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The Turkish-Armenian Historical Controversy: How to Name the Events of 1915?

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ABSTRACT: *This article examines the debate involving Turkish and Armenian historiography about the fate of diverse Armenian communities in eastern Anatolia. It argues that the contemporary description of the events in 1915, especially the legal description, is much more important than the facts and the role of human agency in which these facts were produced. Armenian historiography scholars have moved to label the set of complicated events and processes as ‘genocide,’ and they seek to delegitimize any argument or factual case pointing outside the term of genocide as denialism. Scholars representing Turkish historiography, on the other hand, emphasize a different context of ethnic cleansing and massacres of the Muslims in the Balkans and their unintended consequences in Anatolia, while insisting on the role of major powers and Armenian revolutionary groups to carve out eastern Anatolia as an Armenian national homeland. The article explores how the Armenian side has urged judicial forums and countries to rewrite and reinterpret history in order to canonize its description of the events as genocide by ignoring the political context, intentions and policies of Armenian revolutionary organizations during that critical period. It proposes a path in which diametrically opposing sides can come together by humanizing the mutual suffering of each group and developing a shared language that encompasses the mutual impact of the events of 1915.*

KEY WORDS: *Armenia; Armenian historiography; Genocide; Legislating history; Memory and history; Nostalgia; Perincek v. Switzerland; Turkey; Turkish historiography*

History must not be a slave to contemporary politics nor can it be written on the command of competing memories. In a free state, no political authority has the right to define historical truth and to restrain the freedom of the historian with the threat of penal sanctions. We call on historians to marshal their forces within each of their countries and to create structures similar to our own, and, for the time being, individually to sign the present appeal, to put a stop to this movement toward laws aimed at controlling historical memory. We ask government authorities to recognize that, while they are responsible for the maintenance of the collective memory, they

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¹ Pierre Nora, Member, L’Académie Française & President of Liberté pour l’Histoire, Appel de Blois (2008), in *Le Monde* (Oct. 10). Available at: https://www.lemonde.fr/idees/article/2008/10/10/appel-de-blois_1105436_3232.html, accessed December 12, 2019. Nora spearheaded the “Appel de Blois,” which has been signed by more than 1,300 individuals from 49 countries.

*must not establish, by law and for the past, an official truth whose legal application can carry serious consequences for the profession of history and for intellectual liberty in general.*¹

During the collapse of the Ottoman state, bitter rivalries over the control of land and resources contributed to the outbreak of inter-communal violence throughout the empire. The most well known of these is the Armenian attempt to wrest control of eastern Anatolia from the Ottomans during World War I. How best to label these events properly, objectively and fairly is also one of the major debates in the historiography of the late Ottoman Empire. The Ottoman state reacted to Armenian secessionism and collaboration with the Russian army by relocating the Armenian communities residing along the empire's Russian border to its southern provinces.² This relocation resulted in catastrophic human suffering and virtually ended the Armenian presence in Anatolia. Unfortunately, the centenary of the events of 1915 did not bring the historiography any closer to a consensus. The Armenian historiography insists on genocidizing the past by framing the events as the first genocide of the twentieth century.³ In contrast, while Turkish historiography acknowledges and agrees that hundreds of thousands of Armenians suffered during the relocation, it rejects the legal description of this tragedy as genocide. This debate constitutes the most significant impediment to the normalization of the relations between Turkey and Armenia.

This article consists of three parts. The first part summarizes the main argument of Turkish and Armenian historiographies. The second part examines how Armenians try to use legal tactics to impose their version of history (i.e., genocide) and the setbacks that this approach has faced at the European Court of Human Rights and in the French Constitutional Council. Finally, the third part introduces a proposal to reconcile these two historiographies and to create a shared narrative with the hope that a shared language to discuss the history of 1915 can facilitate an improvement in relations between the Republic of Turkey and Armenia.

