

ULUSLARARASI SUÇLAR VE TARİH

International Crimes and History

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The International Repercussions of the
1876 April Uprising within the Ottoman Empire

Ayten KILIÇ

Soviet Ethnic Cleansing of the Crimean Tatars

J. Otto POHL

World War I, Self-Determination,
and the Legacies of Medieval Jurisprudence

Karl SHOEMAKER

A Review of the Social Memory Literature:
Schools, Approaches and Debates

Turgut Kerem TUNCEL

The Relocation and Internment of People
of Japanese Descent in the US During WWII

Mehmet Oğuzhan TULUN



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Editörün Notu

Uluslararası Suçlar ve Tarih Dergisi bu sayısıyla dokuzuncu yılını tamamlamış bulunmaktadır.

İlk sayısında belirtilmiş olduğu üzere Derginin inceleme alanı tarihte vuku bulmuş katliam ve mezalimler ve bu arada özellikle Osmanlı coğrafyasını oluşturan Balkanlar, Kafkasya ve Orta Doğu ülkelerindeki bu tür olayların bilimsel araştırılmasıdır. Bu olaylar günümüzde, 17 Temmuz 1998 tarihli Roma statüsünde, uluslararası suçlar olarak tanımlanmıştır.

Dergimiz, zaman içinde sadece tarihi değil bu tür güncel olayları da inceleyen ve ayrıca yukarıda değindiğimiz coğrafyanın dışında meydana gelen benzer olayları da ele alan yazılar yayınlamak ilgi ve inceleme alanını genişletmiş bulunmaktadır.

Diğer yandan dokuz yıl önce olduğu gibi günümüzde de dergimiz Türkiye’de münhasıran uluslararası suçları inceleyen tek yayın olmak özelliğini sürdürmektedir. Bu önemli konunun ülkemizde daha kapsamlı olarak ele alınmasını ve diğer bilimsel yayınlarda yer almasını diliyoruz.

Geçen sayımızda da değindiğimiz üzere İngilizcenin bilim alanında başlıca dil haline gelmiş olmasının sonucu olarak Dergimizde bu dilde kaleme alınmış yazıların sayısının artmıştır. Bu sayımızda yayınlanmak üzere bize gönderilen yazıları inceleyen hakemlerimizin uygun gördükleri yazıların tümü, kaleme alanların çoğunluğunun ana dili Türkçe olmakla beraber, İngilizcedir. Dergimizin inceleme alanı olan uluslararası suçlar konusu ile ilgilenen kişilerin İngilizce bildikleri varsayımı ile söz konusu yazıları yayınlıyoruz. Gelecek sayılarımızın Türkçe yazılar, en azından geniş Türkçe özetler içermesi için çaba göstermeye de kararlı bulunuyoruz.

Dergimizin bu sayısında yer alan beş yazıdan birincisi Ayten Kılıç tarafından kaleme alınan **The International Repercussions of the 1876 April Uprising within the Ottoman Empire** (Osmanlı İmparatorluğu’nda 1876 Nisan Ayaklanmasının Uluslararası Yansımaları) başlığını taşımaktadır. Yazarın da ifade ettiği gibi, başarısız olsa da bu ayaklanma, 1877-78 Osmanlı-Rus Savaşının çıkmasına neden olmuş ve Balkanlarda büyük toprakların kaybedilmesiyle Osmanlı Devletinin çöküşünü hazırlamıştır.

Otto Pohl, **Soviet Ethnic Cleansing of the Crimean Tatars** (Kırım Tatarlarının Sovyetler Birliği Tarafından Etnik Temizliğe Maruz Bırakılması) başlıklı yazısında Kırım Tatarlarının 1944 yılında “ihamet” suçlamasıyla ülkelerinden alınıp Özbekistan’a ve diğer bazı yerlere sürüldüklerini, orada çok zor koşullar altında çalıştıklarını ve on binlercesinin öldüğünü, sağ kalanların ancak 1989 yılından itibaren yurtlarına dönmeye izin verildiğini anlatmaktadır.

World War I, Self-Determination, and the Legacies of Medieval Jurisprudence (Birinci Dünya Savaşı, Ulusların Kendi Kaderlerini Tayin Hakkı ve Orta Çağ Hukukunun Mirasları) başlığını taşıyan yazısında Karl Shoemaker, ulusların kendi kaderini tayin hakkının kökenin Orta Çağ’a dayandığını, ancak 19. ve 20 yüzyıllarda yeniden şekillendiğini ve özellikle 19. Yüzyılda Osmanlı İmparatorluğu idaresindeki Balkanlarda ve 1919 Versailles barış görüşmelerinde bazı etkilerinin bulunduğunu belirtmektedir.

Turgut Kerem Tuncel, **A Review of the Social Memory Literature: Schools, Approches and Debates** (Sosyal Bellek Literatürünün Eleştirel Bir İncelemesi: Okullar, Yaklaşımlar ve Tartışmalar) başlıklı çalışmasında sosyal bellek olgusunun ne olduğunu, literatürdeki farklı okul ve yaklaşımların ve bunlar arasındaki tartışmaların izini sürerek, teorik düzeyde ortaya koymaktadır.

The Relocation and Internment of People of Japanese Descent in the USA During WWII (II. Dünya Savaşı Sırasında ABD’de Japon Kökenli Kişilerin Yerlerinin Değiştirilmesi ve Enterne Edilmeleri) başlığını taşıyan yazısında Mehmet Oğuzhan Tulun, ülkemizde az bilinen bir olayı, II. Dünya Savaşı içinde ABD Hükümetinin, Amerikan vatandaşı Japonları, hiç bir suç işlememiş olmalarına rağmen, “askeri gereklilik” nedeniyle yerlerinin değiştirilmesini ve enterne edilmelerini incelemekte ve bu olay ile Ermeni tehcirini karşılaştırılmaktadır.

İyi okumalar dileklerimiz ve saygılarımızla

Editorial Note

International Crimes and History Journal completes nine years of its presence with this current issue.

As it was remarked at the first issue, the research area of the journal is the massacres and atrocities that have occurred in the history, and the scientific investigation of these, especially on the Balkan, the Caucasus and the Middle East countries which constitute the Ottoman geography. All these events are defined as ‘international crimes’ according to the Rome Statute dated July 17, 1998.

Our journal extended its area of research and interest by publishing articles not only about history, but also similar recent events occurring outside of the geography we mentioned above.

Our journal stands as the only publication which examines international crimes as it had been for the last nine years. We wish this topic to be addressed extensively in our country and appear in other scientific publications.

As we also mentioned in our previous issue, articles written in English increased in number as a result of English being a language of science. All articles, approved by our referees who examine the articles sent to us to be published in this issue, are in English, despite being penned by Turkish native speakers. We publish these articles assuming that the people interested in international crimes, which is our journal’s area of research, know English. We are determined to include articles in Turkish, or at least comprehensive abstracts, in our future issues.

The first of five articles in the current issue of our journal is entitled **The International Repercussions of the 1876 April Uprising within the Ottoman Empire** written by Ayten Kılıç. As the author states, despite being a failure, this uprising led to the 1877-78 Ottoman-Russian War and prepared the collapse of the Ottoman Empire through large territorial losses in the Balkans.

Otto Pohl, in his article entitled **Soviet Ethnic Cleansing of the Crimean Tatars**, describes that the Crimean Tatars, charged of treason, were exiled to Uzbekistan and other regions, and worked under difficult conditions. He tells that tens of thousands of Crimean Tatars died and the survivors were allowed to return to their homelands only after 1989.

In his article entitled **World War I, Self-Determination, and the Legacies of Medieval Jurisprudence**, Karl Shoemaker indicates that nations' right of self-determination dates back to the Middle Ages, but was reshaped in 19th and 20th centuries, and it had some effect especially on the Balkans under Ottoman rule during the 19th century and on the 1919 Versailles peace negotiations.

Turgut Kerem Tuncel, in his study entitled **A Review of the Social Memory Literature: Schools, Approaches and Debates**, addresses social memory on a theoretical level by tracing different schools and approaches, and debates among them.

In his article entitled **The Relocation and Internment of People of Japanese Descent in the USA during WWII**, Mehmet Oğuzhan Tulun analyzes a lesser known event in our country, the relocation and internment of the Japanese-Americans, despite being innocent, by the US Government during the Second World War, and compares it with the Armenian resettlement.

Have a nice read.

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Regards,

THE INTERNATIONAL REPERCUSSIONS OF THE 1876 APRIL UPRISING WITHIN THE OTTOMAN EMPIRE

Dr. Ayten KILIÇ

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Abstract: *The importance of the 1876 April uprising lies not in its unique nature or scope but in the international repercussions that it incited. The rebellion itself was ill-prepared, ill executed and utterly unsuccessful. It ended in defeat. Nonetheless, the defeat was a success, in the sense that it provided the avenue by which Great Powers intervention could occur. The Ottoman Empire was the only Muslim great power. It was also the only Muslim state to rule over a vast Christian population, a great number of which resided in Rumelia. Throughout the nineteenth century the Great Powers - Austria-Hungary, Great Britain, France, Russia and the latecomers, Germany and Italy - engaged in a full-fledged struggle to win the hearts and minds of the Balkan Christians, and thus draw them into their own sphere of influence. The Bulgarian revolt became an important step in a chain of events that would eventually result in the creation of a new state, Bulgaria. It could be argued that the April uprising in 1876 led directly to the outbreak of the Russo-Ottoman War of 1877-78, which would change the map of Europe and create a new balance of power in which Germany would play a leading role.*

Keywords: *1878 April Uprising, Bulgaria, Great Powers, Ottoman Empires*

OSMANLI İMPARATORLUĞU'NDA 1876 NİSAN AYAKLANMASININ ULUSLARARASI YANSIMALARI

Öz: *1876 Nisan'ındaki isyanının önemi sadece onun kendine mahsus niteliğinde ya da etki alanında değil aynı zamanda teşvik edilen uluslararası etkilerinden kaynaklanmaktadır. İsyân kötü hazırlanmış,*

kötü uygulanmış ve tamamen başarısızdır. Yenilgiyle sonuçlanmıştır. Buna rağmen, yenilgi Büyük Güçlerin müdahalesine bir yol sağlaması bakımından bir başarıdır. Osmanlı İmparatorluğu Müslüman olan tek büyük güçtü. Rumeli'de ikamet eden geniş bir Hristiyan nüfusu yöneten tek Müslüman devletti. 19. Yüzyıl boyunca, Büyük Güçler olan Avusturya-Macaristan, Büyük Britanya, Fransa, Rusya ve sonradan gelen Almanya ve İtalya, Balkan Hristiyanlarının kalplerini ve akıllarını kazanmak için tam kapsamlı bir mücadele yürütmüştür ve böylece onları kendi etki alanlarına çekmişlerdir. Bulgar isyanı, Bulgaristan'ın bir devlet olarak ortaya çıkmasına sebep olan olaylar zinciri içerisinde önemli bir yere sahiptir. Denenebilir ki, 1876 isyanı, Avrupa'nın haritasını değiştiren ve Almanya'nın lider pozisyonunda olduğu yeni bir güçler dengesi yaratan 1877-78 Osmanlı Rus çıkması sebep olmuştur.

Anahtar Kelimeler: 1878 İsyanı, Bulgaristan, Büyük Güçler, Osmanlı İmparatorluğu

The importance of the 1876 April uprising lies not in its unique nature or scope, but in the international repercussions that it incited. The rebellion itself was ill prepared, ill executed and utterly unsuccessful. It ended in defeat. Nonetheless, the defeat was a success in the sense that it provided the avenue by which Great Powers intervention could occur. In the second half of the nineteenth century, Rumelia, or the European provinces of the Ottoman Empire (Rumeli in Turkish), attracted increasing attention from the Great Powers. During this time, the European provinces of the Ottoman Empire (Rumelia) became a major battleground for the interests of the European powers.

The Ottoman Empire was the only Muslim great power. It was also the only Muslim state to rule over a vast Christian population, a great number of which resided in Rumelia. Therefore Great Powers - Austria-Hungary, Great Britain, France, Russia and the latecomers, Germany and Italy - engaged in a full-fledged struggle to win the hearts and minds of the Balkan Christians, and thus draw them into their own sphere of influence. The diplomatic maneuvers of the European powers aggravated the upsurge of national sentiments already prevailing among the Christian subjects of the Sultan. In the spring of 1877 this upsurge exploded into a bloody war, the Russo-Ottoman War of 1877-78.

It could be argued that the April uprising in 1876 led directly to the outbreak of the Russo-Ottoman War of 1877-78 which would change the map of Europe and create a new balance of power and as such requires a thorough examination. If it hadn't been made the centerpiece of the British opposition leader William E. Gladstone's campaign to discredit Benjamin Disraeli's government, it would have gone down in history as yet another unsuccessful local revolt led by a small number of Russian educated Bulgarian revolutionaries.

However this is not what happened. This sporadic and ill prepared revolt became an important step in a chain of events that would eventually result in the creation of a new state, Bulgaria. The chain of events that would lead to Bulgarian autonomy and eventually independence started in the summer of 1875 with a revolt in an obscure village in Herzegovina. This unremarkable event marked the beginning of a crisis which quickly spread throughout the entire Balkan peninsula. Although it was judged at the outset to be merely "an internal Ottoman affair," the Herzegovina revolt developed into a full-blown military conflict which involved three of the Balkan states and Russia in war with the Ottoman Empire.

The revolt in Herzegovina spread to Bulgarian villages in the spring of 1876.¹ Had it not led to the Russo-Ottoman War in 1877, “this rebellion would have remained an unmitigated disaster.”² Its leaders had been either captured earlier or killed in battle during. Therefore, the “climatic point of the Bulgarian Renaissance found the Bulgarian people without an overall leader — and without a united leadership.”³ In the aftermath of the uprising, the revolutionary leaders were “either dead, in jail, in hiding, in desperate flight, or in disrepute” among the Bulgarian people.⁴

For one thing, the rebellion inflamed foreign public. The person who decided to capitalize on the harshness of Ottoman repression – or as he styled it, the “Bulgarian Horrors” – was the leader of the opposition Liberal party and the member of the British House of Commons, William Ewart Gladstone. More importantly however this rebellion and the way it was put down gave Russia a pretext to launch a war on the Ottoman Empire in order to save its fellow Orthodox Christian and Slavic brethren from a savage Oriental “yoke.”

1. THE UPRISING STARTS

There was a genuine national revival movement in Bulgaria in 1870s that was directly related to the gradual social transformation of Bulgarian life and to the emancipation of the Bulgarian Church from the authority of the Greek Patriarch. In short, it recognized the Bulgarians as a separate religious group which was the first step towards aspirations to be recognized as a separate national group as well. The new religious arrangement provided a ready organizational structure around which the national movement could rally.⁵ This gave an immense impetus to the awakening national feeling of the Bulgarian people. The intelligentsia however was not unified on methods or ultimate goals; rather, it was divided between revolutionaries and

1 The first news started arriving in the beginning of May 1876, 7 May 1876, Elliot to Derby, No. 469, Doc. 242, *British Documents on Foreign Affairs: Reports and Papers from the Foreign Office Confidential Print*, Part I, Vol.II, Series B, eds. K. Bourne and D.C. Watt, University Publication of America, 1984-, 197-197.

2 Thomas A. Meininger, *The Formation of Nationalist Bulgarian Intelligentsia, 1835-1878*, New York: Garland Pub., 1987, 388.

3 Ibid., 389.

4 Ibid.

5 See, T. A. Meininger, *Ignatiev and the Establishment of the Bulgarian Exarchate, 1864-1872: A Study in Personal Diplomacy*, Madison, 1970.

Turkophiles. The revolutionaries advocated a nation-wide armed rebellion which would lead to independence, while the Turkophile group favored working with the Porte for more rights and broad autonomy.⁶ Economic crises aroused tensions in the Balkans periodically, but in general, “the peasant mass of the Bulgarian people refrained from rebellion. Furthermore, no true Bulgarian revolutionary tradition existed.”⁷

In April 1876, the unrest spread to Bulgarian villages. Although the Ottoman government possessed intelligence that the Bulgarians were getting ready to revolt, it did not take any precautionary measures to prevent it. After the ill-conceived rebellion of the previous year, and due to Russian insistence that the presence of large numbers of troops would agitate the Bulgarians, there were virtually no regular troops stationed in the vilayet of Edirne (Adrianople.) Thus, when a rebellion broke out in the spring of 1876, the government was caught off-guard.⁸

The Russian consul in Filibe, Nayden Gerov, a native Bulgarian in Russian service, had been lobbying the local population and supplying young locals with arms and ammunitions. However, the rebellion was sporadic, ill-organized, inefficient and not very popular. It broke out prematurely. In the village of Otlak and in some other villages in outskirts of Pazardjik, insurgents started killing Muslims and setting their houses on fire.⁹ They also set fire to the houses of those Bulgarians who refused to join them.¹⁰ A small party of regular soldiers was sent from Filibe to protect the Muslims but they were obstructed and outnumbered by the insurgents, so they returned to Filibe.¹¹ The insurgents then started indiscriminately killing Muslims.¹² They set the train station of Belva on fire with many people still inside it, and killed

6 Meininger, *The Formation of a Nationalist...*, 351-392.

7 Ibid. The closest model to such tradition were the *khayduti* (bandits, from the Turkish, *haydut*) who were organized in sporadic bands, *cheti*, to plunder and maraud, but whose acts and leaders, *voevodi*, were subsequently greatly idealized in order to fit the images and plans of modern political nationalism.

8 24 May 1876, White to Elliot, Doc 304, *British Documents on Foreign Affairs*, Part I, Vol.II, 227.

9 6 May 1876, Dupuis to Elliot, Adrianople, Doc. 244, *British Documents on Foreign Affairs*, Part I, Vol.II, 197-198.

10 Ibid., 198.

11 Mahmut Celaleddin Pasha, *Mirat-i Hakkikat*, 3 vols., ed. İsmet Miroğlu, Istanbul: Tercuman, 1979, 125-132.

12 Also 12 May 1876, Dupuis to Elliot, Adrianople, Doc. 283, Inclosure in Doc. 282, *British Documents on Foreign Affairs*, Part I, Vol.II, 216-217.

the chief of the village of Avrat-alan and his entire family.¹³ In the span of several days, twenty- five villages in the kazas of Filibe and Pazarcık went up in flames and many lives were lost.¹⁴ The British Vice-Consul in Burgaz (Bourgas), Brophy reported that the insurrection would not be confined to Filibe, that the plans of the insurgents involved six more centers located mostly in the Balkan mountain chain (Stara Planina) and that in each of these six localities depots of arms, ammunition, and provisions were hidden.¹⁵

Filibe's Chief Aziz Pasha immediately asked the Porte to send at least one battalion of soldiers to the affected area, but the request was initially denied.¹⁶ The Russian Embassy advised the Porte to not blow the matter out of proportions and refrain from sending troops.¹⁷ Killing and looting continued. Finally, receiving news of many similar occurrences from Filibe and Pazarcık, the Porte relented. Derviş Pasha, the Serasker, was removed for incompetence. Adil Pasha who replaced him, immediately send five to six battalions of regular troops to Edirne which, after severe fighting, were able to chase the rebels into the mountains. The Council of Ministers was reshuffled too. These events set the stage for Abdülaziz's ouster and brought the spotlight onto Bulgaria.¹⁸

Some wealthy villages in the Rhodope mountains — Koprivshitsa, Panagurishte and Batak — also revolted in poorly coordinated disturbances which can hardly be called a revolution.¹⁹ No risings took place anywhere else in Bulgarian-populated lands. The Bulgarians reportedly believed that they missed the moment to take advantage of the situation when the Ottoman troops were tied up in Herzegovina and

13 Celalleddin Paşa, *Mirat-i Hakikat*, 125-132. British sources corroborate the story in general, 9 May 1876, Consul Reade to Elliot, Rustchuk, Doc. 269, Inclosure in Doc. 268, *British Documents on Foreign Affairs*, Part I, Vol.II, 208. Also 12 May 1876, Dupuis to Elliot, Adrianople, Doc. 283, Inclosure in Doc. 282, *British Documents on Foreign Affairs*, Part I, Vol.II, 216-217.

14 Celalleddin Paşa, *Mirat-i Hakikat*, 125-132. The insurgents reportedly mutilated the corpse of the chief's daughter, cutting off her vagina and wearing it as a bracelet. 128. Also 12 May 1876, Dupuis to Elliot, Adrianople, Doc. 283, Inclosure in Doc. 282, *British Documents on Foreign Affairs*, Part I, Vol.II, 216-217.

15 13 May 1876, Brophy to Elliot, Bourgas, Doc. 286, *British Documents on Foreign Affairs*, Part I, Vol.II, 218.

16 Celalleddin Paşa testified that he personally investigated the matter and found it to be true. Celalleddin Paşa, *Mirat-i Hakikat*, 129.

17 19 June 1876, Elliot to Derby, No. 644, Doc. 353, *British Documents on Foreign Affairs*, Part I, Vol.II, 260.

18 Celalleddin Paşa, *Mirat-i Hakikat*, 130-134.

19 See reports from Consul Reade to Elliot, 16 May 1876, 20 May 1876, 22 May 1876, Doc. 291, Doc. 292, Doc. 293, Doc. 294, *British Documents on Foreign Affairs*, Part I, Vol.II, 221-223.

that now it was too late to hope for success.²⁰ In Bulgarian historiography, the April uprising is portrayed as “the culmination point of the national revolution which was carried under the banner “Freedom or Death.” Bulgarian historians also claim that the entire Bulgarian “nation” rose to break the chains of enslavement. They further argue that the only reason it did not flare up in some regions was the fact that there were inadequate preparations or the Ottoman military machine prevented it.²¹ However, regular troops were not even present in Bulgaria in substantial numbers. The Ottoman government did not have adequate regular troops at its disposal.²² The troops were tied up fighting rebels in Herzegovina and Bosnia. Irregular troops, known as *başıbozüks*, were made up of volunteers from the local Muslim population.

2. THE EVENTS IN BATAK

The “Bulgarian Horrors” gained notoriety after the events that took place in Batak on 24 April 1876. Batak, a small town on the northern edge of the Rhodope range, is today hailed in Bulgaria as one of the most sacred places in Bulgarian national memory. It is synonymous with suffering, grief, and heroism in the struggle for national independence.²³ It had been the focus of Gladstone’s campaign in the summer of 1876, during which he attacked the Ottoman Empire, the “Turks,” and their “cruel” methods of rule. He had long been waiting for a reason to launch a campaign to discredit his rival Disraeli and the events in Bulgaria in the spring of 1876 provided the springboard for such a discrediting campaign. The Ottoman government was accused for failing to effectively protect its Christian subject and being the sole reason for the humanitarian catastrophe in which Batak played the leading role. As recent research has shown, however, the events in Batak were much more complicated.²⁴

20 20 May 1876, Reade to Elliot, Doc. 294, Inclosure in Doc. 293, *British Documents on Foreign Affairs*, Part I, Vol.II, 223.

21 See for example the collection of memoirs published to commemorate the centennial of the April uprising *April 1876, Spomeni* (Memoirs), ed. Iono Mitev, Sofia, 1987, 5-7.

22 For example, 20 May 1876, Reade to Elliot, Doc. 294, Inclosure in Doc. 293, *British Documents on Foreign Affairs*, Part I, Vol.II, 223.

23 The church in Batak where the massacre occurred has been turned into a national monument to which, until recently, every school kid, this author included, had to go on a school trip to see its bloodstained walls to be reminded of the cruelty of the Ottomans.

24 See Tetsuya Sahara, “Two Different Images,” *War and Diplomacy: The Russo-Turkish War of 1877-1878 and the Treaty of Berlin*, ed. M. Hakan Yavuz with Peter Sluglett, Salt Lake City: The University of Utah Press, Utah Series in Middle Eastern Studies, 2011, 479-510.

Batak, the largest Christian village in the northern Rhodope mountains, was a small hamlet in a predominantly Muslim region. Muslims living in the surrounding villages were called Pomaks, Muslims whose mother tongue is a Bulgarian dialect. Some also claim that the Pomaks share ancestral roots with their Christian neighbors. Therefore, despite having a different religion, most of the population in the Batak area spoke the same Bulgarian tongue.²⁵

The uprising in Batak started in the night of 21 April 1876. Its main organizer was Petar Goranov, an influential person among the Christians and connected to the revolutionary network of the radical nationalists in Romania.²⁶ Under his direction the villagers had begun to organize and arm by buying arms and munitions, in some cases even from their Muslim neighbors. They openly exchanged livestock for guns. Soon, Batak was turned into a “military camp” with about 2,000 well-trained fighters, 500 flintlock rifles, 380 pistols, 6 revolvers, 8 repeaters, 150 *yatagans* (swords), and even several cannons.²⁷ Both Stoianov and Goranov, the two main Bulgarian sources, tell almost the same story about the reasons of the rising.²⁸ Several villagers who had visited the nearby town thought they had heard rumors of a general uprising. Goranov took this news for granted and decided to take action.

The next day, the entire village convened and priests performed religious rituals praying for victory. Goranov recounted that rebels were instructed to disarm local Muslims and attack the few Muslim guards. At that time the rebels numbered about 1,100 soldiers, and were organized into two battalions. These battalions were divided into platoons and companies, plus perhaps as many as 50 cavalymen.²⁹ With this organized force the rebels began attacking and indiscriminately killing many Muslims.³⁰ When the news of the uprising reached the government, reserves were immediately mobilized

25 Tetsuya Sahara, “Two Different Images,” *War and Diplomacy: The Russo-Turkish War of 1877-1878 and the Treaty of Berlin*, 481.

26 Sahara, 480.

27 These numbers should be reliable since they were provided by the son of the main leader Petar Goranov, Angel Goranov (Boicho) in his memoir *V stanieto i klaneto v Batak: Istoricheski ocherk*, 23.

28 Sahara, 484.

29 Goranov, 38.

30 Ismail Bey, in his *Memoirs*, describes these killings in great length and detail. For Batak see 21-24, 33-35. Ismail Bey, *Memoire sur les evenements du sandjak de Philippopoli*, Constantiople: Typographie et lithographie centrales, 1877, 12. Also in BOA, HR. SYS. 292/1.

31 Goranov, 41-42.

and rifles and ammunitions distributed to the local population. When two unarmed policemen went to investigate the matter, they were told that “the Bulgarians of Batak took up arms to liberate themselves from the tyranny of the Sultan and that they were ready to fight to the last drop of their blood.”³¹ The unarmed policemen were then shot dead, which transformed the local violence into an open challenge to the Ottoman state.

For the next several days, things remained calm due to ongoing peace talks. In the original plan, Batak was to become a center for the surrounding villages, but due to the premature outbreak of the uprising, no other villages joined. Batak was to fight alone. In the meantime about two hundred Pomaks gathered in the outskirts of Batak. On April 30, other Pomak irregulars (*başıbozüks*) from the area under the command of the police chief, Ahmed Ağa Barutinli, arrived on the scene.³² All sources agree that the rebels were surrounded and outnumbered by the Muslims, but still they refused to surrender. The first battle began after the Bulgarian side opened fire. However, Stoianov and Goranov disagree on the outcome of the first battle, the former claiming victory and the later admitting defeat.³³ That night, Goranov with several hundred of his followers abandoned the village escaping to the mountains. Another part of the rebels led by Trendafilov decided to stay, thinking it was better to defend themselves inside the village. In any event, the chief instigator of the uprising was the first to abandon Batak to its fate. This flight made the village even more vulnerable, offering little resistance.³⁴

Then, on 1 May, another fight took place. The Muslims experienced heavy casualties and were running low on food. The concern for food and “the strong feeling of revenge for the lost soldiers may account for the extent of the atrocities that followed,”³⁵ as well as subsequent looting. The massacres began after Ahmed Ağa proposed a ceasefire on the condition of Bulgarian disarmament.³⁶ The condition was accepted. When it was completed however, the *başıbozüks* started to massacre and plunder. Some Bulgarians fled to the mountains, but most took shelter in the village school and church. In despair, they tried to

32 Sahara, 487.

33 Ibid., 486-489.

34 Ibid., 490-91.

35 Ibid., 492.

36 Ibid.

organize some resistance, but to no avail. With the Pomak Ahmed Ağa Barutanli lies the responsibility for the ensuing massacre.³⁷

Killing and plundering continued for several days.³⁸ The Muslim perpetrators slew large numbers of Christians, including many women and children. They burnt houses and buildings, in some cases with people inside them. When the Muslim perpetrators were done, Batak was turned into rubble.³⁹ It is clear from the Bulgarian sources that the people of Batak started an uprising in which they killed innocent unarmed Muslims, but were then abandoned by their leader and many young soldiers.⁴⁰ In return, there followed the indiscriminate massacre of unarmed villagers. The humanitarian side of it is heartbreaking and tragic. Politically, this episode led to extended diplomatic maneuvering by all the interested powers, culminating in the outbreak of the Russo-Ottoman War the following year.

3. FIRST NEWS OF ATROCITIES

The news of the April uprising and its aftermath was very slow to reach the Ottoman as well as the European capitals. For a long while, only rumors were heard of what had happened in the Rhodope mountains, but the news was ambiguous.⁴¹ One place the rumors circulated widely was Robert College, an American missionary school, which had a big number of Bulgarian students. These students heard reports about the events from their relatives and passed it on to one of the teachers, Albert Long. Albert Long had been a missionary in Bulgaria for seven years and was very partial to the Bulgarian cause.⁴² He received several letters from Bulgarians alerting him to the events, which he brought to the attention of his superior, George Washburn, the President of Robert College. Shocked by what they read, Long and Washburn brought the

37 Kemal H. Karpat, *The Turks of Bulgaria: the history, culture and political fate of a minority*, Istanbul: The ISIS Press, 1990, 192.

38 Sahara, 493.

39 Goranov, 94-97, Stoianov, Sahara, 492-493.

40 Sahara, 494.

41 Consul White writes about the remoteness of the region and the difficulty on obtaining information. White to Elliot, Doc. 304, *British Documents on Foreign Affairs*, Part I, Vol.II, 227. On 8 June 1876 Elliot wrote to Derby that "the Bulgarian insurrection appears to be unquestionably put down, although, I regret to say, with cruelty, and in some places, with brutality." Elliot to Derby, No. 604, Doc. 336, *British Documents on Foreign Affairs*, Part I, Vol. II, 247.

42 Sahara, 494.

letters to the British ambassador, Henry Elliot, asking him to use his influence on the behalf of the Bulgarians. Elliot did not think that the letters were credible enough to require official communication to his government.⁴³

Disheartened, Long and Washburn brought the letters to Edwin Pears, a British barrister who had arrived in Istanbul several years earlier and who worked as an amateur correspondent to the London's *Daily News*. Pears wrote an article entitled "Moslem Atrocities in Bulgaria," which was published on 23 June 1876.⁴⁴ According to Pears, "Orders had gone out from the Turkish authorities to the Moslem villagers to kill their Christian neighbors."⁴⁵ Pears also listed the name of thirty-seven villages which had allegedly been destroyed, and claimed that thousands of innocent Christian villagers had been "indiscriminately slaughtered."⁴⁶ The news immediately created a sensation in London, prompting two members of the Parliament to inquire with the Cabinet about their validity.⁴⁷

Although Pears was accused of inaccurately reporting events, he published a second article in the *Daily News* on 30 July, increasing the number of the villages to sixty. Elliot believed that Pears received his information from two Bulgarians, relatives of one of the presumed ringleader of the revolt in Filibe, and that "information from such a source can only be regarded as untrustworthy."⁴⁸ As Pears himself admits, his account was based on letters, rumors, and reports furnished by American missionaries.⁴⁹ Forty years later, in his memoirs, Pears continued to express the belief that while "there was no revolt in

43 The events that took place were recounted in the report to the Secretary of State, A. Fish, Maynard to Fish, Constantinople, November 21, 1876 in Senate, Executive Document, No. 21 (1876-77), Serial No.1719, reproduced in David Harris, *Britain and the Bulgarian Horrors of 1876*, University of Chicago Press: Chicago, 1939, 401-404.

44 The full text "The Assassinations at Constantinople. Moslem Atrocities in Bulgaria" is also given in Doc. 359, Inclosure in Doc. 358, *British Documents on Foreign Affairs*, Part I, Vol.II, 263-266.

45 Edwin Pears, *Forty Years in Constantinople: The Recollection of Sir Edwin Pears, 1873-1915*, 14. Also "The Assassinations at Constantinople. Moslem Atrocities in Bulgaria," Doc. 359, Inclosure in Doc. 358, *British Documents on Foreign Affairs*, Part I, Vol.II, 265.

46 "The Assassinations at Constantinople. Moslem Atrocities in Bulgaria," Doc. 359, Inclosure in Doc. 358, *British Documents on Foreign Affairs*, Part I, Vol.II, 263-264. Also Pears, 15.

47 Sahara, 494-95.

48 25 August 1876, Lumley to Derby, No. 88, Doc. 442, *British Documents on Foreign Affairs*, Part I, Vol.II, 325.

49 Edwin Pears, *Turkey and Its People*, 17. Also, 25 August 1876, Limley to Derby, No. 88, Doc. 442, *British Documents on Foreign Affairs*, Part I, Vol.II, 325.

Bulgaria . . . there had been considerable expression of discontent. The idea of the Turks was to crush out the spirit of the Bulgarian people, and thus prevent revolt.”⁵⁰ This allegation is very surprising especially in light of the fact that Zakhari Stoianov’s collection which claims otherwise had been already published in English.⁵¹

Pears’ account, however, had set the tone for the subsequent press coverage in England. In the English press, the events were presented as unprovoked attacks by fanatical Muslims on their unsuspecting, peaceful, and unoffending Christian fellows. Worse, the Ottoman government was said to have encouraged these attacks and to have failed to punish the guilty parties.⁵² Despite such press accounts, Elliot wrote that “all this was entirely untrue . . . , for it was the Christians who had been the first aggressors, treacherously massacring unsuspecting Turkish *zaptiehs* and burning many Mahometan villages.”⁵³

Indeed, Elliot attributed direct responsibility for what happened to Russia by claiming that the Russian government had encouraged the insurrection — giving “almost official assistance” to the insurrection in Herzegovina and Bosnia. In the winter of 1875-76, thought Elliot, Russian agents “directed by the Slav committees of Moscow and Odessa, which were in close alliance with General Ignatiev, were busy in organizing a rising in Bulgaria.”⁵⁴

According to Elliot, the first news started coming to Istanbul around 4 May.⁵⁵ For some time, he reported they “heard of nothing but the excesses that were being committed by armed bands of Christian Bulgarians.”⁵⁶ Austrian consular agents in Edirne (Adrianople) and Filibe (Philippopolis) reported that at least five Muslim villages were burnt by the insurgents. Eye-witness accounts kept coming from the

50 Pears, *Turkey and Its People*, 17.

51 Zachary Stoyanoff, *Pages from the Autobiography of a Bulgarian Insurgent*; Sahara, 496.

52 For a detailed digest of the British press see Harris, *Britain and the Bulgarian Horrors*.

53 Elliot, 256. Also 6 July 1876, Elliot to Derby, No. 716, Doc. 373, *British Documents on Foreign Affairs*, Part I, Vol.II, 269. Also see reports from British consuls, Reade and Dupuis, 19 July 1876, Reade to Elliot, Doc 397, 22 July 1876, Baring to Elliot, Doc. 402, 27 July 1876, Baring to Elliot, Doc. 301, 20 July 1876, Dupuis to Elliot, Doc 416, 7 August 1876, Dupuis to Elliot, Doc. 433, 19 August 1876, Dupuis to Derby, Doc 441, 25 August 1876, Lumley to Derby, Doc. 442, etc. *British Documents on Foreign Affairs*, Part I, Vol.II, 281-325.

54 *Ibid.*, 257.

55 4 May 1876, Elliot to Derby, No. 194, Doc. 230, *British Documents on Foreign Affairs*, Part I, Vol.II, 191.

56 Elliot, 257.

British consular agents as well. According to these reports, at least twenty small villages in addition to Otlaköy and Belova were burned, and outrages against both peaceful Bulgarians and Muslims were being widely committed.⁵⁷ In Belova, for example, Muslim guards were hacked into pieces.⁵⁸ Afterwards, well-armed rebels entered the village “led by priests, declaring, with crucifixes in hand, that that was the way to exterminate Islam.”⁵⁹ The consul in Rusçuk also reported that a Circassian village had been burnt by the insurgents and that he was afraid that the Circassians might take the matters in their own hands and retaliate.⁶⁰

The British ambassador sent several letters home alerting Derby to the activities of the insurgents and to the activities of the local authorities in arming of *başıbozüks* and other volunteers.⁶¹ Elliot claimed to have protested against the use of irregulars and urged the Porte to dispatch regular troops on the scene. Elliot was supported by ambassador of Austria-Hungary, Count Zichy, even though Zichy usually sided with the Russians.⁶² The advice that prevailed, however, was that of the Russian Ambassador, who had a great deal of influence over the Grand Vizier, Mahmud Nedim Pasha. Ignatiev, as he had done in the outbreak of the insurrection in Herzegovina and Bosnia, declared that these were minor disturbances which the Porte should not turn into major events by sending troops.⁶³

Elliot also claimed that, due to the remoteness of the region, reliable details of the news did not reach the capital until mid-June, almost six weeks after the “April uprising.”⁶⁴ Later, he even alleged that a telegram

57 7 May 1876, Elliot to Derby, No. 469, Doc. 242; 9 May 1876, Elliot to Derby, No. 473, Doc. 243, 6 May 1876, Doc. 244, Inclosure in Doc. 243, *British Documents on Foreign Affairs*, Part I, Vol.II, 196-199.

58 12 May 1876, Dupuis to Elliot, Adrianople, Doc. 283, Inclosure in Doc. 282, *British Documents on Foreign Affairs*, Part I, Vol.II, 216-217.

59 Elliot, 259.

60 9 May 1876, Reade to Elliot, Rustchuk, Doc. 269, Inclosure in Doc. 268, *British Documents on Foreign Affairs*, Part I, Vol.II, 208-209.

61 See his published letters of May 28, June 8 and June 19. 8 June Elliot to Derby, No. 603, Doc. 335, confidential and 8 June 1876, Elliot to Derby, No. 604, Doc. 336, *British Documents on Foreign Affairs*, Part I, Vol. II, 246-247; 19 June 1876, Elliot to Derby, No. 644, Doc. 353, *British Documents on Foreign Affairs*, Part I, Vol.II, 260-261. Also see 26 May 1876, Reade to Elliot, Rustchuk, Doc. 330, 30 May 1876, Reade to Elliot, Rustchuk, No. 7, Doc. 331, *British Documents on Foreign Affairs*, Part I, Vol. II, 242-243.

