisation in the course of her nineteenth century imperial expansion,⁴⁰⁷ culminating in the wars in Indochina and Algeria during the 1950s, which, according to Cumming, "brought about the moral and political collapse of the Fourth Republic".⁴⁰⁸ According to Cumming, France's subsequent exploitative policy towards Africa and the Arab world has been facilitated by its promotion of its ideals when its "republican rhetoric

⁴⁰⁴ JFV Keiger *France and the World since 1870* (London: Hodder Headline Group, 2001) p17

⁴⁰⁵ Herbert Tint *French Foreign Policy Since the Second World War* (Weidenfeld and Nicolson: London, 1972) pp9-10; Jolyon Howorth "Foreign and Security Policy in the Post-Cold World in Alain Guyomarch, Howard Machin, Peter A Hall and Jack Hayward (eds.) *Developments in French Politics 2* (Basingstoke, Hampshire: Palgrave, 2001) pp 156-171

⁴⁰⁶ Op.cit. p18

⁴⁰⁷ Gordon Cumming "Exporting the republican model. A Critique of France's historic mission in Africa," *Redefining the French Republic*; (Manchester and New York: Manchester University Press, 2006) pp157-158
John Dreifort *Myopic Grandeur: The Ambivalence of French Foreign Policy toward the Far East 1919-1945* (Kent Ohio, London England: The Kent University Press) p7

⁴⁰⁸ Cumming p159

has allowed it to pursue a conspicuously interventionist policy without accusations of neo-colonialism".⁴⁰⁹

There are French policy makers who counter this realist critique of France's mission with the claim that the promotion of these ideals is sincere, the ultimate aim being to protect the republican model at home. It is this model which according to Alastair Cole and David Hanley proposes that "all citizens are created equal and are members of a national political community", who "owe allegiance to the nation as a whole rather than an ethnic or religious community".⁴¹⁰ Michel Guillou in a policy document for the French centre right party Rassemblement pour la République states that "Our traditional republican regard for the rights of man, obliges us, more than others to adopt a generous attitude and by itself identifies our profile in the wider world".⁴¹¹ According to Cumming, France has a vested interest in exporting her "universal message" and is keen for it to be seen to be effective particularly in sub-Saharan Africa otherwise its failure abroad could undermine the republican model in France.⁴¹² This republican model is an important backdrop to the debate over the Armenian genocide denial law in the French National Assembly. A prominent feature of the debate is the perspective that French Armenians are loyal to the French state standing in contrast to the alternative viewpoint of Muslims living in France represented by the Turks, who in the view of a number of parliamentarians appear to owe allegiance to their own community and indeed to a foreign power.

The French republican model also underpins the French model for the state. In this model the structure of French foreign policy making is highly centralised. French foreign policy making in contrast to the United States is in reality the preserve of the executive branch involving the President, the Prime Minister and Foreign Minister⁴¹³ with the President the prime mover with more sway over foreign and defence policy than any other democratic leader.⁴¹⁴ The Constitution of the Fifth Republic established separation of powers but hardly any "checks and balances"⁴¹⁵ and granted the legislature a very limited role in foreign policy relative to the one, which the US Constitution defines for Congress.⁴¹⁶ The perception of a lack of check on the power of the President should be qualified in the event of "cohabitation" when the President and prime minister are from different parties. In this case the prime minister as long as he or she has the support of the Assembly can challenge the President in domestic and [potentially] in foreign affairs.⁴¹⁷ According to Cole and Hanley the French Parliament is still relatively weak in relation to the executive branch although according to Andrew Knapp there have been some reforms such as more freedom to introduce private member's bills.⁴¹⁸ The bill introduced by the Socialist group to criminalise denial of the Armenian genocide

⁴⁰⁹ *ibid* p159

⁴¹⁰ Alastair Cole and David Hanley "French Politics in the twenty-first century" *Redefining the French Republic* (Manchester and New York: Manchester University Press, 2006) p36

⁴¹¹ Cumming p168

⁴¹² *ibid.*

⁴¹³ *ibid.* p 41

⁴¹⁴ Keiger p45

⁴¹⁵ Cole and Hanley p27

⁴¹⁶ *ibid.* p40

⁴¹⁷ Andrew Knapp "Prometheus Rebound? The Fifth Republic and Checks on Executive Power" *Developments in French Politics* (Basingstoke, Hampshire: Palgrave Macmillan, 2005) p93

⁴¹⁸ *ibid.* p90

was incidentally a private member's bill. However it is still in a disadvantageous position not only compared to Congress but to other parliamentary systems where there is a system for "constructive opposition"⁴¹⁹ and according to Andrew Knapp and Vincent Wright neither is there rigorous questioning of the executive as exists in the British House of Commons or "serious processing of legislation as exists in the German Bundestag".⁴²⁰ The committee system is also weak in comparison to Congress with heavy workloads and relatively few staff.⁴²¹ The Foreign Affairs Committee does scrutinise the executive branch and "hears testimony from administration officials several times a year" but this is usually after the fact and has little input into actual policy making.⁴²² In addition, "the French parliament may be called to ratify a treaty but cannot unilaterally amend its provisions".⁴²³ To highlight Parliament's lack of input into foreign policy sixty percent of treaties are not ratified by Parliament.⁴²⁴ Due to the weakness of Parliament in relation to the executive generally pressure groups are less inclined to work with French parliamentarians as American pressure groups do with Congress.⁴²⁵ It is in this context that the direction of the debate on the Armenian genocide in the French legislature has to be understood.

French Geopolitics and the Armenian question

The French state operates within a context of a foreign policy on this particular issue at any rate which has quite complex dynamics and exhibits quite a high degree of ambivalence. French foreign policy in the context of the Armenian issue has three major areas of concern. These are its interests in the Mediterranean, the EU and the Middle East. Each of these areas are closely related and interlinked particularly when they concern Franco-Turkish relations. Taking the first of these interests France's strategic priorities in the Mediterranean, France looks on the Mediterranean as being within its sphere of influence. France has to take into consideration within this context that Turkey is an ally of the United States as well as France; consequently, French governments have often historically been wary of Turkey's alliance with the United States.

France's geopolitical position within the European Union should be considered in the context of France's historical relationship to the European Community and its position on the world stage and as a Mediterranean power, and in turn its relationship to Turkey should be considered within this context. Virtually from the end of the Second World War to German reunification, according to Keiger "Germany's divisions, its lack of self-confidence and reluctance to play an international role made the European Community a Franco-German club in which France remained the dominant partner, notably on international issues".⁴²⁶ The reason for the creation of the European Coal and Steel Community the forerunner of

⁴¹⁹ Cole and Hanley p27

⁴²⁰ Andrew Knapp and Vincent Wright *The Government and Politics of France* Fifth Edition (Abingdon, Oxon: Routledge, 2006) p166

⁴²¹ *ibid.* p143

⁴²² Keiger *France and the World since 1870* p33

⁴²³ *ibid.* p33

⁴²⁴ Knapp and Wright *The Government and Politics of France* pp151-152

⁴²⁵ *ibid.* p345

⁴²⁶ JFV Keiger *France and the World since 1870* (London: Hodder Headline Group, 2001) p216

the European Community and subsequently the European Union was to foster a close Franco-German relationship of “federal integration”, which would prevent war breaking out between the two states again.⁴²⁷

This core relationship in Europe forms the backdrop to France’s relationship with Turkey.

French governments from de Gaulle onwards like Europe in general have appeared to adopt an ambivalent attitude towards Turkey.⁴²⁸ They have appeared to welcome expanding trade with Turkey but since de Gaulle have been particularly reluctant to involve it in decision making on European security issues. De Gaulle adopted a friendly approach to Turkey and wanted to use Turkey and Greece as southern counterweights to the Northern states of Europe; however, an initiative by de Gaulle to encourage greater Turkish independence from the United States in the wake of tension between Turkey and the United States over Cyprus was rebuffed and this contretemps was further exacerbated by de Gaulle’s withdrawal of France from NATO command in 1966.⁴²⁹

French and European attitudes to Turkey have, according to a number of writers, been particularly affected by the constant military coups in Turkey, tensions between Turkey and Greece and the Armenian issue.⁴³⁰ These issues and France’s independent approach to security issues provide the context for France’s approach to Turkey on the latter issues.⁴³¹ France has generally leaned towards Greece in disputes between Turkey and Greece under both Gaullist and Socialist governments, but it is on the Armenian issue that French policy towards Turkey from a Turkish point of view became most hostile during the Mitterand Socialist government.

French government policy toward the Armenian question was largely hostile to the Armenian issue as a consequence of Armenian terrorism in the 1970s. The election of Francois Mitterand to the French presidency in 1981 marked a watershed in the Armenian question in French politics. This election coincided with profound changes in the European Community where from the mid-1980s onwards European nation states gradually lost more sovereignty to European institutions. Two key events in the mid 1980s contributed to this development: the Fountainebleu summit in which the question of Britain’s budget rebate was satisfactorily resolved, which opened the door for further development of the community and the agreement by

⁴²⁷ *ibid.* 147

⁴²⁸ Ismail Soysal “Les Relations Politiques Turco-Françaises (1921-1985)” in Hamit Batu and Jean Louis Bacque-Grammont (eds.) *L’Empire Ottoman, la République de Turquie et la France* (Istanbul-Paris: Isis, 1986); Nuri Yurdusev « Perceptions and Images in Turkish (Ottoman)-European Relations » in Tureq Y Ismail and Mustafa Aydin (eds.) *Turkey’s Foreign Policy in the 21st century A Changing Role in World Politics* (Aldershot: Ashgate, 2003)

⁴²⁹ Soysal pp657-665

⁴³⁰ Soysal “ Les Relations Politiques Turco-Françaises (1921-1985)”pp 587-685-; Yurdusev “Perceptions and Images in Turkish (Ottoman) –European Relations” p91; Ozay Mehmet “Turkey and the European Union: A Troubled Relationship or a Historic Partnership” *Turkey’s Foreign Policy in the 21st Century* p48; A Seda Serdar “The New European Security Architecture and Turkey” *Turkey’s Foreign Policy in the 21st Century* pp59-67

⁴³¹ Serdar p66

twelve nation states in February 1986 to the Single European Act, which allowed for the creation of a single market by January 1993.⁴³²

Mitterand's interventions on the Armenian issue coincided or closely followed these two events. These interventions could be interpreted as Mitterand's attempt to influence what shape this new European single market would take. He understood that this single market would have more powerful institutions which could allow France to use its influence to encourage other European states to follow French policy on certain issues. He was also wary of anything which would dilute French influence especially any impending accession by Turkey and the Armenian question was useful in this regard. Mitterand was then a strong proponent of the Armenian cause for recognition of the genocide. He made a speech in Vienna in 1984 in which he stated that "it was impossible to remove the fact of the genocide in which the Armenians had been victims".⁴³³ He also proposed to the European Community that a commission be established to investigate the reality of the Armenian genocide. The French Socialist government subsequently encouraged the European Parliament to recognise the Armenian genocide in 1987. Although these measures were accompanied by strict prison sentences against Armenian insurgents who had exploded a bomb at Orly airport, the French Socialists had appeared to be generally less amenable to the Turks than the Gaullists had been.⁴³⁴ Franco-Turkish disagreements were further increased when Mitterand in response to US President Ronald Reagan's "Star Wars" missile defence system proposed an alternate European defence system the EUREKA project but initially excluded Turkey from participation.⁴³⁵ Turkey's eventual inclusion in the discussions was due to pressure from Germany on France.⁴³⁶ Germany's more sympathetic attitude towards Turkey could, arguably, have been due partly to Turkey and Germany both being members of NATO since the 1950s while France has only recently rejoined NATO and also due to the fact that as a virtually independent nuclear power for a long period of time, France has great weight within European discussions on security issues.

The 1980s marked the high water mark of French influence in the European Community. The fall of the Berlin Wall, the consequent reunification of Germany, the enlargement of the European Union to encompass Eastern European states marked a shift in the European balance of power from France to Germany. France did not have the influence in Eastern Europe, which Germany had due to the fact that this was the latter's traditional sphere of influence. The end of the Cold War also highlighted a shift in the nature of the European Union. The European Union in the 1990s assumed more of the powers of a state and began to enforce a legal order through the European Court of Justice and other courts over all national sovereignties. This development meant that nation states within the European Union had to adopt more and more European law and rulings within their own domestic law. The EU became more governed by rules and bureaucracy rather than through the informal methods which the French government had previously used to gain influence.

⁴³² Knapp and Wright *The Government and Politics of France* p425

⁴³³ Soysal p657

⁴³⁴ *ibid.* p682

⁴³⁵ *ibid.* p683

⁴³⁶ Ioannis N. Grigoriadis "Turkey's Accession to the European Union: Debating the Most Difficult Enlargement Ever" *SISIS Review* vol. xxvi no1. (Winter Spring 2006) pp147-160

These developments particularly the increasing role of European courts and their influence over domestic legislation would affect how the Armenian issue played out. President Chirac who was elected to office in May 1995 was less enthusiastic about the question of recognition of the Armenian genocide than President Mitterand. Indeed, Chirac had initially been a supporter of Turkey's accession to the European Union.⁴³⁷ This situation coincided with French Armenian efforts to gain French official recognition of the Armenian genocide. The French lower house, the National Assembly would pass a resolution recognising the Armenian genocide in 1998 but it was not until 2001 that it passed into law. It is significant to note that it was the opposition party the Socialist Party that introduced the resolution, which the Senate and President Chirac only ratified the year before the French Presidential election. Nevertheless, once it passed into law the French government encouraged the European Parliament to pass a new resolution in 2002 to again make Turkey's recognition of the Armenian genocide a precondition for accession to the European Union. French Prime Minister Raffarin in 2004 would also confirm that this was French government policy on Turkey's accession to the EU.

The manipulation of the Armenian question can be understood in the context of developments dating from the 1990s when, according to Ioannis Grigoriadis France and Germany were the main instigators of the Copenhagen criteria which established a framework for a move from an economic market to a European Union with a common foreign and security policy. In the push toward a supranational European federal state the federalists would draw upon the "political and cultural elements" which guarded "the common European heritage" and would be the foundations for a new "European identity". France, by playing a leading role within the European Union with a common foreign policy could enhance its global position. Within the European Union there are some states who are opposed to this "creeping federalism" but are instead in favour of maintaining the "heavily economic character" of the European Union rather than transforming it into a federal state. Foremost among these states is the United Kingdom, which has sought to encourage Turkey's EU accession. French policymakers amongst others in Europe have seen this possible Turkish accession to the EU as potentially strengthening anti-federalists and supporters of a closer relationship with the United States inside the European Union. There is a perception among policymakers within the EU that Turkey is, therefore a "Trojan horse" promoting American interests and preventing Europe's ability to have an strategic and foreign policy independent from NATO.⁴³⁸

There are also other geopolitical reasons. Some policymakers within the EU see Turkey's geographic position as being strategically beneficial and others such as France and Germany believe that Turkey's EU accession could involve the EU in "unnecessary adventures".⁴³⁹ Philip Gordon and Omer Taspinar have commented that "many Europeans are wary of taking in a country that is geographically largely outside of Europe and situated in a region plagued with conflict, instability and

⁴³⁷ Knapp and Wright *The Government and Politics of France* p478

⁴³⁸ *ibid.* p149-151

⁴³⁹ *ibid.* p153

terrorism".⁴⁴⁰ In another article⁴⁴¹ Hans Arnold has also observed that Turkey's EU accession would mean that the EU "would have common borders with Georgia, Armenia, Iran, Iraq and Syria" and would therefore "automatically be part of the Middle East and involved in "the situation in and around Iraq and the Israel-Palestinian conflict". In his view once Turkey was admitted to the EU Israel would subsequently apply for accession given that Israel views itself as a European country and that "Israel's EU membership is already being discussed in Israel and the USA". If Israel acceded then according to Arnold "the EU... would be an integral part of the Israel-Palestinian conflict".⁴⁴²

As a leading state within the European Union French policymakers would have had to consider these potential geopolitical dangers implicit in the event of Turkey's EU accession. French politicians, however, have had more fundamental reasons for opposing Turkey's accession. First, a number of French politicians blamed Turkey's potential EU accession for the defeat in France of the referendum in May 2005 on the EU Constitution which proposed important measures for dealing with the process of EU enlargement and integration.⁴⁴³ The second reason is a more prosaic justification for French opposition to Turkey's accession. If Turkey was to join the European Union it would have the largest population in the EU and would thereby gain the highest number of seats within the European Parliament giving it considerable voting power.⁴⁴⁴ This would diminish France's power within the EU as the second largest country in Europe with the voting power and influence which that commands.

France's strategic dilemma within the EU can thus be summed up in a number of points. First, France is closely allied with Germany, a relationship within which France previously took on the role of senior partner but one in which Germany is becoming increasingly assertive; Secondly, Turkey poses an EU problem to France. One reason that it poses a problem is that the United Kingdom is supportive of Turkey's EU accession because it weakens French influence within the EU and also because Turkey wants to weaken France's hegemonic role in the EU. This possibility of Turkey's EU accession raises a number of issues to France's strategic interests in the Middle East. The first is that it poses questions with regards to the UK, NATO and the Middle East. Beyond this however, lies another question, which has to do with religion and Islam in particular, a particular problem of what the inclusion of a country with a large Muslim population will do to French political and civil society.

⁴⁴⁰ Philip Gordon and Omer Taspinar "Turkey's European Quest: The EU's Decision on Turkish Accession". US-Europe Analysis Series, Center on the United States and Europe, Brookings Institution (September 2004).