Two Conflicting Historiographies

The debate between the two diametrically opposed historiographies regarding the events of 1915 is primarily about what constitutes historical knowledge and how it is narrated. The causes, processes and role of domestic and international actors around these events are the subject of a fierce debate between the two sides. Armenian historiography relentlessly holds to the following main statements that carry a strong condemnation of Turks:

¹ Pierre Nora, Member, L'Académie Française & President of Liberté pour l'Histoire, Appel de Blois (2008), in *Le Monde* (Oct. 10). Available at: https://www.lemonde.fr/idees/article/2008/10/10/appel-de-blois_1105436_3232.html, accessed December 12, 2019. Nora spearheaded the "Appel de Blois," which has been signed by more than 1,300 individuals from 49 countries.

² Michael A. Reynolds (2011) *Shattering Empires: The Clash and Collapse of the Ottoman and Russian Empires, 1908–1918* (Cambridge: Cambridge University Press), pp. 141–166; Sean McMeekin (2011) *The Russian Origins of the First World War* (Cambridge, MA: Belknap Press), pp. 141–174; Sean McMeekin (2015) *The Ottoman Endgame: War, Revolution, and the Making of the Modern Middle East, 1908-1923* (New York: Penguin), pp. 223–246; Hew Strachan (2001) *The First World War: Volume I: To Arms* (New York: Oxford University Press), pp. 712–729.

³ For the definition of genocidizing, see M. Hakan Yavuz & Tal Buenos (2015) Stop "Genocidizing," in *International Policy Digest*. Available at: <https://intpolicydigest.org/2015/04/23/stop-genocidizing/>, accessed April 23, 2016.

1.2 to 2 million Armenians were killed in a systematic fashion, organized and planned by the “Turks.” This was a premeditated genocide carried out by the Ottoman military, especially the Special Organization [*Teşkilat-ı Mahsusa*]; the Young Turks’ government organized and executed the killing for the purpose of homogenizing the population of Anatolia; it was Islamic-cum-Turkish nationalism that motivated the mass killings; and World War I was utilized as a convenient opportunity to initiate the plan to exterminate the Armenians.⁴ While the Armenian side wants to see the events of 1915 as “the Armenian Genocide,” Turkish historiography refers to the same set of events as communal conflict, massacres, relocations, Armenian rebellion, or the more neutral term: the events of 1915.⁵ In other words, Armenian historiography interprets the “facts” of the events—the forced relocation of the Armenian population in eastern Anatolia—to construct a “genocide” narrative in which the Armenians are perennial victims of the “Terrible Turk.” In contrast, Turkish historiography identifies the Ottoman Armenians as traitors against their own state, a fifth column. This claim is based on evidence showing how the Armenian leadership sought to destroy the Ottoman state in the midst of its gravest international crisis during World War I.⁶ According to this view, the Armenian treason reached its extreme manifestation in the collaboration with the Russian enemy, which invaded eastern Anatolia during the war.⁷

Armenian historiography has gone through several stages over the past six decades. Until 1964, Armenian historians never used the term genocide to describe the events of 1915. None of the prominent Armenian scholars, who produced definitive studies on Armenian nationalism and the events of 1915 during the 1960s, mentioned the word genocide.⁸ Today, however, Richard Hovannisian labels every scholar who does

⁴ The following books constitute the core of Armenian historiography: Arnold J. Toynbee (1917) *The Murderous Tyranny of the Turks*, with a Preface by Viscount Bryce (New York: Hodder and Stoughton); Henry Morgenthau (1918) *Ambassador Morgenthau’s Story* (New York: Doubleday, Page and Company); for a critical reading of Morgenthau’s book, see Heath W. Lowry (1990) *The Story Behind Ambassador Morgenthau’s Story* (Istanbul: ISIS) in which Lowry provides documentary evidence that Morgenthau’s main goal in writing his book was to convince Americans to support Great Britain and France against Germany and Turkey during World War I; Richard G. Hovannisian (1967) *Armenia on the Road to Independence, 1918* (Berkeley: University of California Press); Louise Nalbandian (1963) *Armenian Revolutionary Movement: The Development of Armenian Political Parties Through the Nineteenth Century* (Berkeley: University of California Press); Gerald Libaridian (2004) *Modern Armenia: People, Nation, State* (New Brunswick, NJ: Transaction Publishers); and Anahid Ter Minassian (1983) *Nationalism and Socialism in the Armenian Revolutionary Movement (1887-1912)*, in Ronald Grigor Suny (ed.), *Transcaucasia, Nationalism and Social Change: Essays in the History of Armenia, Azerbaijan, and Georgia*, rev. ed. (Ann Arbor: University of Michigan Press).