62 Elliot, 258.

63 Elliot, 257-258.

64 24 May 1876, White to Elliot, Doc. 304, *British Documents on Foreign Affairs*, Part I, Vol. II, 227.

sent by the vice-consul in Edirne had been withheld from him so that he was unjustly accused of withholding and concealing crucial information.⁶⁵ Elliot acknowledged that the withheld letter revealed for the first time that Bulgarian men, women, and children had been slaughtered on an unprecedented scale. He also dwelled on the fact that, as deplorable and extensive these horrors were, there were nevertheless accompanied by systematically fabricated stories⁶⁶ which were published anonymously in the newspapers and which were accepted without question in England. “Those who ventured to say that they were untrue or that these reports were exaggerated were denounced to public execration as sympathizing with the ill-doers.”⁶⁷ He remarked that in Istanbul at the time, it “was next to impossible to ascertain what was true and what was false; for, while on the one side the Turkish denials were not to be trusted, the assertions made on the others were quite as little veracious.”⁶⁸ He said that, not trusting Ottoman enquiries, he had several of the stories personally investigated and that they proved untrue. Nevertheless, instructed by Derby, Elliot sent Mr. Walter Baring, a Second Secretary of the British Embassy, to investigate the matter on the spot.⁶⁹

4. THE BARING REPORT

Baring started his investigation on 19 July 1876. He took a long time to complete the report, but when it was finally published on 1 September 1876, Baring’s report found the number of the actual victims was to have amounted to about a tenth of that given in the English newspapers.⁷⁰ Even that number was subsequently found to have been

65 Elliot, 260. Consul White writes about the remoteness of the region and the difficulty on obtaining information. White to Elliot, Doc. 304, *British Documents on Foreign Affairs*, Part I, Vol. II, 227. On 8 June 1876 Elliot wrote to Derby that “the Bulgarian insurrection appears to be unquestionably put down, although, I regret to say, with cruelty, and in some places, with brutality.” Elliot to Derby, No. 604, Doc. 336, *British Documents on Foreign Affairs*, Part I, Vol. II, 247.

66 19 June 1876, Elliot to Derby, No. 644, Doc. 353, *British Documents on Foreign Affairs*, Part I, Vol. II, 260. Elliot suggests that “many of the revolting details ... are either purely imaginary, or at least, grossly exaggerated.”

67 Elliot, 261.

68 Ibid.

69 Elliot, 266.

70 Baring’s report was completed on 1 September 1876 and can be found in Doc. 451, Inclosure in Doc. 450, *British Documents on Foreign Affairs*, Part I, Vol. II, 331-356. Newspapers such as *The London Daily News* articles on 22 August 1876; *Popolo Romano* news of 25 August 1876, No. 235.

inflated after hundreds of those he had counted among the slain returned to their villages.⁷¹ Derby noted wryly that “it seems that dead Bulgarians are every day coming to life: having escaped and hidden themselves during the massacres, and returned to their villages now that all is quiet again.”⁷² The actual number of those killed during the April uprising might never be determined with certainty. Baring noted that during his investigation the number of those killed had been estimated to be anywhere between 200,000 to 1,830, the former a calculation by Bulgarians, the later official Ottoman estimate.⁷³ The number of the dead Bulgarians (Christians) had been estimated to be as high as 30,000 by the Bulgarian historians and around 10,000 to 12,000 by others. Baring thought that those who “talk about 25,000 or 30,000 lives lost draw their information almost entirely from their own fertile brains.”⁷⁴ Baring estimates the number of people perished in the district of Filib to be 12,000.⁷⁵ The number of those killed in Batak alone ranges from 1,000 to 8,000 depending on the source.⁷⁶ Baring, by assigning ten people to each house, estimated the number of killed in Batak to be 5,000.⁷⁷ Ismail Bey’s statistics give the number of the population of Batak before the rising as 1552 males and 1937 females, after the massacre 788 males, 1110 females, which made the number of those dead or disappeared 766 males and 827 females. He also gave the number of people presumed dead who have subsequently returned to their homes as of September 1876 as 135 males and 112 females.⁷⁸

71 Elliot, 266.

72 8 May 1877, *The diaries of Edward Henry Stanley, 15th Earl of Derby (1826-93) between 1878 and 1893: a selection*, ed. John Vincent, Oxford: Leopard’s Head Press, 2003, from now on *Derby Diaries*, 399.

73 Baring’s report, 1 September 1876 and can be found in Doc. 451, Inclosure in Doc. 450, *British Documents on Foreign Affairs*, Part I, Vol. II, 337.

74 *Ibid.*, 339

75 *Ibid.*

76 Eugene Schuyler’s numbers are 15,000 total with 5,000 in Batak in Schuyler’s Preliminary Report published with Januarius MacGahan in a letter to the *London Daily News* of 22 August 1876. Bulgarian historians list this number even higher as 8,000 in Nikolay Haytov, *Vreme za razhv’rliane na kam’ni*, Izdatelstvo Christo Botev, 1994, 64. Ottoman archival sources and the historians who ground their work in the Ottoman archives estimate the number of Batak victims to be around 1,400. See below, also Justin McCarthy, *Death and Exile: The Ethnic Cleansing of Ottoman Muslims, 1821-1922*, Princeton: The Darwin Press, 6th ed., 2008, 60; Donald Quataert, *The Ottoman Empire 1700-1922*, 2nd ed. Cambridge: Cambridge University Press, 2005, 69.

77 Baring’s report, 1 September 1876 and can be found in Doc. 451, Inclosure in Doc. 450, *British Documents on Foreign Affairs*, Part I, Vol. II, 337.

78 Ismail Bey, *Memoire sur les evenements du sandjak de Philippopoli*, Constantinople: Typographie et lithographie centrales, 1877, tables on pp. 41-42.

The Baring report did confirm that in many villages massacres and brutality took place on a scale that nobody in Istanbul had previously credited. This part of the report was consequently made the focal point of every newspaper article and every meeting held in England.⁷⁹ But there was another part to the report that did not receive much attention in England. That part stated that “a conspiracy on a very large scale had been hatching for many months.”⁸⁰ Mahmud Pasha had been warned of it, but due to Ignatiev’s influence, he had taken no action to avert it. According to the report, if Mahmud Pasha had sent regular troops on time, the excesses could have prevented.⁸¹ The Baring report also found that the insurrection was planned by Russian agents such as Vankov and Benkovski who succeeded in persuading the peasants that Russian armies would come to support them and enable them to exterminate the Ottomans.⁸² In March 1876, the Bulgarian revolutionary committee in Bucharest, sent twenty new emissaries into Rumelia to agitate the Bulgarians to rise against the Ottoman government.⁸³ The date of the rebellion was initially fixed for 1 May but was then postponed for 13 May.⁸⁴ The plan of action was: to destroy as much of the railroad as possible; to burn Edirne, Filibe, Sofia, Tatar Pazarcik, Tehtiman, Isladi and number of villages; to attack villages and kill all Muslims who resisted and take their property. Benkovski reportedly told the peasants to burn their houses as they would afterwards be rebuilt of marble and that a large Russian army was ready to cross the Balkans and that about 13,000 men from Batak and the neighbouring towns were coming to their aid.⁸⁵ Baring had been subsequently attacked by the press, i.e. *Daily*

79 Elliot, 267. Ottoman archival documents also discuss such meetings and the agitation the alleged atrocities in Bulgaria produced in England. For example see 21 September 1876 Musurus to Safvet, London, BOA, HR.SYS. No 291/6, No. 6266/285 and 21 September 1876 Musurus to Safvet, London, BOA, HR.SYS. No 291/6, No. 6268/287. Also see Safvet’s reply to very tactfully treat the matter and seek for intelligent ways to rectify public opinion in England, 12 October 1876 Safvet to Musurus, BOA, HR.SYS. No 291/6, No. 45198/170.

80 Elliot, 267.

81 Baring’s report, 1 September 1876 and can be found in Doc. 451, Inclosure in Doc. 450, *British Documents on Foreign Affairs*, Part I, Vol.II, 333.

82 Baring’s report, 1 September 1876 and can be found in Doc. 451, Inclosure in Doc. 450, *British Documents on Foreign Affairs*, Part I, Vol.II, 331-333. Also Elliot, 267. These statements are supported by the writings of the Bulgarian revolutionaries as well, see the works of Stoianov, Botev etc. Also see the collection of articles published on the occasion of the centennial of the April uprising, *Aprilskoto v’stanie i iztochnata kriza 1875-1878* ed. N. Todorov and S. Damianov, Sofia: BAN, 1977 especially by N. Todorov, “Aprilskoto v’stanie i negovoto miasto v Iztochnata kriza (1875-1878)”, 9-24 and by D. Doinov, “Starozagorskoto v’stanie i s’bitiata na Balkanite prez 1875,” 25-44.

83 Baring’s report, 1 September 1876 and can be found in Doc. 451, Inclosure in Doc. 450, *British Documents on Foreign Affairs*, Part I, Vol.II, 333.

84 Ibid.

85 Ibid.

News, for traveling with a large retinue of Ottoman officials which intimidated Bulgarians. He also did not speak Bulgarian and did not take a Bulgarian guide with him.⁸⁶ Baring replied that all accusations were false that he was only accompanied by two or three *zaptie* (Ottoman policeman), but so were British and American investigators Schuyler and McGahan. And while he did not speak Bulgarian but neither did Schuyler and McGahan. He acknowledged that he did not take a Bulgarian with him, but asked, “are Bulgarians the only people in the world who speak the truth?”⁸⁷ The Ottoman government found the Baring report to exaggerate the number of the victims. Aleko Pasha urged Safvet Pasha to send him the results of Sadullah Bey’s investigation as soon as possible so that he could more effectively refute the exaggerations published in the European press.⁸⁸

5. MACGAHAN AND SCHUYLER INVESTIGATE

Simultaneously, the English *Daily News* began investigating the events in Bulgaria. The *Daily News* dispatched Januarius MacGahan, an Irish-American journalist, on a fact-mission to Istanbul to investigate Pears’ allegations. MacGahan had been trying for a while to find a way to cover the events in Bulgaria.⁸⁹ He had approached the *Herald* and the *Times* of London, but failed due to “his reputation for sensational proclivities.”⁹⁰ Richard Millman, an American historian and author of *The Bulgarian Massacres Reconsidered*, classified MacGahan as “a famous pro-Russian propagandist and one of the earliest examples of “yellow journalism”... He had been a correspondent in Russia and became a favorite in the tsar’s court. He married a lady from an old Russian family in 1872.”⁹¹

At the same time the United States charged the diplomat Eugene

86 5 September 1876, Baring to Elliot, Doc. 457, Inclosure in Doc. 455, *British Documents on Foreign Affairs*, Part I, Vol. II, 375.

87 *Ibid.*, 376.

88 28 November 1876, Aleko Pasha to Safvet Pasha, Vienna, BOA (Başbakanlık Osmanlı Arşivleri), HR. SYS. 291/4, No. 7145/795. The Porte had several people investigate the insurgece, Edib Efendi, Ismail Bey, Şakir Bey and the most expansive of it, Sadullah Bey’s commission.

89 5 September 1876, Baring to Elliot, Doc. 456, Inclosure in Doc. 455, *British Documents on Foreign Affairs*, Part I, Vol. II, 374.

90 Dale Walker, *Januarius MacGahan: The Life and Campaigns of an American War Correspondent*, 170.

91 Richard Millman, “The Bulgarian Massacre Reconsidered,” *Slavonic and East European Review*, Vol. 58, No. 2 (April 1980): 228.

Schuyler with investigating the Bulgarian uprising. Schuyler had served in St. Petersburg and had just been appointed consul-general to the American legation in Istanbul.⁹² Schuyler was a self-proclaimed “Slavophile” and seems to have been influenced by Russian claims that Christians had no rights under Ottoman rule. Schuyler asked to be sent to Bulgaria so that he could “bring back irrefragably proved facts which will show to the civilized world what sort of a Government is this of England’s protégé in the East.”⁹³ Schuyler also “made no attempt to conceal his violent antipathy for everything Turkish and openly expressed the hope that the Ottoman Empire would shortly fall into pieces.”⁹⁴

Schuyler and MacGahan went to Bulgaria together. They were also accompanied by an employee of the Russian embassy, Prince Tseretelev, and a Bulgarian from Robert College who served as a guide and interpreter. Tseretelev was acting in the name of Naiden Gerov, the Russian Vice-consul in Filibe, who was “generally accredited with having had a considerable share in getting up the late insurrection, and he [was] even said to have visited some of the villages and there incited the people to revolt.”⁹⁵ When the group reached Bulgaria they carefully avoided any contact with the Muslim population. Schuyler justified this avoidance because he feared that Muslim authorities would prevent him “from having free access to the Bulgarians.”⁹⁶ As a result, his account was based solely on Bulgarian sources. Batak, which had already become symbol of Muslim atrocities, was one of the first villages to be visited. They reached it by the beginning of August and were received with open arms.⁹⁷

Batak had no place to accommodate them, which meant that the party could stay for only few hours to investigate. They did so in haste and rushed to “escape from the fearful sight and equally terrible stench.”⁹⁸ This hurrying led them to rely almost exclusively on the testimony of survivors and to make elementary mistakes in counting the number of the houses. They estimated that there had been 900 houses in the village

92 Eugene Schuyler, *Selected Essays with a Memoir by Evelyn Schuyler Schaeffer*, 62.

93 Ibid.

94 5 September 1876, Baring to Elliot, Doc. 456, Inclosure in Doc. 455, *British Documents on Foreign Affairs*, Part I, Vol. II, 374.

95 Ibid.

96 Schuyler, 65.

97 Sahara, 497.

98 Schuyler, 71.

and assigned ten people to each house – estimating that the original population of the village was 9,000 people.⁹⁹ Modern Bulgarian historians, however, estimate the number of the houses to have been at most 500 and the population at no more than 4,000.¹⁰⁰ Schuyler's report estimated that at least 5,000 persons perished in Batak.¹⁰¹ Afterwards, MacGahan claimed that, "There was a weak attempt at an insurrection in three or four villages, but none whatever in Batak, and it does not appear that a single Turk was killed there."¹⁰² MacGahan nonetheless published several letters in *Daily News* in which he graphically described the scenes of the massacre and insisted that the Turks were envious of the rich and prosperous village of Batak. His letters greatly agitated the English public. Schuyler's report, written in a similar tone, gave them credibility because it was coming from the consul general of supposedly impartial country, the USA. Schuyler wrote that after careful investigation he was "unable to find that the Bulgarians committed any outrages or atrocities, or any acts that deserve that name."¹⁰³ Moreover, Schuler claimed that "No Turkish women or children were killed in cold blood. No Mussulman women were violated. No Mussulmans were tortured. No purely Turkish village was attacked or burnt."¹⁰⁴ According to Millman, "Schuyler and MacGahan, hating the Ottomans, found ample evidence in their tour for such feeling, and in their reports justified their prejudices and contempt by describing the enormity of what they had heard and observed."¹⁰⁵

Schuyler's conduct aggrieved the Ottoman authorities and they officially protested to the American authorities.¹⁰⁶ The Ottoman government objected to Schuyler's activities on the grounds that he had openly proclaimed himself against the Ottoman government and acted

99 Sahara, 498.

100 Sahara, 498. In May 2007 a public conference was scheduled by Martina Baleva, a Bulgarian historian, and Ulf Brunnbauer to present their research on the Batak massacre. Bulgarian media reported that the historians were trying to deny the massacre which led to a substantial controversy. On 3 April 2011 the victims at Batak were canonized as saints by the Bulgarian Orthodox Church, an event that has not happened in over a century.

101 Report by Mr. Schuyler on the Bulgarian Atrocities, 10 August 1876, Philippopoli, Doc. 452, Inclosure in Doc. 450, *British Documents on Foreign Affairs*, Part I, Vol. II, 359.

102 MacGahan, *The Turkish Atrocities*, 25.

103 Report by Mr. Schuyler on the Bulgarian Atrocities, 10 August 1876, Philippopoli, Doc. 452, Inclosure in Doc. 450, *British Documents on Foreign Affairs*, Part I, Vol. II, 360.

104 Ibid.

105 Millman, "The Bulgarian Massacre Reconsidered," 229.

106 in particular see Aristarchi to Fish, Washington, January 30, 1876 published in Department of State Archives, "Turkey, Notes," Vol. III., reproduced in Harris, *Britain and the Bulgarian Horrors*, 409-410.

as correspondent of various newspapers.¹⁰⁷ The US State Department was very unhappy with the situation, claiming they were not informed of Schuyler's controversial actions. As a result, the State Department was obliged to obtain its information "from fragmentary publications in European journals."¹⁰⁸ The government of the United States formally reprimanded Schuyler for "departure from diplomatic propriety and breach of official conduct."¹⁰⁹ Fish, the Secretary of State, disapproved Schuyler's "improprieties" that cost the good will of the Ottoman Empire and expressed hope that they would not be repeated.¹¹⁰ For his part, President Hayes of the United States hesitated "to recall Mr. Schuyler at this time solely for fear that doing so might be misinterpreted in Europe as indicating a want of sympathy in behalf of those who are represented by Mr. Schuyler as suffering at the hands of the Turks."¹¹¹

6. CANON HENRY LIDDON AND MALCOLM MCCOLL WEIGH IN

Another incident that exacerbated the anti-Ottoman and anti-Cabinet campaign in England was prompted by Canon Henry Liddon, canon of St. Paul's Cathedral in London and Professor of Holy Scripture at Oxford University, and Mr. Malcolm McColl. Liddon and McColl claimed that while aboard a riverboat they had seen a man impaled on a stake in front of an Ottoman guard's house. They claimed other stakes were nearby, ready for use. However, nobody else on the steamer could corroborate the story.¹¹² Their accusations were met with derision by even the most vehement adversaries of the Ottomans: "for they well knew that for very many years there had been no such thing as an execution by impalement."¹¹³

Gladstone, however, was not deterred. He pronounced that the question

107 Ibid.

108 Draft No.99, Fish to Maynard, January 26, 1877, and Fish to Schuyler, January 26, 1877, Department of State Archives, "Turkey, Instructions," Vol. VIII. reproduced in Harris, *Britain and the Bulgarian Horrors*, 410-412.

109 See Documents Concerning the Activities of Eugene Schuyler, Senate, Executive Documents, No. 24 (1876-77), Serial No. 1719, reproduced in Harris, *Britain and the Bulgarian Horrors*, 401-404.

110 Draft No. 102, Fish to Maynard, February 1, 1877, Ibid., Harris, 412-413.

111 Ibid.

112 Elliot, 264.

113 Ibid.

of whether Mr. Liddon and Mr. McColl were mistaken or not was irrelevant and that the ridicule with that had greeted their claim “only showed the gross ignorance of those who ought to know better.” As he insisted, “impalement *is* a thing familiarly practiced in Turkey and it *is* one of the venerated institutions of the country.”¹¹⁴ The English public easily believed such accusations. Elliot, for his part, was denounced in the press as a collaborator and Ottoman sympathizer and asked to be dismissed from his post.¹¹⁵ Liddon also joined in by suggesting that Sir Henry Elliot be replaced “by a diplomat of human rather than of Turkish sympathies.”¹¹⁶ This campaign seems to have greatly offended Elliot, for he went to great lengths in his memoirs to refute these allegations. As he claimed: “our Government and the Embassy did everything that could be done, both for the protection of the Bulgarians and to obtain punishment of those who had maltreated them” which can be “seen plainly enough in the published official correspondence.”¹¹⁷

7. GLADSTONE SEIZES THE DAY

The sensational news of MacGahan and Schuyler agitated the public opinion in England.¹¹⁸ At that time Gladstone found the opportune moment to launch a political campaign against Disraeli’s government by publishing a pamphlet entitled *Bulgarian Horrors and the Question of the East*.¹¹⁹ In this pamphlet he presented a story identical to that of Pears, MacGahan and Schuyler. He claimed that Ottoman rule was brutal and barbaric and the Bulgarians had every reason to rebel. The “Turks,” however, took advantage of this modest protest to satisfy their thirst for blood. In short, Gladstone argued that the “Turks” were liars in claiming that the Bulgarian started the uprising by killing many innocent villagers, both Muslim and Christian, while presenting himself as impartial, conscientious, humanitarian, and therefore “trustworthy.”¹²⁰ Gladstone spoke of the outrages “much as if they had taken place in British territory

114 *Ibid.*, 265.

115 *Daily News*, 5 September 1876, article by Mr. Freeman

116 Elliot, 271.

117 Elliot, 271-72.

118 8 July 1876, *Derby Diaries*, 308. According to Derby, “The English papers are beginning to take sides: *Pall Mall*, *Telegraph*, *Standard*, *Morning Post*, and *Saturday Review* more or less pro-Ottoman, or rather anti-Russian; *Daily News* violent for the insurgents, *Spectator* the same, *Times* inclining in the same direction, but more moderately.”

119 William Ewart Gladstone, *Bulgarian Horrors and the Question of the East*, London, 1876.

120 Sahara, 502.

and as though we alone were responsible for the impunity of the perpetrators.”¹²¹ The British press and Gladstone presented the events solely as Muslim aggression.¹²²

MacGahan and Schuyler had portrayed the Ottoman government as absolutely unreliable. They believed and propagated the story that the massacre was organized and ordered by the authorities, and even if it wasn't, they claimed the government could not have done anything effective to prevent it because the country was in “a state of complete anarchy.”¹²³ Therefore the only possible way to restore order and dispense justice was “a foreign intervention.”¹²⁴ Schuyler even drew up a plan for setting a commission for the protection of the people — see to the hanging of the leader of the perpetrators, disarm the Muslim population, make the Ottoman government rebuild the villages, and compensate the people for their losses under international monitoring.¹²⁵

Gladstone entirely agreed. He even took this plan a step further by righteously suggesting that not only the perpetrators, but the entire Ottoman state be punished.¹²⁶ He set aside plans for common action by European governments, proposing instead that England should send a fleet to Ottoman waters to be positioned in such a way that its force “be most promptly and efficiently applied on Turkish soil for the defense of innocent lives, and to prevent repetition of those recent scenes.”¹²⁷ This so-called humanitarian mission, however, had another goal: to rid Bulgaria of all Ottoman presence by letting “the Turks now carry away their abuses in the only possible manner, namely by carrying off themselves. Their Zaptiehs and their Mudirs, their Bimbashis and their Yuzbachis, their Kaymakams and their Pashas shall clear out from the province they have desolated and profaned.”¹²⁸ After the Ottomans had left, Bulgaria was to become a British protectorate, which was “the only

121 Elliot, 256.

122 On the British campaign, and “the awakening” of public opinion in Britain, see David Harris, *Britain and the Bulgarian Horrors of 1876*, University of Chicago Press: Chicago, 1939 which is very partial and relies solely on British sources, especially articles in the press. However, the book offers a good digest of the British press and political speeches.

123 MacGahan, 74.

124 Ibid.

125 Ibid.

126 Gladstone, *Bulgarian Horrors*, 12.

127 Ibid., 43.

128 Ibid., 61-62.

reparation we can make... to the civilization which has been affronted and shamed...[and] to the moral sense of mankind at large.”¹²⁹

This “humanitarian mission” would take precedence over international law. As Gladstone framed it: “Now there are states of affairs, in which human sympathy refuses to be confined by the rules... of international law.”¹³⁰ The Bulgarian events destroyed any good will towards the Ottoman Empire.¹³¹ The Great Powers did not believe the Ottoman line of reasoning that Bulgarians had committed mass killing of Muslims too. Europe started to assume that it was impossible for Christians and Muslims to co-exist. The blackening campaign in the British press succeeded in agitating the public opinion to such a degree that Britain became, even more than Russia, a champion of the Bulgarian cause. Sir Henry Elliot wrote in his memoirs:

*Nothing occurring in a foreign country within my recollection ever caused in England a sensation at all to be compared with that produced by the Turkish excesses in Bulgaria in the spring of 1876; but, horrible as they were, the excitement about them, as about anything not directly affecting our own country, would soon have passed away if the leader of the Opposition had not found in them an opportunity to make political capital against Lord Beaconsfield's Government, and, by a reckless distortion of facts, to rouse all the generous instincts of the nation not only against Turkey but against our own government, which was represented as scarcely less guilty.*¹³²

The Queen, too, objected to the employment of *başıbozüks*, on account of the cruelties they committed. To this, Derby replied that this was regrettable, but “if we don't fight for the Turks we can hardly tell them how they are to fight their own battles.”¹³³

Derby sent a telegram to Elliot notifying him that “the events in Bulgaria have destroyed entirely the sympathy felt in England for

129 Gladstone, *Bulgarian Horrors*, 62.

130 *Ibid.*, 47.

131 See the correspondence between Safvet Pasha and the representatives of the Sublime Porte, BOA, HR.SYS. 291/4, 291/5, 291/6, 291/7 in general and the report of Karatodori of 26 September 1876 to Safvet, BOA HR.SYS. 291/4. No. 481/190 in particular. Also Safvet comments on it and proposes ways to remedy it in 12 September 1876 Safvet to Musurus, BOA, HR.SYS. 291/6, No. 45198/170.

132 Elliot, 255.

133 9 July 1876, *Derby Diaries*, 308.

Turkey: so much so, that if Russia were to take part openly with the Servians, and declare war, it would be practically impossible for us to interfere.”¹³⁴ He continued: “The change is certainly remarkable: meetings are being held daily in the provinces ... the hope is expressed that we will have nothing more to do with the Turks, except to help in turning them out of Europe.”¹³⁵ In Derby’s opinion, the rising excitement could be attributed to several factors: it happened during the unfortunate time of the year, in the summer when “there is nothing else to write or talk about;”¹³⁶ the losers of the Ottoman bankruptcy contributed “to swell the cry;”¹³⁷ and the Liberals had seized the opportunity to damage the Cabinet and build up capital for the next election. Disraeli believed that although the Bulgarian business increased the difficulties, it might also nonetheless help pave the way for a solution. It could give England a reason to modify its position vis-à-vis the Ottoman Empire in making it tenable to ask for securities towards the non-Muslims.¹³⁸

Gladstone’s brochure created a severe reaction in the Ottoman Empire. The Sublime Porte expressed profound grief at the violent language and passionate hostility of the former Premier Minister of England against the Muslims in general and the Turks in particular. Musurus, the Ottoman ambassador to England, expressed his hope that Gladstone’s demagogical attitude would be condemned by all sensible men in England. Musurus wrote that he already started a counter-campaign in the press to defend the Ottoman Empire and succeeded in publishing two brochures and several articles in the *Morning Post* accompanied by a number of letters either anonymous or carrying the signatures of respectable individuals. He said he needed to work further on increasing the number of favorable articles published in England. He concluded his report by writing that this was “all and all, an epidemic, which after running its course, would calm down and give way to the good sensibilities natural to the English people.”¹³⁹ Similar meetings were held in Italy as well.¹⁴⁰

134 29 August 1876, *Derby Diaries*, 321.

135 2 September 1876, *Derby Diaries*, 323.

136 3 September 1876 and 6 September 1876, *Derby Diaries*, 323-324.

137 *Ibid.*, 323-324.

138 *Ibid.*

139 14 September 1876, Musurus to Safvet, BOA, HR.SYS. No 291/6, No. 6252/271. For further information on Musurus’ effort and use of *Morning Post* see 7 September 1876, Musurus to Safvet, BOA, HR.SYS. No 291/6, No. 6247/266.

140 For further information on the meetings and agitation in Rome see report from 8 September 1876, Essad to Safvet, Rome, BOA, HR.SYS. 291/6, No. 9457/230, 15 September 1876, Essad to Safvet, Rome, BOA, HR.SYS. 291/6, No. 9461/233.

8. THE PORTE RESPONDS

The Porte sincerely regretted the bloody repression,¹⁴¹ and tried to implement a policy of damage control in the Press at home and abroad.¹⁴² The Sublime Porte designated Sadullah Bey, the former Minister of Commerce, to preside over a special commission called the Philippopolis Commission whose task was to investigate the events in the region of Philippopolis and Pazarcik.¹⁴³ The commission included Muslim and non-Muslim members (Greek, Bulgarian and Armenian.)¹⁴⁴ The work and the findings of this commission were widely publicized in the European capitals by the Ottoman ambassadors.¹⁴⁵ Ali Suavi, a prominent Young Turk, replied to Gladstone's campaign by publishing "Letters by Ali Suavi Efendi," in *Diplomatic Review* in October 1876.¹⁴⁶ The Porte also initiated its own investigation in the matter by dispatching Edib Efendi as extraordinary commissioner to Edirne (Adrianople) and several other officials including Sadullah Bey to Filibe (Philippolis) and the surrounding region. Edib Efendi produced a report in which he laid out the outbreak of the revolt and the terrain of the fighting: twenty eight villages were burned, four Muslim, six mixed, eighteen Bulgarian. Severe fighting occurred in five villages and *başıbozüks* were used in two, Batak and Prasadán.¹⁴⁷ The insurgents burned about twenty-four villages, the *başıbozüks* set Batak on fire, and regular troops burned Braçkova and Otluk. Of the 5,656 total houses, 2,670 were burned.¹⁴⁸ Because the Bulgarians had buried most of their valuables in the ground, the looting consisted of household items and animals.¹⁴⁹ The affected number of the Muslim population was

141 23 December 1876, Safvet to Musurus, BOA, HR.SYS. 291/3, No. 45592/199.

142 See the correspondence between Safvet Pasha and the representatives of the Sublime Porte, BOA, HR.SYS. 291/4, 291/5, 291/6, 291/7.

143 16 September 1876, Safvet Pasha to the representatives of the Sublime Porte, BOA, HR.SYS. 291/5, No. 44951/140.

144 Ibid.

145 See the correspondence between Safvet Pasha and the Ottoman representatives abroad pertaining to the Philippopolis Commission in HR. SYS. 291/5 which contains 44 documents. For example, on 4 January 1877, Safvet Pasha sent a circular letter to the Ottoman representatives abroad to ask them to publicize Sadullah Bey's report.

146 *Diplomatic Review*, 24 October 1876, 270-76.

147 Edib Efendi, *Traduction du rapport presente par S. Exc. Edib Efendi Commissaire Extraordinaire sur e'enquete ordonnee par la Sublime Porte dans le Vilayet d'Andrinople*, Constantinople: Typographie et lithographie centrales, 1876, 7. (12 pages long.) A copy kept in BOA, HR. SYS. 291/1, 7.

148 Ibid.

149 Ismail Bey, *Memoir*, 15.; Celaledin Paşa, *Mirat-i Hakikat*, Istanbul: Tercuman, 1979, 200-204

estimated at about four thousand and the Christian at about seven thousand. The casualties in Batak were reported at 1,441.¹⁵⁰ The report was officially submitted to the British authorities.¹⁵¹

However, the Bulgarian leaders did everything to disprove the report and discredit the Ottoman investigation. Elliot declared the report unreliable and sought to end Edib Efendi's investigation. Sadullah Bey also produced a report. In the Philippopoli and Bazarcik region, there were 9575 houses total in 54 villages. Of these 5,308 have been burned. So far (as of mid-November 1876) 1593 houses have been reconstructed, and 1014 were under construction.¹⁵² The findings of the Commission of Philippopolis were published in the newspaper *la Turquie* and upon the Porte's request also republished in major European newspapers (*Morning Post*, *Gazetta d'Italia*, *Levant Herald*,¹⁵³ etc.)¹⁵⁴ The numbers vary: for example in internal correspondence the number of reconstructed houses were reported as 957 and those under construction as 810, depending on the number of villages and the district, sometimes Philippopoli district is counted alone, sometimes together with Tatar Pazarcik (Bazardjik.) However they are the same in the final version of the report kept in the Ottoman archives.¹⁵⁵ In any event, under European pressure, the Ottomans were rebuilding the destroyed villages and providing the victims with shelter, food, clothing and money.¹⁵⁶ The Ottoman government sent 18,000 British Pounds to the commission in Bulgaria to be spent on alleviation efforts.¹⁵⁷

However, this report was also found unreliable. Prior to its publication, there were rumors widely circulating in the European capitals (Paris

150 Edib Efendi, *Traduction du rapport presente par S. Exc. Edib Efendi Commissaire Extraordinaire sur e'enquete ordonnee par la Sublime Porte dans le Vilayet d'Andrinople*, Constantinople: Typographie et lithographie centrales, 1876, 8-9.

151 Mahmud Celaledin Paşa, *Mirat-i Hakikat*, Istanbul: Tercuman, 1979, 200-204. Celaledin Paşa who has seen and read the report cites the numbers taken from the report in his memoirs

152 Rapporto di S. E. Saadoullah Bey a Sua Alteza il Gran-Visir, *Gazetta d'Italia*, 16 January 1877, copy of the article in BOA, HR. SYS 291/5

153 see correspondence between Safvet and the Ottoman rerepresentatives in BOA HR. SYS. 291/5

154 4 January 1877, Safvet to the Ottoman representatives, circular letter, BOA, HR. SYS. 291/4, No. 46,005/3 with an annex.

155 13 December 1876, Turkhan to Safvet, Berlin, BOA, HR. SYS. 291/5, No. 4787/316 also 23 December 1876, Safvet Paşa to the representatives of the Sublime Porte, BOA, HR.SYS. 291/5, No. 45610/195. See copy of the official report in BOA, HR. SYS. 292/1.

156 23 December 1876, Safvet Paşa to the representatives of the Sublime Porte, BOA, HR.SYS. 291/5, No. 45610/195

157 25 September 1876, Safvet to the representatives of the Sublime Porte, BOA, HR.SYS. 291/5, No. 45030/147

and London in particular) that Sadullah Bey, the President of the Ottoman commission and other members were lodging at the home of Hasan Pasha who was accused of being one of the perpetrators of the massacre and that this act compromised the impartiality of the commission.¹⁵⁸ Moreover, an article in the Times published on 18 October 1876 further challenged the impartiality and the judgement of the Commission by alleging that Sadullah Bey had been a guest of Ahmed Ağa since his arrival in Philippopolis.¹⁵⁹ Safvet Pasha immediately refuted these allegations by stating that the assertion of Sadullah Bey being Ahmed Ağa's guest was "totally inaccurate"¹⁶⁰ and that Sadullah Bey lodged with some of his other colleagues at the house of certain Said effendi, a small vendor.¹⁶¹ Sadik and Musurus were instructed to transmit this information to Duc Decazes and Lord Derby.¹⁶²

Sadullah's report was made a pivotal point in the Porte's campaign to refute the exaggerations of the Baring report as well as allegations of cruelty and barbarity on the part of the Ottomans circulating in the European press.¹⁶³ To this end, the Ottoman Ministry of Foreign Affairs delivered a special note to the British Ambassador, Elliot, explaining in detail the activities and findings of the Philippopolis Commission. The note gave reassurances of impartiality and at the same time guaranteed independence of judgement.¹⁶⁴ In order to allegedly maintain such impartiality and sound judgement, the commission was composed of two Muslims, Sadullah and Salim and four non-Muslims, Yovancho, Kiadis, Abro, Pertev.¹⁶⁵ Ismail Bey compiled a brochure based on the investigation of the Sublime Porte and the interrogation of those arrested during and after the uprising. This account was subsequently published as a monograph under the title *Memoire sur les evenements*

158 Sadik Pasha reported from Paris on 12 October 1876, Sadik to Safvet, BOA, HR. SYS. 291/5, No. 11369/293.

159 10 October 1876, Musurus to Safvet, BOA, HR.SYS. 291/5, No. 6320/339.

160 16 November 1876, Safvet to Musurus, BOA, HR.SYS. 291/5, No. 45525/194.

161 16 November 1876, Safvet to Musurus, BOA, HR.SYS. 291/5, No. 45525/194, also 29 October 1876, Safvet to Sadik, BOA, HR.SYS. 291/5, No. 45293/197.

162 Ibid.

163 28 November 1876, Aleko to Safvet, Vienna, BOA, HR. SYS. 291/5, No. 7145/735.

164 22 November 1876, BOA, HR. SYS. 291/5, No. 45581/56.

165 20 October 1876, Safvet to the representatives of the Sublime Porte, BOA, HR. SYS. 291/5, No. 44972/143. These are the signatures on the official report of the commission a copy of which is kept in the archives BOA, HR.SYS 292/1.

du dandjak de Philippopoli. The number of Muslims massacred at Avrat-Alan alone according to this account was 71.¹⁶⁶

The Ottoman authorities also arrested and tried the perpetrators. Elliot successfully called for the Governor of Edirne (Adrianople), Akif Pasha, to be arrested and insisted that all Muslim perpetrators be punished as soon as possible. At the same time, he insisted that the Bulgarian perpetrators who were tried and found guilty by the Ottoman authorities be pardoned and immediately released. Such calls found traction, and upon Murad V's accession to the throne, a general amnesty was proclaimed under which many Herzegovinian and Bulgarian insurgents were pardoned and set free.¹⁶⁷

The Ottoman position on the Bulgarian uprising can be summed up in the line of argumentation Odian Efendi gave to Lord Derby. In a meeting with Derby, Odian Efendi, Midhat Pasha's special envoy to England and Britain in the winter of 1877-78, called attention to the point of the European program concerning the amnesty. Odian Efendi argued that in order to reestablish proper order and maintain peace, it was necessary that the amnesty be general, i. e. that it apply to both Christian and Muslim leaders. Lord Derby, who up to this point, seemed to principally agree with Odian Efendi, changed his mind "at one stroke" and said that amnesty for the perpetrators of the massacres would cause more harm than good in Europe and that he never gave such an advice.¹⁶⁸

Odian Efendi then addressed the question of the massacres in spite of the absence of Ismail Bey's account (which he asked for on numerous occasions.)¹⁶⁹ He told Lord Derby that the acts were not justifiable by any means, but that the Ottoman government could provide a full

166 Ismail Bey, *Memoire sur les evenements du sandjak de Philippopoli*, Constantiople: Typographie et lithographie centrales, 1877, 12. Also in BOA, HR. SYS. 292/1.

167 Mahmud Celaledin Paşa, *Mirat-i Hakikat*, 200-201. For numerical information see the note sent by the Ottoman MFA to the British Ambassador on 22 November 1876, BOA, HR. SYS. 291/5, No. 45581/56. For example in Edirne (Adrianople) 32 individuals were deferred to the Temyiz (acquittal) tribunal. Of these 19 were acquitted and set free, 9 were being tried as assassins (murderers) as accused by the families of their victims, 2 were already condemned and their sentences carried out, and 2 others identified as insitgators and insurgent chiefs were held at Philippopolis. In Pazardcik (Bazardjik) the number of those detained did not exceed 7 and there were all accused of murder. The note ended by assuring the British Ambassador that all of those who were still in prison were guilty of crimes, that among those there were no innocent prisoners.

168 30 January 1877, Odian Efendi to the Grand Vizier, London, BOA, HR.SYS 1288/1.

169 Ibid.

explanation. He argued that what one called a massacre could also be seen as a terrible repression. Odian Efendi said that he did not know if there weren't more terrible repressions in other countries, but, in any case, all repressions are inevitably terrible. He said that Ottoman troops shot at women and children because the women and children barricaded themselves in houses from whence their men were shooting at Ottoman troops.¹⁷⁰

Seeing the effect his explanation had produced on Lord Derby, Odian Efendi returned to the question of the general amnesty.¹⁷¹ Lord Derby insisted on his point of view Odian Efendi insisted on his government's point of view. Lord Derby told him that he could not give him official advice to which Odian Efendi replied that he knew that Lord Derby could not provide any official counsel. Odian Efendi seemed to have been offended by the manner Derby treated him. Odian Efendi told him of the awkward position in which Midhat Pasha found himself and asked Lord Derby, as a good friend to Midhat Pasha, to provide counsel on how the Porte should proceed to address the events surrounding the massacre. Derby agreed on the awkward situation and on the importance of the question and advised Midhat Pasha to grant amnesty to the majority of those responsible for the massacres, be they Christian or Muslim, and arrest only the perpetrators of the murders. That is to say, to pronounce a general amnesty, but to exempt some Christian and some Muslim chiefs.¹⁷²

9. THE PORTE LOSES HOPE

The Porte was coming to painful realization that it was completely isolated in Europe. Reports coming from its representatives abroad were not very hopeful. In May 1876, reports from secret agents in the United Principalities (of Wallachia and Moldavia) alerted the Ottoman authorities to the preparations of Bulgarian armed bands to cross the Danube at Giurgevo and start another insurrection in Ottoman territory.¹⁷³ Romanian Prince Ion Ghika had to personally write to the Sublime Porte to give reassurances that the Romanian authorities were doing everything in their power to prevent such an occurrence and thus

170 Ibid.

171 Ibid.

172 30 January 1877, Odian Efendi to the Grand Vizier, London, BOA, HR.SYS 1288/1.