⁴⁴¹ Hans Arnold "Political Arguments Against Turkey's Accession to the European Union" *International Politics and Society*, no3 (2007) pp101-113

⁴⁴² Arnold pp101-113

⁴⁴³ Grigoriadis p154

⁴⁴⁴ Ibid. p156

French Laïcité and Islam

Apart from geopolitical reasons for its opposition to Turkey's accession to the European Union, France, arguably, has more significant reasons for its opposition arising from how the relationship between religion and politics is structured in France. Elizabeth Shakman Hurd has identified problems European states have with Turkey's putative accession to the European Union pertaining to the relationship between politics and religion, which is especially pertinent to France.⁴⁴⁵ A number of writers besides Hurd have also commented on this subject including John Bowen, Riva Kastoryano and Olivier Roy.⁴⁴⁶ According to Hurd there are two different approaches that France takes to secularism, one underpinned by Judeo Christianity and the other laïcité. In the Judeo Christian interpretation Euro-American secular life is securely based on the principles of Judeo-Christian civilization resulting in the separation of church and state, which "softens the sectarian divisions between Christian sects". Laïcité seeks to "create a neutral public space in which religious belief, practices and institutions have lost their political significance fallen below the threshold of political contestation or been pushed into the private sphere".⁴⁴⁷ According to Bowen laïcité initially could be defined as the diminution of the influence of the Catholic Church in public life from the 1880s onwards.⁴⁴⁸ According to Kastoryano this has resulted in the state being "neutral" towards religious denominations and "this neutrality becoming synonymous with tolerance because it presupposes freedom of conscience in private and personal life".⁴⁴⁹ Bowen has argued that organised religion has to remain restricted to its buildings and must not proselytise beyond these buildings; any infraction of these restrictions can be quashed in the name of protecting public order.⁴⁵⁰ According to Kastoryano, from these developments laïcité has become "defined as the main factor of cohesion, the pillar of republican France."⁴⁵¹

All these writers have outlined how the main concern of laïcité is no longer the Catholic Church but Islam. According to Hurd this has been part of a longstanding process of the formation of Western identity as a Judeo-Christian and laïcist West have been founded "in part through oppositions to representations of an anti-modern, anti-Christian and theocratic Islamic Middle East" and the concept of the Muslim "other" helps constitute Western secular authority and the national identities of Western peoples, which is especially true of France.⁴⁵² Roy has argued French laïcité's concern about Islam is part of a larger process but of modernisation and concerning fundamental changes to French society. According to Roy "the demographic weight of Muslims" encourages a "communalism" that is linked more

⁴⁴⁵ Elizabeth Shakman Hurd *The Politics of Secularism in International Relations* (Princeton, New Jersey and Oxford: Princeton University, 2008)

⁴⁴⁶ John R Bowen *Why The French Don't Like Headscarves Islam, the State and Public Space* (Princeton, New Jersey and Oxford: Princeton University Press, 2007); Riva Kastoryano "' French Secularism and Islam' France's headscarf affair" in Tariq Modood, Anna Triandafyllidou and Ricard Zapata-Barrero (eds.), *Multiculturalism, Muslims and Citizenship: A European Approach* (London and New York: Routledge, 2005) Olivier Roy *La Laïcité Face À L'Islam* (Paris: Stock, 2005)

⁴⁴⁷ Hurd p5

⁴⁴⁸ Bowen p12

⁴⁴⁹ Kastoryano p62

⁴⁵⁰ Bowen p18

⁴⁵¹ Kastoryano p62

⁴⁵² Hurd pp7-8

to a universal Islam than to the French nation state.” There is a concern among the French political class that this link “would import into France the conflicts of the Middle East”. However, this is bound up with the process of globalisation that has encouraged the “dissolution of state and national authorities in favour of supranational authorities and identities”.⁴⁵³

France then has domestic political concerns about the influence of Islam which some believe would be exacerbated by Turkey’s EU accession. Hurd gives further reasons why this accession could be problematic for French political culture. According to Hurd, as the Turkish people have gradually moved away from the laicism established by Kemal Atatürk on the foundation of the Turkish Republic in the 1920s towards a more Islamic influenced secularism, this has posed a threat to European secular politics while Turkey presses its putative accession.⁴⁵⁴ According to Hurd this is because “it brings up long dormant dilemmas internal to Europe regarding how religion and politics relate to each other”; to paraphrase Hurd’s pivotal point the issue is where does all religion not just Islam fit into European political life? Turkey’s accession, according to Hurd, would force European societies to renegotiate the way they manage religion and religious minorities by adding a new form of secularism to the Judeo-Christian and laïcist versions, which already exist in the European Union.⁴⁵⁵ According to Hurd, this has created a sense of urgency on the part of European societies to resolve the “religion and politics question” with “its relationship to an ever evolving European identity” before Turkey is admitted to the EU.⁴⁵⁶ Hurd believes that these problems can be resolved; however, this analysis illustrates the existential problems France believes could arise from Turkey’s accession. The problem that religion particularly Islam poses for French society can be defined as a three dimensional problem. There is the sense that France is a Judeo Christian society in the West constructed against the Middle East. The French political system is also characterised by the separation of church and state and this separation of church and state is not exactly the same as laïcité. A large Muslim population connected to a large Muslim state has a particular potential to stir up long dormant pressures in French civil society. The debates in the French assembly criminalising denial of the Armenian genocide were conducted in the context of this uncertain and evolving environment and, arguably, this context contributes to an explanation of the course taken by the debates.

The Shadow of the Holocaust

Prior to French legislation on the Armenian genocide the French Parliament enacted legislation to criminalise denial of the Holocaust. The passage of this legislation can be understood in terms of both domestic political issues such as the growth of the Far Right as well as the precedent set by Germany in 1985 by enacting similar legislation, but also importantly by France’s historical complicity in the Holocaust. It is this complicity that will be examined first.

⁴⁵³ Roy pp59-60

⁴⁵⁴ Hurd. p8

⁴⁵⁵ *ibid.* p85

⁴⁵⁶ *ibid.* p8

The French state and society has a complex relationship with the Holocaust, which some have seen as complicity.⁴⁵⁷ One should not oversimplify-it does not mean that the whole of French society was complicit in the Holocaust because this history was broad. The collaborationist government at Vichy must bear a major degree of responsibility for its usually facilitative complicity with the Germans in their genocidal campaign against the Jews because there were also other French organisations and groups which did not collaborate in the crime. There was the Free French under de Gaulle in London who contributed instead to the Allied war effort against the Axis powers. The Resistance, which indeed included Jews amongst its numbers, attempted to sabotage the Nazi occupation.⁴⁵⁸ Individual church leaders both Catholic and Protestant voiced their concerns about the treatment of the Jews to the Vichy government and whose fellow members of holy orders on occasion offered shelter to Jews.⁴⁵⁹ There were also ordinary French people themselves who although often indifferent to the fate of the Jews sometimes helped them to escape.⁴⁶⁰ The result of this assistance was according to Susan Zuccotti that whereas "24% of the approximately 333,000 Jews in France at the end of 1940 perished in the Holocaust nearly 76% survived".⁴⁶¹ In fact even Vichy's collaboration in the Holocaust was uneven. The Vichy government was generally helpful to the Germans up to 1943 where it often encouraged the Germans to focus on the immigrant Jewish community rather than French citizens; however, from 1943 onwards it began to become less and less helpful.

There are a number of reasons, which have been given to support this claim of complicity. Although France was defeated in 1940, a large part of France up until 1942 was governed by French politicians and officials and even when the Germans occupied Vichy France, the French Civil Service were generally left to administer French territory. The Germans depended on the French bureaucracy to run France.⁴⁶² Secondly, this cooperation or collaboration was often initiated by French politicians and officials whereby the Vichy authorities would try Communists and other suspects in special courts in order "to restore French control over the judicial process".⁴⁶³ This desire to assert French sovereignty also motivated French policy towards the Jews driving the "government to make a sharp distinction between French and foreign Jews".⁴⁶⁴

According to Michael Marrus and Robert Paxton the Vichy government enacted their own anti- Jewish legislation les Statuts des Juifs often before the Germans rolled out their own regulations so much so that "Vichy's anti-Jewish

⁴⁵⁷ Michael R Marrus and Robert O Paxton *Vichy France and the Jews* (New York, NY Basic Inc. Publishers, 1981); Susan Zuccotti *The Holocaust, the French and the Jews* (New York, NY: Basic Books, 1993); Jonathan Steinberg *All or Nothing: The Axis and the Holocaust* (London and New York: Routledge, 1990); Meyer Weinberg *Because They Were Jews A History of Anti-Semitism* (Westport Connecticut. London: Greenwood Press, 1986); Mark Mazower *Hitler's Empire Nazi Rule in Occupied Europe* (London: Penguin Books, 2008); Paul Webster *Pétain's Crime: The Full Story of French Collaboration in the Holocaust* (London: Pan Books, 1990)

⁴⁵⁸ Joan B Wolf *Harnessing the Holocaust: The Politics of Memory in France* (Stanford, California: Stanford University Press, 2004) p126

⁴⁵⁹ Zuccotti *The Holocaust, the French and the Jews* pp176-177

⁴⁶⁰ Marrus and Paxton *Vichy France and the Jews* pp xiii-xiv

⁴⁶¹ Zuccotti *The Holocaust, the French and the Jews* p 3

⁴⁶² Mazower *Hitler's Empire: Nazi Rule in Occupied Europe* p432;

⁴⁶³ *Ibid.* p437

⁴⁶⁴ *Op.Cit.*

policy was not only autonomous from German policy it was a rival to it".⁴⁶⁵ Vichy's anti-Semitic policies were, however, part of a wider campaign, the National Revolution, to unify France after Vichy leaders perceived that in the 1930s France had been greatly divided and they blamed the defeat of May 1940 on these divisions. The goal of the Vichy leadership was to "set about restoring the homogeneity that they imagined to have been the traditional state of France" and the French regional cultures "whose loss in the twentieth century they attributed their military defeat".⁴⁶⁶ It was this National Revolution that the French Far Right would echo in the 1980s.

The question of complicity should be answered in a nuanced fashion. The Vichy government was not established by the Germans to rule unoccupied France it was handed power by the parliament of the 3rd Republic. On one hand, some of its policies were a "continuation rather than a rupture" with the 3rd Republic. This was due to the refugee crisis of 1938-41 that faced both the 3rd Republic and Vichy where refugees from the Spanish Civil War and German anti-Jewish policies entered France and the response that both these governments had to make to this crisis. On the other hand, Vichy's National Revolution was a repudiation of not only the values of the 3rd Republic but also that of the original Revolution itself. Its anti-Semitic policy was a drastic change from what had preceded it although it built on a current of anti-Semitism that had existed in France since the Dreyfus affair at the turn of the century and which had been exacerbated by the refugee crisis. On the question of the genocide itself Vichy willingly collaborated for some time with the Germans. Indeed without the collaboration of the French police targeted mass deportations were virtually impossible to achieve. This collaboration was partly due to German entrapment of the French who wished to defend "the sovereignty" of France by regaining some control over the Occupied Zone. The fact is that when it chose to refuse German demands in 1943 to deport Jews this stance was accepted; and consequently the numbers of Jews shipped to the East fell dramatically. This demonstrates the fact that Vichy could make a choice. The degree of freedom which the French authorities operated under relative to other parts of Occupied Europe also confers more responsibility on the Vichy government.

For these reasons, although the French state at the time was not as morally culpable as Germany, it was at least complicit in the Holocaust, and must therefore share some of the responsibility. This responsibility of the French state must be distinguished from that of the French people or nation during the Second World War where the history is much more complex. Indeed this responsibility was acknowledged in 1995 when former French President Jacques Chirac officially recognised the "French state's responsibility in the deportation of French Jews" and in February 2009 the French Council of State, the Republic's highest court, recognised the state's "responsibility" for the deportation of Jews in the Second World War.⁴⁶⁷ This responsibility can be summed up in three ways why the Vichy regime was complicit: it initiated anti-Semitic legislation; it was enthusiastic about German policies toward the Jews and it rounded up Jews. It also repudiated French values. The problem is this tradition never went away and resurfaced in the 1980s.

⁴⁶⁵ Marrus and Paxton *Vichy France and the Jews* p366

⁴⁶⁶ *Ibid.* p366

⁴⁶⁷ <http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/world/europe/7893127.st...>

Until the 1980s Holocaust deniers such as Maurice Bardeche, Paul Rassinier and their protégé Robert Faurisson, a former professor at the University of Lyon, were regarded as an embarrassing fringe group that were a nuisance but did not pose a fundamental threat to the French Republic.⁴⁶⁸ However, the emergence of the Far Right leader Jean Marie Le Pen meant that these deniers could no longer be dismissed. It was in the 1980s that a number of scandals and political developments emerged to change official French attitudes towards Holocaust denial. A reform in the law on archives opened files that had previously been closed.⁴⁶⁹ This resulted in a number of theses written on the subject of Vichy, given the wealth of new material. After Mitterand's election, Vichy was also, for the first time, taught in French secondary schools.⁴⁷⁰ The three major scandals involved a lawsuit against Faurisson, the trial of SS officer, Klaus Barbie and a controversial comment by Far Right National Front leader, Jean Marie Le Pen. These scandals occurred against a backdrop of political and racial tension caused by the growing prominence of the National Front in French politics.⁴⁷¹

According to Joan Wolf, the Barbie Trial and the rise of the National Front had important implications for French politics and the attitudes of the French political class to Holocaust denial. The Barbie Trial had encouraged debates about French national identity where "on one side were proponents of the Gaullist myth, champions of a France epitomized by revolutionaries, republicans, Dreyfusards and resisters. On the other side, promoted in rhetorically distinct wayswere those for whom true France had been embodied by monarchists, anti-Dreyfusards and collaborators". Thus there was a conflict between "the two Frances" between "France as the paragon of republicanism and the acme of fascism". According to Wolf, debates during the original revolution were marked by a "failure to distinguish that which was universal from what was French [and] could produce decidedly undemocratic ways of thinking". In Wolf's view "the strength of both collaboration with and resistance to Nazism during World War II indicated that the 3rd Republic had not resolved these competing impulses". In this way "the Gaullist myth that France was entirely universalist," ignored the painful realities of France's past and "neglected the reality of Vichy". This Gaullist myth of "the idea of France represented by the Resistance was based on a construction of the nation that was either unconscious or unwilling to recognise its own contradictions".⁴⁷² According to Wolf these conflicting ideas of France represented by the mainstream parties on the one side and Jean Marie Le Pen and the National Front on the other provided the context for the campaign for a law against Holocaust denial. The subsequent campaign was really about the re-emergence of Vichyite politics represented by Le Pen and the desire on both the right and the left to suppress this re-emergence. Robert Faurisson who became the object of this campaign was really a stalking horse for Le Pen. According to Jean Daniel " 'Faurissonism' was a phenomenon only partially about Faurisson himself that it alimented all kinds of thinking on the Far Right. The reasoning...was as follows 'if the genocide did not exist, then French anti-Semitism can gain respectability'. If Petain was only Hitler minus the

⁴⁶⁸ Robert A Kahn *Holocaust Denial and the law* (Basingstoke, Hampshire: Palgrave Macmillan) pp31-32

⁴⁶⁹ R JB Bosworth *Explaining Auschwitz and Hiroshima: History Writing and the Second World War*, (London: Routledge, 1993) p113

⁴⁷⁰ Bosworth *Explaining Auschwitz and Hiroshima* p113

⁴⁷¹ Kahn p *Holocaust Denial and the Law* pp.102-103

⁴⁷² Wolf pp *Harnessing the Holocaust* pp. 125-126

genocide, the Far Right could reclaim both Petain and Hitler and in the process rehabilitate an ideology that had been disparaged since the end of the war. What was important for right wing extremists in other words was that the Holocaust had not taken place.” According to Daniel the legacy of the Holocaust undermined any attempts by the National Front at reviving the National Revolution.⁴⁷³ Since it was the Holocaust and not simply anti-Semitism that compromised Vichy in the eyes of contemporary France Le Pen’s [future] revisionism, however peripheral to his larger political agenda was an especially potent weapon for those who sought to repudiate both the FN and the Vichy regime”. According to Wolf the French people wanted to “draw a distinct line between the past and the present”. “With popular identification with the Holocaust high, accusations of Holocaust denial was a powerful way to discredit the FN and disinherit the Petain regime”. This campaign of “anti-Le Penism served ... as a surrogate for a critical investigation into Vichy politics and French collaboration and the preoccupation with revisionism in the rhetoric displaced critical examination of Vichy’s role in the Holocaust”.⁴⁷⁴

A number of legal and political developments encouraged the campaign for a law to criminalise Holocaust denial. In the first instance, the civil lawsuit against Robert Faurisson, in 1983, for denying the Holocaust became a scandal because the verdict by the Paris Court of Appeals appeared to legitimize Holocaust denial, although it ruled in favour of the plaintiffs. In 1985 Klaus Barbie’s defence lawyer, Jacques Verges appeared to relativize the Holocaust when he claimed the Holocaust was relatively unimportant in contrast to Western Imperialism and the brutal French response to rebellion in Algeria.⁴⁷⁵ It is important to highlight here that in 1985 there was a significant international precedent for the subsequent French legislation to criminalise Holocaust denial. In this year in response to a rise in neo-Nazi propaganda the German Reichstag in 1985 enacted legislation to criminalise trivialization of the Holocaust and of the suffering of the Germans on the Eastern front.

The scandal involving Le Pen revolved around an interview with Le Pen in September 1987. Le Pen was asked what he thought about revisionism of the Holocaust. Le Pen answered, “I don’t say that the gas chambers did not exist. I wasn’t able to see them myself. But I believe that it is a point of detail in the history of the Second World War”. Public response to Le Pen’s comments was furious for two reasons; Le Pen trivialized the Holocaust by calling it a detail and he did not reject Holocaust denial. In response to this scandal, French prosecutors brought a charge of inciting racial hatred against Le Pen. Interior Minister, Charles Pasqua, of Jacques Chirac’s Centre Right Gaullist party, the RPR (Rally for the Republic) reacted to the outcome of Barbie’s trial and Le Pen’s comments by demanding a law that would target Faurisson and Le Pen.⁴⁷⁶

In order to understand the strength of the Interior Minister’s response to Faurisson and Le Pen, one might ask: what were the political reasons for the rise of the National Front? In response to this question; one major reason for the rise of the National Front in French politics was the influence of Socialist President Francois

⁴⁷³ Jean Daniel *Le Nouvel Observateur* 21 September 1989

⁴⁷⁴ Wolf *Harnessing the Holocaust* pp.134-135

⁴⁷⁵ Kahn *Holocaust Denial and the Law* p102

⁴⁷⁶ *Ibid.* p102-103

Mitterand. Mitterand who had a varied and complex history both as a Vichy official and member of the Resistance hoped to weaken the electoral strength of the Centre Right by changing the system of proportional representation to encourage the election of National Front deputies to the French National Assembly.⁴⁷⁷ This change was compounded by Mitterand allowing from 1984 onwards more television appearances by Le Pen on national television.⁴⁷⁸

In the short term Mitterand was able to throw the Centre Right off balance but he had created something he could not control. From that time onwards the National Front grew stronger, regularly polling over 10% of the vote. Le Pen threatened the Gaullists by outflanking them on traditional conservative issues like law and order as well as immigration. Whenever the Gaullists or indeed the Socialists talked about these issues it only served to enhance Le Pen. Le Pen also threatened the Left not only by being ideologically antagonistic to them, especially on racial issues, but, paradoxically, by drawing on a working class vote, which had traditionally supported the Socialists and Communists. According to Knapp and Wright there are some National Front voters who at the time kept "a residual left wing loyalty". In the 1995 presidential election, 28% of Le Pen's voters switched to Lionel Jospin, the Socialist candidate, in the second ballot, 21% abstained and 50% supported Jacques Chirac. The greater electoral support Le Pen could claim then the more he could potentially hold the balance between the two main political groupings while preventing one from gaining power.⁴⁷⁹

Le Pen, in 1995, might arguably have posed a greater electoral threat to the Gaullists by making inroads into their traditional vote. In addition, the Socialists, by attacking the National Front as racist, could bolster their support among their middle class vote and especially among second, third and fourth generation immigrant families, especially Jewish and Armenian as well as Arabic families. Although Pasqua, the Interior Minister, had called for a law targeting Faurisson and Le Pen, the majority of the Gaullists decided that, instead of passing a law against Le Pen, they would compete with him on the same issues such as immigration. It was the incoming Socialist government that subsequently decided to propose legislation, which became known as the Gayssot Law, ostensibly as part of a broader campaign against racism and also in response to the desecration of a Jewish cemetery in Carpentras. Since the Centre Right had decided to compete with Le Pen on the same issues, one advantage for the left of passing a law to link Le Pen with Faurisson would be, by associating Le Pen with Holocaust denial in the eyes of the French public, it would not only discredit Le Pen, weakening his political influence but, arguably the Right in general.