⁵ Kamuran Gürün (1985) *The Armenian File: The Myth of Innocence Exposed* (Nicosia, Cyprus: K. Rustem); Salahi R. Sonyel (1987) *The Ottoman Armenians: Victims of Great Power Diplomacy* (Nicosia, Cyprus: K. Rustem); Sinasi Orel & Sureyya Yuca (1986) *The Talat Pasha Telegrams: Historical Fact or Armenian Fiction?* (Nicosia, Cyprus: K. Rustem); and Guenter Lewy (2005) *The Armenian Massacres in Ottoman Turkey: A Disputed Genocide* (Salt Lake City: University of Utah Press). For one of the best legal analysis of the events of 1915, see Şükrü Elekdağ, “An Assessment of Armenian Claims from the Perspective of International Law,” in M. Hakan Yavuz & Feroz Ahmad (eds) *War and Collapse: World War I and the Ottoman State*, pp. 941–971 (Salt Lake City: University of Utah Press).

⁶ Justin McCarthy (2015) *Turks and Armenians: Nationalism and Conflict in the Ottoman Empire* (Madison, WI: Turko-Tatar Press, LLC), pp. 111–153.

⁷ William E. D. Allen & Paul Muratoff (2010) *Caucasian Battlefields: A History of the Wars on the Turco-Caucasian Border 1828-1921* (New York: Cambridge University Press), pp. 242, 299; Jamil Hasanli (2014) “Armenian Volunteers on the Caucasian Front (1914-1916),” *The Caucasus and Globalization*, 8 (3–4), pp. 183–201; and Firoz Kazemzadeh (2008) *The Struggle for Transcaucasia* (Anglo Caspian Press), pp. 24–31.

not use the term genocide to describe the events of 1915 as a ‘denialist,’ despite the fact that he himself did not begin to employ the term until the early 1980s.⁹ Especially, after the 1993 Armenian invasion of the Azerbaijan Republic’s Nagorno-Karabakh region, which resulted in the deportation of one million Azeri Turks and the killing of hundreds of Azeri civilians, Armenian historians and politicians became more vigilant in emphasizing the events of 1915 as “genocide” because they sought (a) to present the conflict over Karabakh as continuing the perennial conflict between the “genocider” Turks and “victim” Armenians; (b) to justify and legitimize the ethnic cleansing and killings of the Azeri Turkish population of the Karabakh region as revenge for the “genocide” of 1915; and (c) to mobilize the Armenian diaspora, especially the youth, for the cause of Karabakh. According to Jamil Hasanli, a prominent historian of Azerbaijan, the “genocide” campaign not only was intensified but also linked to the Karabakh issue to portray the Armenians as victims to win international support.¹⁰ In addition to these factors, as Turkey has sought to pursue its national interests as an independent actor in the region, Western countries deployed the “genocide card” to shame Turkey and interrupt its foreign policy initiatives. For instance, after Turkey clashed with the United States over Kurdish militias, which were supported by Washington, relations between Turkey and the US worsened and the US Congress, in turn, sought to recognize the events of 1915 as genocide.