173 16/28 May 1876, Edib to Rashid, Braila, BOA, HR.SYS 291/7, No. 87/13. Also see 14 June 1876, Rachid to Ghika, BOA, HR.SYS 291/7, No. 43967.

avoid provocations of repressive measures by the Ottomans.¹⁷⁴ News kept coming of other agitations among Bulgarians. In October 1876, the Porte came in possession of a correspondence between the Bulgarian Committee in Ortaköy and the Slavophile Committee of Rome which revealed plans for an insurrection in Istanbul.¹⁷⁵

Meanwhile, on 2 July 1876, Serbia and Montenegro declared war on the Ottoman Empire, aggravating the political crisis in Istanbul.¹⁷⁶ This immediately alarmed the Austrian authorities, who feared a powerful Slavic state that would not rest until it reached the sea. Greece, too, tried to take advantage of the situation. The king of Greece told Derby that he wanted Thessaly and Epirus and said that his people would be discontented if they got nothing for their good conduct. Derby tried to explain to him that Thessaly and Epirus were not his to give.¹⁷⁷ Romania presented a long list of demands to the Porte as well.¹⁷⁸

Gorchakov used these events to sent a dispatch to the Sublime Porte in which he held the Ottoman government responsible for the situation. The dispatch produced a very troubling impression on the Porte.¹⁷⁹ In a circular letter to all European governments, Safvet Pasha replied by arguing that the Chancellor felt the need to justify the armament and mobilization of the Russian army.¹⁸⁰ He further argued that if the Ottoman administration had been as incorrigible as Russia had led everyone to believe, then the Empire would have found itself in a state of permanent insurrection. Instead, in the twenty-five years since the Treaty of Paris, there had been only an insignificant number of minor insurrections whose motives could be attributed to Russian intervention in the Balkans.¹⁸¹ Despite these efforts, it appeared that the Ottoman Empire was left to deal with Russia alone. Such, at least, was the Ottoman perception of the international situation on the eve of the conference.

174 6/18 June 1876, General Ghika to Safvet, Constantinople, BOA, HR.SYS 291/7, No. 113.

175 27 October 1876, Essad to Safvet, Rome, BOA, HR.SYS 291/6, (no number given.)

176 2 July 1876, Monson to Derby, Ragusa, Doc. 361, and 2 July 1876, White to Derby, Belgrade, Doc. 363, *British Documents on Foreign Affairs*, Part I, Vol. II, 266.

177 17 July 1876, *Derby Diaries*, 310.

178 These demands can be found in Memorandum respecting Romanian grievances compiled by E. Hertslet is published in Doc. 398, *British Documents on Foreign Affairs*, Part I, Vol. II, 282-290.

179 as evident in 30 November 1876, Safvet Pasha to the representatives of the Sublime Porte, circular letter, BOA, HR. SYS. 1292/2, No. 45695/197.

180 Ibid.

181 Ibid.

The ill-fated Constantinople Conference (Tersane Konferansı) was held in Istanbul from December 1876 to January 1877 in the hope of avoiding war. This hope proved to be illusory. The Ottoman Empire reluctantly agreed to host an international conference in its own capital by the European powers, to which it was not invited, and to add insult to injury, during which its fate was to be determined by outside actors. Moreover, the Ottoman Empire was expected to obediently implement everything that conference participants deemed appropriate or else. During the conference European powers were dangling the threat of war to extract concessions from the Ottoman Empire. The Ottoman governing elite felt that no independent state could agree to such concessions without surrendering its honor and sovereignty. So, they refused to. They decided to at least fight for their territory and sovereignty.

Nonetheless, Russia carried out an unprovoked attack on the Ottoman Empire. Russian and Balkan historians have ever since tried to come up with a plausible reason for war, but the only justification they keep putting forward is the claim that all “peaceful” methods have been exhausted and the only remaining path to alleviate Christian “suffering” was war.

10. CONCLUSION

The Bulgarian events played a pivotal role in such justifications. The way in which the putting down of the April uprising was perceived destroyed any good will towards the Ottoman Empire. The Great Powers did not believe the Ottoman line of reasoning that Bulgarians had committed mass killing of Muslims too. Europe started to assume that it was impossible for Christians and Muslims to co-exist. The blackening campaign in the British press succeeded in agitating the public opinion to such a degree that Britain became, even more than Russia, a champion of the Bulgarian cause.

The Ottoman Empire found itself diplomatically isolated in the crisis of 1875-1877. Its long-time supporter, Britain, abandoned the Ottoman Empire in the wake of the war, making it abundantly clear that it would not back the Ottoman Empire in any way if further military conflict arose. With this reassurance, Russia was given a free hand to attack its neighbor. The Ottoman Empire fought isolated and alone. It soon lost the war and with it most of its European territories and Christian subjects.

Most importantly the Bulgarian events validated a long-suspected “formula” for success for getting independence for the Ottoman Christians. First, minorities under Ottoman rule needed to secure the support of a Great Power (in most cases Russia). They then needed to organize an uprising with the expectation that it would be put down by the Ottoman authorities. The leaders of the uprising could then claim that their people had suffered brutal slayings by the barbarous Muslims, giving them the moral capital to urge the Christian world (i.e. the Great Powers) to intervene and rescue their Christian brothers from the Ottoman “yoke.” The Greeks, the Serbians, the Montenegrins, the Romanians and the Bulgarians successfully implemented this “formula.” After seeing the success of the Bulgarian uprising, the last major Christian group left under Ottoman rule after 1877, the Armenian minority, tried to emulate the Bulgarian example in the unfortunate events in 1895-96 and then again in 1915. In fact there had been a close cooperation between Bulgarian and Armenian committee leaders after the 1876 uprising.¹⁸² However, this time the Great Powers did not come through for the Armenians. The Ottoman government was determined to prevent a re-occurrence of the Bulgarian example. All of this culminated in the tragic events of 1915, the legacies of which still continue today.¹⁸³ A century later, the Armenian issue is still at the front and center of the world political agenda even though the Ottoman Empire is long gone.

182 See Bülent Yıldırım, *Bulgaristan'daki Ermeni Komitelerinin Osmanlı Devleti Aleyhine Faaliyetleri (1890-1918)*, İstanbul: Türk Tarih Kurumu, 2014.

183 See Alev Kılıç, “1915 Olayları ve Türk-Ermeni Uyuşmazlığı,” *100 Yılında Birinci Dünya Savaşı*, ed. Ümit Özdağ, Ankara: Kripto Kitaplar, 2014, 349-358; Ronald G Suny, Fatma M. Göçek, and Norman M. Naimark, *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire*, Oxford: Oxford University Press, 2011; Ryan Gingeras, *Sorrowful Shores: Violence, Ethnicity, and the End of the Ottoman Empire, 1912-1923*, Oxford: Oxford University Press, 2009, Donald Bloxham, *The Great Game of Genocide: Imperialism, Nationalism, and the Destruction of the Ottoman Armenians*, Oxford: Oxford University Press, 2005, Taner Akçam, *The Young Turks' Crime against Humanity: The Armenian Genocide and Ethnic Cleansing in the Ottoman Empire*, Princeton, N.J.: Princeton University Press, 2012.

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SOVIET ETHNIC CLEANSING OF THE CRIMEAN TATARS

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Abstract: *On May 11, 1944, the Soviet government accused the Crimean Tatars of mass treason and ordered the forced resettlement of the entire population from the Crimean ASSR to Uzbekistan. From May 18-20, 1944 the NKVD (People's Commissariat of Internal Affairs) loaded nearly every Crimean Tatar man, woman, and child onto train echelons bound for the Uzbek SSR. A number of these trains were later diverted to the Urals and other regions of the R.S.F.S.R., but out of a total population of less than 200,000 over 150,000 ended up resettled in Uzbekistan as special settlers. Those sent to Uzbekistan were initially settled mostly on kolkhozes and sovkhozes, but due to very poor material conditions on these farms a large number of them migrated to industrial concerns such as mines, construction sites, and factories within the republic to work. Despite this migration, tens of thousands of Crimean Tatars in Uzbekistan still perished from such causes as malaria, malnutrition, and dysentery. In the Urals tens of thousands of Crimean Tatars ended up in wet forests where the able bodied adults felled trees and the rest of the population suffered from hunger and contagious diseases. Finally, a small group of Crimean Tatar men were mobilized as forced labourers in the coal mines of the Moscow and Tula oblasts. The Soviet government only released the Crimean Tatars from special settlement restrictions on April 28, 1956. It lifted the collective charges of treason against the nationality on September 5, 1967. But, it only allowed the Crimean Tatars to return home in large numbers after November 14, 1989. Their long exile in Central Asia and other areas of the USSR left an indelible mark on the nationality. The Crimean Tatar response to the current Russian occupation of Crimea cannot be understood without reference to the history of their deportation and suffering under the special settlement regime.*

Keywords: *Crimean Tatars, deportation, NKVD, special settlers, Uzbekistan*

KIRIM TATARLARININ SOVYETLER BİRLİĞİ TARAFINDAN ETNİK TEMİZLİĞE MARUZ KALMASI

Öz: 11 Mayıs 1944'te Sovyet hükümeti, Kırım Tatarlarını kitlesel ihanetle suçlamış ve Kırım Tatar nüfusunun tamamının Kırım ÖSSC'sinden Özbekistan'a zorla yerleştirilmesini emretmiştir. 18-20 Mayıs 1944 tarihleri arasında, İçişleri Halk Komiserliği (NKVD) neredeyse her Tatar erkeği, kadını ve çocuğunu Özbek SSC istikametinde giden tren vagonlarına bindirmiştir. Bu trenlerden bazıları daha sonra Ural Dağları'na ve Rus SFSC'sinin başka bölgelerine saptırılmıştır, ancak 200.000'lik nüfustan 150.000'i özel statüye sahip yerleşimciler olarak Özbekistan'a yerleştirilmiştir. Özbekistan'a gönderilenler ilk olarak çoğunlukla kolhozlar ve sovhozlara yerleştirilmiş, ancak bu çiftliklerdeki kötü yaşam koşulları sebebiyle pek çoğu çalışmak için madenler, şantiyeler ve fabrikalar gibi Özbek SSC içerisindeki sanayi bölgelerine göç etmişlerdir. Bu göçlere rağmen Özbekistan'daki on binlerce Kırım Tatarı sıtma, gıda yetmezliği ve dizanteri gibi sebeplerden dolayı ölmüştür. Ural Dağları'nda on binlerce Kırım Tatarı kendilerini yağmur ormanlarında bulmuş, burada çalışabilecek güçte olan yetişkinler ağaç kesmiş ve nüfusunun geri kalanı ise açlık ve bulaşıcı hastalıktan dolayı ıstırap çekmiştir. Son olarak, Kırım Tatarı erkeklerinden oluşan küçük bir grup, Moskova ve Tula Oblastlarındaki kömür madenlerindeki zorunlu işçi olarak çalıştırılmıştır. Sovyet hükümeti, Kırım Tatarlarının tabii tutulduğu özel statülü yerleşim sınırlandırmalarını ancak 28 Nisan 1956'da kaldırmıştır. Bu halka yönelttiği kitlesel ihanet suçlamalarını ise 5 Eylül 1967'de kaldırmıştır. Ancak Sovyet hükümeti, Kırım Tatarlarının büyük sayılarda evlerine dönmelerine ancak 14 Kasım 1989'dan sonra izin vermiştir. Orta Asya ve SSCB'nin diğer bölgelerine uzun süreli olarak sürgün edilmeleri Kırım Tatarlarında kalıcı izler bırakmıştır. Kırım Tatarlarının, Kırım'ın şu anda Rusya tarafından işgal edilmesine verdikleri tepki, özel statülü yerleştirilme uygulaması sebebiyle sınır dışı edilmeleri ve ıstırap çekmeleriyle ilgili olan tarihi sürece atıf yapılmadan anlaşılması mümkün değildir.

Anahtar Kelimeler: Kırım Tatarları, sınır dışı edilme, İçişleri Halk Komiserliği (NKVD), özel statülü yerleşimciler, Özbekistan

Historically the Crimean peninsula has been a multiethnic territory with a large indigenous population in the form of the Crimean Tatars. During World War II, the population of the peninsula shrank considerably as a result of Soviet deportations and Nazi genocide. The vast majority of these losses were from groups other than the Russians and Ukrainians. The single largest loss consisting of the nearly 200,000 Crimean Tatars forcibly deported from their ancestral homeland to special settlement restrictions in Uzbekistan and the Urals from 18-20 May 1944. The ethnic cleansing of the Crimean Tatars over 70 years ago still has continuing effects both on the Crimean Tatar people and the territory of Crimea today. The recent Russian occupation of Crimea and the subsequent persecution of Crimean Tatars that managed to return to their ancestral homeland from exile in Uzbekistan has highlighted some of the outstanding issues remaining as a result of the deportations. These issues include the continued presence of large numbers of Crimean Tatars in Uzbekistan, their continued lack of full political, cultural, and economic rights in Crimea, and the lack of compensation for lost property, labour, civil rights during the special settlement era. This article will look at the deportation of the Crimean Tatars in May 1944 and their subsequent experiences as special settlers in Uzbekistan and the Urals until April 1956. It will focus on the origins of the present problems listed above in the deportations and imposition of special settlement restrictions upon the Crimean Tatars. Unlike the Chechens, Ingush, Karachais, Balkars, and Kalmyks the Soviet government never restored the Crimean ASSR and effectively continued to ban the vast majority of Crimean Tatars from living in their homeland until the late 1980s. Thus in many ways the problems of deportation and rehabilitation were greatly exacerbated for the Crimean Tatars in comparison to the above listed North Caucasian nationalities and Kalmyks.

The deportation of the Crimean Tatars from their ancestral homeland to Uzbekistan and the Urals entailed a traumatic disruption of their collective existence. Virtually the entire population was removed from their homeland for more than a generation. During this time they lost access not only to their traditional lands, but also much of their cultural heritage including mosques, grave yards, libraries, and other buildings. The initial years of exile also saw a massive increase in excess premature deaths due to malaria, typhus, malnutrition, and other health problems directly resulting for the deportation and poor material conditions in the areas of special settlement. The horrors endured during this time have become one of the most important collective memories shared by the

Crimean Tatar nationality.¹ This memory constituted an important role in the mobilization of Crimean Tatar political activism aimed first at returning to Crimea and later struggling for the full restoration of their rights as the indigenous people of the territory.

From October 1941 to April 1944 the Crimea was under German occupation. The Presidium of the Supreme Soviet began issuing resolutions about punishing collaborators and traitors in Crimea already in 1943. At this time the Soviet government had not yet labelled the entire Crimean Tatar nationality as traitors and the resolutions referred to trying individuals under article 58 of the Soviet criminal code rather than administrative exile. They made no mention of any particular nationalities.² It is only after the Soviet military retook the peninsula that the higher echelons of the Soviet government made the claim that most of the traitors in the territory were Crimean Tatars and that the entire nationality should be punished. The first such written evidence is a letter from Beria, the head of the NKVD to Stalin on May 10, 1944. This letter accused all 20,000 Crimean Tatars in the Soviet military of deserting and going over to fight with the Germans against the USSR and recommended that the entire population of 140,000-160,000 people be deported as special settlers to Uzbekistan.³ The ethnic cleansing of the Crimean Tatars quickly proceeded once Beria decided on their fate.

The day after Beria sent his letter to Stalin accusing the Crimean Tatars in their entirety of treason and recommending their deportation, the GKO issued Resolution GOKO No. 5859ss. The first two paragraphs of this document repeat Beria's accusation of mass treason, although without any specific numbers this time. It also repeats Beria's proposed solution to this problem. The first operative clause of this decree read, "All Tatars are to be exiled from the territory of the Crimea and settled permanently as special settlers in regions of the Uzbek SSR. The exile is to be undertaken by the NKVD USSR. The NKVD USSR (com. Beria) is required to finish the exile of the Crimean Tatars by 1 June 1944."⁴ Preparation for the deportation and reception of the Crimean

- 1 For an extended discussion of the role of the memory of the deportation in Crimean Tatar national construction see Greta Lynn Uehling, *Beyond Memory: The Crimean Tatars' Deportation and Return* (Houndsmills, Basingstoke, Hampshire: Palgrave Macmillan, 2004).
- 2 N.F. Bugai, ed., *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii* (Moscow: Insan, 2002), doc. 51, pp. 81-82.
- 3 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 55, p. 85.
- 4 N. Pobol and P. Polian, eds., *Staliniskie deportatsii 1928-1953: Dokumenty* (Moscow: MFD, Materik, 2005), doc. 3.148, p. 497.

Tatars in Uzbekistan began almost immediately. In exactly one week from the deportation order the NKVD began the systematic round up and removal of the Crimean Tatars from their ancestral homeland.

Kobulov and Serov kept Beria informed of the conduct of the operation in Crimea during its three day duration. On May 18, 1944 they sent the first telegram on the deportation of the Crimean Tatars to Beria. They noted by 8:00 pm that day that the NKVD had loaded 90,000 people onto 25 train echelons. A full 17 of these echelons with 48,000 deportees had already left Crimea on their way to Uzbekistan without any noted acts of resistance.⁵ Beria passed this information on to Stalin.⁶ By noon the next day the number of Crimean Tatars loaded onto trains by the NKVD had reached 140,000 of which 119,424 on 44 echelons had already departed for their new destinations.⁷ Another telegram six hours later updated the number of Crimean Tatars loaded onto trains to 165,515. Those already on their way to Uzbekistan numbered 136,412 people on 50 train echelons.⁸ Beria passed these later numbers onto Stalin.⁹ The ethnic cleansing of Crimea of its indigenous Tatar population finished on 20 May 1944. The final day of the deportations of Crimean Tatars from their homeland increased the number of deportees up to 180,014.¹⁰ The following day in a mop up operation the NKVD deported an additional 5,500 Crimean Tatars to Gorky Oblast.¹¹ The operation involved 9,000 operative personnel of the NKVD-NKGB and 23,000 soldiers and officers of the NKVD armed detachments.¹² The NKVD cleansed the Crimean peninsula of virtually its entire indigenous population.

The train journey to Uzbekistan from Crimea was extremely arduous. The deportees lacked sufficient food, proper hygiene, and adequate medical attention. The result was that a number of Crimean Tatars died on the way to their new destinations. The Soviet government did not keep complete records on the losses during the deportation. But, there are references to deaths occurring on the deportation trains among the

5 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 58, p. 86.

6 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 59, pp. 86-87.

7 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 60, p. 87.

8 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 61, p. 87.

9 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 62, p. 87.

10 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 63, p. 88.

11 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 64, p. 88.

12 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 75, p. 93.

Crimean Tatars. From May 23 to June 4, 1944, a total of 59 echelons carrying 163,632 Crimean Tatars on 3,252 wagons passed through the station of Ilets'k. The authorities documented removing fourteen dead and four ill from among these deportees at this station during this time.¹³ One tabulation by Radio Liberty places the total number of Crimean Tatars to die during transit at 7,889 (5%) people.¹⁴ This contrasts sharply with the official Soviet figure of 191 deaths during transit.¹⁵ Other sources of information, however, such as oral testimonies from the survivors strongly suggest that the Radio Liberty figure is closer to the truth than the NKVD one.

After their deportation from Crimean and the start of their journey to Uzbekistan, Stalin diverted some 10,000 Crimean Tatar families to work as special settlers in forestry and the paper and cellulose industries in Molotov Oblast, Gorky Oblast, Sverdlovsk Oblast, and the Mari ASSR.¹⁶ In reality the number sent to the Urals was much larger. On July 1, 1944 the NKVD reported that 8,597 Crimean Tatars had been sent to the Mari ASSR, 10,002 to Molotov Oblast, 5,514 to Gorky Oblast, 3,591 to Sverdlovsk Oblast, 2,800 to Ivanovo Oblast, and 1,047 to Yaroslavl Oblast.¹⁷ By August 24, 1944, a total of 9,177 Crimean Tatar special settlers had arrived in the Mari ASSR. The vast majority of these deportees were women and children. The Crimean Tatars in Mari ASSR were divided among 1,481 adult men, 3,329 adult women, and 4,367 children.¹⁸ Conditions in the wet forests of the Urals were often even worse than those in Uzbekistan. The winters for instance were much colder. The experience of the Crimean Tatar special settlers in the Urals has been largely lacking in most English language literature on their deportation.

Living and working conditions for a number of Crimean Tatars initially sent to work in the lumber and paper industries in parts of Gorky Oblast were absolutely horrific. The NKVD recorded 6,387 Crimean Tatar

13 N. Pobol and P. Polian, eds., *Staliniskie deportatsii 1928-1953: Dokumenty* (Moscow: MFD, Materik, 2005), doc. 15, p. 139.

14 James Critchlow, *"Punished Peoples" of the Soviet Union: The Continuing Legacy of Stalin's Deportations*, (Washington DC: Human Rights Watch, September 1991), p. 8.

15 Ali Khamzin, "Krymskie Tatory v Uzbekistane" (Seriiia <<Rabochie dokumenty IFEAK>> No. 11, Dec. 2004), p. 12.

16 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 65, p. 88.

17 T.V. Tsarevskaiia-Diakana, ed., *Spetspereseleniye v SSSR* (Moscow: Rosspen, 2004), doc. 125, p. 423.

18 N.F. Bugai, ed., *Iosif Stalin – Lavrentiiu Berii. "Ikh nado deportirovat", Dokumenty, fakty, kommentarii* (Moscow: Druzhba narodov, 1992), doc. 24, p. 146.

special settlers in Kostroma Oblast on October 10, 1944. Many of these were people originally deported to Gorky Oblast that found themselves in Kostroma Oblast as a result of the redrawing of the oblast borders in the fall of 1944. In particular Kologriv and Manturov raions were detached from Gorky Oblast and incorporated into Kostroma Oblast.¹⁹ A total of 1,893 Crimean Tatars lived in Kologriv raion and 776 in Manturov raion, both of which the NKVD characterized as having “extremely unsatisfactory conditions for supporting special settlers.” In Kologriv raion the building of winter barracks progressed very slowly due to a lack of glass for windows. Supplies of clothes, shoes, and food to the Crimean Tatar workers were extremely substandard. Many worked felling trees barefoot. Sometimes no bread would be supplied for two or three days at a time. When bread was provided it was only 150 grams a person a day and there was no medical service. The result was the outbreak of dysentery, scabies, and eczema in a number of the settlements in the raion.²⁰ The nearly 2,000 Crimean Tatars in Kologriv Raion lived and more often than should have been the case died in terrible physical conditions.

Other regions of the Urals also experienced epidemics among the Crimean Tatar special settlers. By July 11, 1944, the NKVD had registered 328 cases of typhus among Crimean Tatar special settlers.²¹ On October 19, 1944, the NKVD reported another outbreak of acute typhus among Crimean Tatar special settlers in Voroshilov Raion, Molotov Oblast. At this time they had confirmed 18 cases, but were worried about the epidemic spreading and so were requesting immediate assistance to contain the outbreak.²² Unsanitary and overcrowded housing conditions made typhus a recurrent health problem among the various special settler contingents in the USSR during the 1940s.

In total the Crimean Tatars were divided between 151,604 people sent to Uzbekistan as special settlers and 31,551 deported to various areas of the RSFSR. In total the number of deported Crimean Tatars counted on June 4, 1944 reached 183,155.²³ The Soviet authorities recorded 151,529 deportees arriving in Uzbekistan and 191 dying on the way. The NKVD dispersed the 27,558 Crimean Tatar men, 55,684 women, and 68,287 children across the bulk of Uzbekistan, a territory much larger than the

19 Bugai, *‘Ikh nado deportirovat’*, doc. 27, p. 148.

20 Bugai, *‘Ikh nado deportirovat’*, doc. 26, p. 147.

21 Tsarevskaia-Diakana, *Spetspereselentsy v SSSR*, doc. 126, p. 124.

22 Bugai, *‘Ikh nado deportirovat’*, doc. 28, p. 148.

23 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 74. p. 93.

Crimean peninsula. The largest number 56,362 ended up in Tashkent Oblast followed by Samarkand with 31,540, Andizhan with 19,630, Fergana also with 19,630, Namangan with 13,804, Kaskha-Dar'in with 10,171, and Bukhara with 3,983.²⁴ Uzbekistan became the centre of Crimean Tatar life and death following the May 18, 1944 deportations.

The Crimean Tatars were initially distributed in small groups across Uzbek inhabited kolkhozes and sovkhozes in Uzbekistan. Their status as special settlers prevented them from moving freely from place to place. They could not leave their assigned settlements without special NKVD permission.²⁵ They also lost the right for their children to receive education in their indigenous language. Instead, Crimean Tatar children were to receive their education in Russian.²⁶ SNK Resolution No. 13287rs of June 20, 1944 decreed that deported Crimean Tatars along with Chechens, Ingush, Karachais, and Balkars would receive their education in the Russian language in the areas in which they were confined as special settlers.²⁷ Both their legal and cultural rights were severely confined.

The summer of 1944 witnessed a huge number of Crimean Tatars in Uzbekistan contracting and dying from malaria and gastro-intestinal diseases. At the end of July 1944, Chernyshev reported to Beria that 40% of Crimean Tatars in Namagan Oblast and almost 100% in Samarkand Oblast suffered from one of these two ailments.²⁸ The death rates were extraordinarily high due both to a lack of medical supplies and a lack of food. The government provided the special settlers with 8 kg of flour and 2 kg of cereal per a person once every two weeks in June 1944 and once a month after July 1944. They provided no milk, meat, or fat.²⁹ According to the Soviet government's own records 13,592 (9.1%) Crimean Tatars in Uzbekistan perished from May 1944 to January 1, 1945.³⁰ At the Bayat No. 1 and No. 2 Sovkhozes in Tashkent Oblast more than 700 Crimean Tatars died of emaciation during 1944.³¹ The

24 Khamzin, "Krymskie Tatory v Uzbekistane", p. 12.

25 N. F. Bugai and A.N. Kotsonis, eds., "Obiazat' NKVD SSSR... vyselit' grekov" (*O deportatsii grekov v 1930-1950 gody*) (Moscow: Insan, 1999), doc. 27, p. 92 and doc. 28, pp. 93-95.

26 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 125, p. 139.

27 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 126, pp. 139-140.

28 N.F. Bugai, *L. Beria – I. Stalinu: 'Soglasno vashemu ukazaniiu..'* (Moscow: AIRO XX, 1995), p. 159.

29 Khamzin, "Krymskie Tatory v Uzbekistane", 13.

30 Ayder Ibragimov, ed., *Krimski studii: Informatsiinii biuletin*, no. 5-6, (September-November 2000): doc. 26, p. 68.

31 Khamzin, "Krymskie Tatory v Uzbekistane", 13.

following year the Soviet government recorded 13,186 (8.7%) Crimean Tatar deaths in Uzbekistan of which 6,096 were children under 16.³² The 26,966 recorded deaths of Crimean Tatars from May 1944 to January 1, 1946 represent 46 deaths a day among the group or 17.8% of the total population perishing in less than two and a half years.³³ This is an incredibly large percentage for any national group to lose in such a short period of time.

One of the chief problems faced by the Soviet authorities regarding the Crimean Tatars in Uzbekistan was the timely integration of them into kolkhozes and providing them with individual garden plots. This tardiness greatly contributed to both the high mortality rate and the rapid urbanization of Crimean Tatars in Uzbekistan. A report of May 26, 1945 noted that 131,690 (36,415 families) deportees lived across 59 districts of Tashkent, Samarkand, Fergana, Andizhan, Namagan, Kashkadar'i, and Bukhara oblasts of Uzbekistan. Most of them had been settled in agricultural pursuits rather than industrial enterprises. A full 54,243 had been settled on kolkhozes (14,712 families) and 26,994 on sovkhoses (7,633 families) versus only 50,447 in industrial towns (14,050 families). Membership in the kolkhozes among the deportees living in them was 82.3%. Despite being over a year since the deportations, only 7,094 of the families settled in kolkhozes numbering 20,018 people had received private garden plots to supplement the extremely meagre amount of food available from other sources.³⁴ These individual family garden plots were extremely important in providing food for kolkhoz workers, especially during World War II. The following month things improved somewhat for Crimean Tatar kolkhoz dwellers. Membership in the kolkhozes had increased to 93% for those living in them and possession of an individual family plot to 84%. In total 21,415 families had been provided with housing. However, 3,660 families still lived in conditions described by the NKVD as unsatisfactory. The Soviet government still found it necessary to provide 500 tons of flour, 15 tons of cereal, 50 tons of salt, and 25 tons of sugar as emergency food aid to Crimean Tatar special settlers in Uzbekistan in June 1945 in order to reduce the extremely high rates of excess mortality and morbidity among the group due to malnutrition.³⁵ Nonetheless this very minimal amount of food did not come anywhere near the amount necessary to reduce mortality to a normal rate. The lack of prompt provision of individual garden plots

32 Ayder Ibragimov, ed., *Krimski studii: Informatsiini biuletin.*, doc. 26, p. 68.

33 Ayder Ibragimov, ed., *Krimski studii: Informatsiini biuletin.*, doc. 26, p. 68 and Khamzin, "Krymskie Tatory v Uzbekistane", p. 14.

34 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 136, p. 146.

35 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 135, p. 146.

also forced a very large number of Crimean Tatars to migrate to industrial work sites where they were paid wages that could purchase food. By July 1, 1948, only 30% of able bodied adult deportees from Crimea, 30,704 people, still worked in agriculture.³⁶ The Crimean Tatars came to fill many of the industrial niches in Uzbekistan that the indigenous Uzbeks could not or would not fill.

In addition to agricultural pursuits the Soviet government assigned Crimean Tatars to a number of industrial work sites. Also as seen above economic necessity forced a number of Crimean Tatars to take these jobs. These included ozerkerite mine in Shor-Su , the uranium mine in Lyangar, construction of the Lower Bozsu and Farhad hydro electric stations, the metallurgy factory in Bekabad, and other factories in elsewhere in Uzbekistan.³⁷ Conditions on the Farhad dam were so horrific that already on September 30, 1944, the local Uzbek authorities passed a resolution on transferring the 1,159 Crimean Tatars working on it and their 1,313 family members to cotton kolkhozes in Tadzhikistan to prevent the all from dying.³⁸ This is the origin of the Crimean Tatar population living in Tadzhikistan.

A small number of Crimean Tatar men also ended up working in the labour army mining coal in the Moscow region. The original deportation sent some 5,000 Crimean Tatars to this region as mobilized workers along the same legal lines as German labour army conscripts.³⁹ That is organized into military style detachments under GULag discipline, surveillance, and rations.⁴⁰ Two years later on June 20, 1946, attrition had reduced this 5,000 to 3,866 of which 1,334 worked in Moscow Oblast and 2,532 worked in Tula Oblast.⁴¹ By June 18, 1947, deaths and releases had further reduced the number of Crimean Tatars working in the Moscow region as coal miners down to 2,017 men.⁴² These men were eventually released from the labour army and placed under special settlement restrictions like the rest of the Crimean Tatar population.⁴³ Like the case of the Crimean Tatars deported to the wet forests of the Urals, most English language literature on the deportations does not deal

36 Bugai, *'Ikh nado deportirovat'*, doc. 48, pp. 264-265.

37 Khamzin, "Krymskie Tatary v Uzbekistane", 13.

38 Bugai, *'Soglasno vashemu ukazaniiu..'*, pp. 159-160.

39 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 66, p. 89 and Bugai, *'Soglasno vashemu ukazaniiu..'*, pp. 157-158.

40 A.A. German and A.N. Kurochkin, *Nemtsy SSSR v trudovoi armii (1941-1945)* (Moscow: Gotika, 1998), pp. 7-8.

41 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 141, pp. 151-152.

42 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 146, pp. 155-156.

43 Tsarevskaiia-Diakana, *Spetspereselentsy v SSSR*, doc. 138, p. 470 and doc. 141, pp. 472-473.

with the Crimean Tatars mobilized to work in the coal mines of the Moscow and Tula basins.

The Crimean Tatars remained confined to special settlement restrictions in Uzbekistan and elsewhere until the mid-1950s. The Soviet government freed the Crimean Tatars from the special settlement restrictions on April 28, 1956.⁴⁴ But, the same decree removing them from the special settlement regime also banned them from returning to Crimea or receiving compensation for property confiscated. The main benefit of the Soviet pardon was that they could now freely move about and choose their place of residence within Soviet Central Asia. The charges of treason were officially lifted by the Soviet government on September 5, 1967.⁴⁵ But, they still could not return home to Crimea. It was only after 1989 with the passing of a resolution by the Supreme Soviet on November 14, 1989 “On Recognizing the Illegal and Repressive Acts Against Peoples Subjected to Forcible Resettlement and Ensuring their Rights” that the Soviet government allowed large numbers of Crimean Tatars to return to their ancestral homeland.⁴⁶ It was only after this decree that a permanent return to Crimea could commence from Uzbekistan.

The deportation of Crimean Tatars from their ancestral homeland to Uzbekistan and the Urals where they lived under special settlement restrictions and suffered from extreme material deprivation undoubtedly constituted the most traumatic series of events in their modern history. It is impossible to understand the current position and struggle of the Crimean Tatars today in Russian occupied Crimea without keeping these events foremost in mind. Their attachment to their homeland is much stronger than that of most groups due to having experienced its loss for over a generation. This loss entailed not just an alienation from their native lands, but also a regime of severe discrimination, hunger, disease, and other suffering. The Crimean Tatars thus can be mobilized around issues involving their homeland to a much greater extent than other nationalities in Crimea. This makes them an important force to be reckoned with in Crimea despite being a numerical minority in the territory.

44 Bugai, *‘Ikh nado deportirovat’*, doc. 57, p. 273.

45 Mikhail Guboglo and Svetlana Chervonnaia, *Krymsko-Tatarskoe natsional’noe dvizhenie: Istoriia, problemy, perspektivy* (Moscow: RAN, 1992), vol. II, doc. 20, p. 51.

46 Svetlana Alieva, ed. *Tak eto bylo: Natsional’nye repressii v SSSR, 1919-1953 gody* (Moscow: Insan, 1993), vol. III, p. 257 and Andrew Wilson “Politics in and around Crimea: A Difficult Homecoming,” *The Tatars of Crimea: Return to the Homeland*, ed. Edward Allworth (Durham, NC: Duke University Press, 1998), pp.82-83.

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WORLD WAR I, SELF-DETERMINATION, AND THE LEGACIES OF MEDIEVAL JURISPRUDENCE

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Abstract: *The principle of self-determination in international law is in part an outgrowth of particularly Christian concepts of state sovereignty that emerged in Europe at the end of the Middle Ages, and which have enjoyed a considerable afterlife. Even if its medieval origins are largely unappreciated by modern scholars of international law, the principle of self-determination was appealed to in the nineteenth and early twentieth centuries in ways that privileged Christian concepts of statehood and national identity. Further, this nineteenth-century experience, particularly as it unfolded in the Ottoman Balkans, had important but neglected repercussions for the development of international law at Versailles in 1919 and thereafter.*

Keywords: *self-determination, international law, Versailles, Ottoman Balkans*

BİRİNCİ DÜNYA SAVAŞI, ULUSLARIN KENDİ KADERLERİNİ TAYİN HAKKI VE ORTA ÇAĞ HUKUKUNUN MİRASLARI

Özet: *Uluslararası hukuktaki, ulusların kendi kaderlerini tayin edebilme hakkının kökenleri, Orta Çağ'ın sonlarında Avrupa'da, özellikle de Hristiyan devlet egemenliği kavramlarından kısmen ortaya çıkmış ve kayda değer ölçüde varlığı devam ettirmiştir. Modern uluslararası hukuk uzmanları tarafından bu hakkın ortaçağ kökenleri genel olarak dikkate değer bulunmasa da, 19. yüzyılda ve 20. yüzyılın ilk yarısında ulusların kendi kaderini tayin etmesi, ayrıcalıklı Hristiyan kavramlarından devlet kurma ve ulusal kimlik olacak şekilde yeniden şekillenmiştir. Hatta, özellikle Osmanlı yönetimi altındaki Balkan*

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topraklarında 19. yüzyılda meydana gelen gelişmeler, önemli olmasına rağmen, yankıları 1919'da Versay'da ve sonrasında, uluslararası hukuku geliştirebilmek için göz ardı edilmiştir.

Anahtar Kelimeler: *Ulusların kendi kaderini tayin hakkı, uluslararası hukuk, Versay, Osmanlı, Balkanlar*

Introduction

If we neglect for a moment their spectacular failure a few decades after their ratification, the proposals put forward at the peace conference held at Versailles in 1919 represented several important transformations in international law. The “Great War” had decisively shattered the balance of power system that had given relative stability to certain parts of nineteenth-century Europe, and at Versailles the statesmen and diplomats who gathered there sought to create a system by which international law could help to prevent the recurrence of such horrors going forward. Some of the successes at Versailles were overshadowed by the ultimate frailty of the League of Nations. In hindsight, the frailties are easy to see. The United States, whose president, Woodrow Wilson, had been the major proponent of the League, could not in the end even persuade itself to join. In the decades following Versailles, unchecked aggressions by Italy in Africa, by Japan in Manchuria, and by a reconstituted Germany in Europe further demonstrated the weakness of the League and the toothlessness of the international legal order. Even so, the Versailles conference produced some successes. Most notably, the League also established the Permanent Court of International Justice, the first such standing international institution established and staffed with full-time professional jurists.

More controversially, the League, and Woodrow Wilson’s passionate advocacy for the League, is also usually credited by scholars with fatefully introducing the principle of self-determination into international law. This observation requires further explanation because the relationship between the League of Nations and the emergence of self-determination as a contested principle of international law is not at all straightforward. As this article will show, the rhetoric of self-determination had been present in international law much earlier than the Versailles conference. Wilson in no way invented the principle. He did, however, come to be seen as a notable proponent of self-determination in the months after the conclusion of the Versailles conference. Wilson’s role in this regard has been exaggerated. The principle of self-determination was a natural outgrowth of the intellectual approach to international law that had come to predominate Western legal thought in the nineteenth century, and can be seen at work already in the diplomatic maneuvers that resulted in the Great Powers breaking up the Ottoman territories in the Balkans over the long course of the nineteenth century. A closer examination, moreover, shows that the principles grounding self-determination rested on legal concepts first developed by European

jurists in the late medieval period, centuries before jurists like Francisco Vitoria and Hugo Grotius set about systematizing and rationalizing international law. These concepts, when deployed in the nineteenth century, remained rooted in certain aspects of medieval Christian theology. To a very real extent, the principles of self-determination and nationalism over-determined the enthusiasm with which the Great Powers abandoned the old international order and began carving up parts of the Ottoman Empire in Southeastern Europe. This claim rests on an interesting paradox. Since modern international law is normally regarded as having been emancipated from theology by early modern jurists like Hugo Grotius, how could theologically inspired principles of international law have been at work in the nineteenth century? This article will trace that history, showing that the principle of self-determination in international law is in part an outgrowth of particularly Christian concepts of state sovereignty that emerged in Europe at the end of the Middle Ages, and which have enjoyed a considerable afterlife. Even if its medieval origins are largely unappreciated by modern scholars of international law, the principle of self-determination was appealed to in the nineteenth and early twentieth centuries in ways that privileged Christian concepts of statehood and national identity. Further, this nineteenth-century experience, particularly as it unfolded in the Ottoman Balkans, had important but neglected repercussions for the development of international law at Versailles and thereafter.

a. The Medieval European Origins of International Law

It is commonly said that the intellectual origins of modern international law lay in the seventeenth century.¹ These origins are normally associated with the systematizing labors of the Dutch jurist, Hugo Grotius, though the work of sixteenth-century Spanish jurist, Francisco Vitoria, is also considered crucial for the early development of international law.² Even so, it has also been recognized that the roots of modern international law, and many of the legal principles which early modern jurists of international law set about systematizing, can in fact be located much earlier, specifically in the work of medieval jurists who were occasionally required to mark the legal boundaries of papal

1 For example, see Antony Anghie, "Basic Principles of International Law: A Historical Perspective," in *International Law for International Relations*, ed. Başak Çalı (Oxford: 2010), pp. 46-70.