The lead up to the passage of the Gayssot Law began in March 1990 with a report on racism in France produced by the Socialist government.⁴⁸⁰ In April a legal commission was established to examine this problem. The Socialists then declared that they would create a forum to look at a variety of issues around the question of

⁴⁷⁷ Andrew Knapp, Vincent Wright *The Government and the Politics of France* pp. 240-244, Webster Petain's *Crime* p296; Wolf *Harnessing the Holocaust* pp. 175-178

⁴⁷⁸ *Ibid.*

⁴⁷⁹ *Ibid.* pp244-247

⁴⁸⁰ Kahn *Holocaust Denial and the Law* p105

racism including that of immigration. A number of people believed the Socialists would impose restrictions on immigration to undermine the National Front. However, the Commission did not decide to follow this path. They, instead, supported Communist deputy Jean Claude Gayssot's proposal for a stronger anti-racism law. The Centre Right opposed this proposal because it would move political discourse from the issue of immigration.⁴⁸¹ Those who opposed the bill also made the observation that the Communists had supported the Socialists on a recent vote of confidence over electoral fraud. Socialist backing of this bill was seen as a reward for this support.⁴⁸² The bill consisted of fourteen articles, most of which were uncontroversial. The two articles which generated the most heated discussion were one which would remove the civil rights of anyone found guilty of racial discrimination and another which would make it illegal to deny the Holocaust. The debate over the bill highlighted a number of political and historical issues which France had been wrestling with in the preceding decades and also how history should be written. The Centre Right grouping in the National Assembly took a twin track approach by emphasizing their abhorrence of revisionism and their support for the special place the Resistance occupied in French political discourse while attacking the proposed law as "a Communist attempt to establish an official truth".⁴⁸³ The fact that Jean Claude Gayssot was a Communist deputy made this charge in right wing eyes especially relevant.

According to Kahn, the Conservatives underpinned their accusation that the Left was trying to establish a Stalinist official truth with two main arguments: First, the Communists, having lied about their own support for a Soviet version of historical events, were in no position to lecture anyone about historical falsification. Second, the very idea of an official truth was derided as a communistic or totalitarian form of governance. The passage of the Gayssot Law aroused a storm of criticism from intellectuals who accused the legislature of "trying to regiment history". According to the historian Francois Bedarida a number of historians were against this law when it was passed although he stated this in an article in 1996.⁴⁸⁴ Francois Bedarida stated "I do not think it belongs to justice to decide by decree of the historical validity of assertions. It is not by punishing perpetrators of nonsense that one is contributing to knowledge". He continued to state that he had "always been negative while commenting that Madeleine Reberieux was among the historians who were against the law "when it was adopted without being heard". Madeleine Reberieux later outlined her specific objections to the law.⁴⁸⁵ "It entrusts to the law what is normative and the judiciary is charged with the application of confirming historical truth that rejects all official authority....It will lead inescapably to extension one day to other areas other than the Jewish genocide....It allows deniers to present themselves as martyrs or at least as persecuted". Pierre Vidal-Naquet in an interview with *Le Monde* said, "I have always been absolutely against the law, also with the vast majority of historians. It may take us back to the truths of

⁴⁸¹ *ibid.* p105

⁴⁸² *ibid.* p121

⁴⁸³ Kahn pp. 105-107

⁴⁸⁴ Francois Bedarida "That concludes the debate on the facts" *Le Monde* 5/5/96

<http://abonnes.lemonde.fr/cgi-bin/ACHATS/ARCHIVES/archives.cgi?ID=ce61d18aaadecab091>

⁴⁸⁵ Madeleine Reberieux "Contre la loi Gayssot" *Le Monde* 21.5.96

<http://abonnes.lemonde.fr/cgi-bin/ACHATS/ARCHIVES/archives.cgi?ID=9526104003295feb5>

the state and transform zero intellectuals into martyrs. The Soviet experience has shown about state enforced truths. The 1972 law against racism is enough".⁴⁸⁶ According to Michel Marian Pierre Nora would take a more ambivalent approach when he "would illustrate the falseness of a comparison between protection of the Holocaust and of the genocide" by[invoking] the French responsibility in one case and not in the other".⁴⁸⁷ However, his concerns emphasized another topic of debate in French intellectual and political discourse concerning the fact that the law did not extend to French brutality in Algeria. Kahn defined the different positions on the debate over the Gayssot Law as being essentially expressed symbolically where the Left viewed it as a "rejection of racism" and the Right perceived it as establishing "official history".⁴⁸⁸ There are four key points one can make about the debate over the Gayssot law. The first is that once Vichyite politics re-emerged the left used Holocaust denial to beat the right; secondly, the left tried to connect the National Front to Holocaust denial; thirdly, the right tried to turn freedom of expression into a weapon; fourthly, the historians were reluctant to be drawn in. It is also interesting to note that the French historians came out against the Gayssot law a number of years after it had passed once they realised the implications of this law.

These two latter points relating to the role of historians and freedom of expression, especially when used as weapon in political debate over the accusation of establishing an "official history", were to become constant features of the debates over legislation on the Armenian genocide. The passage of the Gayssot law thus raised the issue of how history and politics might differ and the extent to which there are as it were different rules of the game for each; i.e. different professional standards and responsibilities but also how they interact: the extent to which politics on the one hand can intrude on the work of the historian and on the other the extent to which the historian can (or should? participate in politics. The Gayssot law did two things it criminalised denial of the Holocaust and recognised the Holocaust as a genocide at the same time. It could do so relatively easily and without much opposition since the actual perpetrator state Germany had already itself done so. In this respect it was to prove much less complicated than the case of the Armenian genocide. The only significant group opposed to the Gayssot law were some academics. This consensus did not exist for legislation on the Armenian genocide on which a number of parties were opposed, including the French Turkish community, French commercial and strategic interests, a number of politicians and the Turkish state. Consequently, when the Armenians wanted a similar law to the Gayssot law for the Armenian genocide that recognised the genocide and criminalised its denial the political situation was much more complex. When they achieved recognition but not criminalisation of denial, it required a further campaign to achieve the latter legislation. This resulted in a long drawn out political process to achieve this legislation but first there would be a scandal "The Bernard Lewis Affair".

⁴⁸⁶ Pierre Vidal-Naquet analyse les relais don't disposent les negationnistes *Le Monde* 4/5/96
<http://abonnes.lemonde.fr/cgi-bin/ACHATS/ARCHIVES/ARCHIVES.CGI?id=38402D27F4999ADE4>

⁴⁸⁷ Michel Marian "Defendre l'histoire sans le tronquer ni l'intendre aux politiques" *Le Monde* 4.1.2012

⁴⁸⁸ Kahn *Holocaust Denial and the Law* pp105-108

The Lewis Affair

France historically represented a different case than the Armenian American diaspora's relationship with Armenia. This was because many of the leaders of the former republic, which was overthrown by the Bolsheviks made their homes in France. These leaders largely were members of the Dashnaksutiun, which naturally took a hostile position to the new Soviet state of Armenia. According to Claire Mouradian from 1965 to 1985 the Dashnaksutiun prioritised the "politics of memory" namely recognition of the Armenian genocide over independence for Armenia. From 1975 to 1985 the Armenian diaspora followed a twin track approach to gaining recognition of the genocide. On the one hand, there were diplomatic efforts at the United Nations to achieve ratification of paragraph 30, three lines which mention the genocide of 1915-16 as an historic example in the report of the Sub-committee on Human Rights of the UN concerning the crime of genocide. On the other hand, a terrorist campaign was waged against Turkish diplomats and other targets associated with the Turkish state. This campaign began in Mouradian's view in response to the rejection by the UN of paragraph 30 in 1974 after pressure from Turkey. This rejection also coincided with the Turkish invasion of Cyprus the same year.⁴⁸⁹

The Armenian terrorist campaign against Turkish targets in France reached its climax with the bombing of the Turkish airlines counter at Orly airport in July 1983 which resulted in eight deaths. This followed the murder of the Turkish ambassador to Paris in 1975 and the attack on the consulate of Turkey in Paris in September 1981. The Orly attack appeared to mark a watershed in the Armenian question. According to Claire Mouradian it caused outrage in the French Armenian community and led a substantial part of the ASALA to abandon their campaign of terror. This outrage caused French Armenian political groups particularly to campaign through a legal and political framework to achieve recognition of the Armenian genocide. A number of victories were achieved in this context in the 1980s with the verdict of the People's Tribunal in April 1984 that a genocide had indeed occurred, the UN vote on the Whittaker report on genocide that mentioned the Armenian case and the resolution of the European Parliament in June 1987 that Turkish recognition. Armenian political groups would also bury their differences to form the Committee of 24th April which then became the Council for the Coordination of Armenian Associations in France.⁴⁹⁰

This process of working through the legal and political system would lead one group the Committee for the Defence of the Armenian Cause, to bring a case against the American historian Bernard Lewis for denying the Armenian genocide. According to Yves Ternon "The Lewis Affair" commenced on 19th May 1985 when the New York Times and the Washington Post printed an advertisement to gain the attention of Representatives in the US Congress.⁴⁹¹ The advertisement was signed by sixty-nine members of faculty in Turkish Studies at American universities and was sponsored by the Assembly of Turkish American Associations.⁴⁹² One of the

⁴⁸⁹ Claire Mouradian *Les Arméniens en France: Du chaos à la reconnaissance* pp40-41

⁴⁹⁰ *Ibid.* p41

⁴⁹¹ Yves Ternon "The Lewis Affair' Freedom and Responsibility of the Historian" *Remembrance and Denial: the case of the Armenian genocide* Detroit: Wayne University Press 1999 pp237-246

⁴⁹² pp240-241

academics who signed this statement was Bernard Lewis, a professor of Near Eastern History at Princeton University. The advertisement stated: "The undersigned American academicians who specialize in Turkish, Ottoman and Middle Eastern Studies are concerned that the current language embodied in House Joint Resolution 192 is misleading and/or inaccurate in several respects. Specifically, while fully supporting the concept of a 'National Day of Remembrance of Man's Inhumanity to Man' we respectfully take exception to that portion of the text which singles out for special recognition 'the one and one half million people of Armenian ancestry who were victims of genocide perpetrated in Turkey between 1915 and 1923'".⁴⁹³

The academics objected to the words "Turkey" and "genocide" stating that "the area currently known as Turkey, or more correctly, the Republic of Turkey was part of the territory encompassing the multi-national, multi-religious state known as the Ottoman Empire". Ternon points out that Lewis himself uses the word Turkey to refer to the Ottoman Empire a number of times in his book *The Emergence of Turkey*. The academics involved in the advertisement sought to distinguish clearly between the different roles of politicians and historians, arguing "statesmen and politicians make history and scholars write it" in order "for this process to work, scholars must be given access to the written records of the statesmen and politicians of the past". Ternon for his part accused the academics who signed the letter of bad faith because they refused to accept "the case of genocide"

Lewis was plunged into controversy in Paris when he visited in November 1993 to promote two books he had recently had translated into French. He was interviewed by two journalists, Langellier and Peroncel-Hugoz from *Le Monde* about Islamic fundamentalism and the relationship of Islam and politics. In this interview Lewis described Turkey as a bulwark against Islamic fundamentalism and said it should be admitted into the European Union although he acknowledged that in 1987 the European Union had called for Turkey to recognise the Armenian genocide. The journalists asked Lewis: "Why do the Turks still refuse to recognise the Armenian genocide?" Lewis responded: "You mean recognise the Armenian version of the story?" He expounded on views he had previously expressed in *The Emergence of Turkey* that the Armenians and Turks were two nations fighting over a single homeland and the deportations had been necessary to protect the Ottoman Empire during the First World War. He declared: "Both sides agree that the repression was geographically limited. Armenians living elsewhere in the Ottoman Empire, for example, were hardly affected". He summed up: "If we talk of genocide, it implies that there was a deliberate policy, a decision to blot out systematically the Armenian nation. That is quite doubtful. Turkish documents prove an intent to banish not to exterminate".⁴⁹⁴

Yves Ternon and other intellectuals such as Michel Marian and Claude Lefort believed that Bernard Lewis had made a mistake and by pointing his error out to him he acknowledge his mistake. These writers drafted a letter, signed by thirty intellectuals and academics addressed directly to Lewis.⁴⁹⁵ The letter stated that an academic of Bernard Lewis's standing should not promote "the lie of yesterday's

⁴⁹³ Ibid. pp240-241

⁴⁹⁴ *Le Monde* November 16, 1993

⁴⁹⁵ Ibid. pp243-244

criminals". In addition to the correspondence with Lewis those academics condemned in *Le Monde* "the betrayal of truth and insult to victims".⁴⁹⁶ There would be one academic who did support Lewis, however, the prominent French expert on Ottoman and Turkish studies, Gilles Veinstein.

Lewis did not retract his statements. Indeed, he went further in comments made to *Le Monde* on 1st January 1994. He accepted "the horrific human tragedy" that represented the "deportation" of Anatolian Armenians. According to Lewis there is "no substantial evidence "of a plan to exterminate and that most of the Armenians perished of "starvation, disease, neglect and cold". Ternon described Lewis's position as someone who had "obviously left the field of scholarship and entered the arena of politics".⁴⁹⁷ Lewis "became an accomplice to the prolongation of the effects of genocide by its denial". In response to Lewis's statements French Armenian groups joined together, putting aside their political divisions to confront Lewis. On 14th February, 1994, the Forum of Armenian Associations of France launched a civil lawsuit against Lewis under article 1382 of the French Civil Code which declares: "Whoever is guilty of causing harm must make reparation for it". The Armenians accused Bernard Lewis of "misconduct" for the answers he gave in his interview in *Le Monde* claiming that "he had challenged in this interview the reality of the Armenian genocide".⁴⁹⁸ On the same day the Committee for the Defence of the Armenian Cause (CDCA) and three Armenian survivors brought a criminal case against Lewis under the Gayssot law.

The Criminal Case

The 17th Division of the Parisian Magistrates Court heard the case on 14th October 1994. Yves Ternon was requested as an expert witness along with Israel Charny, director of the Institute of the Holocaust and Genocide in Jerusalem. Ternon and Charny testified to their professional opinion that the Armenians had definitely been victims of genocide. In Ternon's view the geopolitical issue concerning denial of the Armenian genocide was "to protect the secular structure of the Turkish state" which reality of the genocide endangered so that Turkey would "write it off". Charny believed that denial was "one of the forms of the genocidal virus" and aided its "spread". He also stated that he was ashamed of Lewis because he was a professor and a Jew".⁴⁹⁹ Lev Forster, representing the plaintiffs stated: "In these [*Le Monde*] articles Bernard Lewis has not acted as a historian but as a propagandist working for the admission of Turkey into the European Community."⁵⁰⁰

Bernard Lewis submitted a memorandum on 21st October to the president of the 17th Division of the Magistrates Court outlining the reasons for the comments he made to *Le Monde*. Lewis accepted that his comment "the Armenian version of this

⁴⁹⁶ Nathaniel Herzberg "The Forum of Armenian Associations pursues the historian Bernard Lewis" *Le Monde* 5/19/95

<http://abonnes.lemonde.fr/cgi-bin/ACHATS/ARCHIVES/archives.cgi?ID=105ed9ce2a41531d>

⁴⁹⁷ Ternon pp243-244

⁴⁹⁸ Herzberg "The Forum of Armenian Associations pursues the historian Bernard Lewis"

⁴⁹⁹ Lesnes Corine "The Court of Paris the Defence Committee of the Armenian cause cites *Le Monde* for two denialist items" *Le Monde* 10/16/94

⁵⁰⁰ Internet on the Holocaust and Genocide, nos.54-56 (April 19995): C7-C10

story” was inappropriate” since this “version” is the one that is accepted as the correct one by non-Armenians.⁵⁰¹, however, Lewis did not accept that he had been guilty of “culpable neglect” of his professional obligations, i.e., of having deliberately falsified history. Lewis stated: “The question to be discussed is the one of knowing if there was or was not a decision taken by the Turkish government to exterminate the Armenians as well as orders given in that sense. The question is still discussed among historians specializing in that matter”.⁵⁰² According to Ternon, “if such were the case there never would have been a ‘Lewis Affair’”. He also concluded that the trial had established the limits of what it meant to be an historian.⁵⁰³ The Court ruled on 18th November that the case was “inadmissible” under the Gayssot law since the law did not apply to crimes committed other than those committed by the Nazis; however, according to Ternon the court did accept the historic fact of the genocide.