Turkish historiography also has evolved over the years.¹¹ There was a period of complete and total ignorance regarding the events of 1915, a period during which open debate and discussion was suppressed, but, finally, in the second half of the 1990s, a better understanding and appreciation of the historical context in which the relocations had taken place became the focus of a new historiography. This development resulted in part from a terror campaign that Armenian nationalist groups and vigilantes unleashed in the late 1970s against Turkish diplomats and civilians, and which forced Turks to “remember” what happened to the Armenians in 1915.¹² In fact, the terror succeeded in bringing Turkey to confront the events of 1915, which either had been forgotten or were underemphasized. Thus, Turkish historiography has evolved in response to a more assertive and belligerent Armenian narrative that has been using the past to justify the murder of innocent Turkish civilians today.¹³ Under this threat of violence, it ought to be understandable that this reactive historiography was neither Nalbandian, Armenian Revolutionary Movement; and Richard G. Hovannisian (1977) *The Republic of Armenia*, Vol. III: From London to Sèvres, February-August 1920 (Berkeley: University of California Press).

⁹ Richard G. Hovannisian (2015) “Denial of the Armenian Genocide 100 Years Later: The New Practitioners and Their Trade,” *Genocide Studies International*, 9(2), pp. 228–247.

¹⁰ Author Interview with Jamil Hasanli via electronic mail, March 12, 2020.

¹¹ I examine the diversity within Turkish and Armenian historiography regarding the events of 1915 in M. Hakan Yavuz (2015) “A Topography of Positions in the Turkish-Armenian Debate,” in *War and Collapse: World War I and the Ottoman State*, pp. 541–569.

¹² Michael Gunter (1986) ‘Pursuing the Just Cause of Their People’: A Study of Contemporary Armenian Terrorism (Westport, CT: Greenwood Press). The Armenian Secret Army for the Liberation of Armenia (ASALA) killed 46 Turkish diplomats, including several high ranking ambassadors, to force Turkey to recognize the events of 1915 as genocide, pay reparations and cede territory for Armenia. Indeed, before these attacks, the Turkish public had forgotten the events of 1915 and there was no debate about what happened to the Armenians in eastern Anatolia. In other words, the violent efforts to force the Turkish state and the public to remember and face the history of 1915 through these high level attacks might explain the creation of the more defensive and dismissive literature about the events of 1915.

¹³ The first reactive historiography was Gürün, Armenian File.

thorough nor entirely sound before being offered to the public. As a result, it has since gone through several contradictory stages.

In its current form, the contra-genocide historiography has the following characteristics: It differentiates between “Turkish” and “Ottoman,” as part of an insistence that the Republic of Turkey is a separate entity; it defends the relocation of Armenians on the basis of military necessity and highlights the seditious activities of the Armenian revolutionary groups and their collaboration with the Russian army; it rejects the description of the events in 1915 as genocide and challenges the numbers attributed to the relocation efforts (often estimating a number between 300,000 and 600,000); it qualifies the Ottoman motives behind the relocation of the Armenian population, as reactionary rather than retaliatory or malevolent, and it highlights the war time conditions in Anatolia in which many more Armenians died of hunger and epidemics, which ravaged all other Anatolian peoples just as horribly.¹⁴ Thus, two competing historiographies are committed to a debate over whether the events of 1915 constitute genocide. Those who insist on the genocide thesis, marshal the deeply ingrained stereotypes of Turks in Western historiography to transform the “Terrible Turk” of the late 19th century to the “Genocidal Turk” of the late 20th century.¹⁵

As a result, by deciphering the past in light of present demands and conditions, the genocide narrative constructs diametrically opposed victims and perpetrators. Armenian historians seek to understand the events of 1915 in the context of their personal or communal identity and narrative. The dominance of the genocide characterization in the Armenian narrative, in effect, has turned “genocide” into the new Armenian homeland, which bridges religious, political, social and geographical divides among the world-wide Armenian diaspora. The Armenian diaspora can use the events of 1915 to define itself as the innocent victims of the Genocidal Turks. In fact, the Armenians have succeeded in turning the genocide into a “habitat” for their collective memories of World War I. Even the European Court of Human Rights has concluded that genocide has become the key constitutive element of Armenian identity. Yet, the Court also framed the Armenian claims of genocide as an ongoing historical debate, not ‘an established historical fact’ as was the Holocaust, over the characterization of the events of 1915.