2 For example, see, Ernest Nys, *Les origines du droit international* (Brussels-Paris: 1894), p. 11

authority over non-Christians and to regularize the rules concerning envoys and ambassadors.³ For example, medieval jurists debated on occasion whether and under what circumstances Christian law could be extended over non-Christian groups.⁴ By the thirteenth and fourteenth centuries, these debates became more developed. They were particularly relevant at the Papal court in Rome, where a growing legal and institutional apparatus was turned toward identifying and subjecting to legal processes a range of groups that included heretics, but also Jews and Muslims living under Christian rule.⁵ The hesitancy of the papacy to claim legal jurisdiction over non-Christians that was fairly evident before the twelfth century gave way to an account of the Pope as the “*judex ordinarius*” (ordinary judge) of everyone. A more universalizing impulse in Christian law can be detected thereafter, and is evident, for example, in Pope Innocent IV’s assertion in the thirteenth century that the papacy could have legal jurisdiction over Muslims. Such a claim was easier to state than to accomplish, but it was consistent with the increasingly universalizing tendencies and “anthemic arrogance” of Western legal developments in the late middle ages.⁶

This anthemic arrogance was built in to the intellectual fabric of the canon lawyers, who by the thirteenth century came to see Christian law as the comprehensive intellectual framework for understanding all of human history. For example, according to thirteenth-century canon lawyer and bishop, Hostiensis, world history was divided into three distinct ages.⁷ The first of these ages was the age of *lex naturale* (natural law), which Hostiensis thought had governed the world from creation up until the Ten Commandments were bestowed to mankind at Mount Sinai. The reception of the Ten Commandments initiated the second age of

3 James Muldoon, “The Contribution of the Medieval Canon Lawyers to the Formation of International Law,” 28 (1972) *Traditio* 483-497.

4 See, for example, Kenneth Stow, *Catholic Thought and Papal Jewry Policy, 1555-1593* (New York: 1977); and Kenneth Stow, “Expulsion Italian Style: The Case of Lucio Ferraris,” 3 (1988) *Jewish History* 51-63; For an excellent introduction to the transformations in medieval canon law that justified the coercive use of force against non-Christians, see Kathleen Cushing, *Papacy and Law in the Gregorian Revolution: The Canonistic Work of Anselm of Lucca* (Oxford: 1998).

5 R.I. Moore, *The Formation of a Persecuting Society: Authority and Deviance in Western Europe, 950-1250* (Oxford and New York: 1987).

6 The phrase “anthemic arrogance” is Patrick Wormald’s, and he locates it at a very early period in medieval history. See his important work, *The Making of English Law: King Alfred to the Twelfth Century, Legislation and its Limits*, Vol. 1 (London: 1999).

7 See, for example, Knut Wolfgang Nörr, “Recht und Religion: über drei Schnittstellen im Recht der mittelalterlichen Kirche,” 79 (1993) *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte (KA)* 1-15.

law, which was characterized by strict observance of rites and lasted until the advent of Christ. In this view, the age of Christian law was overcome the rote practices of the ancient Jewish religion and was characterized by a newfound reliance upon the justice and equity of a divinely sanctioned, Christ-like king.⁸ This last age, thought Hostiensis, would continue until the end of the world and the Last Judgment, when Christ would judge the living and the dead according to their deeds. This attention to the framework of legal history as understood from within Christianity may seem odd to discuss here, as it may seem irrelevant to later developments in international law. However, it is important to keep in mind that this account of the stages of world legal history attributed to Christian law a stage of perfection that was implicitly understood to be lacking in the laws and customs of non-Christian peoples. In this view, the legal practices of Jews and Muslims were considered inferior, the activity of peoples deemed unable to understand the spiritual significance of the new dispensation of divine law or the inherent authority of Christian rulers. From the standpoint of medieval canon lawyers, Muslims and Jews appeared to be still mired in the technical legalism of the Old Testament and blind to the advent of the age of Christian sovereignty.

This privileging of Christian law and Christian history over Judaism and Islam had a number of consequences. One such consequence was a tendency throughout the medieval period to include Muslims within the debilitating legal categories that had been articulated for Jews.⁹ This connection was reinforced by medieval canon lawyers, who even mistook the meaning of the term “Saracen,” the word conventionally used by Christians to refer to Muslims in the medieval and early modern periods. The word “Saracen” (in medieval Greek, *sarkenoi*) was derived from the Arabic word for “east” and “the sunrise” (*sharq-*), but medieval jurists, ignorant of this origin, had another explanation. According to Bernard of Pavia (1150-1213), the author of an important medieval legal commentary, the term Saracen designated: “those who receive neither the Old nor New Testament, and who do not want to be called not after Hagar, the slave of Abraham from whom they descended, but would

8 The classic account of Christological kingship in the Middle Ages remains Ernst Kantorowicz, *The King's Two Bodies: A Study of Medieval Political Theology* (Princeton: 1957, reprinted 1997).

9 Benjamin Z. Kedar, “De iudeis et saracenis: On the Categorization of Muslims in Medieval Canon Law,” in *Studia in honorem eminentissimi cardinalis Alphonsi M. Stickler* eds. Joseph Rosalio and Lara Castillo (Rome: 1992) pp. 207-213.

rather be called after Sara, Abraham's wife and a free woman."¹⁰ This fabricated and confused etymology contained an important but subtle juridical assertion. Because it characterized Muslims as descending from a slave woman, it simultaneously called into question the legitimacy and legal status of contemporary Muslims. Such reservations concerning the origins of Islam were sometimes used by medieval jurists to justify war against Muslims.¹¹ Additionally, some medieval lawyers worried about whether it was lawful for Muslims to own Christian slaves, though they did not concern themselves with the legality of Christian masters owning Muslim slaves.¹²

Perhaps the most far-reaching consequence of the approach to Islam taken by medieval European jurists was that it led fairly naturally to a question concerning whether Muslim political rulers could properly exercise the full sovereignty. For Christian rulers this posed no problem, since their authority was bolstered by ecclesiastical approval. But this led medieval jurists such as Hostiensis to hold that political power exercised outside the purview of the Christian Church was inferior to the power exercised by Christian rulers. Such views, which were derived from one strand of medieval just war theory, made it lawful to initiate war against nonbelievers, whose very authority over their subjects was considered unjustified.¹³ Papal pronouncements justifying war against Muslims were not hard to find. As early as the eleventh century Pope Alexander II had succinctly advised Iberian Christians, "We should not persecute Jews." Instead, he explained, "we should persecute Muslims." To justify this exhortation, Pope Alexander differentiated between Jews and Muslims, explaining, "Muslims have expelled Christians from their cities and lands, thus they are justly combatted." Alexander II characterized Jews as "everywhere ready to serve" Christians, reinforcing their subservient status within a properly functioning Christian polity. Alexander II's letter, written in the context of military conflicts between Christians and Muslims in eleventh-century Spain,

10 Bernard Papiensis, *Summa Decretalium*, 5.5 ed. E.A.D. Laspeyres, (Regensburg: 1860) p. 210. Bernard allowed, however, that "there are among the Saracens some who receive the Five Books of Moses, and respect the prophets, who are called Samaritans from the city of Samaria."

11 Kedar, "De iudeis et saracenis," p. 210. There was some confusion among medieval lawyers about whether Islam was a monotheistic religion. Some held Muslims to be idolaters who worshipped many gods and goddesses, though the better informed theologians knew full well that Islam was a monotheistic religion.

12 See, for example, Benjamin Z. Kedar, "Muslim Conversion in Canon Law," *Proceedings of the Sixth International Congress of Medieval Canon Law* (Vatican City: 1980) pp. 321-335.

13 Muldoon, "The Contribution of the Medieval Canon Lawyers to the Formation of International Law," p. 484.

deserves our attention for a number of reasons, not least because it was later incorporated major legal sources in the medieval period, including Ivo of Chartres' *Panormia* and eventually, under *Causa 23*, into Gratian's *Decretum*. Gratian's *Decretum* was the foundational text in the corpus of medieval and early modern canon law and was hugely influential in the later centuries.¹⁴ Pope Alexander II's description of Jews as "ready to serve" harkened to an ancient Christian polemical tradition. This polemical tradition was well exemplified by Augustine, who taught that Jews should be treated as a theologically subservient and cautionary example, living evidence of the negative spiritual consequences of failing to recognize the true Messiah, and as a subjugated social group within Christendom. Pope Alexander II's designation of Muslims as enemies and deserving targets of Christian military force also signaled the abandonment of an older Christian theology, which was opposed to military force, and marked the emergence of the sort of arguments that would be used to justify the crusades a few decades later. In short, there was a clear strand of medieval canon law that argued for denying to non-Christians full standing within the community of rulers, and which directly suggested that non-Christian rulers did not merit the recognition and deference due to Christian kings.

There were, however, also strong opposing arguments within medieval canon law. In the thirteenth century, Pope Innocent IV, who had been an accomplished canon lawyer before he ascended to the papal throne, took the view that infidels could exercise fully legitimate political power. His opinions were endorsed by other jurists as well, setting up a tension between the arguments of Hostiensis and Innocent IV.¹⁵ Such arguments were rehearsed in detail in the early fifteenth century at the Council of Constance (1414-1418), where the Teutonic Knights, relying on the arguments of Hostiensis, claimed a right to conquer Lithuania based on the fact that the Lithuanians were pagan and not Christian. Representatives of the Christian King of Poland countered by rejecting the position of Hostiensis in its entirety.¹⁶ No clear decision was reached at the Council of Constance. However, in the coming centuries, it was not the position of Hostiensis, but that of Innocent IV that prevailed. The

14 The letter can be found in J.-P. Migne, ed., *Patrologiae latinae cursus completus*, vol. 146 (Paris, 1884), "*Alexandri II pontificis Romani epistolae et diplomata*," no. 101, cols. 1386D-1387A. An edited version of the letter appears in Gratian's *Decretum* at C. 23, q. 8, c. 11.

15 Muldoon, "The Contribution of the Medieval Canon Lawyers to the Formation of International Law," p. 483-5.

16 Nys, *Les origines du droit international*, pp. 144-50.

preponderance of early modern juridical opinion had developed to hold that it was not necessary for a ruler to be a Christian in order to be recognized as a sovereign and that even non-believers had certain natural rights that must be respected.

b. Early Modern International Law and the Privileges of Sovereignty

The most notable European jurist to argue for the recognition of sovereignty among non-Christian peoples was Francisco Vitoria, a Spanish jurist and theologian. In the sixteenth century, Vitoria wrote a highly influential treatise concerning the legal rights at stake in Spanish exploration of the new world.¹⁷ In that treatise, Vitoria argued that the indigenous peoples of Latin America, despite being pagans, had legal ownership of their land, were ruled by legitimate princes, and could only be attacked militarily if they gave just cause.¹⁸ As some scholars have noticed, this did not exactly even the field. For Vitoria also argued that principles of natural law gave the Spanish unconditional rights to enter the land of the natives and to carry out commercial activities whether they were welcomed or not. Refusal on the part of the natives to allow entry, or refusal to allow trade, were viewed by Vitoria as *causae belli*, justifications for war and conquest.¹⁹ Moreover, in Vitoria's vision of international law, war, once begun, justified the reduction of the native peoples into slavery:

And inasmuch as war with pagans is of this type, seeing that it is perpetual and they can never make amends for the wrongs and damages they have wrought, it is indubitably lawful to carry off both the children and the women of the Saracens into captivity and slavery.²⁰

Interestingly, in setting the non-Christian peoples of the new world outside the protections of law that operated within early modern Europe (i.e. prohibitions against enslavement), Vitoria reached for an example

17 Francisco de Vitoria, *Relectio de Indis*, (Madrid: 1989, reprinted from 1517 edition).

18 See, for example, the discussion in J.M. Kelly, *A Short History of Western Legal Theory* (Oxford: 1992), pp. 200-1.

19 Antony Anghie, "The Evolution of International Law: Colonial and Post-Colonial Realities," in 27 (2006) *Third World Quarterly* pp. 739-753.

20 Vitoria, *De indis et de iure belli relectiones*, ed. Ernest Nys, trans. John Pawley Bate (Washington, D.C.: 1917, reprinted from 1557 edition), p. 181.

and found the Saracens (Muslims) ready at hand. Without membership in the Christian community, new world natives and Muslims did not enjoy the full protections of international law. Put another, when Christian powers were dealing with non-Christian peoples, Vitoria understood all of the privileges to be on the side of the Christian princes.

Still, we may ask what the state of sixteenth century international law has to do with nineteenth century conflicts between the Great Powers and the Ottoman Empire, or what any of it has to do with the settlements reached at Versailles in 1919. Indeed, it is commonly held that since the days of Hugo Grotius, that the law of nations rested upon principles of natural law and reason began to crumble. In its place, arose a form of legal positivism that asserted nations could only be bound by rules of law to which they had consented. The jurisprudential transition from natural law to positive law, often identified as a nineteenth-century phenomenon is well known, as is its impact on international law.²¹ But it was accompanied by some other shifts as well. One such shift can be seen in the assertion among nineteenth-century jurists in the West that international law was the outgrowth of “Christian” principles, not universal reason.

International law, as it was generally understood before 1800, proved an uncomfortable fit with expansionist claims to empire, and the nineteenth century saw a redefinition of its philosophical foundations in order to make it applicable to colonial and semi-colonial contexts. Early writers on international law had taken an inclusive, natural law approach that made it difficult to reject claims of indigenous states and rulers to the same treatment as European states. True, as we saw above, the rules were heavily stacked in favor of the European powers, but the basic ability of non-Christian, non-European peoples to own property and exercise political sovereignty was actively denied by European jurists. Emerich de Vattel in his *Law of Nations*, a standard treatise first published in 1758, declared, without any reservations based on religion that, “there is no doubt of the existence of a natural Law of Nations, inasmuch as the Law of Nature is no less binding upon States, where men are united in a political society, than it is upon the individuals themselves.” By this definition, the law of nations “is a special science which consists in a just and reasonable application of the Law of Nature

21 See, for example, Antony Anghie, “Basic Principles of International Law: A Historical Perspective,” in *International Law for International Relations*, ed. Başak Çalı (Oxford: 2010), pp. 46-70.

to the affairs and conduct of Nations and of sovereigns.”²² The implication, which is at least as old as Hugo Grotius, is that international law, while of European origin, is universally applicable, and quite separate from Christian morality. During the nineteenth century this some international law scholars began reverting to positions that aligned much more with those articulated by Francisco Vitoria in the fifteenth century. This was related to the fact that the natural law justifications for international law were being abandoned and replaced by some jurist with a much more “parochial idea: that international law was Christian in its origins and that only those non-Christian states that had reached a comparable level of “civilization” could be treated as full participants in international law.”²³ A vivid example of this can be found in Henry Wheaton’s textbook *Elements of International Law*, which was first published in 1836. Wheaton was an accomplished jurist and his textbook quickly came to replace Vattel’s on the shelves of English-speaking diplomats. In it he asserted:

*The law of nations or international law, as understood among civilized, Christian nations, may be defined of consisting of those rules of conduct which reason deduces, as consonant to justice, from the nature of the society existing among independent nations; with such definitions and modifications as may be established by general consent.*²⁴

Wheaton is not coy about the fact that he sees international law as the product of Christian civilization, and he used it to justify a range of inequalities between the Great Powers and non-Christian states, including unequal treaty relations. This tenor of this language, familiar to students of European colonialism, not only privileged the justice of Christian nations, but it also created a template in which the political subjection of Christian populations to non-Christian rulers remained an intractable a problem of international law.

From this standpoint, the language of national self-determination, which began to taken on increasing potency in the nineteenth century, takes on

22 See, E. de Vattel, *The Law of Nations or the Principles of Natural Law Applied to the Conduct and Affairs of Nations and of Sovereigns*, ed. Charles G. Fenwick (New York: reprint 1964) p. 3a. See the excellent comparative discussion of this in Richard S. Horowitz, “International Law and State Transformation in China, Siam, and the Ottoman Empire During the Nineteenth Century,” in *Journal of World History* 15 (2004) pp. 445-486.

23 Horowitz, “International Law and State Transformation in China, Siam, and the Ottoman Empire During the Nineteenth Century,” p. 452-3.

24 Henry Wheaton, *Elements of International Law* (Philadelphia: 1836, reprint 1972) p. 46.

new implications. For example, the great nineteenth-century scholar of international law, Pasquale Stanislao Mancini, relying on ideas of national self-determination was able to invert the relationship between the state and nation, claiming that the “nation and not the state . . . represented the basic unit of the international legal order.”²⁵ By the term nation, Mancini understood “communities united by natural and historical factors such as territory, race, and language, as well as by consciousness of shared nationality.” Such unified national communities, he argued, “should be allowed by international law to organize into states, and exercise sovereignty on par with the other members of the international order.”²⁶ Such formulations dovetailed smoothly with the ideas of jurists like Wheaton, who privileges Christian sovereignty over other forms, and gave a forceful impetus to the claims of peoples, such as Christian communities in the Balkans not only to justify separation from the Ottoman Empire, but to achieve the status of an autonomous state in the international order. Such expectations, as Ayten Kılıç, has recently showed were eagerly inflamed by the Great Powers in the later half of the nineteenth century, leading to a series of conflicts in the Balkans that can be seen culminating in the outbreak of World War I.²⁷ From this perspective, Wilson’s post-war remarks contributed momentum to this phenomenon, but he did not initiate it. The events at Versailles in 1919 had long roots.

c. Self-Determination, Woodrow Wilson, and Versailles

There is significant disagreement concerning President Woodrow Wilson’s stance toward national self-determination. According to some, he disastrously introduced the concept of self-determination into international law at the end of World War I. Other critics claim, on the other hand, that Wilson instead failed to introduce a sufficiently robust concept of self-determination into international law. The confusion over Wilson’s legacy in this regard emerged almost immediately upon the publication of Wilson’s Fourteen Points. In 1918 and 1919 there was significant disagreement about Wilson’s stance on self-determination even among some of Wilson’s closest advisors there. For example, in May 1919, William Bullitt publicly resigned from the American peace

25 Guido Comparato, *Nationalism and Private Law in Europe* (Oxford, and Portland, OR: 2014) p. 69

26 Kelley, “A Short History of Western Legal theory,” p. 346.

27 “Paved with Good Intentions: The Road to the 1877-78 Russo-Ottoman War, Diplomacy and Great Power Ideology,” unpublished dissertation (University of Wisconsin, Madison, 2012).

commission in Paris when he read the terms of the Treaty of Versailles because did not think the treaty did enough to secure principles of self-determination. This failure, he protested, would lead to further oppression of the suffering peoples of the world. On the other hand, Robert Lansing, Wilson's Secretary of State, criticized Wilson for going too far in recognizing a right of self-determination. This failure, he lamented, would insure the continuation of uncertainty and instability in international law and the world order. Lansing's criticism took hold, and has shaped our understanding of Wilson's policy.²⁸ When he voiced these criticisms, Lansing may have had in mind his own experiences in having to inform representatives of the crumbling Austro-Hungarian empire that their plan to meet the objectives of Wilson's 10th Point were to be rejected, and that the US was backing independence for the Czechs, Slovaks, and South Slavs, thus hastening the end of the Austro-Hungarian empire. Two decades later, on the verge of the Second World War, E. H. Carr charged that the influence of "Woodrow Wilson with his principle of self-determination" had proved disastrous in the years since the Great War ended. "The victors 'lost the peace' in Central Europe," Carr insisted, "because they continued to pursue a principle of political and economic disintegration in an age which called for larger and larger units."²⁹ The subsequent embrace of a principle of self-determination in the UN Charter, where it is a firmly enshrined though still contested principle, appears to have further entrenched the perception, now widely held, that Wilson had played a key role in instituting the principle in international law in the aftermath of WWI.

Of course, the term "self-determination" appears nowhere in the text of the Fourteen Points or in Wilson's famous "Four Principles" speech. Admittedly, a great deal of the blame can be place on Wilson himself who in the months after his famous Fourteen Points speech played no small part in creating confusion about the principle of self-determination and its role in the postwar world order. Wilson carefully avoided the term self-determination in his Fourteen Points or in the speeches he gave in their support leading up to ratification. However, after ratification, Wilson never took steps to correct those who inferred a right of self-determination from his statements after the Versailles Treaty. Wilson, who had taught international law to undergraduate students at Princeton before he become president, would have know the important forces that

28 An excellent recent corrective on this subject is Trygve Throntveit, "The Fable of the Fourteen Points: Woodrow Wilson and National Self-Determination," 35 (2011) *Diplomatic History* pp. 445-481.

29 Throntveit, "The Fable of the Fourteen Points," p. 445-448.

lurked behind this inference. The caution and precision of Wilson's language leading up to the Versailles Treaty was replaced by broad and ambiguous claims about whether and how self-determination should be recognized as a right in international law and who could claim it. Two points should be made here. First, Wilson's post-Versailles support of a principle of self-determination was more limited than scholars of international law have assumed. For pragmatic reasons, many of which were directly related to the disposition of the former Ottoman provinces in the Balkans, Wilson was willing to accommodate self-determination in international law in certain instances, but not universally. Second, the problem of self-determination would have emerged as it did with or without Wilson's backing because it was embedded in the conceptual shifts that occurred within international law itself in the late nineteenth and early twentieth centuries, and whose roots, as we saw, extended back to the medieval period.

In Wilson's defense, he had a more subtle view of national self-determination than many of its proponents. In fact, Wilson's own understanding of the American experience complicated the question of self-determination. America of the nineteenth and early twentieth century, Wilson thought, demonstrated the power of civic unity to overcome ethnic, religious, and regional differences. For this reason, he compared opponents of his plan to those who sought to divide the United States during the American Civil War.³⁰

On the international stage, Wilson's subtle understanding of the difference between civic unity and national self-determination were received differently. Stephen Paneretoff, the Bulgarian minister in Washington, confidently proclaimed that "Wilson's formula for the self-determination of nations alone [would be] capable of a lasting solution of the Balkan problem."³¹ Other voices also turned Wilson's remarks in the direction they wanted. When the *North American Review*, a leading political journal of the time, paraphrased Wilson's remarks on "autonomous development" in the twelfth of the Fourteen Points, the journal editors simply stated: "the non-Turkish nationalities must be set free."³² The twentieth century would see the principle of self-determination employed in numerous post-colonial conflicts, some of which granted sovereign autonomy to non-Christian nations. But the

30 Crucial historical background can be found in John Milton Cooper, Jr., *Breaking the Heart of the World: Woodrow Wilson and the Fight for the League of Nations* (Cambridge, 2001).

31 Throntveit, "The Fable of the Fourteen Points," p. 476.

32 *Id.*, p. 475.

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impetus for self-determination as a principle of international law can be found at work in the nineteenth century, where its logic was taken directly from an older tradition that explicitly privileged European, Christian sovereignty over other forms, even when it meant infringing on the sovereignty of existing governments.

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A REVIEW OF THE SOCIAL MEMORY LITERATURE: SCHOOLS, APPROACHES AND DEBATES

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Abstract: *The parties of a substantial number of the present-day ethno-national conflicts base their claims on the assertion of victimhood based on past wrong-doings. As such, understanding the roots, continuation and allegation of the victimhood claims is a compulsory step for the comprehension and the resolution of the contemporary conflicts. The sense of victimhood often grows out of the social memory of the ethnic/national groups. Social memory also helps to sustain the victim identity of the group and also utilized by the group to evidence its victimhood. Therefore, the first step to understand the dynamics of sense and claim of victimhood is the comprehension of the dynamics of social memory. This study is a lengthy review of the social memory literature. It seeks to display the major conceptualizations of social memory and the main schools, approaches and debates in the literature.*

Keywords: *social memory, socio-politics of social memory, memory agents, collected memory, collective memory, new structural memory, history*

SOSYAL BELLEK LİTERATÜRÜNÜN ELEŞTİREL BİR İNCELEMESİ: OKULLAR, YAKLAŞIMLAR VE TARTIŞMALAR

Öz: *Günümüzde süregiden pek çok etno-ulusal ihtilaf ve çatışmanın tarafları iddialarını geçmişte karşı karşıya kaldıkları haksızlıklardan kaynaklanan mağduriyet iddiaları üzerinden kurmaktadır. Bu nedenle, mağduriyet iddialarının kökenlerinin ve bu iddiaların devamlılığını sağlayan nedenlerin anlaşılması çağdaş etno-ulusal*

çatışmaların anlaşılması ve çözümünü için gerekli adımlardır. Çoğu kez, etnik ve ulusal grupların mağduriyet algılarının şekillendiği mecra sosyal bellektir. Sosyal bellek aynı zamanda mağdur kimliğinin devamını ve kanıtını sağlayan da bir araçtır. Bu nedenlerden dolayı, mağduriyet algı ve iddiasının altında yatan dinamiklerin anlaşılması, sosyal belleğin dinamiklerinin anlaşılmasına bağlıdır. Bu çalışma, sosyal bellek literatürünün uzunca ve eleştirel bir incelemesidir. Bu sayede, sosyal bellek literatüründeki temel kavramsallaştırma, okul, yaklaşım ve tartışmaların açığa çıkartılması hedeflenmektedir.

Anahtar Kelimeler: *sosyal bellek, sosyal belleğin sosyo-politikası, bellek ajanları, derlenmiş bellek, kolektif bellek, yeni yapısal bellek, tarih.*

INTRODUCTION

Jewish, Christian and Islamic canons narrate Cain's murder of his younger brother Abel as the first manslaughter in the history of the mankind. These canons also tell that Cain and Abel were the sons of Adam and Eve, the first humans on the earth. Certainly, theologians and historians of religions are in command of interpreting the story of Cain and Abel. Still, this story, as well as the first records of wars that date back to the Bronze Age, tell us that violence, strife, battles and wars are the substantial elements of the history of mankind and undesirable yet inherent realities of the human existence. The present day is no exception. International and civil wars, non-state military organizations, terrorism, frozen conflicts, disputes between states and peoples have been the realities of the recent past and today.

As history book record more conflicts, wars and massacres, past conflicts and wars become the cause, trigger and/or justification of the present-day conflicts and wars. Ideas of revenge and justice render individuals and peoples more disposed to accept new wars as a way to correct past wrong-doings. Today, it is generally accepted that what motivated Nazi Germany to wage the World War II was partially a sense of injustice as regards to the consequences of the World War I. It is also generally accepted that self-perception of being subjected to injustices and the accompanying lust for revenge and 'justice' were to a considerable extend the motivations of the young Armenians that launched a terror campaign in the ranks of the secret organizations of Armenian Secret Army for the Liberation of Armenia (ASALA) and Justice Commandos for the Armenian Genocide-Armenian Revolutionary Army (JCAG-ARA) between 1975 and 1985 against the Turkish state. There are many more examples of the same sort. As such, whether the Israeli-Palestinian conflict would have been as severe and relentless as it has been if it was not nourished by the stories of the past wrong-doings is not an idle question. In fact, the recently popularized term "historical justice" reveals the importance of the perception of past crimes and injustices as a factor of the present-day conflicts. The self-perception of being a victim and the supplementary 'lust for revenge of the defeated' is an unignorable cause of the emergence and/or intensification of the recent conflicts. Moreover, feeling of victimhood is a factor that impedes rational debate for the resolution of the conflicts.

Present-day global socio-cultural context ensures a kind of legitimacy to those who claim victimhood. Put it differently, being a victim gives the

individuals and groups a kind of leverage to claim rightfulness. This results in the glorification of ‘victimhood’. One of the socio-cultural consequences of this is rise of the “culture of victimhood”. In such a socio-cultural context, more individuals and groups claim victimhood rooted in the past calamities and enviably embrace the victim identity. It seems that in the present-day there is a race among individuals and groups as to who has suffered most from calamities, who was been the most severely victimized, who has been the first victim and so on. ‘Victimhoods’ are quantified, compared and contrasted. Even a hierarchy of ‘victimhoods’ are created. This is so because the “culture of victimhood” allocates moral superiority to the victim. As Tzvetan Todorov observes:

If it can be convincingly shown that a group has been the victim of a past injustice, the group in question obtains a bottomless line of moral credit. The greater the crime in the past, the more compelling the rights in the present—which are gained merely through membership in the wronged group

Moral superiority is not important to correct the past wrong-doings *per se*. It becomes a tool of the victimized for revenge against the victimizer. As Nietzsche in his *On the Genealogy of Morality* ([1887] 2007, 42-43) states, the victim gets pleasure from victimizer’s suffering, yet, more than that, from making the victimizer suffer. The victim feels satisfied for having power over the victimizer and making her suffer just as she made the victim suffer. This reveals the politico-psychological dimensions of the claim of victimhood.

Given the significance of victimhood in the formation of individual and group identities within the socio-cultural context of the “culture of victimhood” and its political uses and abuses, investigating the dynamics of the formation and fixation of the self-perception and identity of victimhood and its transmission to future generations is an imperative to understand conflicts that are rooted in history and the accompanying victimhood claims. Popular and scholarly historical research is one of the means of the formation, transmission of the sense and claim of victimhood. However, as discussed in this study, history in its ideal form is a ‘cold-science’. With its truth claim, it is obliged to observe the imperatives of the scientific research. As a detached and analytical scholarly endeavor, history as a science does not always provide findings that those claim victimhood seeks. Moreover, the reliable and valid data that historical research shall base itself on is not always available in the

archives. Therefore, often, not scholarly historical studies but stories told by mouth and memoirs published, both of which are often a blend of the truth and fiction serve to generate, maintain and claim victimhood. At the same time, by the transformation of the historical science from 'history writing' to 'history making' that threw the objectivity and truth claims out of the focus by the postmodern and linguistic turns by the 1990s, the boundaries between history as a science and social memory blurred. This generated new methodological questions. For these reasons, the recent scholarship on what can generically be called conflict resolution needs to comprehend the phenomenon of social memory. This requires a theoretical re-examination of the social memory literature. The purpose of this study is to be a step in this direction.

The scholarly interest in social memory¹ dates back to the late-nineteenth and early twentieth centuries and it has become a popular topic in sociology, anthropology, social psychology, political science, and cultural studies since the last two or three decades, (see, Olick and Robbins 1998, 106-108). As social memory rapidly became a popular topic, the number of publications multiplied. This rapidly created its own problems. One of these problems is the terminological and definitional anarchy. The first section of this study explores the principal conceptualizations of social memory not just to reveal terminological differences and diverse definitions, but also the main frame of the literature and the phenomenon that it deals with. Maurice Halbwachs is the pioneer of the sociological research on memory. Among the contemporary scholars of social memory, Jan Assmann, Marita Sturken, Marianne Hirsch Maurice Halbwachs, and James Fentress and Chris Wickham are the ones who assert authentic conceptualizations of social memory. Therefore, in the following section, the conceptualizations of these six scholars are investigated. This is followed by the review of the main schools, approaches and disputes in the literature in order to provide a full account of the current state of the art of social memory

1 In the literature on the sociological research on memory different terms such as collective memory, cultural memory, postmemory, social memory are used to signify the phenomenon. At intervals, different terms are utilized for substantial theoretical reasons. However, this is not the rule. Employment of different terms without any ample reason is not an exception. Consequently, the literature, in addition to the already mentioned ones, is populated by terms such as collective remembrance, popular history making, myth, national memory, public memory, vernacular memory, countermemory (see, Kansteiner 2002; Olick and Robbins 1998; also for other examples see Bal 1999, Connerton 1999, Le Goff 1992). In this study, while referring to specific scholars, specific terms that they use are used in inverted commas. This study argues the best available term for the phenomenon social memory. Therefore, in other instances the term social memory is used.

research. In the conclusion, the main points of the review of the literature are summarized.

Conceptualizations of Social Memory

Maurice Halbwachs and 'Collective Memory'

Maurice Halbwachs, a disciple of the Durkheimian sociology, is the pioneer of the sociological literature on memory. His main question is “how individuals remember”. Although this problematic, at the first sight, seems to be psychological or neurological one, Halbwachs argues that there is no individual memory *per se* and all that individuals remember is shaped by norms, values, beliefs and expectations of the society in which the remembering individual lives. With this perspective, Halbwachs discloses the sociological relevance of remembering and memory. Halbwachs argues that although it is the individual who do the remembering, what and how she remembers is bound to and determined by the social frameworks for memory. He sustains that remembering is not pure, unmediated, unaltered, “photographic” recollection of the past, but a process of pairing up the reminiscences of the past into a meaningful unity through interpretation, organization and integration of the singular images. Memory is the end result of the process of remembering. As such, memories are mediated constructs.

According to Halbwachs, it is the very process of remembering, which results in “individual memories” that gives all the “individual memories” their collective nature. This is so because, the individual constructs her memories, that is, she interprets, organizes, integrates the past experiences in the process of remembering via the social frameworks for memory, i.e., social norms, values, beliefs and expectations, that she internalized as a member of a society. Because the social frameworks for memory are the properties of society that individuals as members of society possess and memories are constructed via these frameworks, what individuals remember are collective in essence. In a nutshell, it is the individual who does the remembering, but she does that through collective social frames. In Halbwachs (1992, 38) words:

It is in this sense that there exists a collective memory and social frameworks for memory; it is to the degree that our individual thought places itself in these frameworks and participates in this memory that it is capable of the act of recollection.

Halbwachs (1992, 53) states:

To be sure, everyone has a capacity for memory (*memoire*) that is unlike that of anyone else, given the variety of temperaments and life circumstances. But individual memory is nevertheless a part of or an aspect of group memory, since each impression and each fact, even if it apparently concerns a particular person exclusively, leaves a lasting memory only to the extent that one has thought it over- to the extent that it is connected with the thoughts that come to us from the social milieu. One cannot in fact think about the events of one's past without discoursing upon them. But to discourse upon something means to connect with a single system of ideas our opinions as well as those of our circle. It means to perceive in what happens to us a particular application of facts concerning which social thought reminds us at every moment of the meaning and impact these facts have for it. In this way, the framework of collective memory confines and binds our most intimate remembrances to each other. It is not necessary that the group be familiar with them. It suffices that we cannot consider them except from the outside-that is, by putting ourselves in the position of others-and that in order to retrieve these remembrances we must tread the same path that others would have followed had they been in our position.

Halbwachs substantiates his argument by contrasting dreams and memories. He argues that dreams are irregular, piecemeal, chimerical, meaningless and un-memorial, because dreams, in contrast to memories, are truly individual properties and for this reason lack unity and meaning. Halbwachs (1992, 41) states:

...if the series of images in our dreams does not contain true memories, this is because, in order to remember, one must be capable of reasoning and comparing and of feeling in contact with a human society that can guarantee the integrity of our memory. All these are conditions that are obviously not fulfilled when we dream...

He (1992, 172) also asserts:

When we are awake, on the contrary, time, space, and the order of physical and social events as they are established and recognized by the members of our group are imposed on us. From this comes a "feeling of reality" that opposed to what we still dream but is the point of departure for all our acts of memory. We can remember only on condition of retrieving the position of

past events that interest us from the frameworks of collective memory.

Halbwachs highlights that, the fact that all the remembering (the process) and memories (the products) are collective does not mean individual memories are identical. Certainly, different individuals hold different memories. However, the way in which individuals recollect their own experiences, the ‘tools’ that they use in recalling and reordering those experiences, the path they follow during this process are determined by the same social frameworks for memory. It is in this sense, individuals remember as the members of the society, not as independent abstract individuals *per se*. Because collective frames determine individual memories, Halbwachs coins the term ‘collective memory’ and theoretically argues “...group in itself as having the capacity to remember” (Halbwachs 1992, 54).

Halbwachs argues ‘collective memory’ is the dynamic and *au courant*. He (1992, 47) states:

We preserve memories of each epoch in our lives, and these are continually reproduced; through them, as by a continual relationship, a sense of our identity is perpetuated. But precisely because these memories are repetitions, because they are successively engaged in very different systems of notions, at different periods of our lives, they have lost the form and the appearance they once had.

Social frameworks for memory evolve with the transformation of the societies. As social frameworks for memory evolve, what individuals remember also evolve. In other words, societal changes transform what is remembered and how it is remembered.

Halbwachs argues social frameworks for memory render the group cohesion and social identity possible. Therefore, one can assume that transformation of social frameworks for memory that leads to the transformation of remembering and memory would negatively impact the group solidity. However, according to Halbwachs rather than the temporal, the spatial continuity of the social frameworks for memory is important for the coherence of memories and, therefore, of the group.

What makes recent memories hang together is not that they are contiguous in time: it is rather they are part of a totality of thoughts common to group, the group of people with whom we

have a relation at this moment, or with whom we had a relation on the preceding day or days. To recall them it is hence sufficient that we place ourselves in the perspective of this group, that we adopt its interests and follow the slant of its recollections (Halbwachs 1992, 52).

Yet, Halbwachs also acknowledges the temporal dimension of the collective memory. He argues social frameworks for memory have a double character in the sense that they are both the results of historical accumulation of traditions and recollections, and ideas and conventions of the present-day. At the same time, Halbwachs claims in order the traditions and recollections to be accumulated, they must be processed and transposed into a teaching, a notion, or a symbol and given on a meaning. Only after that, traditions and recollections can become elements of the present-day society's system of ideas (Halbwachs 1992, 188). Such a transposition, however, is possible only if traditions and recollections are not in contradiction to present-day needs and concerns.

Jan Assmann and 'Cultural Memory'

According to Assmann, transmission of the self-knowledge of a society in time and space is the prerequisite of the societal unity, particularity and identity. However, as societies enlarge, personal face-to-face communication falls behind to enable this transmission. At that point, a need for an external intermediate memory to record, store, conserve and retrieve society's self-knowledge emerges. In other words, when the self-knowledge of the society cannot be carried and transmitted by the members of a society, necessity for an 'artificial' memory arises. This external mediate artificial memory that objectifies society's self-knowledge is what Assmann calls 'cultural memory'. In Assmann's terminology 'cultural memory' is the externalized, mediated, artificialized, and objectified self-knowledge of the society.