The Civil Case

The civil case was, arguably, more interesting for the scope of this dissertation than the criminal case since it explored a number of the arguments made in the later debate over legislation criminalising denial of the Armenian genocide and the rights and responsibilities of the historian. It was also interesting that one of the counsels for the plaintiffs in the civil case, Patrick Devedjian, was a key advocate in the parliamentary debate in favour of criminalising denial of the Armenian genocide.⁵⁰⁴

Arguments for the Defence

Lewis disputed the fact that his comments were tortuous because as an historian he has “the freedom to advance an opinion different from that of the Forum of Armenian Associations, since the question of the Armenian genocide has not been definitively settled. Lewis argued that “the judge must give the historian complete freedom of judgement and must ensure only that his positions have a finality or a purpose separate from his historical work”. Regarding the question of causing intentional harm to the survivors of the genocide, Lewis rejected “the assertion, that through the actions of a prevailing opinion he wished to promote the restoration of an anti-Armenian policy nor that he intended to injure the victim”. On the contrary, he claimed, “he had emphasized the suffering endured by the Armenians and that he did not deny the existence of deportations approved by the Ottoman government”. Since he argued “he was entitled to question the definitions given to these crimes in the context of evidence which is difficult to collect and there are still persistent debates among historians”, he had committed no tort.⁵⁰⁵

The Plaintiff's Argument

⁵⁰¹ Ibid.

⁵⁰² Op.Cit

⁵⁰³ Ternon “Freedom and Responsibility of the historian” *Remembrance and Denial*; pp245-246

⁵⁰⁴ “Paris, France, Court of First Instance, June 21, 1995” pp1-6

http://www.armenian-genocide.org/Affirmation.240/current_category.76/affirmation_detail.html

⁵⁰⁵ “Paris, France, Court of First Instance” pp3-4

The counter argument made by lawyers representing the Forum of Armenian Associations, was that Bernard Lewis did not have the right to refrain from characterising by the term 'genocide' the massacres perpetrated in 1915, given that the truth of the event was accepted by the United Nations on August 29, 1985 and by the European Parliament on June 18, 1987. They also claimed "Bernard Lewis cannot be held to be an historian on the Armenian question since he had published no study on the subject". He was instead "an engaged intellectual who conducts intensive lobbying activities on behalf of Turkey".⁵⁰⁶

The Verdict

The judges in their summation made a sharp definition of the rights and responsibilities of the courts and historians in evaluating historical issues. First they defined what courts could not do "as regards historical events the courts do not have as their mission the duty to arbitrate or settle arguments or controversies these events may inspire and to decide how a particular episode of national or world history is to be represented or characterized".⁵⁰⁷ Then they defined the rights of the historian "whereas, in principle, the historian enjoys by hypothesis, complete freedom to relate, according to his own personal views, the facts, actions and attitudes of persons or groups of persons who took part in events the historian has made the subject of his research."⁵⁰⁸ The judges concluded their summation stating that these rights were not unlimited "whereas, however, while he thus enjoys complete latitude to cast doubt, according to his own assessment on the evidence gathered or accepted ideas, the historian may, however, not evade the universal rule which links the legitimate exercise of a freedom to the necessary acceptance of a responsibility".

The judges then moved on to their verdict clarifying in what way Lewis's standpoint may or may not have not measured up to accepted professional standards of the historian. They ruled that "the historian is liable towards the persons concerned when by distortion or falsification he credits the veracity of manifestly erroneous allegations or through serious negligence omits events or opinions subscribed to by persons qualified and enlightened enough so that the concern for accuracy prevents him from keeping silent about them". In the judgement of the court, Lewis's reply to the question "Why do the Turks still refuse to acknowledge the Armenian genocide?".... "Do you mean the Armenian version of this event?".....substantiated the idea that the reality of the genocide is only a product of the imagination of the Armenian people. According to the court Lewis's thesis was contradicted by legal precedent of the UN subcommittee on August 29, 1985, the Permanent People's Tribunal on August 28, 1984 and the European Parliament on June 10, 1987, which all recognised the genocide.⁵⁰⁹

Then the judges, in a detailed forensic analysis, highlighted where Lewis had fallen down in his professional duties as a historian. "He was entitled to dispute the validity of import of such assertions" [made by historians supporting the Armenian position on the genocide] but he had a duty to point out and analyze the circumstances capable of persuading readers of the lack of relevance" [of these

⁵⁰⁶ "Paris, France, Court of First Instance" p4

⁵⁰⁷ "Paris, France, Court of First Instance" p5

⁵⁰⁸ "Paris, France, Court of First Instance" p5

⁵⁰⁹ "Paris, France, Court of First Instance" p5

assertions].⁵¹⁰ “However he could not keep silent on consistent relevant information weighed by international bodies, which reveals that, contrary to what is suggested” by Lewis’s comments “the thesis of the existence of a plan to exterminate the Armenian people is not advanced solely by the latter”.⁵¹¹ In other words it is not only the Armenians who believe there was a genocide committed against them but also various institutions and scholars researching the issue.

In its verdict the court separated the issue of whether Lewis ‘s motives could be proven one way or another from the expectation of the way that a professional historian was supposed to act in conducting his professional responsibilities. The court could not prove that Lewis’s motives were different from another professional historian. It also accepted that he a right to a different opinion to that of the Armenian organisation; however, it ruled that “by concealing information contrary to his thesis and that the defendant was able to assert that there was no serious proof of the Armenian genocide, consequently, he had failed in his duties of objectivity and prudence by offering unqualified opinions on such a sensitive subject”. The Lewis case had thus picked up momentum from what began as an argument between intellectuals and was then picked up pressure groups and the controversy did not end there since it then led to a major political debate.

The Debate over the 2001 Resolution

The verdict of the judge in the Lewis case, which established that the judiciary could not reach a verdict on a matter that had no legal context led to a campaign to have the French legislature recognise the Armenian genocide as a genocide. This campaign should be understood in the context of the French Armenian community’s relationship with the newly independent state of Armenia. The history of the Dashnaksutium meant that it had a fraught early relationship with the new state of Armenia. This was particularly the case when the Petrosyan government outlawed the party in Armenia from 1994 to 1998.⁵¹² In the meantime the Dashnaksutium party in France were prominent in a unified campaign by the coordinating council of French Armenians for a French resolution recognising the genocide, which the French National Assembly recognised in 1998. The fact that this campaign contradicted the policy of the Ter Petrosyan government on the genocide was undoubtedly an added bonus for the Dashnaksutium party in France. The first attempt to gain recognition of the genocide soon after the verdict in the Lewis case in 1995 ended without success. A bill was subsequently introduced in the French National Assembly in 1998 to recognise the Armenian genocide by the Socialists and this was passed by the Assembly but was not approved by the Senate. In 2000 a new bill was introduced in the Senate by a group of Senators from different parties and was passed by the Senate. A bill with the same language was introduced in January 2001 in the National Assembly.⁵¹³

⁵¹⁰ “Paris, France, Court of First Instance” p5

⁵¹¹ “Paris, France, Court of First Instance” p5

⁵¹² Mouradian *Les Arméniens en France* pp54-55

⁵¹³ Assemblée nationale 1ere lecture Génocide Arménien 30 Janvier 2001

<http://www.assemblee.natioale.fw/11/dossiers/genocide.asp>

In the debate in the Assembly in 2001 a number of speakers featured prominently. These included Francois Rochebloine, the UDF deputy who was the reporter of the bill. Jean-Jack Quyeranne, the Minister for Parliamentary Affairs, Jean Pierre Blazy a deputy and Patrick Devedjian, UMP deputy. Rochebloine and Quyeranne highlighted the geopolitical implications of the legislation, Blazy argued how the bill would promote French republican values which a number of other speakers also did while Devedjian had a wide ranging brief as he highlighted the consequences of arms sales to Turkey, contrasted Germany's acceptance of responsibility for the Holocaust and cited France's relationship to the Armenian genocide in the context of both the First and Second World Wars, more specifically on France's historical responsibility to the Armenians, Roland Blum another UMP deputy also highlighted the ill effects of the arms trade and raised the possibility that after the passage of this legislation they would seek subsequent legislation to criminalise denial of the Armenian genocide.

The reporter of the bill Centrist UDF deputy Francois Rochebloine addressed some of the geopolitical concerns the French government had about the bill when he referred to the French Minister for Foreign Affairs, Hubert Vedrine's testimony to the Senate foreign affairs committee when he warned that the bill "would not serve the interests of France in reducing tensions in the Mediterranean and Caspian"; equally according to Rochebloine "neither the President of the Republic nor the Government wanted the bill debated because it would risk the process of reconciliation between the states of the South Caucasus".⁵¹⁴ Jean-Jack Quyeranne, Minister for Parliamentary Affairs highlighted the conflict between idealism and strategic interests inherent in the bill, "foreign affairs must take into account history and tragedies but it must also take into account present realities". These realities involved restoring peace to the South Caucasus, in which the goal of France was "to overcome antagonisms and foster cooperation between the peoples concerned" and it aimed to accomplish this as a member of the Minsk group with Russia and the United States. According to the Minister it was also "in the interest of France and Europe that Turkey consolidate its evolution towards openness and modernity" by carrying out the terms for EU accession agreed at the Nice Summit for Turkey "to move towards greater democratisation and respect for human rights".⁵¹⁵

Jean Pierre Blazy in arguing why parliament is the correct venue to confront state denial stressed the universality of republican values: "It is also a mission of France to tend towards universality. The authors of the Declaration of the Rights of Man and of Citizens in contrast to the American Constitution offer a bill of universal scope". According to Blazy recognition of the genocide would encourage Turkey to evolve into a state that respects human rights "because France is proud of the founding ideals of the republic, we must continue to carry our message of freedom, justice and truth".⁵¹⁶

Patrick Devedjian followed on from the UMP deputy Roland Blum who alleged that behind the economic argument lurked "the sale of armaments which are used by the Turkish army to trample on the human rights of the Kurdish people and to occupy Cyprus". Devedjian echoed this allegation adding that the arms often

⁵¹⁴ *ibid.* p2

⁵¹⁵ *Ibid.* p3-4

⁵¹⁶ *Ibid.* p17-19

subsidized by international aid “serve to create new victims in a country where half of the population live under martial law”. Devedjian explained why the legislation was necessary to change Turkey’s behaviour: “there has never been in Turkey something comparable to de-nazification. Only the international community is able to create the cultural shock necessary for change”. Devedjian then went on to outline in detail France’s historical relationship to the Armenian genocide. He touched on three main areas: France as cosignatory to the Joint Memorandum with Britain and Russia of 24th May 1915 holding the government of the Ottoman Empire responsible for these “new crimes against humanity and civilisation”, French obligations to the Armenian refugees who put on French uniforms to fight against the united forces of Germany and Turkey in the region” and to the fact that “from 1916 to 1921 France militarily occupied Cilicia” and the French were later “entrusted with a mandate for Cilicia as for Syria and Lebanon”. On this latter point he emphasized French involvement that “it is a matter of events in which our country was an actor and witness”. And that it does not only concern Armenian history but French history as well: “it is not a matter of speaking about history but coming to terms with the history of France and the commitments our predecessors made”.⁵¹⁷

The debate reached a successful outcome because the Assembly had previously passed a bill recognising the Armenian genocide in 1998; in addition, the fact that the Senate had passed an equivalent bill in 2000 recognising the Armenian genocide meant that the Assembly could now progress to passing a similar bill to the one passed in 1998 without fearing that it would be defeated in the Senate. Although the French government had expressed concerns about how passage of the law would affect France’s geopolitical interests in the Mediterranean, Middle East and Caucasus there was sufficient weight of legislative opinion in support of the legislation both in the Assembly and the Senate to overcome these concerns and vote for the legislation. Two issues were raised in this debate which would feature in future debates. One concerned the constitutionality of the legislation raised by Christian Estrosi while at the same time dismissing it: “one fallacious debate has risen up over the constitutional inability of Parliament to judge the atrocities committed by the Ottoman Empire” Roger Mel and Roland Blum brought up the issue of criminalising denial of the Armenian genocide with Roland Blum stating explicitly “once this bill is passed and signed into law I hope that nothing will prevent the later modification of the law of 13th July 1990, the Gayssot law in order to cover denial of all genocides, including the Armenian genocide. Once legislation to recognise the Armenian genocide was unanimously passed by the National Assembly, the Armenian campaign became focused on legislation to criminalise denial of the genocide.

The debate over recognition highlighted a number of key arguments. Those supporting the legislation highlighted five main points. Firstly, the legislation would promote French Republican values; secondly France politically had to have the law because of its responsibility at the time and to the Armenians; thirdly, unlike the Germans the Turks have not taken responsibility for the genocide therefore France had to do it for them; fourthly, there was a need to have consistency with the Gayssot law; fifthly, it was necessary to heal the suffering of the Armenian

⁵¹⁷ Ibid. pp9-11

population in France. Those opposing the legislation employed three key arguments; firstly that the legislation would hinder academic freedom; secondly, the legislation would have an impact on civic harmony; thirdly, the legislation would have an adverse effect on France's geopolitical interests. A number of these arguments would be subsequently employed in later debates over legislation on the Armenian genocide.

Towards Legislation against Denial

There were a number of parties for and against initial legislation to criminalise denial of the Armenian genocide. The Armenian Socialist "Dashnaksoutioun" party were the main campaigners for the legislation primarily supported by the French Socialist party who introduced the legislation in the National Assembly in 2006. Opposed to the legislation were the Turkish lobby of Business, Trade Union and Employers and the Turkish pressure group COJEP (previously Young Turks of Belfort) with the prominent political muscle provided by the Turkish government. The legislation was also strongly opposed by a large number of French academics. Besides the Socialist party the other political parties appeared to be divided on this issue while the governing UMP party, although on the whole, opposed had among its ranks the most vocal supporter of the legislation in the Assembly, Patrick Devedjian. We will now examine the stated positions of these various groups on this legislation and how we can interpret them in the context of the issues outlined at the beginning of the chapter.

The Armenian Dashnaksoutioun represented by its President Mourad Papazian put the bill in the context of republican values as one of enforcing the law, granting equality of French citizens before the law while not infringing the freedom of historians to conduct their research.⁵¹⁸ Firstly, Papazian stated: that after trying to litigate against deniers under the 2001 law recognising the genocide they had decided to push for this legislation because: "Denial is a crime and in order to punish this crime it is necessary to have a law such as the Gayssot law, which punishes denial of the Holocaust". As for equality of French citizens before the law he argued: "We cannot accept those who deny the Holocaust and there is a law for this. In the same way we want a law to punish deniers of the Armenian genocide because it is also unacceptable". "The bill protects all French citizens against denial". Addressing the issue of whether the bill infringes freedom of inquiry Papazian dismissed this argument as irrelevant "since the Armenian genocide has already been recognised by historians....who confirm the events as genocide....And the 2001 law was not enacted before proof of genocide". When the bill introduced in the Assembly in 2006 was passed the Armenian government welcomed the passage of the bill by invoking republican values, when Armenian Foreign Minister Vartan Oksanian stated "The passage today by the French National Assembly of this bill is a natural continuation of the constant defence and on principle of human historic rights and values by France".⁵¹⁹

⁵¹⁸ Mourad Papazian president du FRA dashnaksoutioun: « une proposition de loi indispensable » http://www.parti-socialiste.fr/tiki-index.php?page=060518_armenieitwpapazian

⁵¹⁹ Génocide Arménien : Erevan se félicite du vote des députés français
Dossier provided by Bureau Français de la Cause Arménienne

The Turkish government opposed this legislation by invoking both geopolitical reasons and French republican values. According to Prime Minister Erdogan the issue was for Turkey and Armenia to resolve and France should not have interfered. It was Turkey's aim to resolve this issue by establishing a joint-commission of historians from both countries to examine the facts of the issue" The proposed French legislation, according to Erdogan clashed with French republican values of "freedom of thought and speech".⁵²⁰ There were also practical legal reasons why the legislation would be problematic for the Turks since they raised the scenario of whether a Turkish official or academic visiting France repeating the Turkish official line on the genocide: "Would they be arrested?" Both the Turkish lobby of business, trade union and employers associations and the Turkish pressure group COJEP in letters and press releases respectively opposed the bill on the republican principle of its restriction on academic freedom. On this point the lobby stated "if it was passed, such a law risks preventing all subsequent debate among historians wishing to clarify the responsibilities of the parties in these tragic events "... it is up to historians and not to national political institutions to establish the truth".⁵²¹ While COJEP stated "We think the law is going to hide the reality for many years and restrict freedom. We do not want politicians transformed into judges."⁵²² Both the lobby and COJEP addressed the geopolitics of Turkish-Armenian relations where the lobby declared that the historical commission was needed to allow "Turks and Armeniansto move beyond their present bitterness and look forward to the future". and COJEP were more explicit of the effect of the bill on relations between Turks and Armenians both internationally and within France: "The bill supported by the Socialist party will poison these relations when initiatives for rapprochement and for dialogue are necessary now more than ever"... We think this is going to poison relations between French citizens of Armenian and Turkish origin". In contrast to this negativity, COJEP invoked a republican ideal where Armenians and Turks would need to "build a common project which is a France of diversity within a multicultural Europe".

On the one hand, the French government in opposition to the Socialist party framed its arguments against the legislation in the context of geopolitical interests and existing French law. On the other hand, the Socialist party tended to invoke French republican values to support the legislation although it did make acceptance of the Armenian genocide an "inviolable element" for Turkey's accession to the EU. The government opposed the bill "because it would weaken French influence not only in Turkey but in the entire region".⁵²³ According to the government France already had laws to combat hate crimes". For Socialist deputy Christophe Masse these sanctions were not sufficient to prevent a rise in community tensions. Masse also challenged the view that the proposed legislation would infringe free speech "if the legitimacy of Parliament to write history could be contested, it could not be

⁵²⁰ Erdogan: une loi française pénalisant la négation du génocide arménien nuirait aux relations franco-turque
Tuesday 9 May 2006 in dossier provided by Bureau Française de la Cause Arménienne

⁵²¹ Letter dated 5th May 2006 from Turkish organisations to the French press

18 Mai: Campagne du lobby turc dans la presse française in Dossier provided by Bureau Française de la Cause Arménienne

⁵²² COJEP « Question Arménienne :18 Mai Journée Noire ! »

<http://www.cojep.com/fr/index.php?action=fullnews&showcomments=1&id=328>

⁵²³ Communiqué de presse Parti Socialiste : Génocide arménien la droite bloque la mémoire
Dossier provided by BFCA

when it was defending the values of the Republic, the first of which was the rights of man". He went on to add that the "law of 2001 had settled the debate about history and memory of the Armenian genocide". In contrast to the Socialist party in the Assembly who appeared to be united on the bill, the governing UMP party appeared split. The Interior Minister, Nicolas Sarkozy had made a number of promises to Armenians on the subject and the UMP deputy, Patrick Devedjian would be one of the strongest advocates for the legislation. He stated that he had been initially opposed to the legislation but a violent demonstration by Turkish activists in Lyon had changed his mind. The President of the UMP in the Assembly Bernard Accoyer appeared to be opposed to the legislation. The UDF's Francois Rochebloine was again a strong supporter of the Armenian cause.