Consequently, both sides have contested almost every interpretation of facts, events, and roles played by institutions and actors. Armenian historians try to delegitimize the counter-narrative as “denialist” because it rejects the “truth of Armenian genocide.”¹⁶ They use their diaspora networks, along with latent Turkophobia and Islamophobia in many European countries to legislate history, criminalize alternative interpretations, and to slander and even intimidate those who reject the genocide legal label. While the evolving Turkish historiography does not challenge the notion of Armenian suffering, it insists on the inclusion of narratives that relate the vast suffering and massacres of Muslims and on situating the events of 1915 in their broader historical context.¹⁷ The

¹⁴ Ibid; and Edward J. Erickson (2013) *Ottomans and Armenians: A Study in Counterinsurgency* (New York: Palgrave Macmillan).

¹⁵ M. Hakan Yavuz (2014) “Orientalism, the ‘Terrible Turk’ and Genocide,” *Middle East Critique*, 23(2), pp. 111–126.

¹⁶ Hovannisian, ‘Denial of the Armenian Genocide,’ pp. 228–247.

¹⁷ See the special issue on the Armenian experience in Anatolia in M. Hakan Yavuz & Hakan Erdagöz (2019) “Minorities: Muslims in the Balkans and Christians in Anatolia,” *Journal of Muslim Minority Affairs*, 39 (3), pp. 1–17.

Turkish side primarily challenges the use of the term genocide for the 1915 events by relying on its status as a crime defined by international law. In fact, the term genocide, or the attempt to present the suffering of Armenians as genocide, has prevented both sides from developing a shared language for understanding the circumstances that led them into conflict. The centrality of the term genocide in this debate between Armenians and Turks has meant that each side is driven toward promoting different sets of facts. For one side, facts are marshaled to build a genocide narrative; for the other the same facts are used to reject the narrative of genocide.

The two sides vehemently disagree on how to answer the following questions: What language should be used when describing the events? Armenians describe the events as genocide, whereas Turks refer to them as relocations and massacres. What should be the approach to the past in terms of context? There is a tendency among Armenian historians to focus on the set of events during the relocations in 1915, while Turkish historians would like to address significant developments leading up to 1915, and especially focus on the ethnic cleansing and killings of Muslims from the Caucasus, the Balkans, and finally the Anatolian homeland. Why did the Ottoman state order the relocations of the Armenians? The genocide accusation has concentrated Armenian efforts to see the events as an attempt to destroy the Armenian people, but for Turks the decision to relocate the Armenian population is rationalized by concerns that the Armenian communities were mobilized to support the occupying Russian troops as a fifth column; the fact that mass relocations were a widely applied practice of most nations and empires in this period; and that the events took place at a time when the Ottoman state was fighting on multiple fronts and rapidly losing power and capability to govern its lands effectively.

Throughout many years of historiographical tension between Armenians and Turks, little direct interaction and exchange has taken place between the two sides.¹⁸ Their assumptions, their preferred facts, the order in which these facts are utilized, as well as the presentations of intent, political interests, military strategies, and the events themselves have grown to become mutually exclusive. The competing narratives of the events of 1915 regularly are rehashed in response to political pressures and needs. Thus, the contemporary relations between the Republic of Turkey and Armenia are held hostage to these two diametrically opposed historiographies regarding 1915.

Robin George Collingwood aptly suggested that historians are expected to “reconstruct” the past by using “historical imagination” to “re-enact” the thought processes of historical persons based on information and evidence from historical sources.¹⁹ When Armenian historians claim that 1.5 million Armenians “died” or “were killed” in 1915, they hardly examine why and how they died? Did they die as a result of famine, infectious diseases, other ravages of war during their relocation ordeal, or were they murdered? Historians are expected to focus not only on producing records of the past but more importantly on the thoughts, motives and intentions of actors. Yet, we must also realize that the consequences of events, triggered by purposeful

¹⁸ Abraham H. Hartunian (1968) *Neither to Laugh Nor to Weep: A Memoir of the Armenian Genocide* (Boston: Beacon Press). He writes of “bloodthirsty and savage Moslems” whom he associates with “satanic superstition.” “The Turk,” he says, “does not know the meaning of compassion, love, pity.”