Assmann (1995, 126) defines 'cultural memory' as "a collective concept for all knowledge that directs behavior and experience in the interactive framework of a society and one that obtains through generations in repeated societal practice and initiation". He adds, reusable texts, images, and rituals specific to each society in each epoch compose 'cultural memory'. 'Cultural memory' is highly organized,

formalized, institutionalized and it necessitates specialized bearers and carriers such as priests, teachers, bards, mandarins and so on. (Assmann 2001, 57). As such, by ‘cultural memory’ Assmann refers not to an inner faculty of the humans, but to the capacity of the society to record, store, conserve and retrieve its self-knowledge by using artificial means, such as writing and archiving. Assmann (2001 29& 34) adds what is at stake with respect to ‘cultural memory’ is the advanced mode of bracketing together the knowledge from different epochs and perpetuating them by utilizing artificial means. ‘Cultural memory’ stabilizes society’s self-image and self-knowledge and transmits it through generations (Assmann 1995, 132). The transmission of the self-knowledge of the society to its members both in time and space is an imperative for the preservation of the culture that gives a society its unique identity. Therefore, as a form of collective knowledge, largely but not exclusively of the past, ‘cultural memory’ provides a basis for particularity and unity of a society. It helps the society and the individuals as members of society to say “we are this” and “that is our opposite”. In Assmann’s (1995, 125-126) words:

The specific character that a person derives from belonging to a distinct society and culture is not seen to maintain itself for generations as a result of phylogenetic evolution, but rather as a result of socialization and customs. The “survival of the type” in the sense of a cultural pseudo-species is a function of the cultural memory (Assmann 1995, 125-126).

Because ‘cultural memory’ is the self-knowledge of the society, it has a normative significance. It also “engenders a clear system of values and differentiations in importance”. In other words, it creates a hierarchy among its components in terms of importance and centrality that is determined by the functions of each component in production, representation, and reproduction of the self-image of a given society (Assmann 1995, 131).

Assmann conceptualizes ‘cultural memory’ by delimiting it with what he calls ‘communicative memory’ and ‘science’. According to him (1995, 126) science is the least relevant one among the three for not having a collective self-image. The truly important distinction Assmann makes for analytical purposes is the one that is between ‘cultural memory’ and ‘communicative memory’. In Assmann’s point of view (1995, 126-127) ‘communicative memory’ is exclusively based on everyday communication. It is related to the field of oral history and characterized

by a “high degree of nonspecialization, reciprocity of roles, thematic instability, and disorganization”.

Its most important characteristic is its limited temporal horizon. As all oral history studies suggest, this horizon does not extend more than eighty to (at the very most) one hundred years into the past, which equals three or four generations or the Latin *saeculum*. This horizon shifts in direct relation to the passing of time. The communicative memory offers no fixed point which would bind it to the ever expanding past in passing of time. Such fixity can only be achieved through a cultural formation and therefore lies outside of informal everyday memory (Assmann 1995, 127).

‘Communicative memory’ comprises the memories of the recent past that are shared by the individuals living in the same historical period. It is a generation-specific memory. ‘Communicative memory’ appears and disappears by the appearance and disappearance of its carriers. It has a limited duration just like generations. On the other hand, ‘cultural memory’ is fixed and stable. It is not composed the remembrance of daily events (Assmann 2001, 61-62). Assmann (1995, 128-129) states:

Just as communicative memory is characterized by its proximity to the everyday, cultural memory is characterized by its distance from the everyday. Distance from the everyday (transcendence) marks its temporal horizon. Cultural memory has a fixed point; its horizon does not change with the passing of time. These fixed points are fateful events of the past, whose memory is maintained through cultural formation (texts, rites, monuments) and institutional communication (recitation, practice, observance). We call these “figures of memory”.

So, according to Assmann, ‘communicative memory’ is the group memory that is shaped by everyday communication, which is not fixed, but still fluid. On the other hand, ‘cultural memory’ is fixed, stabilized, objectified, crystallized, institutionalized and ritualized form of self-knowledge of society. According to Assmann (1995, 129), in certain situations cultural objectification stabilizes ‘cultural memory’ for thousands of years. This forms what he calls binding structure that functions both in space and time (Assmann, 2001, 21). While, on the one hand, members of a cultural unit are linked to each other horizontally in the present-day by symbolic meaning worlds, on the other hand, they are linked to the past and future generations. This allows individuals to

have a sense of “we-ness”, common identity and belonging. Assmann uses the term canon to define the principle that fortifies the binding structure of a culture in terms of resistance to time and immutableness; societies construct their self-images, record and store them as canons and transmit them to new generations (Assmann 2001, 23). Accordingly, ‘cultural memory’ might be thought as the canon of the society.

	Communicative Memory	Cultural memory
Content	History in the frame of Autobiographical memory, recent past	Mythical history, events in absolute past (<i>in illo tempore</i>)
Form	Informal traditions and genres of everyday communication	High degree ceremonial communication
Media	Living, embodied memory	Mediated in texts, icons, rituals, performances, classical or otherwise formalized language
Time Structure	80-100 years, a moving horizon of 3-4 interacting generations	Absolute past, mythical, primordial time
Participation Structure	Diffuse	Specialized carriers o memory, hierarchically structured

Table 1.1) Assmann’s (2008, 117) schematization of the contrasts between communicative and cultural memory.

Assmann conceptualizes the ‘cultural memory’ as a truly stable and fixed self-knowledge of the society. Yet, he leaves room for a more dynamic understanding of ‘cultural memory’ by the idea of ‘cultural memory in the mode of potentiality’, i.e., “in the mode of potentiality of the archive whose accumulated texts, images, and rules of conduct act as a total horizon” (Assmann 1995, 139) and ‘cultural memory in the mode of actuality’, i.e., “whereby each contemporary context puts the objectivized meaning into its own perspective, giving it its own relevance” (Assmann 1995, 130).

Marita Sturken and ‘Cultural Memory’

Marita Sturken in her *The Vietnam War, The AIDS Epidemic, and the Politics of Remembering* (1997) elaborates popular history writing. She examines the ways in which history is told in the public sphere through popular cultural products, media, public images and memorials (Struken 1997, 5). Doing that, Struken develops the term ‘cultural memory’ as follows:

I use the term “cultural memory” to define memory that is shared outside the avenues of formal historical discourse yet is entangled with cultural products and imbued with cultural meaning...Employing the term “cultural memory” thus allows me to examine how, for instance, popular culture has produced memories of Vietnam War and how these film and television images have moved between cultural memory and history. The self-consciousness with which notions of culture are attached to these objects of memory leads me to use the term “cultural” rather than “collective”.

I therefore want to distinguish between cultural memory, personal memory, and official historical discourse (Sturken 1997, 3).

With this definition, Sturken draws attention to popular cultural products such as movies, comics, public art works as the media through which socially relevant meanings are created. Inspired by Foucault, she emphasizes meaning making processes outside of the avenues of formal institutions. She draws attention to ‘unauthorized’ popular processes of meaning making that take place at the ‘peripheries’ of the society by those at the margins of the mainstream. Notably, at the same time, she rightly highlights that boundaries between ‘authorized’ and ‘unauthorized’, ‘official’ and ‘unofficial’, ‘elite’ and ‘popular’ are not too solid; there are interactions and exchanges between the two spheres. She prefers the term ‘cultural memory’ over collective memory in order to indicate volitional acts over spontaneous happenings in the meaning making processes through cultural products.

Sturken (1997, 9) stresses that “cultural memory is produced through objects, images, and representations”, and adds “these are technologies of memory, not vessels of memory in which memory passively resides so much as objects through which memories are shared, produced, and given meaning”. Therefore, she claims exploration of objects, images and representations as memory production tools is an integral part of the ‘cultural memory’ research. Consequently, Sturken’s research agenda includes the investigation of memorials, images, commodities and also bodies as means of ‘cultural memory’ production (1997, 9-13).

Marianne Hirsch and ‘Postmemory’

Marianne Hirsch in her chapter *Projected Memory: Holocaust Photographs in Personal and Public Fantasy* (1999) explores how

camera images mediate between the private and public memories of the Holocaust survivors and the second and subsequent generations. She investigates the role of camera images in later generations' acts of remembrance, identification and projection. Although not a book-length work but a chapter in an edited book, Hirsch's work is of great importance for the question it asks which is mentioned, but not overtly expressed in other studies on social memory. Hirsch's (1999, 9) question is "a question of adopting the traumatic experiences-and thus also the memories-of others as one's own, or, more precisely, as experiences one might oneself have had, and of inscribing them into one's own life story". In other words, she asks how people internalize the memories of the others and make them their own. To define the internalization of others' memories Hirsch (1999, 8) coins the term 'postmemory' as the following:

I use the term *postmemory* to describe the relationship of children of survivors of cultural or collective trauma to the experience of their parents, experiences that they "remember" only as the stories and images with which they grew up, but that are so powerful, so monumental, as to constitute memories in their own right. The term is meant to convey its temporal and qualitative difference from survivor memory, its secondary or second-generation memory quality, its basis in displacement, its belatedness. Postmemory is a powerful form of memory precisely because its connection to its object or source is mediated not through recollection but through projection, investment, and creation. That is not to say that survivor memory itself is unmediated, but that it is more directly connected to the past. Postmemory characterizes the experience of those who grow up dominated by narratives that preceded their birth, whose own belated stories are displaced by stories of the previous generation, shaped by traumatic events that they can neither understand nor re-create.

In brief, Hirsch distinguishes the individuals' memories of their own past experiences and their internalization of the memories of others. Hence, in Hirsch's framework postmemory refers to the phenomenon of transmission of memories to succeeding generations and the process of internalization of those memories by these generations.

Fentress and Wickham, and 'Social Memory'

James Fentress and Chris Wickham in the foreword of their *Social Memory* (1994) explain why they choose the term 'social memory' instead of the more conventional term 'collective memory'. Although authors neither elaborate sufficiently nor construct a theory of 'social memory', their short explanation points out a very central issue in the literature.

Fentress and Wickham (1994, ix) clarify that they are not interested in individual memory. They add, it is actually individuals who do the remembering and ask what is social about remembering. By referring to Halbwachs, they claim that remembering and memory is an effect of the membership to a social groups. They write:

Thus, an important problem facing anyone who wants to follow Halbwachs in this field is how to elaborate a conception of memory which, while doing full justice to the collective side of one's conscious life, does not render the individual a sort of automaton, passively obeying the interiorized collective will. It is for this reason (as well as to avoid the image of a Jungian collective unconscious) that we shall normally use the term 'social memory' rather than 'collective memory', despite the greater recognizability of the latter phrase (Fentress and Wickham, 1994, ix).

What Fentress and Wickham hint at is the issue of reception of social memory by individuals. Fentress and Wickham state 'social memory' is the memory which is talked about, shared with others and communicated. According to the authors, communication makes the memory 'social memory'. In other words, only communicable and communicated memories are 'social memories'.

The Counters of the Social Memory Literature

Halbwachs, in his *avant garde* scholarship, deals with the ways in which individuals recollect past events that they themselves witnessed. As such, Halbwachs is interested in individuals' remembering of their own past experiences. Contrary to Halbwachs, most of the scholars of social memory focus on phenomena other than individuals' recollection of the past events that they themselves encountered and memories of one's own self. This is one of the major points that differentiates Halbwachs

in the literature. Besides that, several criticisms have been raised against Halbwachs' framework that Mizstal (2003) summarizes. Halbwachs sustains that the subject of the remembering is the individual, yet he argues that an individual does the remembering via the social frameworks for memory and underlies the dependency of the remembering individual to the group. Accordingly, Halbwachs denies autonomy to the individual vis-à-vis the society. In Halbwachs' framework the individual is reduced to a means of the collective memory to realize itself and she is conceptualized almost as an automaton without initiative or power over the remembering process. Halbwachs does not discuss the ways in which individual internalizes the social frameworks for memory and simply presupposes it (Mizstal 2003, 54). Despite the centrality of the concept of social frameworks for memory in his framework, Halbwachs leave them insufficiently elaborated. Halbwachs is criticized for failing to provide a satisfactory and full definition of 'collective memory' (see, Elam and Gedi 1996; Osiel 1997 cited in Mizstal 2003, 54). For example, Elam and Gedi (1996) argue that Halbwachs' collective memory is indeed not different from the old concept 'myth'; Halbwachs neither brings anything new in the literature nor provides the scholarship with new analytical tools. Lastly, Halbwachs does not provide any explanation about the dynamics of societal processes and the emergence of the group identity. This, Mizstal (2003, 55) argues, gives an impression that according to Halbwachs group identities as relatively unchanging.

The obvious problems in Assmann's account are its highly static understanding of 'cultural memory' and the metaphysical character he appoints to it. Assmann's account is highly, but not completely, static because he conceptualizes "cultural memory" as the canonic self-knowledge of the society, which persists in the artificial memory of the society for ages with little alteration. Only his analytical distinction of 'cultural memory in the mode of potentiality' and 'cultural memory in the mode of actuality' leaves room for a more dynamic interpretation. Secondly, Assmann's account carries Durkhemian faults as he mentions the self-knowledge of the society that implies a self-acting, self-regulating society. Although, Assmann mentions carriers of memory such as priests, teachers, bards and mandarins, who help to store in texts, icons, rituals and help to it reshape and transmit the 'cultural memory', he does not do that strong enough to help to ease Durkheimian faults in his framework. Thirdly, Assmann does not elaborate the constitution of the 'cultural memory'. This results in an understanding of monolithic and harmonious 'cultural memory'.

Sturken uses the term ‘cultural memory’ to emphasize temporary popular culture instead of crystallized enduring canonical self-knowledge of the society, in opposition to Assmann. By the term ‘technologies of memory’, Sturken highlights the importance of media of memory in its production, which Assmann does not elaborate. Overall, what distinguishes Sturken from Assmann is her focus on every-day practices contrary to Assmann’s focus on canonical artifacts. In that sense, it can be thought that Sturken’s ‘cultural memory’ is more congruent with Assmann’s ‘communicative memory’.

Hirsch by the term ‘postmemory’ underscores an intergenerational dimension. Although same kind of intergenerationality can also be abstracted from Assmann’s account, his is more about a “binding structure” between the ancestors and the contemporaries, rather than generations. On the other hand, while Assmann mentions the metaphysical self-knowledge of the society, Hirsch stand on firmer grounds as she refers to internalization of the memories of the children or grandchildren of the Holocaust survivors, which can be thought of ‘not-yet-canonized communicative memory’ in Assmann’s terminology. In contrast to Halbwachs, who explores the remembering of personal past, Hirsch asks ‘how one can remember what she has not experienced, but her parents or grandparents did’. With this question Hirsch puts the emphasis on a radically different point, namely, internalization of other’s past experiences as her own.

Fentress and Wickham’s greatest contribution is their emphasis on the extra-individual social character of memory without trapping themselves in a metaphysical understanding of memory that reminds Jungian understanding of collective unconscious. In other words, Fentress and Wickham, while mentioning the collective character of the memory, are cautious not to overlook the individual. It can be argued that, Fentress and Wickham try to reach a point where the collective and the individual can be met. They find this meeting point in social communication and the intersubjective sphere by arguing that what makes memory social is its communication among individuals. In this sense, for example, Fentress and Wickham deny what Assmann calls ‘cultural memory in the mode of potentiality’ a social character since it is not communicated until it is transferred to the actual mode. Likewise, according to Fentress and Wickham’s understanding, Halbwachs’ ‘collective memory’ lacks the social character unless people tell each other what they remember. Struken’s and Hirsch’s ‘cultural memory’ and ‘postmemory’, on the other hand, are social memories since by definition they are

communicated memories. By bringing the term ‘social memory’ to emphasize the intersubjectivity and communication of the memory, Fentress and Wickham emphasizes social memory as a social deed.

Schools, Approaches and Debates in the Social Memory Literature

In addition to different conceptualizations of social memory, there are different schools and approaches and points of dispute in the social memory literature. This section, through a review of these schools, approaches and debates demonstrates the current state of the art of the social memory research.

Social Change and Social Memory

David Gross (2000) argues that until the seventeenth century intergenerational transmission of practical knowledge and moral and spiritual guiding principles were believed to be possible only through remembering. Moreover, noticing one’s own individual continuity as a person, consequently attaining a sense of identity, and accordingly, a feeling of ontological security was thought to be the effects of remembering. Thereof, remembering was perceived as a virtuous act and associated with religiosity, ethical personality, spirituality, and creativity (Gross 2000, 25-30). However, by the seventeenth century a new kind of perception about remembering started to replace the old one. By that time, not the virtues of remembering but the virtues of forgetting was started to be uttered as a result of the erasure of the presumed connections between the continuation of the social life and individual identity, and remembering. Gross elucidates this transformation from a functionalist point of view. He claims, by the introduction of modernity, as the flow of history gained momentum and societies dodged stagnation, knowledge of the past ceased to be functional.

Besides other possible criticisms that could be raised against Gross, his conclusion of the dysfunctionality of remembering during the periods of rapid change is explicitly contradictory to the conclusions of many other studies. David Thelen (1989, 1125), referring to James C. Scott and John Bodnar’s studies, argues in the face of rapid, alien and imposed change people seek refuge in unchanging, incorruptible and

harmonious memories to resist the obscurity of change. Thelen (1989, 1125) writes:

James C. Scott argues that villagers “collectively created a remembered village and a remembered economy that served as an effective ideological backdrop against which to deplore the present.” “Their memory,” wrote Scott, “focuses precisely on those beneficial aspects of tenure and labor relations that have been eroded or swept away over the last ten years. That they do not dwell upon other, less favorable, features of the old order is hardly surprising, for those features do not contribute to the argument they wish to make today.” In this issue John Bodnar shows how the same process took place in more familiar settings. On the basis of interviews with former Studebaker employees in South Bend, Indiana, many years after they lost their jobs in the plant’s 1963 closing, Bodnar shows how individuals constructed a chronology in which a stable past defined by a friendly workplace gave way to a contentious time of change and conflict that ended in the plant’s closing.

Hobsbawm in his introduction to *The Invention of the Tradition* (2006) argues in modern times when social change and transformations rip off societies’ real ties with their pasts, elites, either to restore their socio-political status or, and more importantly, to realize their political and social prospects, invent new ‘traditions’ to fix and stabilize some aspects of the social life, create a sense of group belonging, legitimize relations of authority and transmit values (Hobsbawm 2006, 3&12).

Thelen and Hobsbawm advert the same idea, i.e., increasing concerns over the past and construction of useful memories during the periods of change by mentioning two different agents of memory. Whereas Thelen points out the non-elites as the memory agents, Hobsbawm specifies the elite at the same role. Moreover, Thelen stresses the construction of the past for reactive reasons, i.e., to conserve the old structures and relations in the face of social change, whereas Hobsbawm, although not excluding the possibility of reactionary goals, mentions the functions of the invented tradition for the making of the new socio-political context.

Memory agents are important factors in the construction of memories. Yet, this must not lead to a failure to notice the possibility of “agent-less lust for memory” rooted in the society itself and quasi-*ipso facto* processes. Michael Roth (1995, 177) explains this as follows:

In the face of insatiable lust of modernization, one turns not to self-conscious, playful impotence of modernists and postmodernists but rather to powerful “grip of the past” on communities and families. The forms in which the past is preserved over time are supposed to show us the sacred limits that bourgeois capitalism and state socialism are out to mystify with the opiate of development. If we only look back to the heart or haven of our modern, routinized world, so it is said, we might find that we already possess one of the key defenses against inhumanity of progress. Beneath the appearance of incessant change should lie the roots of essential continuity, which nourish our ongoing beliefs and practices.

According to Roth (1995, 181), as solidarity and the sense of common identity wane, interest in the past grows. The lust for a landing mark, an anchor drives people to search for a usable past. “In other words, a sense of history becomes important only at the moment when group memory is no longer providing continuity essential to community life” (Roth 1995, 183). Similar to Roth, Carrier (2005, 176) argues:

The memory boom sustained since the 1970s should therefore not be understood as a form of cultural pessimism compensating for a sense of loss, or a collective flight into the past, but as a rearticulation of shared memories of the past which are designed to consolidate the cohesion of contemporary society. Hence the need to examine how memory cultures emerge out of the artistic narrative, rhetorical or ritual forms of this rearticulation within the field of political communication.

One thing noteworthy in Carriers’s argument is that, just like Hobsbawm, he views the search for memory not as an act directed toward the past, but toward the present and future. Other than that, Carrier, like Roth, points out *ipso facto* process in the emergence of “memory cultures”.

Thelen, Hobsbawm and Ranger, Roth, and Carrier are joined by many other (see for instance, Hamilton (1994), Olick and Robins (1998), Said (2005), Todorova (2004)). All in all, it can be seen that there is almost a consensus on the functionality of social memory in the periods of rapid change and modernity, in general, which refutes Gross’ dysfunctionality thesis.

Socio-political Dimension of Social Memory

Presentist School of the Social Memory Scholarship

The relationship between social change and social memory instinctively signals the relationship between socio-politics and social memory and. This relationship is principally explored by the presentist school² of the social memory scholarship that focuses on social, political, cultural, economic contexts of the remembering. The main idea of the presentist school is that social memory is the outgrowth of the present-day than the past; it reflects today more than yesterday. In every historical era a particular social memory emerges contingent to social, political, cultural, economic characteristics of that era. Consequently, presentist studies focus on the relationship between the emerging social memories and the contemporary context.

Mizstal (2003, 56-61) argues, Hobsbawm and Ranger's *The Invention of Tradition* mentioned above is the inspiration of the presentist school. Hobsbawm (2000, 1-2) in his introduction to this edited volume states:

'Invented tradition' is taken to mean a set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seeks to inculcate certain values and norms of behavior by repetition, which automatically implies continuity with the past. In fact, where possible, they normally attempt to establish continuity with a suitable historic past...

...However insofar as there is such reference to a historic past, the peculiarity of 'invented' traditions is that the continuity with it is largely factitious. In short, they are responses to novel situations which take the form of reference to old situations, or which establish their own past by quasi-obligatory repetition. It is the contrast between the constant change and innovation of the modern world and the attempt to structure at least some parts of social life within it as unchanging and invariant, that makes the 'invention of tradition' so interesting for historians of the past two centuries.

'Tradition' in this sense must be distinguished clearly from 'custom' which dominates so-called 'traditional' societies. The

2 Mizstal (2003) names it "interest theory" what I call presentist school. Likewise, Mizstal uses the term "dynamics of memory approach" whereas I prefer the term accumulationist school, as shall be seen below. Nonetheless, in both clusters both terms refer to the same approach.

object and characteristics of ‘traditions’, including invented ones,
is invariance

Hobsbawm (2006, 12) argues invented traditions target 1) social coherence and sense of group belonging, 2) legitimization of the existing institutions and the relations of status and authority relations, and 3) socialization, instilment and transmission of beliefs and value judgments. In fact, these three are the functions that presentist scholars attribute to social memory. At the final analysis, Hobsbawm and the presentist school’s main concern about the construction of the past and social memory is their politico-ideological functions and its use (and abuse) by socio-political actors. That is the reason why presentist school is criticized for carrying a politico-ideological reductionist bias.

Presentist social memory studies focus on states, elites and non-elites as the agents of memory that construct ‘useful pasts and memories’. Those studies that draw attention to the states often reflect on educational institutions, state radio and televisions, cultural policies that are possessed or controlled by the states as the tools of memory construction (see, for instance, Carrier 2002; Gur-Ze’ev 2001). They focus on domestic socio-politics or international politics, or both (see, for instance, Herf 1997; Zerubavel 1995; Ram 2000). Studies which address international politics expand the scope of social memory studies and reveal the wide-range of the factors that impact construction of the social memories. At the same time, state-centric studies for their emphasis on states and macro-politics tend to neglect peripheral actors, struggles going on among these actors, and between these actors and states. As Misztal (2003, 59) argues, putting the state at the center and overlooking other agents of memory can hold only for those societies with authoritarian/totalitarian state apparatuses. In rather democratic societies, different social, cultural and political actors carry out struggles over social memory and at times non-state actors gain an upper hand. Still, apparatuses of memory-construction such as museums, monuments, school text books require large financial investments and states might be the primary actor that can make these investments. Accordingly, even in democratic societies, states may remain the primary memory agent. Nevertheless, as access to communication technologies such as internet becomes easier and wide spread, peripheral actors find a larger space of action vis-à-vis states.

The second set of memory agents that presentist social memory studies focus on is the elites. As examples of these studies, Funck and

Malinowski (2002) explore German nobility's rediscovery and improvement of "techniques of memory in order to reinvent their gravely imperiled cultural and political identities" in the twentieth century. Wiesen (2002) examines the efforts of the German firms, which cooperated with the Nazi regime to restore their images by constructing new memories. By virtue of having access to and control over different resources, elites hold an advantage in constructing their preferred version of social memory. Yet, as popular memory studies display, theirs is not an unrestricted potency.

Popular memory studies, which employ terms like counter-memory, public-memory, unofficial memory and so on address the non-elites as memory agents and examine the below-to-top processes. These studies are more perceptive to different memory agents and stress more boldly the multileveled and conflictual aspects of social memory construction (Misztal 2003, 61-67). Popular memory studies acknowledge the possibility of existence of multiple memories in a single society, as well. For example, Todorova (2004) argues that public memory that is constructed by politicians and intellectuals might be quite different from the memories constructed in the private sphere.

Misztal (2003, 62) rightly argues that Foucault's works are one of the inspirations of the popular memory studies. Foucault sustains that memory is a substantial tool for social control and 'popular memory' is the asset of those who are at the margins of the society. In the same spirit, Milan Kundera in his *The Book of Laughter and Forgetting* (1999) writes "the struggle of man against power is the struggle of memory against forgetting". Assmann (2001, 75), too, argues that under repression remembering might take a form of resistance. All these accounts unite in arguing that remembering might be the strength of the oppressed to resist the oppressor. Accordingly, popular memory studies focus on the dialectics and discord among the hegemonic discourse(s) in the society and peripheral popular memor(ies) in their diversity. Overall, popular memory studies provide more complete and complex accounts of memory construction processes and analyses of struggles among different actors.

It is important not to overlook to the fact that not all the scholars adopting a presentist perspective overtly focus on memory agents. In other words, there are studies conducted from within the presentist framework that focus on structural/contextual dimensions rather than specific actors. Young (1993) argues monuments are erected in certain

political and economic contexts. However, once they are erected, those monuments, or other “technologies of memory” are perceived and interpreted by the people according to new contextual conditions. This reveals that memory agents do not have total control on the meaning making processes and context is a significant factor in this regard. For example Stojanovic (2004) and Ten Dyke (2002) argue that the fall of the Soviet Bloc rendered the “old memories” extraneous. This point is also mentioned by Hobsbawm. He (2006, 305-306) argues that traditions can be invented on purpose by various actors. Nevertheless, they can be “invented” through undeliberate processes, too. Overall, those studies that address structural/contextual factors contribute to the presentist research agenda by widening its scope. Moreover, these studies contribute to the scholarship by calling more boldly to contextualize the volitional acts of memory agents.

Chronopolitics: The Politics of Social Memory

Perceptiveness to multiple memories and memory agents calls for attention to interactions between different memories and memory agents, and dynamic, engaged, unstable, fluid, conflictual relations not only between the hegemonic bloc and the marginal sections but also within these two. This perspective enables reading social memories as texts revealing power relations in a given society (Mizstal 2003, 64-66; also see Confino 1997, 1393-1395). On the other hand, conflict among memory agents must not be taken for granted. As Canefe (2004) demonstrates in her study on the perception of history of the Turkish Cypriots, the gap between the official narrative and private accounts may not always be big. Last but not least, Gur-Ze’ev’s (2001) study on the Israeli and Palestinian educational systems displays that struggles over memory may also take place between nations. All these call for attention to ‘politics of social memory’, or to use Canefe’s (2004, 80) term “chronopolitics”, which stands for “the elements of choice, negotiation and contestation that come into play for the ultimate determination of what is remembered”³. Literature on chronopolitics contributes to the field by seeking answers to the questions; social memory ‘by whom’, ‘for whom’, ‘against whom’, ‘for what’, ‘against what’, ‘why’, ‘how’, ‘when’, and ‘where’.

3 Fraizer’s (1999) “memory as praxis” is also another term which nicely signifies the politics of social memory.

The literature on chronopolitics can be un-categorically divided into two as those studies focusing on high-politics and international context and those studies focusing on domestic contexts. Herf's (1997) study on the construction of different social memories of the Nazi past in two Germanys after the World War II by the anti-Nazi German politicians is an example of the studies focusing on high-politics and international context. Herf argues a combination of belief, interest, ideology and lust for power shaped the social memory and public narratives of the Nazi era and contextualizes his analysis within the international realm. He shows how the same past was represented differently in two Germanys. He also demonstrates as East Germany approached to the USSR, the theme of the Soviet heroism moved towards the center of the East German historiography, and after the collapse of the Soviet Bloc, the theme of Holocaust replaced the theme of Soviet heroism. As such, Herf's study displays the factor of the "international context of changing alliances" (1997, 1-2) in the construction of social memory.

Wolf's (2004) study, too, is a noteworthy example revealing the relationship between high-politics, international context and the social memory. In his book *Harnessing the Holocaust: The Politics of Memory in France*, Wolf observes that only after the Six-Day War in 1967 French Jewry started to talk about the Holocaust as a trauma. This observation demonstrates the effect of the international politics in the construction of social memory. Whereas Wolf uncovers the effects of the international politics on the social memory, Said's (2005) study displays the impact of social memory on international politics by arguing that the memory of Holocaust impedes Germany to perform a balanced policy with respect to the Israel-Palestine conflict. In fact, Said's study is worthwhile to better understand why manipulation of social memory is important for the socio-political actors to legitimize their political agenda. Comparing the arguments of Herf and Wolf on the one hand, and Said's argument, on the other, one can grasp the two aspects of social memory with respect to politics; the impact of the political context on social memory and vice-versa. In other words, taken together, these studies uncover the reciprocal relationship between politics and social memory.

The best examples of the studies on chronopolitics with respect to domestic politics can be found in the literature on Zionism. For example, Kenan in his *Between Memory and History: The Evolution of Israeli Historiography of the Holocaust, 1945-1961* (2003) explores the exclusion of the theme of Holocaust from the Israeli historiography until the late 1960s. According to Kenan, close proximity in time and the

consequent emotional involvement, ideological and intellectual climate in Israel dominated by the Zionist ideology, guilty conscience of Israelis for failing to help the European Jewry during the Holocaust, and Israeli intelligentsia's sympathy to Germany had been the reasons of denying a place to the Holocaust in the Israeli historiography until late 1960s. Until that time, in Israel, not the Holocaust victims and survivors but the Jewish fighters in WWII were publicly discoursed upon to create a myth of heroism as a constituent of the Zionist project of creating the "New Jew". Only by the 1970s, when Zionist ideology lost its intensity the Holocaust found a place in the Israeli historiography. Uri Ram, in *National, Ethnic or Civic? Contesting Paradigms of Memory, Identity and Culture in Israel* (2000) explores the construction of the Israeli identity through exploring the Zionists, post-Zionists, and neo-Zionists politics. He displays the attempts of the socio-political actors to manipulate the social memory to manufacture a certain Israeli identity according to their ideologies and political goals.

There are many more studies on chronopolitics in different contexts (see for instance, Campana 2006, Zerubavel 1995, Zimmer 2000). Yet, to keep it brief, George Orwell's *Nineteen Eighty-Four* ([1949] 1992) can be mentioned as the paradigmatic example. In this novel, the Big Brother erases people's 'authentic' memories and installs new ones. The Big Brother continuously re-constructs as a way to carry on his power over the society. Orwell's novel, although a fiction, is a work that manifests the relations among forgetting, remembering and politics in all its conspicuousness.

Either by focusing on memory agents or *ipso facto* processes, presentist school of social memory draws attention to the socio-political dimensions of social memory. By revealing that the past is never the past *per se* but an offshoot of the present, a result of the conflicts and struggle of the contemporary socio-political actors, presentist school makes significant contributions to our understanding of the construction of social memory. However, presentist school also has its weaknesses. The most vulnerable aspect of the presentist school is its politico-ideological reductionist perspective⁴. That is to say, presentist school, at the final analysis, equates memory to ideology and reduces it to false consciousness. Mizstal (2003, 60-61), rightly argues presentist school has this problem as a consequence of its focus on the voluntary, planned, informed practices of the memory agents and indifference to

4 As an example of the politico-ideological reductionist studies see, Achugar (2008)

psychological, social, linguistic, and political processes which are beyond the control of the memory agents. To substantiate her point, Mizstal (2003, 60) asks why some of constructions of the past by politically powerful actors gain acceptance by the society, whereas some do not. Consequently, Mizstal (2003, 61) concludes that politico-ideological reductionist and functionalist analyses of social memory are stricken by serious limitation. In fact, this criticism lies at the very core of the argument of the accumulationist school that shall be explored below. Although presentist social memory studies that investigate the *ipso facto* processes of social memory construction are more receptive to psychological, social, linguistic, and political processes beyond the control of memory agents, they do not openly put attention on those factors in their analyses.

Secondly, presentist school fails to distinguish ideology and interpretation. It does not question whether social memories are always constructed according to ideological perspectives of the memory agents or social memories are constructed in a certain way because memory agents interpret the past in that way. In other words, the question is to what extent memories are constructed with ideological purposes and to what extent memory agents construct memories without any ideological purpose. Is it all ideology or does it include undeliberate and/or apolitical reasons on the side of the memory agents? Are the differences in constructed memories results of ideological differences or different interpretations?

Despite these points open to criticisms, presentist school provides important insights into the social memory research. First, presentist studies bring high politics and international context in the research agenda. This is an important contribution to sociological literature on memory for bringing new perspectives and widening the horizon of the sociological discipline. Secondly, by focusing on different memory agents, their relations and *ipso facto* processes, presentist social memory studies provide insights on multi-level and multiple social memories in a single society. Lastly, presentist studies reveal the fact that indeed all memory construction processes are also the processes of memory destruction. As new social memories are reconstructed, the already existing ones are modified or eradicated. Moreover, powerful memory agents while implementing their preferred memories in the social life, denies the same thing to other memory agents. What presentists rightly suggest, therefore, is to examine the social memory processes as a sequence of construction, deconstruction, destruction and reconstruction.

The Baggage of the Past and the Continuity of the Memory

Accumulationist School of Social Memory Scholarship

Much of the social memory literature is dominated by presentist studies. However, there are also studies that belong to another school, which can be called the accumulationist school that contrasts the limits of the presentist school in addressing some of the fundamental questions mentioned above. The main argument of the accumulationist school is that certain factors impede the power of the memory agents. The main impeding factor is the past itself⁵. Past resists instrumentalization. Past stands manipulation firm. Therefore, memory agents' power to construct a coherent memory is imperfect. That is so because memory agents construct memories on the raw material, that is, the past itself. Mizstal (2003, 68-69) explains this as follows⁶:

The dynamics of memory approach argues that 'the past is highly resistant to efforts to make it over' (Schudson 1989: 105). According to this perspective, although it cannot be denied that many groups use the past for instrumental reasons, nor that we should be grateful for all works done by 'interest theory', nonetheless, such a vision denies the past as purely a construction and insists that it has an inherent continuity. Not only do groups not have equal access to the material available for the construction of the past, but the available materials are far from infinite. As Schudson (1989) argues, conflicts about the past among a variety of groups further limit our freedom to reconstruct the past according to our own interests. Finally, taking into account that groups can choose only from the available past and that the available past is limited, it can be asked: are they free to choose as they want? According to Schudson (1989: 109), they are not: 'Far from it. There are a variety of ways in which the freedom to choose is constrained'. Among the many factors constraining people's choices are traumatic events that make 'the past part of us' as their impact and importance commit us to remember them.

Importantly, accumulationist school does not deny the constructed nature of social memory, but remarks the limits of construction, which are drawn mainly by the past itself. As such, accumulationist school is

5 For an overview of the accumulationist school see, Mizstal (2003) and Olick and Robbins (1998).

6 See, footnote 2.

more perceptive to the interactions between the past *per se*, memory agents and their politico-ideological prospects, as well as, social, linguistic, artistic, cultural and ideological baggage of a society that memory agents can selectively utilize, and the existing social memor(ies). This is the strength of the accumulationist school over the presentist school; accumulationist school is analytically richer than the presentist school.

The interactional perspective of the accumulationist school is well demonstrated by Yael Zerubavel in her important book *Recovered Roots: Collective Memory and the Making of the Israeli National Tradition* (1995). In this study Zerubavel investigates utilization of the history by the Israeli state to create the “New Jew” out of the multitude of immigrants. Zerubavel, similar to the studies carried out from within the presentist approach, argues construction of social memory is performed around and in relation to the contemporary social and political matters. Yet, diverging from the presentist approach, she adds this process is constraint by, or in other words not totally independent of, the real events occurred in the history. Zerubavel argues, social memory emerges as a result of the interactions between the real events in history and the contemporary social and political concerns.

Collective memory continuously negotiates between available historical records and current social and political agendas. And in the process of referring back to these records, it shifts its interpretation, selectively emphasizing, suppressing, and elaborating different aspects of that record. History and memory, therefore, do not operate in totally detached, opposite directions. Their relationships are underlined by conflicts as well as interdependence, and this ambiguity provides the commemoration with the creative tension that makes it such a fascinating subject of study (Zerubavel 1995, 5).

Michael Schudson, one of the most important advocates of the accumulationist school, in his *Watergate in American Memory: How We Remember, Forget, and Reconstruct the Past* (1993) explores how the Watergate Scandal is remembered in the American society. Schudson’s conclusion is that because the Watergate Scandal had real and lasting consequences in the American society, it persists in the vessels of the society. According to Schudson (1997, 6, cited in Mizstal 2003, 71) the past,

continues into and shapes the present personally, as it is

transmitted through individual lives; socially, as it is transmitted through law and other institutions; and culturally, as it is transmitted through language and other symbolic systems.

Schudson (1997, 15, in Mizstal 2003, 72) argues that the presence of the past in the present neither necessarily requires nor is a result of planned and conscious operations of the memory agents. The past exists in the present and shapes it. Therefore, Schudson insists people may rewrite the texts of history, but they cannot decide which texts to work on.

Barry Schwartz provides another perspective to the question of the past. Schwartz (1990; 2000, in Mizstal 2003, 72-73) argues that although there have been changes in the image of Abraham Lincoln in the American society throughout the years, a fundamental continuity also persisted in this image, even though Lincoln's image has been worked out for decades. Schwartz explains this continuity not by denying any role to memory agents. On the contrary, he explains the continuity via the memory agents. He argues elites are socialized in the society onto which they seek to impose a certain image of Lincoln. Therefore, elites' constructs ultimately reflects society's already existing conception of Lincoln. Accordingly, elites reflect society's conception of Lincoln on the same society through their own lenses. That is the reason why there is an essential continuity in the succeeding constructs of the image of Lincoln and the new constructs do not dramatically differ from the already existing constructs, since they are rooted in them. Moreover, Schwartz and Schuman (2005) argue that there are limits to society's acceptance of the new constructs; not every construct is unconditionally received by the society. What sets the limits of reception is the existing cultural baggage of the society. This is another reason of the continuity, which is also an evidence of the existence of the past in the present.

Accumulationist school's emphasizing on the 'resistance of the past to manipulation and the limits of the capability of the memory agents does not mean to roll back to a naïve realist position and an argument that social memory is an unmediated one-to-one representation of the past. Accumulationist school does not deny the constructed nature of the social memory, either. Rather than an opponent, accumulationist school is a corrective to the presentist school by its emphasis on the relevance of the past to social memory. It is a reminder that social memory construction is not an unbounded process as some presentist studies may imply by overstating the "presentism" of the social memory

construction. However, just like overstatement of the present leads to wrong conclusions, overstatement of the influence of the past would also result in a kind of naïve realist understanding of social memory.

Having contrasted presentist and accumulationist schools, it has to be underlined that the boundary between presentist and accumulationist schools is not too rigid to prevent changeovers. In other words, presentist and accumulationist schools are not radically incompatible. In fact, the difference between the two schools is more a matter of emphasis than a matter of substantial discrepancy. For this reason, two perspectives can be brought together in a single study, which would promise a better grasp of processes of the social memory construction. The following quotation from Fentress and Wickham (1994, 87-88) reveals this point.