Historians were even more opposed to this legislation than they had been to Gayssot, arguing that it infringed the freedom of academic opinion although with one prominent exception, Yves Ternon who was broadly in favour of laws targeting denial. In 2005 a number of historians had formed a pressure group called "Freedom for History" which drafted a petition which challenged such laws as an affront to republican values. This petition stated "We were a short time ago put on our guard against an official proclamation of truth unworthy of a democratic government". "The exposure of the motives of the new bill revealed the necessity of sanctioning the penalization of denial of the Armenian genocide; this denial would be punished by the same penalizing as denial of the Holocaust. The same measure worsens attacks on freedom of speech. It once again takes teachers hostage; it is appalling".⁵²⁴

In 2006, according to Laura Raim's article on 21-12-2011 in *Le Figaro* "The historians do not want this law",⁵²⁵ "19 historians signed a petition calling for the repeal of the Gayssot law, the law recognising the Armenian genocide, the Taubira law recognising the slave trade as a crime against humanity and the inclusion in school curricula of the positive role of French colonisation. These historians based their opposition on republican values of freedom of academic opinion. "History is not morality. The historian's role is not to excite or condemn, it is to explain". And "history is not an object of the judiciary. In a free state, it belongs neither to Parliament nor to judicial authority to define historical truth".

Various historians had views ranging from strong opposition to a more nuanced approach to such legislation. As one of the signatories of the petition "Freedom for History" Jean Pierre Azema was strongly opposed to the Socialist bill to criminalise denial of the Armenian genocide because it prevented debate: "This bill like all laws of memory is formidable because it tends to impose an official truth which halts history preventing debate". In Laura Raim's *Le Figaro* article three historians: Gilles Manceron, Pierre Nora and Christian Delpite expressed their views on laws confronting denial of genocide and laws of memory in general. These views ranged from accepting that such laws confronting denial might be legitimate with regards to the Holocaust in Gilles Manceron's case in the context of French complicity in the Holocaust and latent anti-Semitism to Pierre Nora's and Christian

⁵²⁴ Communiqué de l'Association Liberté pour l'histoire, 6 mai 2006

⁵²⁵ Laura Raim "Génocide arménien: les historiens ne veulent pas de loi" *Le Figaro* 21-12-2011 <http://www.lefigaro/politique/2011/12/21/01002-201111221ARTFIG005552-genocide-armenie...>

Delpite's stronger opposition to such laws based on the principle of freedom of opinion. According to Gilles Manceron a case could be made for the Gayssot law in France because in France "anti-Semitism is a phenomenon which has deep roots and can still reappear" so "there has to be particular vigilance". Manceron felt that "there does not exist a problem of anti-Armenian racism in France, there does not then need to be laws to protect the society of Armenians. Pierre Nora accepted that "politics must concern itself with the past" but, "it is incumbent upon it to steer the collective memory by commemorations, resolutions, tributes, possible financial reparations". Nora, however, rejected the right of the legislature to interfere with academic freedom of opinion stating "its role is not to make laws which completely paralyse history, which must be left to historians". Christian Delpite was even stronger in his defence of academic opinion. "We are against official history and we feel that it must not hinder the work of the historian. From the moment there is a law, there is a risk of prosecution. History is above all a source for debate and must remain so in a democracy". According to Raim, Pierre Vidal Naquet had shown his disapproval of such laws when he opposed the Gayssot law encouraging the legislature "not to establish an official truth".

Professor Yves Ternon, however, has very different views.⁵²⁶ Professor Ternon responded to this question posed by this author: "Do you believe that politicians are capable of evaluating historical matters or do you believe that these matters must be left to professional historians?" Professor Ternon's personal communication was framed in the context of his understanding of both political realities and the republican value of free academic opinion: "History does not belong to the historians. It is a science consisting in analysing and commenting on events starting with sources whose authenticity has been defined. One also attempts to get closer to historical truth. Once the truth has been established beyond reasonable doubt the politicians like judges, likewise try to establish their political convictions that is to say not to call into doubt the works of the historians. On the other hand, nothing prevents them weighing up the merits of their works". Professor Ternon was even stronger in his response to the question "what impact on the work of historians, do you believe the enactment of legislation which recognises genocide or criminalises denial of genocide has?" Professor Ternon responded "Denial is a crime when it denies the reality of a recognised genocide, that is to say, of an event classified as a specific infraction by international penal law. It is up to the lawyers to debate in each country or in international meetings to oppose it and to appreciate the necessity of imposing sanctions on this crime".

However, Ternon in a separate publication makes a subtle contrast between those writers engaging in Holocaust denial such as Faurisson and legitimate researchers such as Gilles Veinstein, a French academic who caused a controversy when he rejected the use of the term "genocide" to define the fate of the Armenians at the hands of the Young Turks.⁵²⁷ Veinstein had rejected the use of this term after consulting the Ottoman archive in Turkey. In an article in the French magazine *L'histoire* in April 1995 although he did not deny that a crime had been committed against the Armenians he had refused to describe it as genocide "judging that the pre-meditation and planning of genocide by the Ottoman authorities had not been

⁵²⁶ Ternon response to questionnaire submitted by author

⁵²⁷ Yves Ternon *Du Négationnisme et Tabou* 49 (1999)

irrefutably established". The controversy caused by this article had consequences for Veinstein when he was consecrated into the College of France, but only narrowly. This is despite the fact that he was supported in his candidacy by the authorities on genocide denial, Jean Pierre Vernant and Pierre Vidal Naquet.⁵²⁸ Ternon offers an insight why these genocide scholars would have supported this candidacy. According to Ternon, Faurisson and Veinstein are different because "while the same techniques are used, if Veinstein like Faurisson, attempts to sow doubt in the readers mind by using the same line of argument, the motives are different. One should not draw a parallel between a neo-Nazi who denies the Jewish genocide to prepare the return of this monstrous political system and a researcher working in a specific environment where he must humour those granting him access to his sources and who feels constrained to adjust the historical truth, in so far as he truly perceives it and is not misled by such an environment".⁵²⁹

The Legislative Debates in 2006

The lead up to the first debate of the bill was fractious. In December 2005 signatories of petition "Freedom for History" met with those responsible for the bill from the respective parties in the Assembly. On 17th April 2006 Bulent Arcic, President of the Turkish Assembly wrote to Jean Louis Debre, President of the French National Assembly to avert the consequences "which could occur with the passage of the bill". Prior to a scheduled debate on the bill on 18th May 2006 COJEP planned their campaign on 2nd May. On the same date Turkey warned France that passage of the bill "will have irreparable consequences". On 3rd May a meeting was held at COJEP headquarters between representatives of the Turkish associations and the Socialist party. COJEP would later publish a press release stating they intended to demonstrate in front of the National Assembly on the day of the debate. On 5th May several Turkish associations published a letter in a number of French daily newspapers asking French deputies not to vote for the bill. On 5th May an e-mail was sent to French deputies questioning their right to pass such a law. On 7th May Bulent Arcic declared that a Turkish parliamentary delegation would lobby the French parliament in opposition to the bill. On 8th May Turkey recalled its ambassadors to France and Canada for consultations. In a letter dated 8th May the French Chamber of Commerce in Turkey wrote to President Chirac to ask him to intervene to avoid passage of the bill. On 9th May the spokesman for the Socialist Party, Julian Dray declared that recognition by Turkey of the Armenian genocide was "one of the inviolable elements for Turkey's accession to the EU. On 9th May Turkish PM Erdogan told managers of French businesses in Turkey that he expected them to campaign against the bill. In a letter dated 10th May to the French newspaper *Liberation* 9 Turkish intellectuals appealed to French deputies not to vote for the bill. On 18th May the debate in the Assembly lasted 45 minutes without a vote as the President of the Assembly Jean Louis Debre closed the session due to lack of time, an action which aroused accusations of political games playing from all sides.

During the first debate in the Assembly the number of prominent speakers included Socialist deputies Christophe Masse and Daniel Miguad, UMP deputy

⁵²⁸ Phillippe Jean Catinchi "Gilles Veinstein, historien, spécialiste de l'Empire ottoman " *Le Monde* 12.2.2013

⁵²⁹ Ternon *Du Négationnisme et Tabou*

Roland Blum who continued from the earlier debate in 2001 to be a strong advocate for the Armenian cause, and the French Foreign Minister Philippe Douste Blazy. A number of themes arose during the first reading of the bill in a fractious session in the National Assembly, on 18th May 2006, which would be followed by a second debate in October. The first theme is an ethical one of promoting justice by ensuring that the Armenian genocide and the Holocaust would be treated equally under French law. Assemblyman Christophe Masse proclaimed to the Assembly that criminalising denial of the Armenian genocide would make the victims of the Ottomans in 1915-16 equal with those victims of the Holocaust in law.⁵³⁰ “By adopting this bill, the National Assembly would confirm its commitment to justice and democracy. By making this strong gesture, it will help ease the unhealthy rivalry that exists among victims of [various] genocides and that is fuelled by their inequality before the law”.⁵³¹

The second theme concerns what constitutes valid history and, consequently, if a version of history endorses denial in its narrative how should one confront it to avoid being complicit in its denial? These questions were addressed by Assemblymen Blum and Miguad. Pro-government legislator Roland Blum complained that neither Turkish government officials nor Turkish historians were prepared to come to terms with their past: “Turkey has not relinquished its nationalism. It has not relinquished Turkism, which served as an ideology for [the 1915] ethnic cleansing. It has no plans to recognise the Armenian genocide, quite the contrary. In 2005, the Faculty of Medicine in Istanbul has asked [Germany] permission to repatriate the remains of Dr. Behaddin Shakir, the ideologue of the genocide so that they be officially returned [in Turkey] probably next to Talat Pasha, the man who who organized the [Armenian] genocide and who has his own mausoleum [there]”.⁵³² Miguad stated: “After we recognised the [Armenian] genocide, could we possibly accept that its denial goes unpunished on our territory? By accepting that, wouldn’t we relinquish our obligation to remember? Wouldn’t we be a party to censorship? Wouldn’t we more simply accept an official history that was written by those who refuse to recognise not merely a historical reality, but also a historical truth?”⁵³³

The third theme revolves around who can contribute to evaluating history. Can politicians responsibly engage in this debate or must it be left to historians? According to French Foreign Minister Philippe Douste Blazy this should be left to historians: this legislation would in his view interfere with the principles of academic research and hinder the work of historians: “You then agreed that it was up to historians – and historians alone – to establish the truth on past events and shape our collective memory. It seems to me that by attempting to back away from this rule of common sense the Assembly again runs the risk of seeing the legislature interfere in the writing of national history”.⁵³⁴

⁵³⁰ Jean-Christophe Peuch “Armenia: French Lawmakers Debate Sensitive Genocide Bill” <http://www.rferl.org/featuresarticle/2006/05/3c4558a2-0734-417a-ae4-64ecbcc0abd8.html>

⁵³¹ *ibid.* p1

⁵³² *ibid.* p2

⁵³³ *ibid.* p1

⁵³⁴ *ibid.* p2

The debate was suspended early because UMP members used obstructive tactics to delay the vote. It was subsequently reported that the Government had not wanted the bill voted on. The bill was thus postponed until the next Socialist “niche” in October. On 3rd October Jean Marc Ayrault challenged the UMP deputies to vote for the bill, which was to be debated on 12th October. Prior to Ayrault’s statement in the lead up to the second debate on the bill, President Chirac visited the Armenian capital, Yerevan, and made a statement on the question of the Armenian genocide on 30th September 2006. According to Reuters, cited by Elizabeth Pineau writing for *Liberation*, President Chirac raised the issue of Turkish recognition of the Armenian genocide in the context of the politics of EU accession.⁵³⁵ Chirac stated: “it is necessary that Turkey recognises the Armenian genocide before it accedes to the European Union”. Chirac claimed this would have a positive effect citing the effect which acceptance of responsibility for the Holocaust had on Germany. “Every country which recognizes its tragedies and mistakes grows stronger”.

Chirac by making the statement had gone further than the European Commission which had not made Turkish acceptance of responsibility for the Armenian genocide a precondition of accession to the EU. Chirac, however, was critical of the bill introduced by the Socialists to criminalise denial of the Armenian genocide. Chirac called the bill provocative since “there was already a [French] law which imposes sanctions on hate crimes and racial violence”. Chirac’s statement was welcomed by among others, UMP deputy, Patrick Devedjian, who had accompanied Chirac on his trip to Armenia. French Interior Minister, Nicholas Sarkozy also welcomed Chirac’s statement, declaring “I believe he understood the French consensus on the matter given at the referendum on the European Union in May 2005”. In response to Chirac’s statement a number of Turkish politicians warned the French National Assembly not to approve the bill, according to Angelique Chrisafis in her *Guardian* article dated 11th October 2006.⁵³⁶ On 3rd October a Turkish parliamentary delegation arrived in Paris to lobby the French parliament. On 6th October the Turkish Foreign Ministry warned of “negative consequences for France’s economic interests in Turkey. On 8th October Turkish Foreign Minister Abdullah Gul warned that “France could see its economic projects in Turkey threatened” and had already informed his French counterpart. The French Chamber of Commerce in Turkey sent a petition to the French deputies to ask them not to vote for the bill. The Turkish Prime Minister, Recep Tayyip Erdogan, called the bill a “systematic lie machine” and also stated that France should look at its own colonial past before passing judgement on other countries’ histories. Previously, the Turkish government had also recalled its ambassador to Ankara when the bill was first introduced in May 2006. A number of Turkish politicians also threatened trade sanctions against France and introducing their own law criminalising denial of the genocide in Algeria under French colonial rule.

⁵³⁵ Elizabeth Pineau « Chirac relance le débat sur Turquie et le génocide arménien » *Liberation-fr(Reuters)* Samedi 30 Septembre 2006

http://www.liberation.fr/actualite/reuters_france/207810.FR.php?rss=true

⁵³⁶ Anglique Chrisafis “Turkey warns France over Armenian genocide bill” *The Guardian* October 11, 2006
<http://www.guardian.co.uk/world/2006/oct/11/turkey.eu>

The second debate covered some of the same ground as the first debate but expanded upon a number of the issues in greater detail.⁵³⁷ In order to understand why the French Assembly had become involved in the issue of the Armenian genocide three significant reasons can be given, which also frame the terms of the debate in the French National Assembly on criminalization of its denial. The politically active French Armenian community has brought this issue to prominence in French politics. France has a tradition of thinking of itself as moral exemplar for other states to emulate. Finally, France has had a longstanding geopolitical relationship with this issue. The immediate reason why this bill was being debated was ostensibly the threat to civil peace represented by denial. A demonstration by Turks in Lyon was given as justification by the most important speaker in the debate Patrick Devedjian for changing his mind about the need for this legislation to criminalise denial of the Armenian genocide. He was most actively opposed by deputy, Michel Piron, who defended the right of academics to be left free to conduct their research without the interference of the law. Catherine Collona the Minister Delegate for European Affairs represented the government. A number of themes were raised in the debate in which these speakers were to the fore.

The first of these concerned French society's relationship with its internal Muslim "other" framed by the issue of laicite played out in the struggle between two minority groups: Armenians and Turks. Arguably, the tensions between Armenians and Turks reflect wider tensions between the French majority and the Muslim minority where the Armenians, as Christians, and as a relatively assimilated and accepted minority group act as a proxy for French society as a whole. These tensions have given rise to the resolution which according to Patrick Devedjian, a French Armenian representing the governing UMP party, was a response to the denial of the Armenian genocide by Turkish militant organizations and to the desecration by militants of monuments in France commemorating the Armenian genocide. Devedjian argued that the main motivation for introducing the bill was "to maintain the peace" and that the bill provides the legal basis to prevent disturbances.⁵³⁸ However, arguably, this resolution over the Armenian genocide could be also be interpreted as an attempt to manage relations with a fractious minority on this issue, the Muslim Turkish immigrants. One parliamentarian, Andre Santini highlighted the contrasting perception of the Armenians as a model community by citing the contribution Armenians had made to France, fighting for France during the First World War and in the resistance.

The second theme addresses the ambivalence between the promotion of French republican values with the protection of its strategic interests in its relationship with an external Muslim "other" in the form of Turkey and the threat posed to France's geopolitical interests within the EU by Turkey's putative accession. French President Jacques Chirac's call for Turkey to accept responsibility for the Armenian genocide before accession could be interpreted in Turkey as disingenuous. The position taken by French government officials in the legislative debates, however, urged the Assembly members to vote against the resolution conscious of France's relationship with the wider Muslim world and Turkey's importance in this context. In the second debate Mme. Colonna the

⁵³⁷ "Assemblée nationale Compte rendu analytique officiel" 1ere Séance du Jeudi 12 Octobre 2006
<http://www.assemblee-nationale.fr/12/cra/2006-2007/012.asp>

⁵³⁸ *ibid.* pp4-5

Minister Delegate for European Affairs outlined the French government's position, which could be summarised by three main points. First, there was already a law recognising the Armenian genocide, therefore there was no need for a new law. Secondly, passage of the law would be counterproductive to Turkey coming to terms with its history. Thirdly, it should be left to historians not legislators to "illuminate" [evaluate] history. It is not up to the law to write history.⁵³⁹ France's "civilising mission" was repeatedly emphasized in the debate. A number of speakers Frederic Dutoit, Marland Militello and Lilian Zanchi emphasised French republican values but Dutoit was the most succinct as he argued that the mission of France was to uphold Enlightenment values, which the bill would support.⁵⁴⁰

The third theme traces the relationship between politics, historical research and the law in French public life. A major concern about the bill expressed in the debate was that it had the potential to hinder academic freedom both on enquiry into the Armenian genocide and academic enquiry in general. Michel Piron argued that the bill would undermine freedom and hinder the work of historians to the point of encouraging dictatorship: "In a free country a parliament does not define what is historical truth; when history is dependent on the law it encourages totalitarianism".⁵⁴¹ The danger of emulating Turkish legislation restricting academic freedom was addressed by Patrick Devedjian, who had been alerted to the risk by Turkish Armenian journalist Hrant Dink (subsequently murdered outside his office by a Turkish nationalist). This was the motivating factor for Assemblyman Devedjian's amendment to exclude academic and scientific work from the scope of the legislation. He defended his approach by drawing a distinction between scientific work and propaganda. "To be legally consistent, scientific work obeys specific legal criteria resting necessarily on honest intellectualism when a historian engages in propaganda he must be controlled".⁵⁴² Devedjian later made a more specific point about historical enquiry: "reputable academic work has to obey certain criteria. Academic work has to be intellectually honest and objective by presenting opposing arguments. Just because one is an academic does not mean one cannot be a denier".⁵⁴³

Another point which should be stressed is that it is also significant that the debate emphatically did not follow party lines. In fact, there appeared to be a consensus in favour of the bill as some members of the governing party appeared to support the bill aligning themselves with the Socialists. Indeed, the main supporter of the bill in the second debate was perhaps, unsurprisingly, Patrick Devedjian, French Armenian assemblyman from the governing UMP party. This cross party consensus was the main reason for the successful passage of the bill. Even though the Socialists introduced the bill the fact that Patrick Devedjian, close advisor to Nicolas Sarkozy, was the strongest advocate for the legislation is significant. His arguments largely carried the day and built on the arguments already made by the Socialists in the previous debate and were bolstered by the already existing Socialist support for the legislation.