We have seen that social memory exists because it has meaning for the group that remembers. But the way this meaning is articulated is not a simple one...What sorts of things are remembered in the first place, and why, is an equally important issue, however. Events can be remembered easily if they fit into the forms of narrative that the social group already has at its disposal...But they tend to be remembered in the first place because of their power to legitimize the present, and tend to be interpreted in ways that very closely parallel (often competing) present conceptions of the world. Memories have their own specific grammars, and can (must) be analysed as narratives; but they also have functions, and can (must) also be analysed in a functionalist manner, as guides, whether uniform or contradictory, to social identity... These two procedures are not really distinct, but each of them needs to be analysed on its own terms before they can be combined...

Collected or Collective? The Individual and the Collective in the Social Memory Literature

Olick (1999), more than ten years ago, stated that social memory literature grew in two distinct tracks, which he tagged as 'collected memory' and 'collective memory'. 'Collected memory' approach addresses social memory as an aggregate of individual memories and grants the individual an eminent ontological and epistemological status. Consequently, 'collected memory' approach remains mostly indifferent to supra-individual factors. For the same reason, psychological and psychoanalytical explanations occupy a significant place in studies

conducted from within this approach. At the same time, ‘collected memory’ studies do not exclude the possibility of alteration in the process of aggregation of individual memories. Likewise, it does not invalidate the existence of social frameworks that shape individuals’ memories. Still, ‘collected memory’ approach remains radically critical to elevating supra-individual conceptions over the individual and giving them a central place in the social memory research. It sustains that social frameworks, shared symbols, deep structures are real only insofar individuals perceive them as such or endorse them in practice. Moreover, ‘collected memory’ approach warns that too much emphasis on the supra-individual conceptions would lead to metaphysical ideas like group mind. All in all, only individuals do the remembering, alone or jointly, and any public commemorative event or ‘collective memory’ can be understood only via individual (Olick 1999).

Olick (1999, 338-340) indicates several strengths of the ‘collected memory’ approach. He argues ‘collective memory’ studies mostly focus on the most visible social memory in a society which is almost always the construction of the dominant groups with access to and control over resources. ‘Collected memory’ approach by challenging the idea of a unitary all-encompassing memory opens room for finer research agendas. Secondly, ‘collected memory’ approach does not presume a ‘collective memory’ shared by all the members of a society. This renders ‘collected memory’ research more sensitive to individual differences. Finally, ‘collected memory’ approach’s individualist perspective enables it to engage in a constructive dialogue with psychological and neurological sciences that results in a fruitful cooperation among physical, behavioral and social sciences.

The second approach, which Olick calls ‘collective memory’ treats social memory as a *sui generis* collective phenomenon. Quite the opposite of ‘collected memory’ approach, ‘collective memory’ approach while emphasizing the supra-individual socio-historical processes turns aloof to the individual as it holds that certain supra-individual factors cannot be reduced to or explained with reference to individualistic/psychological processes. Therefore, ‘collective memory’ approach is critical to individualism/psychologism of the ‘collected memory’ approach. This criticism is furthered by arguing that social groups, not the individuals, provide the “social frameworks” for constructing accounts of events and cognitive and, even, neurological processes are influenced by and are part of wider social processes. The most radical rupture between the ‘collected’ and ‘collective’ memory

approaches, however, is that ‘collective memory’ approach insists symbols, identities, ideas, styles, genres, discourses and their systems of relations are independent from the subjective perceptions of the individuals. For this reason, they cannot be reduced to individual subjectivities or their aggregation. Scholars who advocate ‘collectivist’ approach insist empirical research confirms the existence of collective factors that cannot be explained by individualist explanations (Olick 1999, 342-343). They also argue that there are certain forms of memories that persist more or less stable over long periods of time, which reveal there is something more than the aggregation of individuals that is collective in nature. ‘Collective memory’ approach adds, the fact that collective finds its instantiation in individual utterances does not downscale the independent existence of the collective frames from the individual.

‘Collectivist’ scholars challenge the very idea of an opposition between the collective and the individual. They argue that there is no abstract individual totally detached from the society. Mnemonic technologies such as photography or computers enable extra-individual storage of social memories that also stimulate neurological processes. Social memory is stored in extra-individual spaces and, hence, individuals are not the only carriers of memory. This undermines the central status given to the individual by the collected memory approach. Over and beyond, however, Olick (1999, 343) states:

Perhaps the clearest demonstration of the genuinely collective nature of remembering is the degree to which it takes place in and through language, narrative, and dialogue. Language, for instance, is commonly used as the quintessential example of a supra-individual phenomenon. And it is not merely that individuals remember in language, coding their experiences as language and recalling them in it. Language itself can be viewed as a memory system.

Olick published his masterful article *Collective Memory: The Two Cultures, Sociological Theory* in 1999. More than ten years after Olick’s article, the split between the two approaches has not been narrowed down. In fact, this is not unanticipated because what lies behind the split between ‘collected’ and ‘collective’ memory approaches, is, indeed, an ontological and epistemological divide.

The New Structural Memory

Kansteiner (2002, 180) indicates one of the fundamental problems of the social memory research as follows:

Collective memory studies have not yet sufficiently conceptualized collective memories as distinct from individual memory. As a result, the nature and dynamic of collective memories are frequently misrepresented through facile use of psychoanalytical and psychological methods.

Kansteiner adds “most newer studies on memory tend to reduce collective memory to an effect of human agency” (2002, 182). As such, Kansteiner draws attention to the “individualistic bias” in the literature. This is ironic because ‘collectivist studies’ utilize psychoanalytical methods and concepts, while being critical to same methods and concepts when used in ‘collected memory’ studies. The problem that the usage of psychoanalytical methods and concepts to examine collective phenomena creates is most evident in social memory research, which focuses on extra-individual spaces as the sites of social memory.

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The ‘collectivist approach’ when referring to supra-individual processes calls attention to mnemonic technologies, i.e., extra-individual recording and storage spaces of social memory. This call is founded on the idea that what is called social memory can be found in the spaces of recording and storage. However, scholars such as Klein (2000), and Schwartz and Schuman (2005) stress the defects of such research.

Schudson (1992, 51, in Klein 2000,130) argues that memory is not only fundamentally social but it is also to be found in rules, laws, standardized procedures, records, books, holidays, statues, souvenirs. He adds social memory is a compilation of material artifacts and social practices. Funkenstein (1993, cited in Klein 2000, 133), too, argues,

Collective memory...., like “language,” can be characterized as a system of signs, symbols, and practices: memorial dates, names of places, monuments and victory arches, museums and texts, customs and manners, stereotype images (incorporated, for instance, in manners of expression), and even language itself (in de Saussure’s terms). The individual’s memory that is, the act of remembering-is the instantiation of these symbols, analogous to “speech”; no act of remembering is like any other.

In addition to Schudson and Funkenstein, scholars like Pierre Nora (1997), Olick and Robbins (1998), Richard Terdiman (1993), James Young (1993) (see, Klein 2000, 130-136; Schwartz and Schuman 2005, 184-185) insist focusing on extra-individual spaces, such as sites, material artifacts, symbols, rituals, texts and propose hermeneutical analysis of these spaces.

Klein (2000) names this perspective “new structural memory” and provides an artful criticism. He argues that “new structural memory” which assumes the extra-individual spaces as the site of collective memory is problematic for transforming memory to “Memory” by ignoring the nuances in constructed social memories, memory construction processes and memory agents. Klein claims “a memory that threatens to become Memory with a capital M” (2000, 135-136) is problematic also because this perspective renders the transformation of memory to something similar to the Foucauldian field of discourse, which means that social memory is perceived as a “thing” that is self-sustainable, “a subject in its own right” having an existence of its own, even a historical agent with a capacity of remembering and forgetting on its own. In fact, this very conceptualization is what enables scholars to employ psychoanalytic jargon and methodology in social memory research as they elevate social memory to a status of a conscious and capable agent. It can be argued that “new structural memory” approach while erasing the individual, personifies the memory spaces⁷.

Social Memory and History

Klein (2000, 130) argues when history claimed a status as science in the nineteenth century, it also claimed objectivity. However, as early as 1970s the objectivity claim of historiography was started to be questioned. Today, many scholars acknowledge that rather than history writing, historical scholarship is about ‘history making’ in the sense that while historians ‘discover’ and ‘write’ the historical facts, they always do it from within a subjective framework; they arrange events in a certain order, answer certain questions, include or exclude certain events in their accounts, stress certain events and subordinate others, and answer the questions by different types of explanations, each of which also has different modes (White, 1973). Post-modern and linguistic turns

⁷ For further criticisms see, Confino (1997), Cranel (1997), Fentress and Wickham (1994), Schwartz and Schuman (2005).

in 1990s not only strengthened but also legitimized the ‘history making’ of the historians (see, also Iggers 1997, Novick 1988, Veyne 1984). As a result, today the objectivity claim of the science of history is less valid than before. This is one of the reasons of the blurring of the boundaries between history as science and social memory.

Maurice Halbwachs (1980), Yosef Hayim Yerushalmi (1982) and Piere Nora (1989; 1997) decisively distinguish social memory and ‘history as science’. Olick and Robbins (1998, 110) summarize this point as clearly as the following:

The third, and perhaps most contested, boundary for social memory studies is its relation to historiography. Halbwachs was very decisive about his solution: History is dead memory, a way of preserving pasts to which we no longer have an “organic” experiential relation. On the surface, this understanding of the distinction negates the self-image of historiography as the more important or appropriate attitude toward the past: History’s epistemological claim is devalued in favor of memory’s meaningfulness. At a deeper level, however, the distinction is the same that traditional historians would draw between history and memory: Only the former is engaged in a search for truth. In this vein, Yerushalmi (1982, p. 95) draws a sharp contrast between Jewish memory and Jewish historiography, arguing that until the eighteenth century, the former excluded the latter. On the one hand, he laments this condition because, as he writes, “...collective memory... is drastically selective. Certain memories live on; the rest are winnowed out, repressed, or simply discarded by a process of natural selection which the historian, uninvited, disturbs and reverses.” On the other hand, he critiques history for its sterile posture of distance from meaning and relevance: “...Jewish historiography can never substitute for Jewish memory.. .. A historiography that does not aspire to be memorable is in peril of becoming a rampant growth” (Yerushalmi 1982, p. 101).

According to Halbwachs, which also holds for Nora and Yerushalmi, history is the product of the scholarly investigation of the records of the past. It is a science. It is not under the pressure of the instant sociopolitical actuality. Therefore, history has a superorganic relation with the present. On the contrary, social memory is organically linked to the social life, hence sensitive to the ‘needs’ of the society and responds to those “needs” by transforming itself accordingly (Zerubavel, 1995, 4; see also Olick 1999, 335). Nora (1989, 8) puts it as follows:

The “acceleration of history,” then, confronts us with the brutal realization of the difference between real memory -social and unviolated, exemplified in but also retained as the secret of so-called primitive or archaic societies -and history, which is how our hopelessly forgetful modern societies, propelled by change, organize the past. On the one hand, we find an integrated, dictatorial memory-unself-conscious, commanding, all-powerful, spontaneously actualizing, a memory without a past that ceaselessly reinvents tradition, linking the history of its ancestors to the undifferentiated time of heroes, origins, and myth and on the other hand, our memory, nothing more in fact than sifted and sorted historical traces. The gulf between the two has deepened in modern times with the growing belief in a right, a capacity, and even a duty to change. Today, this distance has been stretched to its convulsive limit.

Nora adds (1989, 8-9),

Memory and history, far from being synonymous, appear now to be in fundamental opposition. Memory is life, borne by living societies founded in its name. It remains in permanent evolution, open to the dialectic of remembering and forgetting, unconscious of its successive deformations, vulnerable to manipulation and appropriation, susceptible to being long dormant and periodically revived. History, on the other hand, is the reconstruction, always problematic and incomplete, of what is no longer. Memory is a perpetually actual phenomenon, a bond tying us to the eternal present; history is a representation of the past. Memory, insofar as it is affective and magical, only accommodates those facts that suit it; it nourishes recollections that may be out of focus or telescopic, global or detached, particular or symbolic-responsive to each avenue of conveyance or phenomenal screen, to every censorship or projection. History, because it is an intellectual and secular production, calls for analysis and criticism. Memory installs remembrance within the sacred; history, always prosaic, releases it again. Memory is blind to all but the group it binds-which is to say, as Maurice Halbwachs has said, that there are as many memories as there are groups, that memory is by nature multiple and yet specific; collective, plural, and yet individual. History, on the other hand, belongs to everyone and to no one, whence its claim to universal authority. Memory takes root in the concrete, in spaces, gestures, images, and objects; history binds itself strictly to temporal continuities, to progressions and to relations between things. Memory is absolute, while history can only conceive the relative.

Parallel to Halbwachs, Yerushalmi, and Nora's reasonings⁸, several other scholars also reflect on the differences between social memory and history. Klein (2000, 130), for example, argues that in the nineteenth century, when historians labored to found history as a professional academic discipline, they preferred written documents over memories as more reliable sources and they viewed memories as suspicious sources for the discovery and confirmation of the historical facts. Moreover, academic historians' attempt of building history as a secular discipline in contrast to cultural religiosity also intensified the tendency to discredit memories. As a result, history as an objective but 'cold' science was put against the subjective but 'warm' memory. Klein (2000, 130) states:

If history is objective in the coldest, hardest sense of the word, memory is subjective in the warmest, most inviting senses of that word. In contrast with history, memory fairly vibrates with the fullness of Being. We all know these associations, and yet we like to pretend that they have no effect upon our new uses of memory.

Whereas Klein provides an account of the difference between history and memory by explaining the emergence of history as an academic discipline, Schwartz and Schuman (2005, 185) contrast history and memory in terms of their functions by referring to commemorative events that are regarded as a significant factor in shaping the collective memory.

History and commemoration perform different functions. The job of historian is to enlighten by revealing causes and consequences of chronologically ordered events. The job of the commemorative agent is to designate moral significance by lifting from historical record the events that best exemplify contemporary values. Historian aim to describe events in all their complexity and ambiguity; commemorative agents, to simplify events into objects of celebration and moral instruction.

In brief, according to those scholars who argue that there is a difference between social memory and history as science, the latter ideally seeks to discover the facts in their detailed causal relations with other facts. It aims at universally valid knowledge about the past through scholarly

8 See Koslofsky (2002) for a very interesting differentiation between memoria and memory through an investigation of the relocation of the cemeteries outside of the towns after the Reformation, which fits to Halbwachs, Yerushalmi and Nora's differentiation of social memory and history.

investigation and utilization of scientific methods. As a result, history as science holds a truth claim for its objective and independent scientific status free of the impositions of the society that demonstrates its inorganic relationship with the society. For this reasons, history as science also claims superiority over social memory for being scientific and the only truthful source of knowledge about the past. In contrast to history as science, it is argued that, social memory is selective and simplistic. That is to say social memory is not about facts but meaningful historical stories that would touch the hearts of the group members and help them to create meanings for today. Having a meaning-making function gives social memory a moral significance. This reveals the organic relationship between social memory and the society. Because social memory functions to provide meaning to the society it is group specific and not universal. This means every society has its own social memory and social memory is subjective, contrary to objective history as science.

Nevertheless, categorical distinction between social memory and history as science is challenged in the literature. Schwartz and Schuman (2005, 185) just after emphasizing the functional differences between social memory and history as science state these two are significantly interrelated and empirically not separable. This is because:

Just as history reflects the values commemoration sustains, commemoration is rooted in historical knowledge. Commemoration is intellectually compelling when it symbolizes values whose past existence history documents; history is morally and emotionally compelling when it documents events that can plausibly commemorated.

Olick and Robins (1998, 110-111), too, insist categorical difference between memory and history is contestable. They claim, first of all, as historiography widens its scope from official to social and cultural, memory becomes central evidence. Secondly, growing recognition of the political instrumentalization of historiography disputes history's claim of objectivity. Thirdly, postmodernists' critique of the distinction between knowledge and interpretation was followed by questioning of the truth-claim of professional historiography (see also, Canefe 2004). This blurs the distinction between history and social memory. Fourthly, as mentioned above, increasing number of scholars argue that historiography does not discover the 'truth', but constructs it. Moreover,

a greater awareness of the arbitrariness of selection and interpretation of the data has grown. Likewise, there are many more evidences that show history is written by individuals with and for particular purposes. Lastly, history is written from within the existing narrative frames, which means writing history is not an unmediated process (see also, Bakic-Hayden 2004; Hamilton 1994; Hess 2002). Apart from these, Hutton (2000) argues ‘collective memory’ may guide historical research by providing it with topics of interest. Yet, as Connerton (1999, 26-27) asserts historian can unearth a past event which is totally absent in the ‘collective memory’. For these reasons, it is argued that “the distinction between history and memory in such accounts is a matter of disciplinary power rather than of epistemological privilege” (Olick and Robbins 1998 110; see also, Kansteiner 2002, 184; Sturken 1997, 3-5). Zerubavel (1995, 5) argues, it is this knotted relation between history and collective memory what makes collective memory studies so intriguing.

Collective memory continuously negotiates between available historical records and current social and political agendas. And in the process of referring back to these records, it shifts its interpretation, selectively emphasizing, suppressing, and elaborating different aspects of that record. History and memory, therefore, do not operate in totally detached, opposite directions. Their relationships are underlined by conflicts as well as interdependence, and this ambiguity provides the commemoration with the creative tension that makes it such a fascinating subject of study (Zerubavel 1995, 5).

Summary

The literature on social memory consists of different conceptualizations, schools and approaches. Some of the differences are relatively minor ones as the offshoots of differences in focus or interpretation of specific scholars. However, there are also major discrepancies originating from underlying philosophical differences. The antagonism between humanist and anti-humanist philosophical schools find their reflection in the dispute between the individualist and collectivist social memory studies grow out of the ontological and epistemological status granted or denied to individual. Whereas the most ideal typical examples of the humanist approach reveals itself in social memory studies that regard the phenomenon as simply an aggregate of the individuals’ remembering, at the opposite end there are studies almost equating social memory to a Jungian collective unconscious. Durkhemian influences are an apparent

component of the 'collectivist' social memory studies, some of which lean towards metaphysical arguments. Foucauldian inspirations, while informing the 'new structural memory' studies, they also inform the rather individualist studies that point out multiple and conflicting memories in a given society.

Besides these, the main disputes in the literature can be summarized as follows. First, the phenomenon of social memory is a disputed subject. Whereas some scholars regard social memory as a rather static, long lasting canon of the society, others approach it as a timely, dynamic, empirical phenomenon. The media of social memory is another subject that generates different views. Some scholars point out the mnemonic technologies (extra-individual recording and storage spaces) as the media, i.e., vessels and technologies of memory. On the other hand, others focus on individuals and the everyday communicative actions among them. A large portion of the literature is on the volitional deeds of the memory agents that seek to construct 'usable memories'. Yet, although smaller in number, there are also studies that stress the limits of construction and the resistance of the past to manipulation. In the subset of the literature that focuses on the memory agents, there are those studies that focus on different memory agents such as the states, elites and non-elites. The question of the boundaries between history as a science and social memory is a subject of heated debates in the literature.

On the other hand, there are points on which there is a general consensus, as well. Almost all the social memory studies overtly or implicitly admit the socio-political functions of the social memory. As such, functionalism is an underlying sociological basis of the literature. Another consensus in the literature is the refusal of the naïveté of regarding social memory as an unmediated facsimile one-to-one record of the past representation of the past. On the contrary, literature sustains that social memory is selective and embodies only the 'useful past' and socially acceptable meanings. As such, organic relation between social memory and society is duly acknowledged. Another thing that receives acknowledgement is that social memory is a 'binding force' in a society transmitting knowledge in time and space.

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THE RELOCATION AND INTERNMENT OF PEOPLE OF JAPANESE DESCENT IN THE US DURING WWII

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Abstract: *Following Japan's attack on the United States during World War II, the US government of the time decided to relocate and intern people of Japanese descent – both citizen and resident alien - away from militarily sensitive and strategically important areas. The US government cited military necessity for these relocation and internment policies. Several American citizens of Japanese descent objected to such policies, and their cases were heard at the US Supreme Court – which ultimately affirmed the government's policies. Years later, information surfaced that the military necessity cited by the government was not based on facts. This revelation brought with it a series of apologies, overturning of convictions and restitutions. This article examines various aspects of this relocation and internment as outlined above: the background, the content, and consequences of these policies; the US Supreme Court cases; and the developments after World War II. This article will also briefly compare these policies with the relocation policy carried out by the Ottoman government against Armenian people during World War I, and explain why the two cases are fundamentally different from each other.*

Keywords: *relocation, internment, people of Japanese descent, the United States, World War II*

İKİNCİ DÜNYA SAVAŞI SIRASINDA ABD'DE JAPON KÖKENLİ İNSANLARIN YERİNİN DEĞİŞTİRİLMESİ VE ENTERNE EDİLMESİ

Öz: *İkinci Dünya Savaşı sırasında Japonya'nın Amerika Birleşik Devletleri'ne saldırmasının ardından o dönemin Amerikan hükümeti,*

Amerikan vatandaşı olan veya yasal olarak ABD’de ikamet eden Japon kökenli kişileri askeri yönden hassas ve stratejik bölgelerden çıkartma ve onları mahkeme kararı olmadan çeşitli kamplarda enterne etme kararları aldı. Amerikan hükümeti kararların askeri gereklilikten alındığını belirtti. Birkaç Japon kökenli Amerikan vatandaşı bu kararlara karşı çıktı ve haklarındaki davalar Amerikan Yüksek Mahkemesi’nde görüldü, ancak Mahkeme hükümetin kararlarını onayladı. Seneler sonra, hükümetin o sırada ileri sürmüş olduğu askeri gerekliliğin gerçeklere dayalı olmadığı ortaya çıktı. Bunun ortaya çıkması beraberinde bir takım özür dilemeleri, mahkûmiyetlerin bozulmasını ve tazminatların ödenmesini getirdi. Bu makale yukarıda ana hatlarıyla açıklanan yer değiştirme ve enterne etme kararlarının arka planı, içeriği ve sonuçlarını, Amerikan Yüksek Mahkemesi’ndeki davaları ve İkinci Dünya Savaşı’ndan sonraki gelişmeleri çeşitli yönleriyle inceleyecektir. Makale aynı zamanda, bu kararları Osmanlı hükümetinin Birinci Dünya Savaşı sırasında Ermenileri sevk ve iskân etme kararı ile karşılaştıracak ve bu iki vakanın neden temelde birbirlerinden farklı olduğunu açıklayacaktır.

Anahtar Kelimeler: *sevk etme, alıkoyma, Japon kökenli insanlar, Amerika Birleşik Devletleri, İkinci Dünya Savaşı*

1 - INTRODUCTION

During the last three years of World War II, around 110,000 people of Japanese descent (hereafter shortened as “PJD”) in the United States were kept in relocation camps. Most of these people were also American citizens. These people did not commit a specific crime, nor were they tried in court. They were relocated and interned in camps by the order of the US government because they were deemed to be a possible security risk in the context of the war the US waged against Japan during WWII.

Japan’s surprise attack on the US naval fleet at Pearl Harbor in 1941, followed by the Ni’ihau Incident in the same year – in which three PJD aided a downed Japanese war plane pilot – created a sense of mistrust in the wider American public with regard to the PJD.

Having investigated the nature of the threat posed by PJD against the US, the government of the time came to the conclusion that PJD might aid Japan during a Japanese attack or even a possible invasion of the western coast of the US. The government also came to the conclusion that there was simply no way of determining - within a reasonable amount of time - whether a person of Japanese descent was loyal to the US or not. It was within this context that the US president of the time, Franklin D. Roosevelt, signed the “Executive Order No. 9066” – subsequently supported by the US Congress - which gave military authorities the authorization to set up military exclusion zones as they saw fit. Subsequently, US military authorities set up multiple of such zones in the western coast of the US. PJD, whether they were citizens or not, were required to stay in their homes, and later on were required to report to various relocation camps set up around the US. These people were forced to leave their homes and lives behind for the remainder of the WWII.

Several American citizens with Japanese descent contested the government’s decision to place curfew on them and to relocate them for the duration of the war by arguing that it was against the US constitution. Some of the legal cases filed by these people reached to the US Supreme Court, the highest court of the American legal system. However, the Supreme Court deemed the government’s decision to impose curfew and relocation on PJD to be within the limits of the Constitution within the context of war. With such decisions, the highest court of the US approved the conduct of the government with regard to the people of Japanese descent.

Decades later, in the 1980s, evidence surfaced that the US government had been erroneous in its assessment of PJD. The evidence uncovered pointed to the fact that PJD had posed no tangible threat to the US, and that the government's assessment of these people was based more on war hysteria and anti-Japanese sentiment (fueled by Japan's attacks) than credible facts. Furthermore, it was revealed that the government had purposefully withheld information from the Supreme Court that would have showcased the fact that PJD had posed no tangible threat to the US. PJD, wrongfully convicted in such a manner, sought exoneration and won legal cases at the federal court level. This was accompanied by apologies and the payment of restitutions at the governmental level.

Despite such developments and being among of the most controversial¹ and criticized² verdicts in the history of the Supreme Court, the Court has to this date failed to repudiate the verdicts it made regarding the relocation and internment of PJD. The Court's lack of action in this regard means that, despite the aforementioned evidence, the political apologies and the payment of restitutions; the Court's past verdicts regarding this issue remain as the law backed by the verdict of the highest court of the country.³ This means that technically, from the legal point of view of the US as a state, the actions that were taken against PJD were acceptable and necessary within the context of the urgency and perceived sense of threat imposed by World War II. This also means that, barring any repudiation by the Court on this issue, the US might in the future behave in a similar manner when faced with what it deems to be a dire situation.

This paper will give an overview of the relocation and internment of the people of Japanese descent. In this respect, the paper will explore several aspects of the relocation and internment of PJD. It will first elaborate on developments that led to the signing of the "Executive Order No. 9066" and explain why it was put into effect, how it was put into effect, and what kind of consequences it bore for people of Japanese descent.

This paper will then elaborate upon the legal cases brought before the US Supreme Court. Afterwards, this paper will go into the details of the

1 Lyle Denniston, "Constitution Check: Will the court repudiate decisions from the World War II era?" *Constitution Daily*, <http://blog.constitutioncenter.org/2013/04/constitution-check-will-the-court-repudiate-decisions-from-the-era-of-world-war-ii/> (accessed on 02.02.2015).

2 A. Wallace Tashima, "Play it again, Uncle Sam", *Law and Contemporary Problems*, vol. 68, no. 2 (Spring, 2005), p. 9.

3 Tashima, "Play it again...", p. 9.

admissions, apologies, overturning of convictions, and restitutions given by the US government, and the Supreme Court's lack of action in this regard.

As concluding remarks, this paper will draw some comparisons between the relocation and internment of people of Japanese descent, and the events of 1915, during which the Ottoman government relocated Armenian people out of military necessity. This section is included because just like the relocation and internment of PJD, the relocation of Armenian people is also subject to heated debate. A comparison will serve to highlight important points for the reader.

2 - EXECUTIVE ORDER NO. 9066

2.1 - The Reasoning behind Executive Order No. 9066

Although Executive Order No. 9066 was issued by President Franklin D. Roosevelt on 19 February 1942, the idea of excluding people of Japanese descent (PJD) from the western coast of the United States did not originate from him. He was instead the final phase in a discussion that took place between American military and civil officials who were engaged in the happenings on the western coast of the US during World War II, who were in turn influenced by the public opinion of this region.⁴ President Roosevelt, though, was crucial in the sense that he gave his “go-ahead” and thus his presidential approval (which facilitated the US Congress' approval) to the idea of relocating PJD from the western coast.

During World War II, the vast majority of people of Japanese descent were concentrated in the western coast of the US and in the overseas territory of Hawaii. There were about 150,000 PJD in Hawaii, making up about a third of the total population of the said territory.⁵ There were about 112,000 PJD living in the western coast (88.5% of the total PJD population in mainland US).⁶ PJD began to arrive in continental US in

4 Stetson Conn, “The Decision to Evacuate the Japanese from the Pacific Coast”, in *Command Decisions*, edited by Kent Roberts Greenfield (Washington D.C.: Center of Military History United States Army, 1987), pp. 132-133. Also see; Roger Daniels, “Incarceration of the Japanese Americans: A Sixty-Year Perspective”, *The History Teacher*, vol. 35, no. 3 (May, 2002), p. 302.

5 Daniels, “Incarceration of the Japanese Americans”, p. 299. Also see; “Japanese-American Internment Camps”, <http://www.bookmice.net/darkchilde/japan/camp.html> (accessed on 02.02.2015).

6 John L. DeWitt, *Final Report: Japanese Evacuation from the West Coast, 1942* (Washington D.C: United States Government Printing Office, 1943), p. 79.

the second half of the 19th century to make better living, and began to grow in number afterwards due to subsequent population movements.⁷ By the time World War II started, PJD (also known as the *Nikkei*) could be divided into different groups based on where and at what time they were born.⁸ The *Issei* were the people of Japanese descent born in Japan but settled in the US. They were ineligible to receive American citizenship, and thus they were considered resident aliens. The *Nisei* were the children of *Issei*, and being born in the US, they were automatically considered citizens. In turn, the *Sansei* were the children of *Nisei*, and being the children of American citizens, they too were naturally considered citizens. The *Nisei* and the *Sansei* were obviously much more integrated with American society than their elders, the *Issei*. There was also a special category, the *Kibei*, PJD born in the US, but who went to Japan to receive their education and then came back to the US. PJD were seen as a distinct group of people in the western coast, with cultural and linguistic ties to Japan. Racial tension between the majority “white Americans” (those with European descent) and the PJD was known to exist during this time period.⁹ Immigration from Japan was completely blocked in 1924 due to public pressure.¹⁰ Meanwhile limitations were placed on prospects of citizenship for PJD, leaving many of them as resident aliens.¹¹ At the same time, however, PJD were generally known to be hard working and many of them were also members of the US military stationed in the western coast of the US.

Even before Imperial Japan attacked the US in 1941 (the attack on Pearl Harbor) and thus led to the American involvement in World War II, the US government had already deemed Japan to be a possible threat to it in the Pacific Ocean region. With the beginning of World War II, the US government prepared lists of harmful and potentially harmful aliens residing in the US.¹² These aliens consisted of the citizens of the Axis Powers of Germany, Italy and Japan (the *Issei*). On the day Japan attacked the US (7 December 1941), President Roosevelt ordered the US military and the Federal Bureau of Investigation to apprehend harmful resident aliens, whose detention would be handled by the Department of Justice. The mandate given to these authorities in investigating these

7 “S.F. Clear of All but 6 Sick Japs”, *San Francisco Chronicle*, 21 May 1942.

8 DeWitt, *Final Report*, pp. 514-515. Also see; “Japanese-American Internment Camps”.

9 Conn, “The Decision to Evacuate...”, p. 126.

10 Greg Robinson, *By the Order of the President: FDR and the Internment of Japanese Americans* (London: Harvard University Press, 2001), p. 4.

11 Robinson, *By the Order of the President*, p. 4.

12 Daniels, “Incarceration of the Japanese Americans”, pp. 299-300.

resident aliens and searching their premises was later on expanded. These resident aliens living the western coast were required to hand over weapons, ammunition, communication equipment (such as radios) and certain photography machines to the authorities. Such items were considered contraband in terms of these resident aliens. The investigations and searches kick-offed by the order of the president resulted in to the detention of about 11,000 resident aliens, of which 8000 were of Japanese descent.¹³

The US government originally contemplated removing from the western coast all the resident aliens who were the citizens of the Axis Powers. This would entail removing about 120,000 aliens; of which 58,000 were Italian, 22,000 were German, and 41,000 were Japanese.¹⁴ But such an all-encompassing removal was eventually scrapped. Furthermore, there was no an initial determination to remove all people of Japanese descent from the western coast (there were calls from public about it though). Even General John L. DeWitt (who would eventually be authorized by Executive Order No. 9066 take security measures against PJD) initially was opposed to this idea,¹⁵ primarily due to the fact that such a policy would be a drastic move against American citizens and would risk antagonizing loyal people of Japanese descent.¹⁶ On this issue, DeWitt is reported to have said: “An American citizen, after all, is an American citizen. And while they all may not be loyal, I think we can weed the disloyal out of the loyal and lock them up if necessary.”¹⁷

A number of factors led the US government to eventually adopt the policy of relocating and interning all people of Japanese descent. Japan’s sudden initial attack on the US (without a prior declaration of war), its rapid military advances and conquests in the Pacific theater of the war,¹⁸ the attacks and harassments carried out by Japanese submarines and warplanes against American ships and against certain installations in the mainland of the US all constituted one of the factors.¹⁹ This created a

13 Daniels, “Incarceration of the Japanese Americans”, p. 300.

14 Conn, “The Decision to Evacuate...”, p. 125-126.

15 Conn, “The Decision to Evacuate...”, p. 137.

16 Conn, “The Decision to Evacuate...”, pp. 127-128.

17 Conn, “The Decision to Evacuate...”, p. 128.

18 Conn, “The Decision to Evacuate...”, p. 132.

19 “Chronology of 1940-1941 San Francisco War Events”, *The Virtual Museum of the City of San Francisco*, <http://www.sfmuseum.org/war/40-41.html> (accessed on 02.02.2015). Also see; “Chronology of 1942 San Francisco War Events”, *The Virtual Museum of the City of San Francisco*, <http://www.sfmuseum.org/war/42.html> (accessed on 02.02.2015).

sense of urgency for the US government, which deemed the western coast as a theater for the American war effort,²⁰ a region that was under the imminent threat of a massive Japanese invasion.

Another factor was due to the shock created by the Pearl Harbor and also the Ni'ihau Incident in the same year – in which three PJD aided a downed Japanese war plane pilot. This created a sense of mistrust in the wider American public against PJD²¹ due to their cultural and linguistic ties to an enemy country perceived capable of invading mainland US. The government received news and reports about people ready to take matters to their own hands against the PJD whom they viewed as a threat.²² As such, for the US government, this raised the need to prevent infighting amongst the population while the country was in the midst of a world war.

A factor of much concern for the US government was the official reports it received about the activities of Japanese civil associations in the US, and also the reports it received about unidentified ship-to-shore (and vice-versa) signaling and lights going on and off around various places in the western coast (where PJD lived). Similar happenings were reported prior to the surprise attack on Pearl Harbor. The government was firm in its conviction that various Japanese associations had ties with Japan, that such associations were supporting Japanese war effort both verbally and financially. This was accompanied by reports of reverence ceremonies done in the name of the Japanese emperor and also of the propaganda carried out by Japanese consuls and Buddhist priests.²³ Reports of signaling between ships and the shore, of lights going on and off were seen as clandestine communication with enemy forces. This led the US government to conclude that there were an unidentified number of PJD who were actively collaborating with enemy Japan, and who would be willing to support it by carrying out subversive activities against the US. The fact that there were many Japan-educated *Kibei* amongst the PJD and the fact that Japan was implementing dual-citizenship with regards to PJD born in the US only heightened the US government's concerns.²⁴

Finally, another factor of concern for the US government was the

20 "Chronology of 1940-1941 San Francisco War Events".

21 Command Decisions, pp. 132-133.

22 DeWitt, *Final Report*, pp. 8-9.

23 DeWitt, *Final Report*, pp. 10, 12-13.

24 DeWitt, *Final Report*, pp. 13-15, 85.

distribution of PJD in the western coast. When the government studies where PJD were mostly concentrated, it was alarmed to find out that they were mostly concentrated around key military or civilian installations or strategically valuable sites. Furthermore, the government found out that there were nearby places with equally fertile land or opportune environments which were nevertheless absent of PJD. Although not seen as a proof of a conspiracy, this situation was nevertheless deemed to be suspicious by the government and led it to infer that PJD was ideally situated to harm the country's defense and fighting capability if some of them desired to do so. For the government, this was a risk that could not be ignored.

Taking all these factors into account, high ranking officials such as Major General Allen W. Gullion (Department of War's Provost Marshal General), Lieutenant General John L. DeWitt (Army commander on the Pacific coast, commanding general of the Fourth Army and Western Defense Command, commander of the Western Theater of Operations) and Henry L. Stimson (Secretary of War) exchanged ideas about the best course of action. Factoring in a possible Japanese invasion, the risk of subversive activities that could be carried out by PJD located around critical areas of the western coast, and also the rising animosity and distrust the general population had against PJD; such officials came to the conclusion that the moving of PJD away from the western coast was a matter of military necessity within the context of an ongoing war. The western coast would be deemed a military exclusion zone for the PDJ (already enforced against enemy aliens), these people were to be relocated to the inner parts of the US, thereby removing the risk potentially posed by and to these people. The rationale behind applying relocation to all people of Japanese descent was as follows; during an ongoing world war in which an invasion was possible, time was of the essence, and there was simply no way of determining - within a reasonable amount of time - whether a person of Japanese descent was loyal to the US or not.

In the *Final Report: Japanese Evacuation from the West Coast, 1942* (a very detailed 600 page government report that was not made available to the public at that time, it contained information related to the relocation and internment of PJD), General DeWitt explains the government's rationale behind relocation as follows:

“The continued presence of a large, unassimilated, tightly knit racial group, bound to an enemy nation [Japan] by

strong ties of race, culture, custom and religion along a frontier vulnerable to attack constituted a menace which had to be dealt with. [PJD's] loyalties were unknown and time was of the essence. The evident aspirations of the enemy emboldened by his recent successes made it worse than folly to have left any stone unturned in the building up of our defenses. It is better to have had this protection and not to have needed it than to have needed it and not to have had it—as we have learned to our sorrow [he is referring to the Pearl Harbor attack].”²⁵

The carrying out of such a plan of relocation required the approval of the president and the Congress. Among other things, the president was asked the following questions:

“(1) Is the President willing to authorize us [Department of War] to move Japanese citizens as well as aliens from restricted areas?

(2) Should we undertake withdrawal from the entire strip [western coast] DeWitt originally recommended, which involves a number of over 100,000 people, if we included both aliens and Japanese citizens?”²⁶

President Roosevelt affirmed these requests by stating that the Department of War should do “whatever was necessary,” but that it should be “be as reasonable as” possible when handling the relocation.²⁷ Executive Order No. 9066 issued by the president on 19 February 1942 was a result of this governmental deliberation that has been outlined so far. The essential parts of the Order are as follows:

“Whereas the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities ...;

Now, therefore, ... I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any

25 DeWitt, *Final Report*, p. vii.

26 Conn, “The Decision to Evacuate...”, p. 142.

27 Daniels, “Incarceration of the Japanese Americans”, p. 302.

designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary...