⁵³⁹ <http://www.ambafrance-uk.org/Catherine-Colonna-explains.html>

⁵⁴⁰ *Assemblée nationale Compte rendu pp3-4*

⁵⁴¹ *Assemblée nationale Compte rendu pp 8-9*

⁵⁴² *ibid. p15*

⁵⁴³ *ibid. p15*

After all the representatives wishing to speak had spoken the Assembly moved to vote on the legislation. The Assembly passed the bill by 106 for and 19 against with four abstentions.⁵⁴⁴ After the bill passed the Assembly, the French Senate was supposed to debate the bill; however, the French Senate took the bill off their agenda in February 2007. The reason why the Senate took the bill off the agenda was the opposition of the French government. Since the presidential and legislative elections were scheduled for April to June 2007 the new National Assembly would have to hold a second vote to place it back on the legislative agenda.⁵⁴⁵

In the debates in 2006 over legislation to criminalise denial of the Armenian genocide five key arguments were made in support of the legislation while a similar number of points were made against. The arguments in support of the legislation were firstly, that legislation on the Armenian genocide would establish equivalency with the Gayssot law on the Holocaust; secondly, that after recognising the Armenian genocide if the French authorities tolerated denial of the genocide they would be complicit in that denial; thirdly, that the legislation was needed to maintain public order; fourthly, the legislation did not infringe academic freedom but targeted state propaganda; however, it did require academics to be true to their responsibilities; fifthly, the legislation promoted French republican values particularly those of the Enlightenment and endorsed France's civilising mission. The arguments employed against the legislation were similarly vigorous: firstly, that evaluation of history should be left to historians; secondly, the law would hinder academic freedom; thirdly, the law would seriously harm France's strategic interests; fourthly, the law recognising the Armenian genocide already existed so there was no need for more legislation; fifthly, the law would prevent Turkey from coming to terms with its history. These arguments would be made again with subtle differences as legislation on the Armenian genocide would once again be on the agenda.

The 2011 Senate debate

The bill to criminalise denial of the Armenian genocide was stalled for almost five years. It had not been put on the Senate agenda ostensibly due to opposition from the government. In May 2011 a group of Senators, primarily composed of Socialists introduced a bill with similar language to the bill passed by the Assembly in 2006. It was duly debated on 4th May 2011. The debate in the Senate was more concerned about how this legislation would affect freedoms guaranteed by the Declaration of the Rights of Man, principally free speech, and the application of the law under the 5th Constitution. There were six prominent speakers in the debate. Michel Mercier, Jean Jacques Hiest president of the law committee, Robert Badinter, a UMP Senator, former Justice Minister and member of the Constitutional Council, and the Socialist Senator Bernard Piras. Of these speakers, Bernard Piras was a vocal supporter of the legislation while the other speakers were opposed.⁵⁴⁶

Jean Jacques Hiest based his opposition to the bill on three grounds. The bill was legally imprecise since it did not satisfy the precise definition necessary for

⁵⁴⁴ *ibid.* p18

⁵⁴⁵ Joshua Pantesco "France Senate Ducks Armenian genocide bill" *Jurist Legal News & Research*
<http://jurist.law.pitt.edu/paperchase/2007/02/france-senate-ducks-armenian-genocide.php>

⁵⁴⁶ Séance du 4 mai 2011 "Repression de la contestation de l'existence du genocide armenien

penal sanctions to be applied. The bill was not underpinned by international decisions. The crimes against humanity relating to the Armenian genocide have not been established by any international judgement unlike the Gayssot law which rested on the Nuremberg Tribunal and the Convention of London of 1948. Thirdly, the bill infringed freedom of speech protected by the Rights of Man. Mercier drew upon a decision reached by the European Court of Human Rights, which had based this decision on the European Declaration of Human Rights which was in turn derived from the French Declaration of the Rights of Man. The Court had ruled that there exists proportionality between obstructing free speech and its protection.⁵⁴⁷

Jean Jacques Hiest gave the reasons for the law committee's rejection of the bill based on the principles of the Constitution of the 5th Republic: "The law committee of the Senate rejects the bill on the grounds of inadmissibility because it is contrary to two Constitutional principles that of the legality of crimes and their punishments and that of law and freedom of speech and opinion". According to Hiest the legislation infringed the Constitutional principle of the illegality of crimes and the legality of their punishments on a number of grounds: the lack of an international legal precedent: The Armenian genocide had been perpetrated prior to the Convention of 1948 and its authors (perpetrators) had never been judged. Although the genocide was recognized by France at the Treaty of Sevres, this treaty was never ratified. It also lacked a precise legal definition: "On a strictly legal basis there does not exist a precise definition to testify in law to acts constituting this genocide and the individuals responsible for its perpetration". And that "contestation of genocide" was too broad. According to Hiest "the meaning of 'contestation' is broader than denial and creates a problem [because] it can encompass the methods (means) and the scene of the events without denying their existence (reality)". This poses a problem because "the Constitutional Court demands that an offence should be defined in a precise way of a type that can be adjudicated on by a judge and not open to arbitrary criticism (be open to interpretation)".

The law committee also believed that the legislation infringed the republican principle of free speech. According to Hiest this bill infringes free speech "which cannot be restricted to protect other rights and freedoms equally recognized by law. Still it is necessary that restrictions should be appropriate". In contrast to this law, according to the committee, the Gayssot law is appropriate because it prevents the resurgence of anti-Semitism. According to Hiest, French Armenians have not suffered from anti-Armenianism in the same way that French Jews have suffered from anti-Semitism. The bill was also too specific "The creation of a specific incrimination such as that planned by the bill exceeds restrictions commonly accepted to justify infringing free speech"⁵⁴⁸

Robert Badinter also opposed the legislation on Constitutional grounds since according to Badinter, one cannot extend the powers of Parliament beyond that which the Constitution assigns to it. Badinter cited the argument made by the most senior member of the Senate, Vedel, in his opposition to the 2001 law. According to Badinter, Vedel's main point was that the separation of the legislature and the judiciary prevents the legislature from qualifying (evaluating) historical facts not

⁵⁴⁷ Ibid. p3

⁵⁴⁸ Ibid.

only with regard to article 34, but because this would exceed its competency in international matters and diplomacy. According to Vedel, “It is not serious to proclaim that the legislature is sovereign that Parliament holds or can confiscate all competencies which can be exercised in the name of the state. One such heresy would be to conflict with constitutional democracy, which does not allow within the competency of the legislature that which belongs to the government or that of the judges”.⁵⁴⁹

Bernard Piras challenged the opponents of the legislation; addressing each of their objections in turn on the basis of free speech as well as the argument that there did exist a precedent for judging the Armenian genocide. Piras, first, argued that the motion of inadmissibility infringed the free speech of Senators and that the real motivation of the government to oppose the legislation was to protect French economic interests in Turkey. Piras outlined a number of reasons to support the legislation. First, there were insufficient legal sanctions to penalize (denial of the Armenian genocide) Article 1382 of the Civil Code cannot be the basis of penal sanctions. “The TGI (Court of First Instance) Paris judged in 1995 that until the legislature defined denial of the Armenian genocide as a criminal offence, it was not within the jurisdiction of the judiciary to condemn these acts of denial”. According to Piras the bill did not qualify historical facts it only targeted denial which is a substantial component of genocide. On the question of a lack of legal precedent according to Piras there did exist a body of law on the Armenian genocide “invested with judicial authority” that the bill could rest on. The 1919 Court-martials, the joint declaration by France, Britain and Russia in 1915, the treaty of Sevres, the resolution of the European Parliament of 1987 and that of the Council of Europe in 1998 and the decision by the Federal Court of Argentina that the Turkish government committed genocide against the Armenians. Piras challenged the claim that the legislation infringed free speech. According to Piras the Gayssot law settled this question and there exists now inequality between the Holocaust and the Armenian genocide – he asked if there was a hierarchy of genocides. The existence of sanctions against Holocaust denial has not prevented academic work on the Holocaust. To support his argument Piras cited a decision by the Council of the European Union: “The Council of the European Union in 2008 made a decision that each member state in the Union must take “the necessary measures to see to it that they should punish apology, denial or gross public trivialization of crimes of genocide, crimes against humanity and war crimes”. According to Piras this shows that the European Union does not believe that penalization of denial is an attack on free speech.⁵⁵⁰

The main argument of Hyst against the legislation covered three main areas; firstly, the legislation was not underpinned by international decisions; secondly the legislation was legally imprecise and thirdly, the legislation was unconstitutional since it infringed freedom of speech. In rebuttal, the key arguments made by Piras in support of the legislation can be summed up in four main points; firstly, the bill filled a gap in the law to prevent denial of the Armenian; secondly, the legislation did not infringe freedom of speech since it did not evaluate historical facts but targeted denial; thirdly, the legislation was underpinned by various international

⁵⁴⁹ Ibid p8

⁵⁵⁰ Ibid. p10

decisions which he listed and fourthly, the legislation settled the question of inequality between treatment of the Holocaust and the Armenian genocide.

The reason the legislation was defeated in the Senate was ostensibly due to Constitutional reasons as it was defeated on a “priority question of [constitutional] inadmissibility”, since the law committee of the Senate had regarded it as unconstitutional and had advised the Senate to vote against it on these grounds. Arguably, there was a stronger reason for its defeat. The Government opposed the legislation and the Senators from the governing UMP party largely voted for the motion to defeat the bill as constitutionally inadmissible. What is revealing is that when the Government changed its position on legislation of this nature and one deputy of the governing party introduced her own legislation at the turn of the year, the bill passed all the legislative hurdles.

A New Bill Is Introduced

In December 2011 Valery Boyer a UMP deputy introduced a new bill to criminalise “the contestation” of all genocides recognised by France soon after President Sarkozy on a visit to Erevan promised to tackle denial of the Armenian genocide if Turkey would not recognise it. There was again an electoral backdrop to this legislation as it was introduced in the lead up to a new French presidential election in May 2012. Sarkozy’s commitment in Erevan to go further than Chirac in promising to tackle denial of the Armenian genocide with the upcoming presidential elections and the need to secure Armenian votes must have been significant factors in explaining why the government had gone from delaying the Socialist legislation on denial for five years and then putting its support behind its own governing party’s legislation. Ostensibly, according to Government Minister for Parliamentary Affairs Patrick Ollier the bill was designed to fill a legal hole where denial of one genocide recognised by French law, the Holocaust, is penalised while the other genocide recognised by French law, the Armenian genocide, is not. Valerie Boyer and Patrick Ollier were passionate advocates of the legislation in the debate supported particularly by Francois Puppe Michel Diefenbacher, president of the France-Turkey friendship group was their strongest opponent, who was supported by Jean Luc Reitzer.⁵⁵¹

A number of speakers in the debate highlighted the geopolitical role of Turkey in the Middle East and Mediterranean including Patrick Ollier, who stressed the strategic partnership that France had with Turkey that would survive the tests imposed by this legislation: “The Government wishes to recall its conviction that our common strategic interests, our cooperation for peace and freedom in Syria and Afghanistan, our common membership of NATO to the G20, our cultural and economic cooperation are sufficiently strong to overcome the tests which confront our relations”. Renaud Muselier stated that “we need a strong nation in this region of the world, on our borders as a gateway between East and West”; however, he argued that since “Turkey had courageously condemned the Libyan regime and the conflict in Syria it should accept responsibility for the Armenian genocide” and “it

⁵⁵¹ Assemblée nationale xiii législative session ordinaire de 2011-2012 compte rendu intégral Séance de Jeudi 22 Décembre 2011

<http://www.assemblee-nationale.fr/13/cr/2011-2012/20120094.asp>

would be strengthened by recognising its history".⁵⁵² Michel Diefenbacher, president of the France-Turkey friendship group warned that this legislation would have serious consequences in the Middle East: "In this strategic region so sensitive and so fraught nobody has an interest in fanning the flames. Nevertheless that is what the authors of the bill...are doing".⁵⁵³

Francois Pupponi read out the same article xi differing only by reading according to this declaration that this freedom of opinion could be exercised "except in response to the abuse of this freedom in cases determined by law." Pupponi argued that the first article of the legislation which penalised "the contestation of all genocides recognised by French law" in light of the fact that there were daily obvious threats to public order with regards to denial of the Armenian genocide it allowed them to be consistent with their founding principles.⁵⁵⁴ When Patrick Ollier on behalf of the government defended the legislation in the Senate, he used this argument to frame the government's position on the legislation. The threat to public order represented by denial of the Armenian genocide would be challenged by opponents of the bill who would compare it to the threat presented by Holocaust denial Jean Luc Reitzer invoked specific articles of the Rights of Man and claimed that it infringed articles x and xi of the Declaration of the Rights of Man concerning freedom of speech in which article x stated "nobody must be disturbed for their opinions or religion as long as their practice does not disturb public order" and article xi stated "the free communication of thoughts and opinions is one of the most precious rights of man, every citizen can then speak, write, print freely save from abuse of this freedom/" arguing that these conditions were not met.⁵⁵⁵

Michel Diefenbacher was one of the speakers who challenged the legislation on this basis and on the constitutionality of it in terms of the Constitution of the 5th Republic. Diefenbacher quoted Robert Badinter's argument that the law of 2001 on which the current legislation rested on was unconstitutional in Badinter's words "because obviously Article 34 of the Constitution does not allow Parliament to pronounce on an historic event". Diefenbacher argued that "on the incompetence derived from Article 34 we cannot add the violation of the principle of the separation of powers which is a major foundation of our public law and the primary protection of our freedoms". In his view the Gayssot law was justified "because Nazi crimes had been qualified by judges [at Nuremberg] that the intention of the legislature had been legitimized." According to Diefenbacher this was not the case for the Armenian genocide. Michel Diefenbacher, drew upon France's complicity in the Holocaust to challenge the legislation "Would Jacques Chirac have recognized the responsibility of the French state in the deportation of the Jews if he had been ordered to do so by a foreign power".⁵⁵⁶

The arguments in favour of the legislation highlighted four key points: firstly, the legislation would maintain public order; secondly, the legislation was compatible with the Declaration of the Rights of Man which permitted sanctions against the abuse of freedom of expression; thirdly, the legislation would not harm France's

⁵⁵² *ibid.* p7

⁵⁵³ *Ibid.* p21

⁵⁵⁴ *Ibid.* p26

⁵⁵⁵ *Ibid.* p36

⁵⁵⁶ *Ibid.* p21

geopolitical interests and fourthly, the legislation was not a memory law to fill a legal void between treatment of the Holocaust and the Armenian genocide. Those opposed to the legislation made three key arguments: that the legislation did infringe the Declaration of the Rights of Man; that the legislation was unconstitutional because it infringed the French Constitution's separation of powers; and finally that the legislation would threaten France's strategic interests in the wider Middle East.

There are a number of reasons why the legislation successfully passed in the Assembly. The new legislation was slightly different since it referred to criminalising contestation or "extravagant minimisation" of genocides recognised by French law without explicitly mentioning them by name. Since only two genocides have been recognised by French law, the Holocaust and the Gayssot law already criminalised denial of the Holocaust, the legislation could only by definition target denial of the Armenian genocide. The government claimed that the law was not a memory law but a measure to fill a legal void between the legal treatment of the Holocaust and the Armenian genocide. The simple fact is that though similar legislation had been rejected by the Senate, this time the French government had decided to throw its weight behind the legislation in contrast to previous debates thus encouraging a successful outcome.

The 2012 Debate in the Senate

The legislation was passed by the National Assembly and progressed to the Senate to be debated. Before the Senate debated the bill the law committee of the Senate reviewed the legislation and produced an analysis of the bill. Simultaneously to the law committee producing its report Robert Badinter a former Senator and member of the Constitutional Council, France's highest constitutional court, wrote an article outlining why the law should not be passed, whose observations were cited by both sides of the debate on the floor of the Senate.⁵⁵⁷ His objections were based on the constitutional principles of the 5th Republic and international law as it related to the Holocaust. According to Badinter, France had a connection with the tribunal at Nuremberg as French judges sat on the panel, the judgements of Nuremberg also have authority in France "in contrast to the Armenian genocide where there is no international judgement and it is questionable that the French legislature can compensate for the lack of this judgement". In addition "under the Constitution of the 5th Republic Parliament does not have the competence to interpret history. Only historians have this right and this right is guaranteed by the Constitution." "Under this Constitution Parliament has limits, it cannot substitute itself for a national or international jurisdiction to decide whether a crime of genocide had taken place "

Equally, the proposed legislation posed Constitutional complications. The fact that the 2001 law recognising the Armenian genocide had not been referred to the Constitutional Council had implications for Valerie Boyer's bill. This was partly due to a Constitutional reform. "Since 2008 any one brought before a court can raise a priority question of constitutionality of the law they are being tried under to the Constitutional Council. For the Constitutional Council, if a law submitted to it,

⁵⁵⁷ Robert Badinter "Le Parlement n'est pas un tribunal" *Le Monde* 14-1-2012

<http://www.lemonde.fr/ides/article/2012/01/14/le-parlement-n-est-pas-un-tribunal-par-robert-b>

rests on previous law, which has not been referred to it the constitutionality of the previous law can be questioned before the Constitutional Council.” Consequently, Badinter asks the question “How can French law punish denial of a law that is unconstitutional?” In addition, “the bill passed by the Assembly” did not mention “incitement to hate” which formed the basis of the 2008 European decision., and French law already punishes incitement to hate. According to Badinter, French Armenians still have “legal recourses open to them” and can bring a civil case against deniers. Badinter, in his concluding arguments took a stand that had been previously occupied by historians and the Turkish government. Firstly, after the historians he argued that the “bill would result in the proclamation of official historic truth under the punishment of penal sanctions”. Following the Turkish government he called for “an historical commission to investigate the genocide”.