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agencies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities, and services..."²⁸

President's Executive Order was subsequently supported by the US Congress on 21 March 1942 when it passed an act making "disobeying an order issued by a military commander without martial law being declared" (which fit the case of the relocation to be carried out) a federal crime. This act was passed by both houses of the Congress without a single dissenting vote.²⁹ Three days later, on 24 March 1942, General DeWitt issued a Public Proclamation which imposed a curfew on Japanese, Italian, and German aliens, and also on people of Japanese descent living in the areas deemed by the military authorities to be under

28 Text of the Executive Order No. 9066 can be found at; DeWitt, *Final Report*, pp. 26-27.

29 Daniels, "Incarceration of the Japanese Americans", p. 303.

threat. The curfew meant that these people were not allowed to leave their homes between 8 p.m. to 6 a.m.³⁰

Before going into some details about the actual relocation, it is interesting to note that the Japanese American community, barring a few exceptions, did not show resistance or voice opposition to the government's orders, many holding the conviction that it was necessary for the war effort.³¹ In fact, in the *Final Report: Japanese Evacuation from the West Coast, 1942*, General DeWitt extends his thanks to the people of Japanese descent for their compliance with the relocation orders.³²

2.2 - The Outcome of Executive Order No. 9066

Zones PJD were to be excluded from included all of the state of California, half of the states of Oregon and Washington, and some part of the state of Arizona.³³ In order to not divert the attention of military personal from the war effort, a civilian government agency called the War Relocation Authority (WRA) was set up on 18 March 1942 to direct the relocation process of PJD. Initially, it was hoped that PJD would relocate themselves voluntarily out of the exclusion zones. Around 8000 PJD did so, but it soon became apparent that PJD were facing uncertainty about where exactly to go and were facing hostility from locals of the inner parts of the US who did not want a mass flow of PJD into their locale.³⁴ Voluntary relocation was therefore discarded in favor of organized and controlled relocation under the direction of the Western Defense Command (under General DeWitt) and the War Relocation Authority. The process of relocation started after April 1942 and was

30 DeWitt, *Final Report*, p. 298.

31 Daniels, "Incarceration of the Japanese Americans", p. 303. Also see; DeWitt, *Final Report*, p. 101.

32 DeWitt, *Final Report*, p. ix.

33 "Relocation of Japanese Americans", War Relocation Authority, Washington D.C., May 1943. Note: No action was taken against PJD living in the territory of Hawaii for a number of reasons. One reason was that PJD constituted about a third of the total population of Hawaii, relocating would cause Hawaii's economy to collapse. Another reason was that it simply not feasible to relocate so many people away from the islands of Hawaii in an orderly fashion. Lastly, Hawaii did not experience the racial tension that existed in mainland US. For reference, please see: Daniels, "Incarceration of the Japanese Americans", pp. 301-302; "Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians", The Commission on Wartime Relocation and Internment of Civilians, Washington D.C., December 1982, p. 16; "Japanese-American Internment Camps".

34 "Relocation of Japanese Americans".

finished by the end of the summer of the same year. Within that time period, the US government managed to relocate 110,442 (the exact number) PJD without any major incident.³⁵ This was due not only to the compliance shown by PJD, but also due to the very detailed plans made by the relocation authorities. It must also be noted that, barring a few exceptions, all personnel of Japanese descent of the US military serving in the western coast were diverted to other parts of the country.³⁶

There were a number of principles that the relocating authorities were committed to uphold during the relocation process:³⁷

Relocation would take place according to a particular area's military importance for the US government, with the most important areas being subject to relocation first.

Unless it was somehow unavoidable, families were to be kept together during the relocation. Attempts were to be made to keep communities together as well. Breaking up families had the adverse effect of destroying the economic and resource support a family provides to its members, which in turn led to disruption of the family and to social dependency.

Relocation was to be done in way that would cause minimal material and financial loss for those to be relocated. For this, advice and assistance would be provided to those to be relocated.

Relocation was to be done to sites where those to be relocated could support themselves for the duration of their stay.

Relocation was to be carried out step by step without attempting to do things simultaneously, and ideally by breaking those to be relocating into groups of about a 1000 people (about 250 families). This was seen as the best way to carry out the relocation in orderly and efficient manner.

Based on the plans (step by step relocation) made by the War Relocation Authority, PJD were first required to report to Civil Control Stations

35 DeWitt, *Final Report*, p. viii. Also see; Daniels, "Incarceration of the Japanese Americans", p. 303.

36 "Chronology of 1942 San Francisco War Events".

37 DeWitt, *Final Report*, pp. 77-78, 86-87.

located within the zones of exclusion. These control stations registered PJD who reported themselves, provided services in preparation for relocation, and directed PJD out of the exclusion zones.³⁸ Of critical importance here were the properties, both moveable and unmovable, of the PJD.³⁹ Many storage houses were rented or appropriated by the government for the storage of the many properties of PJD. Commercial and agricultural properties belonging to PJD were maintained and used by government until their owners' return. The services of the Federal Reserve Bank of San Francisco and the Farm Security Administration, both a part of the US government, were enlisted to minimize the material and financial losses of PJD. Despite the measures outlined, however, PJD suffered heavy financial losses due to being forced to quickly dispose of properties with unfavorable prices. It is estimated that they left behind a total of 2.7 billion dollars (200 million dollars in terms of its value in 1943) worth of property. This basically meant that "the vast majority of [PJD] lost all of their property."⁴⁰

Directed from the Civil Control Stations, PJD were then moved to Assembly Centers which were located at or near where PJD originally lived. These Assembly Centers provided shelter and facilities for the PJD. Such centers bought time for the relocation effort since not all relocation centers (the final destination of the PJD) were completed yet. Assembly Centers not only provided a place to wait for PJD still trying to finish up property or family matters, but were also meant to accustom PJD to life in relocation centers.⁴¹

Lastly, PJD were moved to one of the ten Relocation Centers in the inner parts of the US. These Relocation Centers were the final destination for the PJD. They were meant to remain in these centers until the end of the hostilities in World War II, which they did. The War Relocation Authority did not consider these centers to be internment camps.⁴² It also drew a distinction between the residents of these centers on the one hand and the supporters of Japan and the detained harmful aliens on the other. According to the WRA, all evidence available to it pointed to the fact that "the great majority of [PJD were] completely loyal to the United

38 DeWitt, *Final Report*, pp. 96, 115.

39 DeWitt, *Final Report*, p. 128. Also see; "Relocation of Japanese Americans".

40 Robinson, *By the Order of the President*, p. 5.

41 DeWitt, *Final Report*, p. 78.

42 "Relocation of Japanese Americans".

The Relocation and Internment of People of Japanese Descent in the US During WWII

States”, and that they were in these centers due to the circumstances of war.⁴³ The WRA stated that the purpose of such centers was:

“(1) To provide communities where evacuees [they referred to PDJ as evacuees] might live and contribute, through their work, to their own support pending their gradual reabsorption into private employment and normal American life; and (2) to serve as wartime homes for those evacuees who might be unable or unfit to relocate in ordinary American communities.”⁴⁴

As for the conditions in the relocation centers themselves, based War Relocation Authority’s own admission, these centers were never able to provide living standards above “the bare subsistence level.” WRA further went on to state that: “In spite of the leave privileges, the movement of evacuees while they reside at the centers is necessarily somewhat restricted and a certain feeling of isolation and confinement is almost inevitable.”⁴⁵

The Relocation Centers provided several facilities and services to the interned PJD:⁴⁶

Simple construction barracks were provided as housing to accommodate both the resident families and single people. These barracks did not have plumbing or cooking facilities.

Food was provided by the US government, but prepared by the residents themselves and distributed through cafeterias. The government spent 6.6 dollars per person every day for meals (0.48 cents in terms of its value in 1943).

Free medical care, including infant care and simple treatment for teeth and eye ailments, was provided for the residents. The centers had hospitals mostly manned by doctors, nurses etc. from the resident population.

Beyond regular services such as these provided by the government, services such as stores, markets, barbershops were owned, sustained and operated by the residents themselves.

43 “Relocation of Japanese Americans”.

44 “Relocation of Japanese Americans”.

45 “Relocation of Japanese Americans”.

46 “Relocation of Japanese Americans”.

Religion was freely practiced in the centers, while leisure activities were planned and organized mostly by the residents themselves.

Work opportunities were provided for those residents who wished to earn money in the daily operations of the centers.

Education for resident children was provided all the way through high school. Vocational training was provided as a part of this education. People wishing to pursue higher education were granted leave to do so.

Security within the centers was maintained mostly by police composed mostly of able-bodied residents, under the direction of a non-resident chief and supported by non-resident assistants.

A degree of self-government was practiced in all relocation centers. In some centers, this resembled governance practiced in similarly sized municipalities. In others, interested and prominent residents gathered together with the center directors to make decisions affecting all the residents.

Residents wishing to leave the relocation centers to settle and work outside were required to showcase good behavior and a definite plan of where to live and where to work. In this respect, the relocation centers acted as intermediaries between the residents wishing leave and the local communities that might accept them. In this respect, residents were carefully screen based whether or not they exhibited descent conduct, and whether local communities were receptive or hostile to the resident wishing to leave. Residents wishing to indefinitely leave the relocation centers were nevertheless required to report any change in address or job to the WRA. It has been reported that a couple of thousand residents were able to leave the relocation centers in this way.⁴⁷

Various terms have been used by the government, and the courts and researchers to describe the government policies implemented against people of Japanese descent.⁴⁸ This includes such terms as relocation, evacuation, detainment, detention, internment, confinement, incarceration, and imprisonment. Various terms have also been used to describe the sites in which PJD were kept in during the war:

47 "Chronology of 1943 San Francisco War Events", *The Virtual Museum of the City of San Francisco*, <http://www.sfmuseum.org/war/43.html> (accessed on 02.02.2015).

48 Robinson, *By the Order of the President*, pp. 260-261. Also see; "What term to use?", <http://www.bookmice.net/darkchilde/japan/whatterm.html> (accessed on 02.02.2015).

Concentration Camp, Internment Camp, Prison Camp, Relocation Center, Segregation Center, and Isolation Center.⁴⁹

I have chosen to use “relocation” because the word corresponds to exactly what the government did; it moved PJD away from their homes into designated sites outside the western coast of the US. I have chosen to use “relocation center”, because that was the official name used to refer to places where PJD were kept.

I have chosen to use “internment” to refer to the act of keeping PJD in the relocation centers since limits were placed on PJD on where they could not go and what they could not do. Furthermore, they were for the most part confined to specific places without trial due mostly to their profile as a people and the war circumstances beyond their control. Based on this reasoning, it would be appropriate to alternatively refer to relocation centers as “internment camps”.

“Imprisonment” and “prison camp” are terms that stretch the truth too much, since PJD as a whole were never convicted of any wrong-doing, nor were they treated as inmates of an actual prison. The PJD were confined, yes, but their conditions were different from that of an inmate. Also, although few people used it, PJD had the chance to leave the government designated sites.

After World War II and the full uncovering of the deplorable practices of the Nazi regime in Germany, the term “concentration camp” is especially wrong in the context of the policy the US government carried out against PJD.⁵⁰ The ultimate purpose of concentration camps were to mass exterminate its residents.⁵¹ The sites in which PJD stayed, however, had no such purpose. The ultimate purpose of such sites was to keep PJD away from the western coast for the duration of the war, after which they would be allowed go back.

The exclusion against PJD from the western coast was lifted by 1945, by which time PJD began to leave their relocation centers in increasing numbers. Some centers, however, remained open until 1946 - even after

49 Robinson, *By the Order of the President*, pp. 260-261. Also see; “What term to use?”

50 Robinson, *By the Order of the President*, p. 261.

51 Daniels, “Incarceration of the Japanese Americans”, p. 303. Also see; “What term to use?”. It should be noted that American officials, even President Roosevelt himself, used the term “concentration camp” on certain occasions, but later on abandoned its use due its negative connotations in the aftermath of the War. For reference, please see; Robinson, *By the Order of the President*, p. 2.

the war ended – because some PJD refused to leave in fear of being attacked by hostile locals or were at a loss of where to go (or had no place to go to).⁵²

3 - THE SUPREME COURT CASES

As mentioned in the beginning, some people of Japanese descent challenged the curfew and the relocation to which they were subjected to. There are four Supreme Court cases that will be mentioned here: *Hirabayashi v. United States* (1943), *Yasui v. United States* (1943), *Korematsu v. United States* (1944), and *ex parte Endo* (1944). All of these cases were about PJD who were American citizens. Also, all of these cases challenged the legality of the policies carried out by the US government regarding PJD. Two of these cases, the *Hirabayashi* and the *Yasui* cases, were directly related to the curfew. The other two cases, the *Korematsu* and the *Endo* cases, were about the exclusion (or removal) and relocation.

3.1 - *Kiyoshi Hirabayashi v. United States*, 320 U.S. 81 (1943)⁵³

Gordon Kiyoshi Hirabayashi was an American citizen educated completely in American schools. He had never been to Japan and - according to his statement- had never borne any allegiance to it. He disregarded the curfew that ordered all PJD (along with resident aliens located in the military exclusion zone) to remain in their homes between 8 p.m. to 6 a.m. Furthermore, he failed to report to the nearby Civil Control Station, from where he would be transferred to an Assembly Center. During his trial in the lower courts, he explained that he was fully aware of the fact that he had defied a military order and the Congress act (the one adopted on 21 March 1942) that made it a crime to defy the military orders. Hirabayashi explained that he defied this order because the military order entailed an unconstitutional delegation of power from the Congress to military authorities, and that the restrictions placed upon him by the order entailed an unconstitutional discrimination against him due simply to his Japanese descent (violation of the Fifth Amendment of the Constitution). Based on such factors, Hirabayashi argued that the charges against him be dismissed.

⁵² Robinson, *By the Order of the President*, pp. 5, 250.

⁵³ Supreme Court of the United States, “*Kiyoshi Hirabayashi v. United States*”, 320 U.S. 81 (1943), case verdict. The text of the case verdict can be accessed from: <http://laws.findlaw.com/us/320/81.html> (accessed on 29.01.2015).

The Supreme Court conceded that racial discrimination or discrimination based on descent was completely against the legal system of the US that was based on the equality of the citizens. However, upon the analysis put forth by the government, the Court concluded that there was a credible threat of espionage and sabotage that could be carried out by an undetermined number of PJD. The Court took into account the conduct of Japan against the US (the surprise Pearl Harbor without prior declaration of war, which took place even as Japan and the US were negotiating for a peaceful settlement of differences), Japan's rapid military advancement in the Pacific theater of the war, troubling government reports of PJD activities and their residence near key strategic areas in the western coast. The Court stated that a successful war effort required not only fighting back and pushing against enemy forces, but that it also required the safeguarding of the homeland from any subversive activity that could provide assistance to a possible invasion and damage war-making capacity. In such a context, the government acted reasonably when enacting its curfew policy regarding PJD. Furthermore, the Court deemed that the Executive Order, the Congress act and the military orders were all part of the same procedure based on the necessities of war. According to the Court, the Congress' delegation of power to the military authorities, in congruence with the Executive Order, were valid under the Constitution. Furthermore, the Court stressed that the Fifth Amendment of the Constitution did not prescribe equal protection under the law, but instead prohibited discrimination that would deny someone's right to access their legal rights. As such, Hirabayashi's argument about the military order being a violation of the Fifth Amendment was not valid. The following paragraph does well in summing up the reasoning of the Court in this case:

“Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality. For that reason, legislative classification or discrimination based on race alone has often been held to be a denial of equal protection. ... We may assume that these considerations would be controlling here were it not for the fact that the danger of espionage and sabotage, in time of war and of threatened invasion, calls upon the military authorities to scrutinize every relevant fact bearing on the loyalty of populations in the danger areas. Because racial discriminations are in most circumstances irrelevant

and therefore prohibited, it by no means follows that, in dealing with the perils of war, Congress and the Executive are wholly precluded from taking into account those facts and circumstances which are relevant to measures for our national defense and for the successful prosecution of the war, and which may in fact place citizens of one ancestry in a different category from others. ... The adoption by Government, in the crisis of war and of threatened invasion, of measures for the public safety, based upon the recognition of facts and circumstances which indicate that a group of one national extraction may menace that safety more than others, is not wholly beyond the limits of the Constitution and is not to be condemned merely because in other and in most circumstances racial distinctions are irrelevant.”⁵⁴

Based on the reasoning outlined above, the Court affirmed Hirabayashi’s conviction for defying the military orders. A number of justices offered concurring opinions that provided additional important comments.

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Justice Douglas concurred, but indicated that the military order of curfew was only narrowly constitutional based on a wartime situation. He stated that peacetime procedures are not suitable during wartime, that military officials do not have the luxury of hindsight and therefore cannot be required to wait until espionage or sabotage occurs to take precautions that would be unacceptable in peacetime. He implied that the curfew was not based specifically on descent, but actually on a reasonable cause. He added, however, that although individuals must adhere to the order given to them (such as the curfew), they should have the right to be stand trial and demand being exempted from that order once they are shown to be loyal.

Justice Murphy concurred, but indicated that the military order of curfew was at the very limit of what was allowable by the Constitution. He stated that making distinctions based on people’s descent was utterly inconsistent with American values and ideals, and that PJD’s situation bore an unpleasant resemblance to the treatment that Jewish people suffered at the hands of Nazi Germany. He also stated that the Court’s verdict was the first time in its history that distinction based on descent was affirmed to be constitutional. He continued that such a distinction

⁵⁴ Supreme Court of the United States, “Kiyoshi Hirabayashi v. United States”.

was only allowable within the context of the great emergency presented by the war. He added that none of this meant that military authorities under wartime circumstances got to enjoy unlimited authority to do as they deemed necessary. He stated that even in such circumstances, military authorities were subject to constitutional limitations. He concluded by adding that people (like PJD) should be free to move about outside of the military exclusion zones, and that restrictions placed on them should be immediately lifted once the threat posed by war dissipates.

Justice Rutledge concurred, and added that although military authorities must have wide discretionary power in times of war, such power was still subject to limitation and the courts did have the power to step in to protect citizens' rights.

3.2 - *Minoru Yasui v. United States*, 320 U.S. 115 (1943)⁵⁵

The verdict of the Yasui case was delivered on the same day as the Hirabayashi case. Due to handling an almost identical situation to that of the Hirabayashi case, this case was considered to be a companion case to the one about Hirabayashi. Its verdict, therefore, is rather short and almost the same (with some minor variance) as the Hirabayashi case.

Minoru Yasui was an American citizen who attended school in the US and earned his law degree from an American university. He had, however, as a child spent one summer in Japan and attended a Japanese language school for three years. He was not only a member of the bar association of the state of Oregon (where he grew up), but he had in the past served as a personnel for the US military. He had worked for the Japanese consulate in Chicago as well, but resigned the day after the Pearl Harbor attack, and immediately offered his services to American military authorities. After consulting with an Federal Bureau of Investigation (FBI) agent about whether or not he should test the constitutional grounds of the curfew order imposed on PJD, Yasui purposely violated the curfew order and requested to be arrested for doing so.

Just as in the case of Hirabayashi, Yasui was convicted by a lower court

55 Supreme Court of the United States, "*Minoru Yasui v. United States*", 320 U.S. 115 (1943), case verdict. The text of the case verdict can be accessed from: <http://laws.findlaw.com/us/320/115.html> (accessed on 29.01.2015).

of violating the curfew order. The way he was convicted, however, was different. The lower court deemed that the curfew order imposed on American citizens was unconstitutional, but that because of his previous employment in the Japanese consulate, Yasui had renounced his American citizenship and was thus subject to the curfew as a non-citizen.

Citing the Hirabayashi verdict, the Supreme Court sustained Yasui's conviction for violating the curfew order, because the curfew order had been determined to be constitutional by the Court. However, the Court noted Yasui's statement that he had not renounced his citizenship and that a renunciation of citizenship was not relevant in the context of the curfew order imposed by the US government and the military authorities. The lower court's verdict about the renunciation of citizenship was thus annulled. Although sustaining Yasui's conviction for violating the curfew, the Court remanded the case to the lower court for the resentencing of Yasui within the legal framework prescribed by the Court.

3.3 - Toyosaburo Korematsu v. United States, 323 U.S. 214 (1944)⁵⁶

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Fred Toyosaburo Korematsu was an American citizen whose loyalty to his country was never put to doubt by the courts. He was convicted in a lower court of failing to leave his area of residence as was required by the exclusion order issued by military authorities (the establishment of the military exclusion zones outlined above). Korematsu challenged assumptions made by the Supreme Court during the Hirabayashi case, argued that the exclusion order was without basis since the threat of an invasion by Japan had passed by the time the order was issued, and added that he received conflicting orders from military authorities which instructed him to not leave and at the same time to leave his area of residence situated in the designated military zones.

The Court began by stating:

“... all legal restrictions which curtail the civil rights of a single racial group are immediately suspect. That is not to say that all such restrictions are unconstitutional. It is to say that courts must subject them to the most rigid scrutiny.

⁵⁶ Supreme Court of the United States, “Toyosaburo Korematsu v. United States”, 323 U.S. 214 (1944), court verdict. The text of the case verdict can be accessed from: <http://laws.findlaw.com/us/323/214.html> (accessed on 29.01.2015).

Pressing public necessity may sometimes justify the existence of such restrictions; racial antagonism never can.”⁵⁷

The Court continued by reiterating their Hirabayashi case verdict and their reasoning for it. The curfew, at the time of its implementation was done for a pressing need - the threat of espionage and sabotage – and was constitutionally valid. The exclusion was clearly an extension of the measures taken against the threat of espionage and sabotage. The court admitted that the exclusion order was a step beyond in terms of severity to what the curfew called for, but argued that it was taken on the same pressing need as the curfew. The court rejected Korematsu’s argument that the threat of an invasion had passed by the time the exclusion order was issued. It maintained its acknowledgment of the findings the government supplied to the Court about the potential security risk posed by people of Japanese descent. It added that about five thousand Japanese Americans had refused to swear unconditional allegiances to the US and to renounce allegiance to the Emperor of Japan, and that several thousand PJD who had been relocated had requested to be repatriated to Japan. The Court therefore, just like it had done for the curfew, deemed that the exclusion was constitutional and valid when Korematsu had chosen to violate it.

The Court, however, also admitted that it was aware of the hardship being imposed on a large number of American citizens. It stated that war was an aggregation of various hardships that placed burden on all citizens, whether they be military personnel or civilian. The Court added the following statement:

“Compulsory exclusion of large groups of citizens from their homes, except under circumstances of direst emergency and peril, is inconsistent with our basic governmental institutions. But when under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger.”⁵⁸

The Court also rejected Korematsu’s claim that he was issued conflicting orders about staying at his place of residence and to leave it at the same

57 Supreme Court of the United States, “Toyosaburo Korematsu v. United States”.

58 Supreme Court of the United States, “Toyosaburo Korematsu v. United States”.

time. The Court stated that order to remain in his area of residence was issued on 27 March 1942 with the explicit message that it was valid until further notice and until another order was issued. On 3 May 1942, a new order about exclusion was issued and it explicitly warned that any violation of it would be punishable under the Congress act of 21 March 1942. As such, after 3 May 1942, the only military order valid was the one issued on 3 May. When Korematsu was still in his area of residence on 30 May, he was violating only this exclusion order and it was for this violation that he was convicted in the lower court.

The Court stated that the order to leave one's area of residence (exclusion), and the order to report to Civil Control Stations (the relocation) were parts of the same mechanism the government took as a security measures. They were, however, separate parts based on separate orders which entailed separate punishment in case of a violation. Being separate, the legal validity of one order did not necessarily determine the legal validity of the other order. The Court pointed out to the Endo case (to be explained below) to indicate the difference between the validity of an exclusion order and the validity of order to subject oneself to relocation. It stated that Korematsu was convicted only of violating the exclusion order, and thus in the case present before it, the Court could only deliver a verdict on the exclusion order. The exclusion order was not a simple case racial prejudice directed against citizens, but rather a matter of necessity posed by real dangers. Although not delivering a verdict on the relocation order, the Court nevertheless expressed an opinion on it by rejecting the use of the term "concentration camp" to refer to the relocation centers due to the negative connotations the former term implied.

Korematsu's conviction was thus affirmed by the Court.

While one justice offered a short concurring opinion, three justices offered strongly worded dissenting opinions.

Justice Frankfurter concurred, but added that the exclusion prescribed the leaving of the designated military zones specifically by reporting to the Assembly Centers. Frankfurter stated that the exclusion order was worded clearly and was not contradictory.

Justice Roberts dissented by stating that Korematsu's case presented a situation in which there was a clear violation of an individual's constitutionally guaranteed rights. Roberts stated that the exclusion order

in question was a not a simple case of ordering people to stay home at certain hours or to temporarily leave an area so as to minimize risk. According to Roberts, the exclusion order was an inseparable part of the relocation process, the defiance to which was punishable under the Congress act. A citizen, without looking into his loyalty and solely because of his descent, was being convicted and punished for failing to submit himself to illegal imprisonment in a concentration camp. Roberts added that with this verdict, a “new doctrine of constitutional law” was being established by which citizens were required to follow contradictory military orders that they knew to be unlawful, that they must submit to disgraceful imprisonment and only then could they request the right to stand trial to prove the wrongdoing committed against them.

Justice Murphy dissented, stating that the exclusion order targeting PJD without even the declaration of martial law was beyond the limit of what was allowable by the Constitution, and that the order amounted to a legalization of racism. Murphy conceded that great deference must be attributed to the judgments of military officials and that individuals not well versed in military affairs (like justices) should not easily cast aside such judgments. Yet, there must be limits to the scope of military judgments, especially when no martial law has been declared. According to Murphy, any sweeping deprivation of a constitutionally guaranteed rights (such as the exclusion order) should be justified on the basis of an “immediate, imminent, and impending” public danger that affords no delay or deliberation. Yet, according to Murphy, the justification given for denying people’s right to receive equal legal protection, to access legal procedures to have their case heard, to prevent them from living, working and moving about as they saw fit was not adequately shown in terms of the exclusion order. Murphy contended that circumstantial evidence, vague descriptions and unverified reports were used to explain that PJD were required to be excluded from the western coast to prevent espionage and sabotage. Murphy also specifically commented about General DeWitt’s words in his *Final Report*, saying that DeWitt used unsubstantiated generalizations about people of Japanese descent, casting them all as being potential suspects of wrongdoing. Murphy stated that individual cases of disloyalty did not in any way prove the disloyalty of an entire group. He added that not one single PJD was accused or convicted of espionage or sabotage after the Pearl Harbor attack. Murphy also questioned the government’s argument about the urgency of the situation regarding PJD. Murphy observed that no martial law had been declared, that the government waited 4 months to issue

the first exclusion order and 8 months to issue the last. According the Murphy, the government's action was defined more by deliberation than urgency. Based on such factors, Murphy concluded that the exclusion order was fueled by more by racism than anything else. The following quote highlights Murhpy's reasoning:

“The reasons appear, instead, to be largely an accumulation of much of the misinformation, half-truths and insinuations that for years have been directed against Japanese Americans by people with racial and economic prejudices—the same people who have been among the foremost advocates of the evacuation. A military judgment based upon such racial and sociological considerations is not entitled to the great weight ordinarily given the judgments based upon strictly military considerations.”⁵⁹

Justice Jackson dissented, he too considered the exclusion order to be a form of racial discrimination. He stated that for Korematsu – besides his conviction present before the court – there was no contrary information to the fact that he was a loyal, law-abiding and well-disposed citizen. Yet, he was given contradicting orders to stay and then leave the place where he had been born and raised, to submit to “custody, examination, and transportation out of [his area of residence], to be followed by indeterminate confinement in detention camps”. With the threat of punishment for failing to do so, he was ordered to leave due not to his actions or thoughts, but due solely to his descent. Jackson pointed out that this was against one of the fundamental assumptions of the American legal system; that “guilt is personal and not inheritable”. Jackson conceded that courts were ill-equipped by their nature to properly determine whether or not military orders are reasonable in terms of assuring security. Yet he felt it necessary to question the reports that formed the justifications of the exclusion order:

“How does the Court know that these orders have a reasonable basis in necessity? No evidence whatever on that subject has been taken by this or any other court. There is sharp controversy as to the credibility of the DeWitt report. So the Court, having no real evidence before it, has no choice but to accept General DeWitt's own unsworn, self-serving statement, untested by any cross-examination,

59 Supreme Court of the United States, “Toyosaburo Korematsu v. United States”.

that what he did was reasonable. And thus it will always be when courts try to look into the reasonableness of a military order.”⁶⁰

Jackson stated that military orders might be deemed to be good ones based on their security outcome, but that such orders may not translate well into constitutional law. Although the relocation of people based purely on their Japanese descent was a blow to liberty by itself, Jackson expressed that for a court to affirm such a military order as constitutional was a subtle and far more dangerous blow to liberty. Jackson expressed that unlawful military orders may come and go with the passing of war emergencies, but that faulty court verdicts endure and pose the danger of becoming norms that may give opportunities for people to commit abuse again in the future. Jackson concluded that in the *Hirabayashi* case, the Court had affirmed “mild and temporary deprivation of liberty” based on people’s descent (the curfew order). Yet, according to Jackson, this former affirmation did not oblige the Court to affirm harsh and indeterminate deprivation of liberty that entailed people to completely leave their homes and live in detention camps (the exclusion order).

3.4 - *Ex parte Mitsuye Endo*, 323 U.S. 283 (1944)⁶¹

Mitsuye Endo was an American citizen who was excluded from the military exclusion zones of the western coast and relocated to one of the relocation centers run by the War Relocation Authority. During her internment in the relocation center, Endo requested to stand trial and be released from relocation center. She argued that she was a loyal and law-abiding American citizen for whom no charge was made. She argued that she was being detained in the relocation center unlawfully and against her will by armed guards. Her request was denied by a lower court. Afterwards, she filed an application to her relocation center to be granted leave (which was granted), but did not make an application to be granted indefinite leave. Procedures for being granted leave and indefinite leave by the relocation center have been explained above, and were also explained by the Court in its verdict of the case. Endo’s request to stand trial reached a higher court, and eventually the Supreme Court itself.

⁶⁰ Supreme Court of the United States, “*Toyosaburo Korematsu v. United States*”.

⁶¹ Supreme Court of the United States, “*Ex parte Mitsuye Endo*”, 323 U.S. 283 (1944), court verdict. The text of the case verdict can be accessed from: <http://laws.findlaw.com/us/323/283.html> (accessed on 29.01.2015).

The Court noted that both the Department of Justice and the WRA conceded that Endo was indeed a loyal and law-abiding citizen to whom no charges were made. The Court also noted that both the Department and the WRA conceded that they had no authority to detain citizens whose good-conduct was not put to question any more than necessary. Any more than necessary meant the time it took to separate the loyal individuals from the disloyal ones, and to provide proper guidance for the relocation. Both institutions maintained that an additional period of detention even after the granting of leave was an integral part of the relocation of PJD.

The Court analyzed the grounds for the exclusion and the relocation, and indicated that it was done in order to prevent any possible cases of espionage and sabotage by the disloyal members of PJD. The Court indicated that the encouragement for voluntary relocation was abandoned in favor of a regulated one after the authorities were confronted with the hostility of communities (east of the military exclusion zones) to any mass and uncontrolled inflow of PJD. However, the Court highlighted that detention of PJD in relocation centers was never a part of the original plan of the exclusion and the relocation. Neither the Executive Order nor the Congress act in any way mentioned or envisaged the detention of PJD in relocation centers. The Executive Order and the Congress act prescribed measures necessary for successful exclusion and relocation, not detention. According to the Court, the detention was added by the relevant authorities due to a concern that occurred only later on.

The Court conceded that a certain measure of detention was necessary during the relocation and when people were first placed the relocation centers. Yet this did not change the fact that detention was not specifically put into words in the Executive Order and the Congress act. Furthermore, the Constitution provides “procedural safeguards surrounding the arrest, detention and conviction of individuals”, that it prescribes that people can only be deprived of their liberty after being subjected to proper legal procedures, and as such, no one can be deprived of their right to stand trial.

Based on such factors, the Court decided that Endo was entitled to unconditional release from her relocation center. The Court stated that the WRA had no authority to subject citizens who were clearly loyal to the leave procedures of the relocation centers. It argued that, being clearly loyal, such citizens posed no threat in terms of espionage and

sabotage. The detention of such loyal citizens served no useful or convenient purpose for the relocation effort. To insist in further detaining such citizens would have meant that the Executive Order and the Congress act were taken not for the prevention of espionage and sabotage, but for reasons that targeted people purely for their descent.

Two justices offered concurring opinions.

Justice Murphy concurred, but went further than the verdict of the Court. He stated that the detention of PJD, regardless of their loyalty, was not authorized either by the executive or the legislative branch of the country. Referring to his dissenting opinion in the Korematsu case (explained above), Murphy expressed that the detention of PJD constituted a case of legalized racism. Furthermore, he added that the exclusion order was invalid when it was issued and was even more invalid now when – according to him – there was no longer any fears of espionage and sabotage. According Murphy, Endo’s unconditional release from the relocation center also entitled her to move about as she saw fit, including her original area of residence located in the military exclusion zones.

Justice Roberts concurred, but did not agree the way in which the Court reached its verdict. According to Roberts, just like it had done in the Korematsu case, the Court avoided a serious constitutional question in reaching its verdict. According to Roberts, despite the fact the Executive Order and the Congress act did not through their wording prescribe detention, the Congress was subsequently made very well aware and through its actions gave its approval to it. So this was not a simple case of subordinate officials stepping out of the bounds prescribed by the Executive Order and the Congress act. Roberts concluded that the constitutionally guaranteed rights – especially the right to be subjected to proper legal procedures – of a clearly loyal American citizen was violated, that she was deprived of the liberty to move about freely and do as she saw fit. It was on such grounds that she should have been unconditionally released from her relocation center.

4 - ADMISSIONS, APOLOGIES, OVERTURNING OF CONVICTIONS, AND RESTITUTIONS

When they began to be released from the relocation centers by the end of the war, the people of Japanese descent experienced difficulties in

terms of adjusting back to and rebuilding their normal lives and businesses. Not only were they psychologically strained from being interned without being subjected to adequate legal proceedings, but they also felt stigmatized from having been collectively branded as potential enemy spies and saboteurs.⁶² They were initially forced to make due with living in poor-quality houses and making a living by taking menial jobs. Dysfunctional families and substance abuse became a reflection of their troubled lives.⁶³

It was only a couple of years later that the US government began to take notice of the economic losses and psychological strain of the PJD that resulted from the relocation and internment. In 1948, President Harry S. Truman (who as a senator had quietly given consent to the relocation and internment) sent the Congress a civil rights message which, among other things, called for economic compensation for the property losses suffered by PJD. He also commented, “more than one hundred thousand Japanese-Americans were evacuated from their homes in the Pacific states solely because of their racial origin” without mentioning the military necessity that had been cited by the government as a justification for the relocation and internment.⁶⁴ Upon the passing of the relevant legislation by the Congress, President Truman signed on 2 July 1948 the Japanese-American Claims Act. It prescribed the payment of about 370 million dollars (38 million dollars in terms of its value in 1948) to settle all the property claims to be made by PJD. It took several years to go through all the property claims, and those who received compensation in this way were required to waive all future claims against the Government.⁶⁵ The amount that had been compensated in this way has been seen by many people as being nowhere near enough to cover the actual economic losses.⁶⁶ This was followed by the enactment of an immigration act in 1952 which removed many of the obstacles preventing many PJD from gaining citizenship. In 1959, the territory of Hawaii became state. Since about a third of its population was of Japanese descent, these people were able gain political influence through their members who became the senators and representatives of the Congress.⁶⁷

62 Peter Irons, “Unfinished Business: The Case for Supreme Court Repudiation of the Japanese American Internment Cases”, *Earl Warren Bill of Rights Project*, University of California, San Diego, p. 28.

63 Robinson, *By the Order of the President*, p. 250.

64 Daniels, “Incarceration of the Japanese Americans”, pp. 305-306.

65 Robinson, *By the Order of the President*, p. 251.

66 Daniels, “Incarceration of the Japanese Americans”, p. 306.

67 Daniels, “Incarceration of the Japanese Americans”, p. 306.

In 1976, President Gerald R. Ford proclaimed that Roosevelt's Executive Order No. 9066 had been revoked. Praising the contributions that had been made by Japanese Americans to their country,⁶⁸ he also stated: "We now know what we should have known then - not only was [the] evacuation wrong, but Japanese-Americans were and are loyal Americans."⁶⁹

Up until the 1970s, PJD had kept their silence about their relocation and the internment during World War II. For example, Fred Korematsu's daughter did not even find out about her father's Supreme Court case until she was in high school, and even then she initially found out about it not from her father but through her classmate's school presentation. However, the civil rights movement of African Americans and the widespread anti-war protests during the Vietnam War emboldened PJD to start a "redress and reparations" campaign. This campaign sought an apology from the government and the symbolic payments for the internment. The campaign eventually gained ground, and in 1980, this resulted in the Congress – supported by President Jimmy Carter – establishing the "Commission on Wartime Relocation and Internment of Civilians."⁷⁰ The Commission's duty was to:

- “1. review the facts and circumstances surrounding Executive Order Numbered 9066, issued February 19, 1942, and the impact of such Executive Order on American citizens and permanent resident aliens;
2. review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens ... and
3. recommend appropriate remedies.”⁷¹

The Commission held public hearings and reviewed evidence about the issue. After 18 months of work,⁷² the Commission published its findings in a report titled *Personal Justice Denied*. In my article, I attempted to give an account of the relocation and internment as it was seen by the

68 Robinson, *By the Order of the President*, p. 251.

69 Daniels, "Incarceration of the Japanese Americans", p. 306.

70 Irons, "Unfinished Business", pp. 28-29.

71 "Personal Justice Denied", p. 1.

72 Robinson, *By the Order of the President*, p. 251.

government at that time. The following parts from *Personal Justice Denied* instead help give an account of the way things were seen with the benefit of hindsight:

“This policy of exclusion, removal and detention was executed against 120,000 people without individual review, and exclusion was continued virtually without regard for their demonstrated loyalty to the United States. Congress was fully aware of and supported the policy of removal and detention...

All this was done despite the fact that not a single documented act of espionage, sabotage or fifth column activity was committed by an American citizen of Japanese ancestry or by a resident Japanese alien on the West Coast.

... Official actions against enemy aliens of other nationalities were much more individualized and selective than those imposed on the ethnic Japanese.

The exclusion, removal and detention inflicted tremendous human cost. There was the obvious cost of homes and businesses sold or abandoned under circumstances of great distress, as well as injury to careers and professional advancement. But, most important, there was the loss of liberty and the personal stigma of suspected disloyalty for thousands of people who knew themselves to be devoted to their country's cause and to its ideals but whose repeated protestations of loyalty were discounted—only to be demonstrated beyond any doubt by the record of Nisei soldiers, who returned from the battlefields of Europe as the most decorated and distinguished combat unit of World War II, and by the thousands of other Nisei who served against the enemy in the Pacific, mostly in military intelligence. ...

... the exclusion and removal were attacks on the ethnic Japanese which followed a long and ugly history of West Coast anti-Japanese agitation and legislation. Antipathy and hostility toward the ethnic Japanese was a major factor of the public life of the West Coast states for more than forty years before Pearl Harbor. ... Japanese immigrants were

barred from American citizenship, although their children born here were citizens by birth. California and the other western states prohibited Japanese immigrants from owning land. In part the hostility was economic, emerging in various white American groups who began to feel competition, particularly in agriculture, the principal occupation of the immigrants. The anti-Japanese agitation also fed on racial stereotypes and fears: the “yellow peril” of an unknown Asian culture achieving substantial influence on the Pacific Coast or of a Japanese population alleged to be growing far faster than the white population. This agitation and hostility persisted, even though the ethnic Japanese never exceeded three percent of the population of California, the state of greatest concentration.

The ethnic Japanese, small in number and with no political voice—the citizen generation was just reaching voting age in 1940—had become a convenient target for political demagogues, and over the years all the major parties indulged in anti-Japanese rhetoric and programs. Political bullying was supported by organized interest groups who adopted anti-Japanese agitation as a consistent part of their program...

... contrary to the facts, there was a widespread belief, supported by a statement by Frank Knox, Secretary of the Navy, that the Pearl Harbor attack had been aided by sabotage and fifth column activity by ethnic Japanese in Hawaii. Shortly after Pearl Harbor the government knew that this was not true, but took no effective measures to disabuse public belief that disloyalty had contributed to massive American losses on December 7, 1941. Thus the country was unfairly led to believe that both American citizens of Japanese descent and resident Japanese aliens threatened American security.

... as anti- took up the familiar anti-Japanese cry ... and pressed ... for stern measures to control the Japanese organizations began to speak out and rumors from Hawaii spread, West Coast politicians quickly ethnic Japanese—moving quickly from control of aliens to evacuation and removal of citizens.

The promulgation of Executive Order 9066 was not justified by military necessity, and the decisions which followed from it ... were not driven by analysis of military conditions. The broad historical causes which shaped these decisions were race prejudice, war hysteria and a failure of political leadership. Widespread ignorance of Japanese Americans contributed to a policy conceived in haste and executed in an atmosphere of fear and anger at Japan. A grave injustice was done to American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them, were excluded, removed and detained by the United States during World War II.”⁷³

In essence, the Commission had reached the conclusion that the relocation and internment of PJD was not really about military necessity, but rather about racial prejudice against people of Japanese descent, animosity of the white Americans due to economic competition, war hysteria and fear that had gripped the country, and the failure of the country’s political leaders to calm down the public. The Commission recommended for the government to deliver an official apology and for the tax-free payment of 20,000 dollars to each survivor of the relocation and internment. Discussions about a legislation on based on the Commission’s recommendations took five years, since there were groups who opposed it, arguing that the relocation and internment were reasonable and humane, and that President Roosevelt was in no way motivated by racial prejudices when he issued his executive order.⁷⁴ A legislation was eventually passed, the Civil Liberties Act of 1988. With the act, the Congress stated:

“[the relocation and internment] were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant suffering for which

73 “Personal Justice Denied”, pp. 2-5, 18.

74 Robinson, *By the Order of the President*, p. 251.

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appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation.”⁷⁵

President Ronald Reagan signed the act on 10 August 1988. When he signed the act, he made the following statement:

“we gather here today to right a grave wrong. More than 40 years ago, shortly after the bombing of Pearl Harbor, 120,000 persons of Japanese ancestry living in the United States were forcibly removed from their homes and placed in makeshift internment camps. This action was taken without trial, without jury. It was based solely on race ... For here we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law.”⁷⁶

Beginning in 1990 and ending in 1999, payments were made to 81,874 people for a total of about 3 billion dollars (1,639,480,000 dollars based on its value in 1990). Most Japanese Americans felt that these statements and payments brought a measure of closure to their war-time experiences.⁷⁷

During the document review conducted by the Commission, one researcher came across government documents pointing to the government’s misconduct during the Supreme Court cases. Beginning with this researcher’s discovery, political scientist and attorney Peter Irons conducted his own research to find out more about this government misconduct.⁷⁸ Irons argues that further research revealed the following about government’s misconduct during the Supreme Court cases:

General DeWitt’s *Final Report* supplied to the Court was a revised version that removed and concealed “the purely racial motivation of General DeWitt that had prompted his decision to issue the military orders for the curfew and evacuation of Japanese Americans”, but which

75 Irons, “Unfinished Business”, p. 29.

76 Irons, “Unfinished Business”, p. 29.

77 Daniels, “Incarceration of the Japanese Americans”, p. 306. Also see; Roger Daniels, “Japanese American Cases, 1942-2004: A Social History”, *Law and Contemporary Problems*, vol. 68, no. 2 (Spring, 2005), pp. 167-168.

78 Daniels, “Japanese American Cases...”, pp. 167-168.

retained “its false espionage allegations”.⁷⁹ Under DeWitt’s insistence, Department of War officials destroyed all copies of the original version (all except one, which was discovered by the researcher during the Committee’s document review⁸⁰) in order to prevent the US Solicitor General (representing the government before the Court) and other officials from finding out about it and reporting it to the Court.⁸¹ In order to further demonstrate DeWitt’s racist motivations, Iron supplies the following quote by DeWitt: “It makes no difference whether the Japanese is theoretically a citizen. There’s no such thing as a loyal Japanese. A Jap is a Jap.”⁸²

In order to ascertain the extent of disloyalty PJD, naval intelligence officer Lieutenant Commander Kenneth D. Ringle (who spoke Japanese) had prepared a report titled *Report on Japanese Question* (also referred to as the “Ringle Report”). It was submitted to Chief of Naval Operations on 26 January 1942 and also made available to DeWitt and other military officials. The Report concluded that there only about 3500 Japanese Americans would potentially act as spies and saboteur for Japan. The Report indicated that these individuals could be quickly apprehended if deemed necessary, because they were already identified by the authorities. The Report concluded that: “In short, the entire ‘Japanese Problem’ has been magnified out of its true proportion, largely because of the physical characteristics of the people [and] should be handled on the basis of the individual, regardless of citizenship, and not on a racial basis.”⁸³ This report (undermining the government’s argument about military necessity) was discovered by Assistant Attorney General Edward Ennis before the Hirabayashi case, and he warned Solicitor General Charles Fahy that the Court had to be informed of this report, and saying that doing otherwise “might approximate the suppression of evidence”.⁸⁴ Fahy, however, ignored his assistant’s warning and did not mention Ringle’s report to the Court.

While preparing the Government’s position in the Korematsu case, Assistant Attorney General Ennis sought the help of FBI and the Federal Communications Commission (FCC) to a determine the veracity of DeWitt’s claims about Japanese were engaging in clandestine

79 Irons, “Unfinished Business”, pp. 7, 12.

80 Irons, “Unfinished Business”, p. 12.

81 Irons, “Unfinished Business”, p. 12.

82 Irons, “Unfinished Business”, p. 31.

83 Irons, “Unfinished Business”, p. 8.

84 Irons, “Unfinished Business”, p. 8.

communication with enemy forces on the western coast. FBI Director J. Edgar Hoover responded by indicating that, despite a detailed search of its records, FBI came across no such information that would support DeWitt's claims. Likewise, FCC Chairman James L. Fly indicated that, despite exhaustive investigations, the FCC found no evidence in support of DeWitt's claims. As such, Ennis informed his superiors of this lack of evidence and stated "it is highly unfair to this racial minority that these lies [DeWitt's claims], put out in an official publication, go uncorrected."⁸⁵ Solicitor General Charles Fahy, although receiving such information, again disregarded it. Instead, he told the Court that "he personally vouched for the veracity of 'every line, every word, and every syllable' in DeWitt's report."⁸⁶

Armed with such knowledge about the Government's misconduct, Peter Irons along with a team of other attorneys (working for free)⁸⁷ filed petitions to federal courts in 1983 for the correction of the erroneous convictions of Gordon Hirabayashi, Minoru Yasui, and Fred Korematsu. The petitions all had the same wording and allegations: "Petitioner has recently discovered evidence that his prosecution was tainted, both at trial and during the appellate proceedings that followed, by numerous and related acts of governmental misconduct."⁸⁸ The petitions charged that the government had removed evidence of the racially prejudiced nature of the motivations underlying its war-time policies, had concealed evidence relating to the loyalty of Japanese Americans, and had failed to notify the Court of the lack of factual support for the claims of espionage. The petitions therefore charged that there was no basis for the government's argument about military necessity, which had formed the basis of the Court's verdicts. Based on these charges and the information supplied, federal courts overturned the convictions of Hirabayashi, Yasui, and Korematsu.⁸⁹

The attorneys had hoped that at least one of these new cases might reach the Supreme Court, so that the Court would be able to once again look at this issue in light of new evidence, and repudiate its earlier verdicts. Yet this hope was not realized, because the Department of Justice under President Reagan's administration chose not to appeal the cases to the

85 Irons, "Unfinished Business", pp. 8-9.

86 Irons, "Unfinished Business", p. 9.

87 Daniels, "Japanese American Cases...", p. 168.

88 Irons, "Unfinished Business", p. 6.

89 Robinson, *By the Order of the President*, p. 251.

Court. As such, the way for these new cases to reach the Court was blocked.⁹⁰

Lastly; in 1998, Fred Korematsu received the Presidential Medal of Freedom – the highest civilian award – for his determination during his legal struggles against the Government’s war-time policy. In 2012, Gordon Hirabayashi posthumously received the same award for the same reason. Strangely, despite having done the exact same thing as Korematsu and Hirabayashi, Minoru Yasui has still not posthumously received this award.⁹¹

5 - SUPREME COURT’S LACK OF ACTION

Despite the overturning of the convictions of Hirabayashi, Yasui, and Korematsu in federal courts; and despite these cases being among the most controversial and criticized verdicts of the Supreme Court; the Court has yet to repudiate its past verdicts. As such, as Judge A. Wallace Tashima (who spent some of his childhood years in a relocation camp) put it, these verdicts of the highest court of the US remain as “good law”, as in, they are technically still valid, and are still a legal precedent.⁹²

On 20 May 2011, Acting Solicitor General Neal Katyal issued a statement titled: “Confession of Error: The Solicitor General’s Mistakes during the Japanese-American Internment Cases”.⁹³ In the statement, Katyal made observations of the misconduct of Solicitor General Charles Fahy. He mentioned the Government’s cover up involving Ringle’s report, and FBI and FCC’s responses regarding DeWitt’s claims. This statement was one of the main reasons why Peter Irons published his article “Unfinished Business: The Case for Supreme Court Repudiation of the Japanese American Internment Cases” in early 2013.⁹⁴ In it, not only did he outline the findings of his previous research for the Supreme Court cases (as the reader can see from the footnotes I have given), he also called on the Supreme Court to publicly and

90 Daniels, “Japanese American Cases...”, p. 169. Also see; Irons, “Unfinished Business”, p. 4.

91 Irons, “Unfinished Business”, p. 30.

92 Tashima, “Play it again...”, p. 9.

93 Neal Katyal, “Confession of Error: The Solicitor General’s Mistakes during the Japanese-American Internment Cases”, *The United States Department of Justice* website, <http://www.justice.gov/opa/blog/confession-error-solicitor-generals-mistakes-during-japanese-american-internment-cases> (accessed on 02.02.2015).

94 Irons, “Unfinished Business”, p. 22.

explicitly repudiate or overrule its *Hirabayashi*, *Yasui*, and *Korematsu* case verdicts.⁹⁵ Pointing out to Katyal's admission, the uncovering of the erroneous basis of the previous verdicts, and the fact that the Court had already implicitly repudiated these previous verdicts with the comments justices made in two other Court cases; Irons argued that these served as compelling reasons why the Court should take action in this regards. He admitted that a public statement of this nature would be unprecedented (as it has never been done), and that the Court technically reviews legal issues only within the context of a new Court case. Nevertheless, Irons argued, the Court had the inherent power and judicial discretion to make such a statement.

The Supreme Court has so far not issued the kind of statement that Irons has called out for. One commentator's analysis of Iron's call helps explain why no such statement has so far been made:

“However wrong-headed, or even worse, a decision by the Supreme Court might be, either when issued or when assessed in later years, the Constitution simply does not give the justices the authority to issue public statements condemning such a past ruling [*Hirabayashi*, *Yasui*, and *Korematsu* case verdicts]. That is a political act, and it would be a direct contradiction of the limits of Article III for the court to indulge in such a public statement.

That is not to say that the court cannot show its profound disagreement with a prior ruling that it has made, but there is a way to do that without the court becoming a public critic of its own precedents. The way is to overrule an offending precedent when the occasion arises for such a decision to be tested anew.

Note that phrase: ‘when the occasion arises.’ That, constitutionally speaking, is limited to an opportunity for the court to rule on a new case that actually involves what the court often calls a ‘live case or controversy’ and the past ruling is claimed by one side or the other to affect or control the outcome.”⁹⁶

95 Irons, “Unfinished Business”, pp. 3-4, 24-26.

96 “Constitution Check: Will the court repudiate decisions from the World War II era?”

A similar Court case that could involve the issues dealt with in Hirabayashi, Yasui, and Korematsu cases did not present itself until 2014. Filed in 2012, the *Hedges v. Obama* court case was about a group of journalists, authors, and political activists who challenged a section of the National Defense Authorization Act for Fiscal Year 2012 (NDAA). This act allows the US government to indefinitely detain anyone (including possibly its own citizens) it deems to be members of or supporters of terrorist groups such as al-Qaeda and the Taliban. During deliberations on the act, attention was brought to the wording of the act. It was worded in such a way that the Korematsu case verdict (and by association, the verdicts of the Hirabayashi and Yasui cases) might be shown to provide a precedent for the indefinite detention of American citizens and legal residents in the US.⁹⁷ Once the *Hedges v. Obama* court case was appealed to the Supreme Court, the attorneys who had worked on the new Hirabayashi, Yasui, and Korematsu cases sent a letter to the Solicitor General Donald B. Verilli (Jr.). Indicating that they were not taking a specific stand on the *Hedges v. Obama* case; but citing the near universal criticism the Hirabayashi, Yasui, and Korematsu case verdicts receive, and the admission that had been made by former Acting Solicitor General Katyal about government misconduct during World War II; the attorneys asked the for the Government to do the following for its response to the Supreme Court appeal:

“A request by [you] that the Court formally overrule the internment decisions would fulfill the duty of absolute candor that was sadly lacking in the government’s briefs and arguments in 1943 and 1944. Should you decide not to make such a request, however, we urge that [you] make clear in [your] response to the *Hedges* petition that the government does not consider the internment decisions as valid precedent for governmental or military detention of individuals or groups without due process of law....”⁹⁸

Solicitor General Verilli of President Barack Obama’s administration, however, did not pay heed to this request. The Government’s response

97 Lyle Denniston, “A plea to cast aside *Korematsu*”, *Supreme Court of the United States Blog*, <http://www.scotusblog.com/2014/01/a-plea-to-cast-aside-korematsu/> (accessed on 02.02.2015). Also see; Damon Root, “Obama Administration Refuses Opportunity to Repudiate Japanese Internment Ruling”, *Reason.com*, <http://reason.com/blog/2014/04/01/obama-administration-refuses-opportunity> (accessed on 02.02.2015).

98 Dale Minami et al., “Letter to Solicitor General of the United States Donald B. Verilli (Jr.)” [no official title], <http://sblog.s3.amazonaws.com/wp-content/uploads/2014/01/Hedges-letter-re-Korematsu-1-13-14.pdf> (accessed on 02.02.2015).

to the Supreme Court appeal made no mention of the Hirabayashi, Yasui, and Korematsu case verdicts, and no explanation was given as to why no mention of the case verdicts was made.⁹⁹ Furthermore, the Supreme Court refused to hear the Hedges v. Obama case. As such, the lower court's verdict that the applicants of the case had no right to sue - because they failed to demonstrate that they could be targeted by NDAA - has remained standing.¹⁰⁰ The chance to achieve repudiation of the Hirabayashi, Yasui, and Korematsu case verdicts through the Hedges v. Obama case, therefore, has been lost.

Issues of indefinite internment without trial for citizens, legal residents, and enemy aliens have been brought up again and again during the US' struggle against international and domestic terrorism (often referred to as the "war on terror/terrorism"). In varying degrees, this has been the case for both the presidency of George W. Bush and Barack Obama.¹⁰¹ The Obama administration's failure to address the repudiation of the Hirabayashi, Yasui, and Korematsu case verdicts could be construed as the refrain from any action that can potentially undermine the government's scope of power to take measures against terrorism.

Former Chief Justice William Rehnquist is reported to have stated that (as explained by Judge Tashima): "if the Supreme Court were to be faced with the same case today as it was in Korematsu in 1944, it would make the same decision because of the Court's historic deference the military and its reluctance to interfere with military decisions."¹⁰² Perhaps this was one of the reasons why the Supreme Court refused to hear the Hedges v. Obama case, or make any statement explicitly repudiating the Hirabayashi, Yasui, and Korematsu case verdicts. In the war on terror with enemies that cannot be easily identified but can cause great harm, the Court could be deferring to the judgments of the government and its military.

I would like to conclude this section with a quote from longest serving (in the current lineup) Supreme Court Justice Antonin Scalia:

99 "Obama Administration Refuses Opportunity to Repudiate Japanese Internment Ruling".

100 Lawrence Hurley, "Supreme Court rejects hearing on military detention case", *Reuters*, <http://www.reuters.com/article/2014/04/28/us-usa-court-security-idUSBREA3R0YH20140428> (accessed on 02.02.2015). Also see; "A plea to cast aside *Korematsu*".

101 Tashima, "Play it again...", p. 12-14. Also see; Daniels, "Japanese American Cases...", pp. 169-170.

102 Tashima, "Play it again...", p. 9.

“Well, of course, Korematsu [case verdict] was wrong. ... And I think we have repudiated it in a later case. But you are kidding yourself if you think the same thing will not happen again. ... [there was] panic about the war and the invasion of the Pacific and whatnot. That’s what happens. It was wrong, but I would not be surprised to see it happen again, in time of war. It’s no justification but it is the reality.”¹⁰³

6 - COMPARISON WITH THE EVENTS OF 1915: REAL VS. FABRICATED “MILITARY NECESSITY”

The relocation and internment of people of Japanese descent by the US government during World War II, and the resettlement of Armenian people by the Ottoman government during World War I took place in two very different contexts. I will not go into much detail on the resettlement of Armenians since it is not the focus of this article. Once both cases are examined though, some key differences become evident.

Unlike the Japanese case, Armenians were not subject to internment by the Ottoman government. They were instead only moved out of the war regions to other parts of the empire.¹⁰⁴ Like in the Japanese case, however, the Ottoman government took measures to protect, feed and assist the Armenians during their resettlement process. The fact that Japanese relocation was much more successful in terms of near zero Japanese casualties, and the fact that there were many Armenian casualties during the Armenian resettlement has to do with their context.

The US, although attacked in Pearl Harbor by Japan, never suffered war in its mainland during World War II. It never faced an actual invasion by enemy forces, hence its survival was never actually threatened. Furthermore, with its economy and military capacity, it was already on its path to superpower status during the war. It experienced no internal turmoil and intercommunal fighting. Meanwhile, the Ottoman Empire suffered war directly on its mainland during World War I and it was subject to invasion attempts on all sides by the forces the United Kingdom and the Russian Empire for example. When defeated, the

103 Debra Cassens Weiss, “Scalia: Korematsu was wrong, but ‘you are kidding yourself’ if you think it won’t happen again”, *ABA Journal* website, http://www.abajournal.com/news/article/scalia_korematsu_was_wrong_but_you_are_kidding_yourself_if_you_think_it_won (accessed on 02.02.2015).

104 Serdar Palabiyık, “An Introduction to the Armenian Question until the Treaty of Lausanne”, in *The Armenian Question: Basic Knowledge and Documentation*, edited by Ömer Engin Lütem (Ankara: Terazi Publishing, 2009), p. 16.

Ottoman Empire was invaded on all sides by the victorious powers of the War. The Ottoman Empire was incomparably (vs. the US) lacking both in terms of its economy and military capacity. It was fighting a war of survival in poor conditions with meager resources, while both Armenian and Muslim groups within the Empire were engaging in banditry and mutual attack against each other's peoples.¹⁰⁵ The Ottoman government simply did not have the opportunity to conduct the Armenian resettlement in the orderly and safe fashion of the relocation done in the US.

The main controversy surrounding the Japanese case was the reasoning behind the military necessity argument put forth the US government. During World War II, especially right after the Pearl Harbor attack, the US government was fearful of a possible invasion by Japan and subversive actions of its population with Japanese descent. To prevent espionage and sabotage, the US government argued that it was a military necessity to place curfews on PJD, and to eventually relocate and intern them. Found out by the American public only later, however, the threat of subversive activity by PJD was without basis. The government had become aware of this during war-time, but chose to hide it from judicial scrutiny. The government had acted out of fear, racial prejudice and war hysteria. In essence, the military necessity the government put forth was a fabrication. PJD were subjected to relocation and internment, and incurred both psychological and economic damage due to a fabrication by the US government which the American public inevitably bought (since they did not know the truth).

The military necessity in the Armenian case, however, was no fabrication. The banditry and the revolutionary activities (against the Ottoman Empire) of various Armenian groups are well documented. The atrocities and mass killing committed by such groups is well documented as well, about 518,000 Muslims between 1914 and 1921 died as a direct result of these groups' aggression.¹⁰⁶ Also well documented is the fact that volunteer Armenians (including deserters of the Ottoman army) took up fighting against the Ottoman Empire on the side of the Russian Empire for example, and the Russians were shocked at the Armenian volunteers' cruel treatment of the Ottoman Muslim population.¹⁰⁷ That Ottoman Armenian officials and religious leaders

105 Palabıyık, "An Introduction to the Armenian Question...", p. 17.

106 Yusuf Sarınoy (ed.), *Ermeniler Tarafından Yapılan Katliam Belgeleri/Documents on the Massacre Perpetrated by Armenians – Vol. I (1914-1919) and Vol. II (1919-1921)*, (Ankara: Başbakanlık Devlet Arşivleri Genel Müdürlüğü, 2001), pp. 377, 1054.

107 Palabıyık, "An Introduction to the Armenian Question...", p. 15.

were a part of these subversive activities is also known. The Ottoman government explicitly warned both Armenian political representatives and religious leaders that drastic measures would be taken if the aggression and subversion carried out by Armenians did not stop. Unfortunately, it did not stop. As a result of this, on 24 April 1915, the Ottoman government closed down Armenian revolutionary groups and arrested 235 of such groups' leaders. On 27 May 1915, the Ottoman government ordered the resettlement of Armenians away from the war regions.¹⁰⁸ The resettlement was based on military necessity, to remove the support given by the Armenian population to the Armenian groups carrying out the subversions and aggressions.¹⁰⁹

The fundamental difference therefore, between the Japanese case and the Armenian case, is about the nature of the military necessity put forth by both the US and the Ottoman government. While the military necessity put for by the US government was based on fabrication, the one put forth by the Ottoman government was based on reality. Had the military necessity put forth by the US government been based on reality, as in, had the PJD actually engaged in espionage and sabotage against the US, then the entire nature of the controversy concerning Japanese relocation and internment would have changed into something completely different.

108 Palabıyık, "An Introduction to the Armenian Question...", p. 16.

109 Edward J. Erickson, *Ottomans and Armenians: A Study in Counterinsurgency* (New York: Palgrave Macmillan, 2013), p. 3. Erickson's book is entirely dedicated to analyzing the military necessity aspect of the Armenian relocation.

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Manuscript Submission

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Manuscripts should range from 3,000 to 13,000 words and be approximately 10-30 single-spaced pages in length including footnotes and bibliography.

Articles must be word processed using Microsoft Word, 12 point font, Times New Roman, and should be single-spaced throughout allowing good (1 1/2 inch) margins. Pages should be numbered sequentially.

The title page of the article should include the following information:

- Manuscript title
- Names and affiliations of all contributing authors
- Full address for correspondence, including telephone and email address
- Abstract: please provide a short summary of up to 300 words. (Both English and Turkish)
- Keywords: please provide 5 key words in alphabetical order, suitable for indexing. Ideally these words will not have appeared in the title. (Both English and Turkish)

ULUSLARARASI SUÇLAR VE TARİH DERGİSİ

ŞEKİL KURALLARI

DİPNOT VE KAYNAKÇA SİSTEMİ

I. Makalenin Düzeni

Başlıklar ve Altbaşlıklar

Makalelerin başlıkları, ortalanmış ve büyük harflerle yazılmış olmalıdır. Yazarlar, tercihen üç kademeli altbaşlık sistemi kullanmalıdırlar. Aşağıdaki örnek temel alınarak, bütün başlıklar metin içinde ortalanmalıdır:

I. Giriş

A. Birinci Altbaşlık

1. İkinci Altbaşlık

a. Üçüncü Altbaşlık

II. Noktalama

Blok Alıntı

Beş veya daha fazla satır olan alıntılar, tırnak işareti kullanmadan, blok alıntı şeklinde (1 cm girinti) gösterilmelidir.

Çıkarılmış Sözcükler

Alıntılanmış bir cümle içinde veya bir cümlenin sonunda kelimelerin çıkarılmış olduğunu göstermek için, üç nokta (her bir noktanın önünde, arasında ve sonrasında boşluk olacak şekilde) kullanılmalıdır.

Alıntı tam bir cümle ile bitiyorsa, orijinal metindeki cümle devam etse dahi, üç nokta kullanmaya gerek yoktur.

Alıntının ilk kelimesinden evvel üç nokta genellikle kullanılmamaktadır (orijinal metindeki cümleden kelimeler çıkarılmış olsa dahi).

Tarih Belirtme

Metin içindeki tarihler şu şekilde yazılmalıdır: Gün Ay Yıl (ör.: 8 Mart 2009). Ancak, İngilizce olarak yazılmış olan metinlerde şu şekil kullanılacaktır: Ay Gün, Yıl (ör.: March 8, 2009).

Dipnot Numaraları

Dipnot numaraları noktalama işaretinden sonra konulmalıdır (ör.: Bu açıklama BM Genel Sekreteri tarafından yapılmıştır.¹)

III. Dipnot ve Kaynakça Gösterme Kuralları

Yazarlar, yararlandıkları referansların doğru şekilde belirtilmesi hususunda azami özeni göstermelidirler.

Uluslararası Suçlar ve Tarih dergisinin tercih ettiği referans sistemi için, aşağıda dipnotlar için [D] ve kaynakça için [K] olarak gösterilen örnek referanslara bakınız. Dergimizde tercih edilen dipnot sistemi büyük ölçüde Chicago sistemini (Chicago Style) temel almaktadır.

Kitaplar

- [D] Guénaél Mettraux, *International Crimes and the Ad Hoc Tribunals* (Oxford: Oxford University Press, 2005), s. 114.
- [K] Mettraux, Guénaél. *International Crimes and the Ad Hoc Tribunals*. Oxford: Oxford University Press, 2005.

Makaleler

- [D] Rebekah Lee ve Megan Vaughan, "The Future of Human Rights in Europe," *The Journal of African History*, cilt 49 (Kasım 2008): s. 348.
- [K] Lee, Rebekah ve Megan Vaughan. "The Future of Human Rights in Europe." *The Journal of African History*, cilt 49 (Kasım 2008): ss. 341-359.

Derlenmiş Kitaplar

- [D] Ian Scobbie, "Wicked Heresies or Legitimate Perspectives? Theory and International Law," *International Law*, ed. Malcolm D. Evans içinde (New York: Oxford University Press, 2006), s. 87.
- [K] Scobbie, Ian. "Wicked Heresies or Legitimate Perspectives? Theory and International Law." *International Law*, editör Malcolm D. Evans içinde, ss. 159-180. New York: Oxford University Press, 2006.

Ansiklopedi Makaleleri

- Not: İyi bilinen ansiklopedi kitapları tercihen kaynakçada gösterilmemelidir.
- [D] The New Encyclopaedia Britannica, Micropaedia, 15. ed., s.v. "Vietnam war."

Raporlar ve Tebliğler

Konferans Tebliğleri

- [D] Ferdan Ergut, "Surveillance and the Public Order in the Late Ottoman Empire, 1908-1918," (Central Eurasian Studies Society, Fourth Annual Conference, Harvard Üniversitesi'nde sunulan tebliğ, 2-5 Ekim 2003), s. 8.
- [K] Ergut, Ferdan. "Surveillance and the Public Order in the Late Ottoman Empire, 1908-1918." Central Eurasian Studies Society, Fourth Annual Conference, Harvard Üniversitesi'nde sunulan tebliğ, 2-5 Ekim, 2003.

Doktora Tezleri

- [D] Frederick Carleton Turner, "The Genesis of the Soviet 'Deep Operation': The Stalin-era Doctrine for Large-scale Offensive Maneuver Warfare" (Doktora Tezi, Duke Üniversitesi, 1988), s. 54.
- [K] Turner, Frederick Carleton. "The Genesis of the Soviet 'Deep Operation': The Stalin-era Doctrine for Large-scale Offensive Maneuver Warfare." Doktora Tezi, Duke Üniversitesi, 1988.

Resmi Belgeler

- [D] U.S. Congress, Senate, Committee on Armed Services, *Defense Organization: The Need for Change*, Staff Report, 99th Cong., 1st sess. (Washington, DC: GPO, 1985), ss. 521-522.
- [K] U.S. Congress. Senate. Committee on Armed Services. *Defense Organization: The Need for Change*. Staff Report. 99th Cong., 1st sess. Washington, DC: GPO, 1985.

Hukuki Metinler/Hukuk Kaynakları

BM Dokümanları

- Not: BM dokümanları şu sırayı takip etmelidir: yazar (kişi veya kurum), başlık, tarih, doküman numarası. BM dokümanı bir kitap olarak basılmış ise, başlığı italik olarak yazılmalıdır. İlk atıftan sonra, Birleşmiş Milletler Güvenlik Konseyi kararları, "UNSC Res." şeklinde; Birleşmiş Milletler Genel Kurul kararları ise, "UNGA Res." olarak kısaltılabilir.
- [D,K] UNSC Res. 1373 (28 Eylül 2001) UN Doc S/Res/1373.
- [D,K] UNGA Sixth Committee (56th Session) "Report of the Working Group on Measures to Eliminate International Terrorism" (29 Ekim 2001) UN Doc A/C.6/56/L.9.

Uluslararası ve Bölgesel Antlaşmalar

Uluslararası Antlaşma

- [D] Convention Relating to the Status of Refugees (28 Temmuz 1951 tarihinde kabul edilmiş, 22 Nisan 1954 tarihinde yürürlüğe girmiştir) 189 UNTS 137 (Mülteci Sözleşmesi), madde 33.
- [K] Convention Relating to the Status of Refugees (28 Temmuz 1951 tarihinde kabul edilmiştir, 22 Nisan 1954 tarihinde yürürlüğe girmiştir) 189 UNTS 137.

Bölgesel Antlaşma

- Not: Avrupa bölgesel antlaşmaları belirtilirken, tarihler genellikle yazılmaz; zira bunların tarihlerinin birçok defa değişikliğe uğramış olması muhtemeldir. Antlaşmanın başlığında mevcut ise, tarihin belirtilmesi uygun olacaktır.

[D] Convention for the Protection of Human Rights and Fundamental Freedoms (Avrupa İnsan Hakları Sözleşmesi), madde 3.

[K] Convention for the Protection of Human Rights and Fundamental Freedoms.

Uluslararası Mahkeme Kararları ve Davalar

Uluslararası Adalet Divanı

[D] *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* (Judgment) General List No. 91 [2007] ICJ 1 (26 Şubat 2007), para. 189.

[K] *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* (Judgment) General List No. 91 [2007] ICJ 1 (26 Şubat 2007).

Eski Yugoslavya ve Ruanda Uluslararası Ceza Mahkemeleri

[D] *Prosecutor v. Akayesu* (Judgment) ICTR-96-4-T, T Ch I (2 Eylül 1998), para. 42.

[K] *Prosecutor v. Akayesu* (Judgment) ICTR-96-4-T, T Ch I (2 Eylül 1998).

Sonraki Atıflar

Kaynaklara yapılan ilk atıflar yukarıdaki gibi gösterilecek; daha sonraki atıflarda Latin kısaltmaların hiçbir şekilde kullanılmaması ve aşağıdaki iki örnekte gösterildiği üzere, yazarın ilk ve soy ismi ile çalışmanın kısaltılmış başlığının kullanılması tercih edilmektedir.

Guénaél Mettraux, *International Crimes...*, s. 115.

Rebekah Lee, "The Future of Human Rights...", s. 349.

IV. Kısaltmalar

Referans belirtirken, uygun olduğu takdirde, aşağıdaki kısaltmaların kullanması rica olunmaktadır:

UNGA Res.: United Nations General Assembly Resolution (Birleşmiş Milletler Genel Kurul Kararı)

UNSC Res.: United Nations Security Council Resolution (Birleşmiş Milletler Güvenlik Konseyi Kararı)

UNCHR: United Nations Commission on Human Rights (Birleşmiş Milletler İnsan Hakları Komisyonu)

UNTS: United Nations Treaty Series (Birleşmiş Milletler Antlaşmalar Serisi)

YILC:	Yearbook of the International Law Commission (Uluslararası Hukuk Komisyonu Yıllığı)
ICJ:	International Court of Justice (Uluslararası Adalet Divanı)
ICC:	International Criminal Court (Uluslararası Ceza Divanı)
ICTY:	International Criminal Tribunal for the Former Yugoslavia (Eski Yugoslavya Uluslararası Ceza Mahkemesi)
ICTR:	International Criminal Tribunal for Rwanda (Raunda Uluslararası Ceza Mahkemesi)
T Ch:	Trial Chamber (Duruşma Dairesi)
A Ch:	Appeals Chamber (Temyiz Dairesi)
IMT:	International Military Tribunal for the Major War Criminals, Nuremberg (Nüremberg Uluslararası Askeri Ceza Mahkemesi)
para., paras:	paragraf, paragraflar
ed., eds.:	editör, editörler

THE JOURNAL OF INTERNATIONAL CRIMES AND HISTORY

STYLE SHEET

I. Layout of Manuscript

Headings and Subheadings

We ask that titles of submitted manuscripts be centered and written in full caps. Authors should preferably use only three grades of headings, although four can be accommodated. The hierarchy shown below should be used with all headings centered in the manuscript:

I. Introduction

A. First Subheading

1. Second Subheading

a. Third Subheading

II. Punctuation

Block Quotations

Quotations of five lines or more should be presented as a block quotation.

Omission of Words

To indicate material has been omitted within a sentence or at the end of a sentence, ellipsis points (periods with a single space before, between, and after each period) are used.

When quoted material ends in a complete sentence as edited it is not necessary to add ellipsis points even if the sentence continues in the original.

Ellipsis points are normally not used before the first word of a quotation, even if the beginning of the original sentence has been omitted.

Date Format

Dates within manuscript should be written in the following format: Month Day, Year (e.g., March 8, 2009)

Footnote Numbers

Footnote numbers should be placed after the punctuation mark (e.g. This remark was made by the UN Secretary General.¹)

III. References

Authors are asked to pay particular attention to the accuracy and correct presentation of references. As a rough guideline, authors may refer to the Chicago Manual of Style with the exception of subsequent references.

For a guide to the preferred citation style of the *Journal of International Crimes and History* please find below examples of materials cited as footnote entry [N], followed by a bibliographic entry [B].

Books

- [N] Guénaël Mettraux, *International Crimes and the Ad Hoc Tribunals* (Oxford: Oxford University Press, 2005), p. 114.
- [B] Mettraux, Guénaël. *International Crimes and the Ad Hoc Tribunals*. Oxford: Oxford University Press, 2005.

Articles

- [N] Rebekah Lee and Megan Vaughan, “The Future of Human Rights in Europe,” *The Journal of African History*, vol. 49 (Nov. 2008): p. 348.
- [B] Lee, Rebekah and Megan Vaughan. “The Future of Human Rights in Europe.” *The Journal of African History*, vol. 49 (Nov. 2008): pp. 341-359.

Edited Books

- [N] Ian Scobbie, “Wicked Heresies or Legitimate Perspectives? Theory and International Law,” in *International Law*, ed. Malcolm D. Evans (New York: Oxford University Press, 2006), p. 87.
- [B] Scobbie, Ian. “Wicked Heresies or Legitimate Perspectives? Theory and International Law.” In *International Law*, edited by Malcolm D. Evans, pp.159-180. New York: Oxford University Press, 2006.

Encyclopedia Articles

- Note: Well-known reference books should preferably not be listed in the bibliography.
- [N] The New Encyclopaedia Britannica, Micropaedia, 15th ed., s.v. “Vietnam war.”

Reports and Papers

Conference Papers

- [N] Ferdan Ergut, “Surveillance and the Public Order in the Late Ottoman Empire, 1908-1918,” (paper presented at Central Eurasian Studies Society, Fourth Annual Conference, Harvard University, October 2-5, 2003), p. 8.
- [B] Ergut, Ferdan. “Surveillance and the Public Order in the Late Ottoman Empire, 1908-1918.” Paper presented at Central Eurasian Studies Society, Fourth Annual Conference, Harvard University, October 2-5, 2003.

Ph.D. Dissertations

- [N] Frederick Carleton Turner, “The Genesis of the Soviet ‘Deep Operation’: The Stalin-era Doctrine for Large-scale Offensive Maneuver Warfare” (Ph.D. diss., Duke University, 1988), p. 54.

- [B] Turner, Frederick Carleton. "The Genesis of the Soviet 'Deep Operation': The Stalin-era Doctrine for Large-scale Offensive Maneuver Warfare." Ph.D. diss., Duke University, 1988.

Government Documents

- [N] U.S. Congress, Senate, Committee on Armed Services, *Defense Organization: The Need for Change*, Staff Report, 99th Cong., 1st sess. (Washington, DC: GPO, 1985), pp. 521-522.
- [B] U.S. Congress. Senate. Committee on Armed Services. *Defense Organization: The Need for Change*. Staff Report. 99th Cong., 1st sess. Washington, DC: GPO, 1985.

Legal Materials/Law Sources

UN Documents

Note: Cite UN documents in the following order: author, title, date, document number. Italicize the title of a UN document only if it has been published as a book. After the first citation, abbreviate "United Nations" to "UN"; "UN Security Council" to "UNSC"; "UN General Assembly" to "UNGA"; and "Resolution" to "Res".

- [N,B] UNSC Res. 1373 (28 September 2001) UN Doc S/Res/1373.
- [N,B] UNGA Sixth Committee (56th Session) "Report of the Working Group on Measures to Eliminate International Terrorism" (29 October 2001) UN Doc A/C.6/56/L.9.

International and Regional Treaties

International Treaty

- [N] Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention), art. 33.
- [B] Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137.

Regional Treaty

- Note: Dates are generally not given when citing European treaties, as they may have been changed several times. Include the year if it appears in the standard title of the treaty.
- [N] Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), art. 3.
- [B] Convention for the Protection of Human Rights and Fundamental Freedoms.

International Cases and Decisions

International Court of Justice

- [N] *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* (Judgment) General List No. 91 [2007] ICJ 1 (26 February 2007), para. 189.
- [B] *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* (Judgment) General List No. 91 [2007] ICJ 1 (26 February 2007).

International Criminal Tribunals for the Former Yugoslavia and Rwanda

- [N] *Prosecutor v. Akayesu* (Judgment) ICTR-96-4-T, T Ch I (2 September 1998), para. 42.
- [B] *Prosecutor v. Akayesu* (Judgment) ICTR-96-4-T, T Ch I (2 September 1998).

Cross References

When referring to the same work previously cited in the manuscript, avoid all Latin abbreviations and use the shortened form as provided:

Guénaël Mettraux, *International Crimes...*, p. 115.

Rebekah Lee, "The Future of Human Rights...", p. 349.

IV. Abbreviations

Where appropriate please refer to the abbreviations provided for below when citing references:

UNGA Res.:	United Nations General Assembly Resolution
UNSC Res.:	United Nations Security Council Resolution
UNCHR:	United Nations Commission on Human Rights
UNTS:	United Nations Treaty Series
YILC:	Yearbook of the International Law Commission
ICJ:	International Court of Justice
ICC:	International Criminal Court
ICTY:	International Criminal Tribunal for the Former Yugoslavia
ICTR:	International Criminal Tribunal for Rwanda
T Ch:	Trial Chamber
A Ch:	Appeals Chamber
IMT:	International Military Tribunal for the Major War Criminals, Nuremberg
para., paras:	paragraph, paragraphs
ed., eds.:	editor, editors



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