The analysis of the Senate law committee recommending that the bill be rejected on “an exception of constitutional inadmissibility” made a number of similar points to Badinter based on the republican principles of the Constitution of the 5th Republic, concerning freedoms and their limits. According to the position of the law committee “Parliament cannot set itself up as a court to make history”, and that “commemorations and resolutions are the most appropriate way to express solidarity with victims”.⁵⁵⁸ In the law committee’s conclusions “the bill penalising contestation [of the Armenian genocide] is contradictory to several principles recognised by the Constitution of the 5th Republic: Firstly, the illegality of crimes and the legality of their punishment, the principle of freedom of opinion and expression and the principle of freedom of research”.⁵⁵⁹ The Committee also questioned the “legitimacy of intervention by the legislature in the field of history” given that “the passage of commemorative resolutions probably constituted the best way for the nation to express its solidarity with the victims”. In the committee’s interrogations it quoted Robert Badinter’s view that “Article 34 does not allow Parliament to decide on an historic event”.⁵⁶⁰ This provided the context for the committee’s conclusion that there was a “serious risk that the 2001 law recognising the Armenian genocide could be declared unconstitutional”.⁵⁶¹

Although the Senate law committee recommended rejecting the bill, the legislation still went forward to debate on the floor of the Senate. The debate in the Senate revolved around these questions of these republican principles of the Constitution of the 5th Republic as well as more fundamental principles of the Declaration of the Rights of Man and the impact on French geopolitical interests in the Middle East and the Caucasus as in the Assembly; however, the debate in the Senate had a sharper focus around these themes highlighting more specifically how the legislation affected these issues than the debate in the Assembly. Where the debate focused on republican ideals for supporters of the legislation such as the Minister for Parliamentary Affairs it concerned the limits of freedom more

⁵⁵⁸ « La position de commission des lois »

http://www.senat.fr/les_actus_en_detail/article/penalisation-de-la-negation-du-genocide-armeni...

⁵⁵⁹ “Les Conclusions de la Commission Des Lois”

<http://www.senat.fr/rap/111-269/111-2690.html>

⁵⁶⁰ “Des interrogations sur la legitime de l’intervention du legislateur dans le champ de l’histoire »

<http://www.senat.fr/rap/111-2693.html>

⁵⁶¹ “Les Conclusions de La Commission des Lois”

<http://www.senat.fr/rap/111-269/111-2690.html>

specifically “abuse of freedom of expression” as specified in the Declaration of the Rights of Man. Opponents of the bill such as Jean Pierre Sueur the president of the law committee cited the Declaration of the Rights of Man to support his case, his objections based on the decision of the law committee related more to infringements of the Constitution of the 5th Republic.⁵⁶²

Besides Ollier and Sueur the most prominent speakers in the debate were those against the legislation led by Jean-Michel Baylet of the far left RDSE group, Nathalie Goulet and Ambroise Dupont, President of the Senate France Caucasus Friendship group and for the legislation Philippe Kaltenbach and Sophie Joissains. A number of speakers addressed the geopolitical impact of the legislation. Patrick Ollier outlined the same issues at stake as he did in the debate in the National Assembly. Senators Nathalie Goulet and Ambroise Dupont based their opposition to the legislation on these geopolitical concerns. Interestingly, Nathalie Goulet portrayed the state of Armenia in a similar manner to the way that the Turkish narrative has portrayed Ottoman Armenians where the Turkish narrative has represented Ottoman Armenians as the “disloyal other”, Nathalie Goulet in the Senate debate represented Armenia as hostile to French interests as an “unconditional ally of the Russians and Iranians in the Caucasus”. Nathalie Goulet accused Armenia of virtual ethnic cleansing by placing “a million Azerbaijanis into exile” and that it was “culpable for “massacres” in Nagorno Karabagh against Azerbaijanian” which is according to her a “resolute ally of Europe”. According to Nathalie Goulet this has had geopolitical consequences for France since it has “removed all our credibility in the Minsk group which must find a solution to the war today between Armenia and Azerbaijan”.⁵⁶³

Ambroise Dupont, President of the Senate France-Caucasus friendship group defined the strategic implications of the legislation on France’s geopolitical interests in the region: “Can one today ignore the diplomatic complications for France in a strategic space which extends from the Mediterranean to the shores of the Caspian? If our relations are good and I am confident they are it is also necessary to look after our links with Turkey and Azerbaijan”. Dupont claimed that it had taken years for France to re-establish good relations with Turkey again after passage of the 2001 law recognising the Armenian genocide. According to Dupont France has “a particular role in the South Caucasus: France co-presides under the aegis of the Organisation for Security and Cooperation in Europe, the Minsk group in which it is charged with finding a negotiated solution to the frozen conflict of Nagorno-Karabagh in which Armenia and Azerbaijanian are opposed”. In Dupont’s view the legislation “although praiseworthy in its intentions” could be “counterproductive”. The reason for that was that it would “radicalise the positions [of the two parties in dispute] and thus weaken French actions” and would not achieve peace. Dupont warned that “voices had been raised denouncing the partiality of France and to demand its expulsion from the Minsk group”.⁵⁶⁴

⁵⁶² Séance du 23 Janvier 2012 compte rendu integral des debats
<http://www.senat.fr/seances/s20120123/s20120123-mono.html>

⁵⁶³ *ibid.* p34-38

⁵⁶⁴ *Ibid.* pp38-40

The debate hinged around the promotion of republican values to some extent also by both supporters and opponents of the legislation. Patrick Ollier in his intervention stipulated where the legislation specifically endorsed the Declaration of the Rights of Man, article xi to be exact. According to Ollier the legislation agreed with this article when it responded to “abuse” of “freedom of communication of thoughts and opinions” where it would “suppress in the strict context of the law extravagant abuse committed in the exercise of freedom of expression”. Patrick Ollier found a strong supporter of this qualified limit on freedom of expression in Philippe Kaltenbach who argued that the legislation “does not target the contestation of genocide as such as much as incitement to racial hate, which it incurs”, given that “in all democratic states freedom of expression has its limits. These limits are here to prevent all incitement to hate induced by denial”. Kaltenbach further defined where “memory laws” “conform to the humane values of the republic when the reality of facts is not contested by historians”.

Jean Pierre Sueur President of the law committee stated that the law committee opposed the legislation on the grounds that it was against the Constitution of the 5th Republic and it also infringed free speech. According to Sueur, “article 34 of the Constitution does not allow Parliament to pronounce on history”. The law committee also felt that it was not right to “hinder” the work of historians and “imposed on them conclusions” Parliament had legislated for.” In the law committee’s view “that would result in establishing an official history when our republic is on the contrary founded on the principle of free communication of thought and opinion”. One of the law committee’s members, Catherine Tasca, felt that “allowing the legislature to decide on historic facts contravenes the principle of separation of powers” and at this point Sueur cited the same quote by Vedel that was cited by Robert Badinter in the Senate debate on 4th May the previous year. According to Sueur it is “the role of the judiciary and not the legislature to qualify historic facts. The bill was also unconstitutional for the same reasons as given in May that it “contravened the “principle of the illegality of crimes and the legality of their punishment”. According to Sueur and the committee the bill breached a further republican principle since it was incompatible with freedom of research “which also represents a fundamental principle recognised by the laws of the republic”.⁵⁶⁵

Philippe Kaltenbach focused on the question of whether the legislation infringed academic freedom. According to Philippe Kaltenbach the intention of the legislation was on the one hand to “on the one hand to protect the memory of victims of genocide and on the other to impose sanctions on those who incite hate through the diffusion of denialist messages”. Kaltenbach then compared this legislation with the Gaysot law which remained “consistent in its determination to free the field of history from forgers” and he asked “if any serious researcher has been prevented from freely undertaking his work on the Holocaust after passage of this law”.⁵⁶⁶

Sophie Joissains in the defence of the bill argued that the bill was an extension of the Gaysot law and not an adaptation of a European Council decision and that a rejection of the bill would lead to a hierarchy of crimes against humanity. In addition, she argued that according to Article 10 of the European Convention of

⁵⁶⁵ Ibid. p3-9

⁵⁶⁶ Ibid. p9-12

Human rights freedom of opinion “can be subject to limits and restrictions” namely that the European Convention can restrict this freedom on the basis of the abuse of freedom of expression. This bill, however, differed from the Gayssot law in one respect; whereas the Gayssot law targeted anti-Semitic discourse the present bill targeted state denial by Turkey.⁵⁶⁷

Jean Michel Baylet challenged the constitutionality of the bill on three grounds: firstly, the legislature was prepared to impose sanctions on denial of a genocide it had recognised; secondly, the bill did not meet the need to avoid the arbitrariness of judicial decisions and consequently this charge of “extravagant minimisation” would pose problems for the judiciary; thirdly, this bill was incompatible with freedom of opinion and expression where these freedoms are very strictly observed.⁵⁶⁸

In conclusion three main arguments were made in the Senate debate for the legislation: firstly, the legislation was consistent with the Rights of Man since it targeted the abuse of freedom of expression; secondly, the legislation targeted racial hate which was covered by European legislation; thirdly, the legislation was an extension of the Gayssot law which did not infringe academic freedom but targeted falsifiers of history. The arguments employed against the legislation largely revolved around strategic questions and issue of the constitutionality of the legislation; firstly on the strategic question it was argued that the legislation would threaten France’s geopolitical role in the Middle East and Caucasus, the legislation was unconstitutional for a number of reasons; firstly, because it imposed decisions on the work of historians on an issue it had legislated on; secondly, because the legislature would exceed its role and would interfere with the work of the judiciary whose role it was to qualify historical facts; thirdly, because the legislature would interfere with the role of historians and the judiciary and the legislation conflicted with the principle of the illegality of crimes and the legality of their punishment. These latter objections were outvoted by the Senate as the Senate passed the bill. The reasons why the legislation had a successful outcome in the Senate are that even though this was slightly different legislation than the earlier bill debated the previous May and although there were divisions within many of the parties in the Senate, the government backing of the bill meant that it had a broader and deeper level of support within the Senate. This government backing for the legislation meant that the government could use its influence with the UMP Senators to encourage support for the legislation. The passage of the legislation provoked a storm of protest by Turkey, which threatened a “rupture” in relations meaning that they would no longer conduct diplomatic business at ambassador level but at charge d’affaires level.

The Verdict of the Constitutional Council

⁵⁶⁷ Ibid. p43-47

⁵⁶⁸ Ibid. p61-63

After the Senate passed the bill, it provoked a group of Deputies and Senators with the required number of sixty signatories to lodge an appeal to the highest constitutional court the Constitutional Council. The Council took a month to reach a decision that the legislation was unconstitutional on the grounds that it infringed free speech. The ruling of the Council is outlined in detail below.

The Constitutional Council ruled that the legislature has the right to enact legislation against abuse of freedom of expression “it is legal for the legislature to enact rules concerning the exercise of the right of free communication and the freedom to speak, write and print that it is equally legal for it, on this basis, to institute laws suppressing the abuse of the exercise of the freedom of expression and of communication which make an attack on public order and the rights of third parties”.⁵⁶⁹

The Council qualified this right of the legislature on the basis that “the freedom of expression and communication is all the more precious that its exercise is a condition of democracy and one of the guarantees of respect for other rights and freedoms that the infringement of the exercise of this freedom must be necessary, appropriate and proportionate to the pursued objective”.⁵⁷⁰

In conclusion, the Council ruled that by enacting legislation criminalising denial of a genocide that it itself recognised the legislature had unconstitutionally infringed the exercise of freedom of expression “that by suppressing as contestation of the existence and of judicial qualification of crimes that it itself recognised and qualified as such the legislature has unconstitutionally infringed the exercise of freedom of expression”.⁵⁷¹

The decision of the court provoked a number of responses. Both candidates for the presidency, Nicolas Sarkozy and Francois Hollande declared that the matter was not finished. Nicolas Sarkozy declared his intention to introduce a new bill while Francois Hollande stated that he would continue to pursue the issue in “calm”. It also encouraged a varied response from commentators. Paul Cassia, a law professor at the Sorbonne in an interview with Lilian Alemagna for a *Liberation* article stated that “by demanding that all law have a normative content the Constitutional Council has undoubtedly put an end to the saga of laws of memory in French law.⁵⁷² It is not Parliament’s role to declare official history”. Cassia felt that it was the end of legislation on the Armenian genocide “by law this decision finally shuts the door on the penal suppression of all contestation of the Armenian genocide”. The reason for this was that “it is not possible to get around the range of this decision except to confine oneself to applying the already existing mechanisms which suppress excessive provocation to discrimination or to hate.

⁵⁶⁹ “Decision n 2012-647 DC du 28 Fervrier 2012” Le Conseil Constitutionnel *Loi visant a reprimer la cotation de l’existence des genoicides reconnus par la loi*
<http://www.conseil-constitutionne.fr/conseil-constitutionnel/francais/les-decisions/acces-par-d...>

⁵⁷⁰ *ibid.*

⁵⁷¹ *ibid.*

⁵⁷² Lilian Alemagna “La fin de la saga des lois memorielles” *Liberation*
<http://www.liberation.fr/politiques/01012392915-la-fin-de-la-saga-des-lois-memorielles>

On the other hand, Sévane Garibian was chagrined at the decision of the Council.⁵⁷³ According to Garibian, the Council had established “two types of denial and two types of crimes against humanity: denial having been recognised by legislation such as the Armenian genocide, remains legal in France in the name of freedom of expression and denial targeting other crimes not recognised by legislation (such as the Holocaust) unjustifiable and criminally reprehensible with a motive that corresponds to abuse of this same freedom of expression”. Deniers would then “be alternately protected or not according to the crimes against humanity they contest” enacted by French legislation or not.” This situation would result in “an absence of judgement or impunity” because it depends on “what authority recognised the genocide”. According to Garibian this meant “denial of the Holocaust can be endowed with judicial authority in France while the genocide of the Armenians remains a crime of impunity”. Garibian went on to make further interesting points. She asked: “if only the judiciary can guarantee the truth of facts where does that leave the work of historians? This highlights some of the contradictory arguments made in the debates in the French parliament when the opponents of the bill appeared to defend the freedom of historians while claiming that only the judiciary can validate facts. Garibian also pointed out that “crimes against humanity and genocide did not exist in the French penal code in 1990 when the Gayssot law was introduced and had only been included in the French penal code in 1994”. This raises the question of why the Gayssot law is viewed by the Council to be legitimate and not the law criminalising denial of the Armenian genocide

Jean Claude Gayssot the author of the Gayssot law interestingly in an article in *Le Monde* had a more optimistic view.⁵⁷⁴ In his opinion the decision by the Council had strengthened the Gayssot law since this law “had been made consistent [in law] because what is at stake is not freedom of expression but the abuse of freedom of expression when it concerns racism, anti-Semitism and xenophobia which are crimes”. This was due to the nature of Holocaust denial “as denial of the Holocaust is characterised in the whole world as a militant anti-Semitism it is then liable to prosecution”. According to Gayssot the decision of the Council had been made in the context of international law after the Second World War. Gayssot had some advice to the Armenians “to ensure that the legislation is legally assured and not withdrawn the Armenians might have to give it an international and European dimension”.

Garibian made a strong point in a later article for an academic journal that the Council had refused to rule on the constitutionality of the 2001 law recognising the Armenian genocide while refusing to rule on the constitutionality of laws criminalising denial of genocides more generally. Garibian has argued that the Council did not challenge the constitutionality of the 2001 law in order to protect the Gayssot law criminalising denial of the Holocaust. By singling out the Boyer law in Garibian’s view the Council had implicitly made a hierarchy of genocides and had indeed put the Gayssot law above the Constitution. The Council had also seemed to

⁵⁷³ Sévane Garibian “Génocide arménien: de l’impunité” *Le Monde* 5-3-12

<http://www.lemonde.fr/impimer/article/2012/03/05/1651787.html>

⁵⁷⁴ Jean Claude Gayssot “Génocide arménien: il faut revenir avec un texte juridiquement rassurant” *Le Monde* 2.3.12

<http://www.lemonde.fr/impimer/article/2012/03/02/1651325.html>

diverge from the judgement made by the European Court of Human Rights in 2008 that denialist discourse comes under “an abuse of the law conforming to article 17 of the CEDH”. In Garibian’s view the actions of the Court in creating this hierarchy of genocides and failure to conform to the European ruling made a challenge to the constitutionality of the Gayssot law inevitable.⁵⁷⁵ Such a challenge emerged in February 2013 with the introduction of a bill in the French National Assembly to achieve conformity in French law with the European ruling.

Conclusion

This chapter has traced the course of the different debates in French politics over legislation on the Armenian genocide. There were significant differences between the debates to recognise the Armenian genocide and the earlier one over the Gayssot law to criminalise denial of the Holocaust and then between the different debates to criminalise denial of the Armenian genocide. There were four main differences between the 2001 debate to recognise the Armenian genocide and that over the Gayssot law; firstly, there was not a left/right split over the Armenian legislation as there was over the Gayssot law, secondly, pressure groups were much more significant than before –the driving force behind the Gayssot law were the politicians involved; thirdly, the French government was opposed and fourthly, historians were beginning to express a more vocal point of view against the legislation. The 2006 debate over legislation to criminalise denial of the Armenian genocide largely followed the pattern established by the 2001 debate over recognition of the genocide. There were, however, significant developments in the 2011 debates. Firstly, the government supported the legislation; secondly, a member of the governing party introduced the legislation; thirdly, the issue of the constitutionality of not only the proposed legislation before Parliament was questioned but also that of the 2001 legislation recognising the Armenian genocide and fourthly, the legislation was ultimately passed to the Constitutional Council. These debates also highlighted the issues raised at the beginning of the chapter: the predominance of French republican culture, the Constitution of the French fifth republic as a legal and political document, France’s geopolitical relationship to Turkey, the divisions within French domestic politics on this issue and the question of academic freedom, history and the law. Some concluding observations about how the debates managed these issues will be outlined in greater detail below.

Taking the first of these issues, the predominance of republican values in the debates; the fact that many speakers in the debates highlighted how the respective items of legislation from recognition of the Armenian genocide to criminalising its denial would either promote or infringe French republican values demonstrates that these speakers did not just pay lip service to these values but regarded them as important and indeed integral to French identity. The constant reference to the Declaration of the Rights of Man particularly on the extent and limits of freedom of speech especially in the later debates highlights the fact that the speakers regarded the declaration as a founding document on which all the French republics were based since the Revolution and as the keystone of the republic. This document was

⁵⁷⁵ Sevan Garibian “La memoire est-elle soluble dans le droit: Des incertudes nees de la decision no 2012-647DC du Conseil constitutionnel francais” le dossier special “Espaces des politiques memorielles. Enjeux de memoire” in the journal *Droit et Cultures* no 66, 2013/2 p29

thus the reference point on whether the legislation promoted or infringed republican values.

The Declaration of the Rights of Man was not the only legal and political document that framed the debates. The Constitution of the 5th Republic also influenced the course of the debates since a number of the speakers defined whether the respective pieces of legislation were in accordance with the Constitution. The debates explored the legal implications with regards to whether the legislation could be challenged in the courts as unconstitutional but also legal and political justifications for the legislation based on the powers granted to Parliament by the Constitution, as a document which clearly defined the separate powers of the executive, legislature and judiciary. The chapter concluded with a demonstration of this Constitutional machinery at work and the limits of legislative and executive power as the Constitutional Council was summoned to rule that the legislation was unconstitutional. This highlighted the fact that even if the political will was there to press for certain legislation on the part of the executive and legislature they could still be overruled by the judiciary.

Thirdly, it is important to note that the law to criminalise denial of the Holocaust was a crucial precedent for the subsequent debates over legislation on the Armenian genocide. The nature of the French legislation was a problematic one since it did two things at once: it criminalised denial of the Holocaust and recognised it as genocide. It was problematic since it encouraged the Armenians to want the same type of legislation. France's historical relationship to the Holocaust and the Armenian genocide is significant with regards to how the French polity managed legislation on these two historical events. Concerning the Holocaust the French state bore some historical responsibility namely Vichy's complicity in the Holocaust. Regarding the Armenian genocide France had been a member of the Entente fighting against the perpetrator state of the Armenian genocide, the Ottoman Empire and had subsequently recruited Armenians into their army in the Middle East to fight the Ottomans. While France as a state had been complicit in the Holocaust, it bore no similar responsibility for the Armenian genocide. The historical legacy of Vichy makes the politics of Holocaust denial significantly problematic, since it includes a desire on the part of politicians on the right and left to suppress Vichyite politics. On legislation to criminalise denial of the Holocaust there was thus a political consensus among the mainstream French polity to suppress Holocaust denial; a consensus which did not completely exist for legislation on the Armenian genocide. In addition, legislation on Holocaust denial was solely a domestic concern largely because the perpetrator state of the Holocaust, Germany, had accepted responsibility which precluded any German state involvement in the French debate. This is not the case for the Armenian genocide where the successor state to the perpetrator Turkey has not accepted responsibility and engages in official state denial, which meant that the French debates on the Armenian genocide had an international dimension.

This policy of state denial of the Armenian genocide by Turkey encouraged Turkey to actively campaign against the French legislation. This involvement highlighted in the debates France's strategic relationship to Turkey both independently and in the EU. Turkey's importance to France's strategic interests in the Mediterranean, the Middle East and the Caucasus as well as France's commercial interests in Turkey, the arms trade and otherwise were constant features

of the debates. Turkey's putative EU accession provided the backdrop to the debates as a number of French politicians including Presidents Chirac and Sarkozy stated that they thought that Turkey's recognition of the Armenian genocide should be a precondition for its accession.

Fifthly, French politicians both on the left and right supported legislation on the Armenian genocide although there were divisions on the left and right in the debates. Initially, the Socialists were the strongest supporters of legislation on the Armenian genocide while latterly the governing UMP party pushed their own legislation. The later attempts created divisions within the right and left. Although a large number of the Socialists supported the legislation introduced by UMP deputy Valerie Boyer, there were accusations of electioneering by Nicolas Sarkozy since it was introduced in the run up to the French presidential elections especially since similar legislation introduced by the Socialists in 2005 had to wait five years to be debated in the Senate and was subsequently defeated on a technicality. Similar accusations were levelled at all the legislative measures since they were introduced in the lead up to elections, local in the case of the 2001 law and presidential in 2005-6 and 2011-12. Another feature of the domestic politics in the debates on this issue is the fact that the Armenian and Turkish pressure groups are actors in French politics. Arguably, the success of one rather than the other in influencing the debates is due to how the French political class through the prism of laicite perceives the relative willingness of each to assimilate into French culture.

Finally, another feature of the debates was the concern of academics anxious to guard professional autonomy from the intrusion of the state. The academics feared that this intrusion would hinder their freedom to undertake historical research. These historians were more vocal participants in the debate over legislation on the Armenian genocide than they were on Holocaust denial. Arguably, this was due to the fact that there was more professional risk over challenging legislation on Holocaust denial than there was over legislation on the Armenian genocide. The importance of academic freedom was constantly stressed in the parliamentary debates and the arguments of the historians were cited in support of the legislators' arguments. Freedom of expression and opinion were also constantly invoked as the basis for freedom of research. Although these freedoms were invoked during the debates in the French parliament what this chapter has highlighted is the conditional approach that French democratic principles take to freedom of speech which contrasts significantly with the virtual unlimited freedom guaranteed under the US Bill of Rights.

Conclusion

This thesis has demonstrated the complexity of recognition of genocide when it is contested between victim groups in a diaspora and the successor state to that which perpetrated it. Recognition of a genocide, in any case can be complex for a number of reasons. It can be particularly difficult to achieve when the perpetrators have not been defeated and brought before international or multinational tribunals which have then delivered verdicts on the perpetrators' crimes that have been accepted by the international community. This was the case for the Ottoman perpetrators of the Armenian genocide who were never brought before international tribunals for their crimes despite threats to this effect implicit in the Entente's original definition of the offence of "crimes against humanity" in its Declaration of 1915. Recognition of genocide is further complicated when the perpetrator or successor state has become an important member of the international community like Turkey. And in Turkey's case other states like the United States do not want to offend it for differing, reasons.

There are major issues too with regard to the study of genocide and the definition of genocide itself. Since the establishment of the Genocide Convention in 1948 genocide is a crime that has a specific legal and historical definition. One issue arising from this meaning is whether a crime can be defined as genocide or whether it would come under the broader category of "crime against humanity" or the different category of "war crime". There are also major issues concerning the understanding of a particular genocide such as the Armenian case, particularly relating to issues of who were the victims, what specific groups were targeted and the numbers of those killed.

Another complicating factor in recognition of genocides is the role the Holocaust plays as a yardstick not only in the historiography of genocide but also in the politics of recognition of genocide. In this context, a number of groups and nations have observed the moral import granted to the Holocaust and to Jews as both victims and survivors of that genocide. These different groups have thereby used the Holocaust as a "template" to compare their own suffering to that of the Jews often using the same symbolism. This "universalisation" of the Holocaust has, consequently, made states cautious to recognise certain mass crimes as genocides.⁵⁷⁶

Recognition of the Armenian genocide has indeed been complicated by these issues including questions of what victims and groups were targeted and the numbers of those killed but also where the Holocaust has been used as a basis of comparison by both supporters of recognition and deniers of the genocide. These issues do not disguise the fact that the Armenian genocide was in fact always important because of its place in the history of the crime. However, the fact that the Armenian genocide has become a major issue in American and French politics makes it quite unusual. It is also significant because of its place in the original conceptualisation of the term by Raphael Lemkin which then led to the

⁵⁷⁶ David Bruce MacDonald *Balkan Holocausts Serbian and Croatian victim centred propaganda and the war in Yugoslavia* (Manchester: Manchester University Press, 2002) pp39-48

establishment of the Genocide Convention. For this reason alone non-recognition of the Armenian genocide has, arguably, an importance extending far beyond the boundaries of this particular event.

This thesis has shown how the successor state, the Republic of Turkey, although it was not directly involved in the genocide, which occurred under the mandate of the Ottoman Empire, deemed it necessary to block recognition of what happened as “crimes against humanity” since the concept of genocide had not yet been developed. Turkey’s negative stance can also be seen in the context of the atrocities and pogroms that Ottoman Muslims had had to suffer in the Balkans and the Caucasus prior to the outbreak of the First World War. In the aftermath of genocide, the Armenians were dispersed and took some time to build the confidence to confront the issue in a purposeful way. Nevertheless they regrouped when Armenian pressure groups began to develop a long campaign drawing on the work of Armenian historians, which was resisted by the Turkish successor state for a long time.

The issue remained locked and spilled out into other political spaces and two in particular, the United States of America and France. This was not accidental for at least two sets of reasons. One is the normative reason that they are both liberal democracies where the question of recognition of genocide is open to debate when it is not in other political systems, for example in China and Russia. That is not to say, however, that liberal democracies cannot themselves ignore genocide as many have argued they have done with reference to their own past.

The other, more pressing historic reason is because of their entanglement with this issue from an early stage. They were involved with the Armenian issue before, during and after the genocide. They are now involved again not least because both states are hosts to a significant Armenian diaspora where pressure groups working on the behalf of the diaspora have sustained active long-term campaigns to pursue this issue. They have set about this in two ways: firstly, they have persuaded historians of the validity and justice of their claims that a genocide took place and secondly they have lobbied politically.. Against these campaigns the Turkish state has also mobilised its resources to counter these arguments and to influence policy makers. To do so it has sought to appeal to historians and operated at the state level using the power and authority of the state drawing upon its strategic importance. In this context the Turkish state has highlighted its strategic importance as a pivot between Europe, the Middle East and Asia. In its significant geopolitical position, Turkey has been a strategic partner of both the United States and France, and has had a significant role facilitating both these states military operations and transit of energy supplies. It has used this importance to influence American and French administrations and legislators to oppose recognition of the Armenian genocide.

This struggle between the Turkish state and the pressure groups within the Armenian diaspora has clearly not been an equal one for the reasons that have been explored in this thesis. Nevertheless it has been political on both sides. Given the nature of genocide it could not but be political. Once it becomes a political issue in a liberal democratic state the outcome becomes uncertain as has been demonstrated in the elaboration of this thesis. Four main factors have been identified in the course

of the argument, which have determined the outcome of this issue in the United States and France.

The first of these factors is the balance of forces domestically where the Armenian issue may be given more or less prominence due to shifting priorities. One of these concerns electoral politics when American and French politicians have courted the Armenian constituency to win their support in both legislative and presidential elections. Both Barack Obama and Nicolas Sarkozy, for example, as candidates had offered their support to the Armenian campaign for legislation on this issue only to withdraw their support once they were elected as Presidents in their respective countries. However, Sarkozy later faced with the prospect of defeat in a subsequent election performed a complete about turn on the Armenian question and pushed through legislation to criminalise denial of the Armenian genocide.

The second factor which has influenced the outcome of this issue is the significance of geopolitical concerns which may vary over time. In the case of the United States even though the geopolitical situation has changed over time from the Cold War through the end of the Cold War, the first Gulf War, the containment of Iraq, the war on terror encompassing the Second Iraq War and the War in Afghanistan the various US administrations have tended to side with the Turkish government on the Armenian issue. This is due to Turkey's strategic importance where Turkey has important bases that aid the movement of American forces into, around and out of the Middle East. Turkey's strategic partnership with Israel and its invocation of this relationship to influence American policymakers has been an additional reason for successive US administrations to support Turkey on this issue. However, during the course of the most recent American debates on this issue the promotion of the Turkish-Israeli relationship had the unforeseen consequence of creating splits within Jewish American pressure groups and associated organisations. This outcome highlighted the fact that the politics of one particular genocide could affect the internal relationships of a victim group of another genocide. In France's case it has strategic interests in the EU, the Mediterranean, the Middle East and the Caucasus. Turkey has been a strategic partner to France in a number of these areas from time to time including the Mediterranean, the Middle East and the Caucasus. In the most recent debates on the Armenian issue in French politics the on-going crisis in Syria and Turkey's role as a strategic partner to France in resolving this crisis were raised in the debate. However, these facts did not stop the French administration from supporting legislation to criminalise denial of the Armenian genocide. Conversely, Turkey has been perceived by many French politicians as a potential rival and threat to French influence in the European Union. One reason for French opposition to Turkey's EU accession is because France seeks greater European integration; as the putative EU accession of Turkey threatens this ambition since this accession would inevitably lead to a looser union France is inherently opposed to this accession. The ambivalence of this strategic relationship has contributed to the French government shifting its position on legislation on the Armenian genocide.

A third factor resulting in different outcomes in the American and French debates on the Armenian genocide concerns political culture. One important aspect of the respective political cultures is the different approaches American and French political societies take to the secular-religious divide. Although in American

constitutional theory there is supposed to be “an inseparable wall between church and state” this has not prevented the public invocation and practice of faith; indeed, religion is actively and publicly promoted. This is not the case in France where the separation between church and state, enshrined in the concept of *laïcité*, is much more rigorously enforced, where religion is discouraged in the public sphere and secularism is instead officially promoted. These different approaches to religion have impacted on the relative acceptance of immigrant groups in American and French society. In the United States the historically close relationship between American protestant missionary societies and Armenians led to the Armenians being initially welcomed into American civil society and this legacy has contributed to the re-emergence of the Armenian issue in American politics. This contrasts with the Armenian position in France where, despite the emphasis put on protecting the secularity of the state from the influence and interference of organised religion, the familiarity of Armenian Christian beliefs to French society and their preparedness to adapt to existing conventions has enabled them to adopt the norms of French society and gain acceptability. French Armenians have also won acceptance by French society through highlighting their service to France in two world wars. Consequently, Armenian pressure groups in the United States and France have drawn upon their relative acceptance to lobby American and French politicians. Conversely, Turkish pressure groups particularly in France have found it much more difficult to influence politicians since there is a perception in French political society that the Muslim faith cannot be as easily integrated into the French secular system as the Armenian Christian faith. These attitudes have coloured French politicians responses to the Armenian genocide with the added concern about a putative accession by Turkey to the European Union. These issues might explain why French politicians have been willing to go further than their American counterparts on legislation on the Armenian genocide.

Another important aspect of political culture in the United States and France is the fact that free speech is granted varying degrees of protection under the different Constitutions. In the United States free speech is granted great though not unlimited protection under the First Amendment of the Bill of Rights where it is only restricted in cases which pose an imminent threat to public order. However, in France the Declaration of the Rights of Man makes free speech much more conditional in as much that it is protected provided that it does not cause offence or harm. These different approaches to free speech arguably also influenced another aspect of political culture in the Armenian issue concerning the role of academics in public debate.

In France the academic has a much more public role than in the United States. In addition, the French legislation on the Armenian genocide, according to a significant number of academics, had the potential to adversely affect their professional autonomy by restricting their freedom of research and the publication of the findings of this research. This was not the case with the American legislation which would not have affected American academics’ professional autonomy. In any case, the First Amendment’s greater protection of free speech would not have permitted legislation similar to that introduced in France to criminalise denial of the Armenian genocide and would have been struck down by the US Supreme Court. The potential negative effect on the French academics’ professional autonomy and their more public role meant that the French academics played a more significant

part in the debate on the French legislation than American academics played in the debate over the prospective American legislation on the Armenian genocide. Another factor in the non-involvement of American academics in the debate over legislation in 2007 and 2010 was arguably the negative reaction to the involvement of some American academics in an earlier debate in 1986. These issues demonstrate the fact that how academics view their role can have a major impact on political debate.

A third aspect of the different political cultures was the participation of the media in the debate. In the French media debate opinion pieces on the subject were largely written by authorities on the subject and participants in the legislative debate including lawyers and politicians. In the American media debate many of these opinion pieces were written by journalists. This is significant because the French participants in the French media debate were trying to influence the legislative debates while the American contributors were trying to influence public opinion. In other words the French media debate was about law and the potential implications of the enactment of a specific law while the American debate was not since the American legislation would only have been commemorative and not substantive.

A fourth factor influencing the outcome of the debates was the constitutional one concerning the different distribution of powers between the executive, legislative and judicial branches of government. In the United States the legislative branch has a greater role in foreign policy making than the French parliament does. In the United States, Congress is expected to share the business of foreign policy making with the President whereas the French parliament has a much more subordinate role to the French President in this area. The increased role assumed by French lawmakers on the Armenian issue provoked some other opposing parliamentarians to question the legitimacy of their actions under the Constitution. Another aspect of the different constitutional arrangements was the varying power of the American and French Presidencies to influence legislation on this issue. In the American debate the President could use his influence to persuade lawmakers to support his position but did not veto the legislation directly. Conversely, the French President, Nicolas Sarkozy, after blocking legislation introduced by the Socialists to criminalise denial of the Armenian genocide subsequently used his power to push through similar legislation introduced by a member of his party. This legislation was duly passed by the French Parliament. Then the power of the judicial branch to act as a counter-weight to the other two branches of government was revealed. The Constitutional Council representing the judicial branch struck down the legislation as unconstitutional. This series of events highlighted the fact that even when both the French President and Parliament supported legislation they could still be overruled by the Constitutional Council. In the American debate it never reached the stage at which the US Supreme Court would have had to make a ruling on the subject. In any case the type of legislation that was introduced in the US Congress would have been unlikely to require the involvement of the US Supreme Court because it was never likely to be framed in such a way as to breach the First Amendment.

Most of the debate over recognition is about law, namely, whether or not there should be pertinent legislation. Recognition of genocide is as much a political question as a legal one, however. It is a political question that involves more than

two sides. Just as genocide is not just about perpetrators and victims, neither is recognition. The third side in an international frame of reference concerns other states and societies. Just as bystanders have to think about what they do when genocide is being perpetrated, they also have to consider that when it comes to recognition of genocide they have to evaluate how they respond to this issue; particularly when they have been involved from the outset. The issues that have been explored in the course of this thesis are likely to arise in other cases of genocide, e.g. issues such as how truth and justice are weighed against geopolitical concerns. These tensions are likely to be played out differently in particular cultures. It is in this context that the issues explored in the course of this dissertation provide a point of departure for other scholars in this area of enquiry to examine and elaborate upon the fundamental moral, ethical and political questions raised by Lemkin's conceptualisation of "genocide" and how victims of genocide and their descendants seek recognition of genocide.

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