¹⁹ Robin G. Collingwood (1946) *The Idea of History*, revised edition 1993 (New York: Oxford University Press).

actors, are not always foreseeable or desired. The events are not direct outward expressions of these thoughts but in most cases the functions of capabilities.

It should be added that there are a number of problems with the Turkish historiography about the events of 1915. While the oft-repeated number of one and a half million Armenian deaths obviously is exaggerated and inconsistent with the pre-war Armenian population of the Ottoman Empire and the number of the survivors, Turkish historians sometimes oversimplified this issue and limited themselves to proving that the number of Armenian losses were around or less than 300,000. However, as Andrew Mango noted, the magnitude of the Armenian suffering would have been hard to ignore even if we accept the lowest figure of 200,000.²⁰ For a long time, Turkish historiography has ignored the issue and hardly produced any original work other than to list the official archives of the Ottoman state. The lack of contextualization still is the main shortcoming of Turkish historiography.

In the current Armenian narrative, the image of the “Terrible Turk” turns into that of the “genocidal Turk.” As part of this image, Armenians are seen as perpetual victims who merely reacted to Ottoman oppression. It has to be noted that this tendency dates back to the Armenian nationalists of the Ottoman Era who sometimes classified Turks as a human cancer that ought to be liquidated. For instance, the *Dashnaks* in a 1914 publication described the Turks as an “ominous and treacherous Mongolian race” who “for the peace and tranquility of the world ought to be eliminated,” while the Armenians in the same publication are described as “one of the most genuine and elegant peoples of the Aryan race.”²¹

This perspective considers the outcome as the point of departure for its characterization of history, and in its vision the facts retrospectively are reordered to prove the genocidal intent of the Turks. However, to distinguish between the inside and outside events, one has to avoid the assumption of intentions based on outcomes. Instead, historians are expected to recognize that policy choices are available on the basis of capabilities, but that implementation is not always controlled, leading to unintended outcomes. Being that the execution of policy is largely a function of capabilities, not all outcomes are intended, and should not necessarily reflect on policy planning. The Armenian version of the events of 1915, which insists on the label of genocide, conflates the intentions of the Committee of Union and Progress (CUP) with policy choices, erratic implementation, and outcomes.

The Armenian historiography sees the entire nineteenth and early twentieth century Ottoman-Armenian relationship as “hostile, conflictual, and genocidal” and accuses the “Turks” of pursuing a policy of ethnic homogenization.²² The Turkish historiography denies the label of genocide and insists that the historical record prior to 1878 indicates no serious ethnic problems between the Ottoman government and its Armenian subjects.²³ Indeed, they cite the fact that several Armenians had held high positions in

²⁰ Andrew Mango (1989) *Historiography by Political Committee and Committed Historians: Review Article*, *Middle Eastern Studies*, 25(4), p. 536.

²¹ Başbakanlık Basımevi (1983) *Ermeni komitelerinin amal ve hareket-i ihtilaliyesi: ilan-ı meşrutiyetten evvel ve sonar* [The Rebellious Activities of Armenian Revolutionary Committees: Before and after declaration of the constitution (Ankara: Başbakanlık Basımevi), pp. 212–213.

²² Ronald G. Suny (2016) *‘They Can Live in the Desert but Nowhere Else’: A History of the Armenian Genocide* (Princeton, N.J.: Princeton University Press). Suny, a leading Armenian historian and political scientist, offers the most succinct Armenian perspective on the events of 1915. As the title of the book indicates, a shared history between Turks and Armenians from 1071 to 1915 has been reduced to the crime of genocide.

the Ottoman government, including that of prime minister, and Armenians had been regarded as loyal subjects.²⁴ But The Treaty of Berlin, under which the Ottoman Empire was obliged to recognize the independence or autonomy of its former provinces of Bosnia, Bulgaria, Romania and Serbia also contained clauses requiring the Empire to recognize rights of non-Muslim religious minorities. Rather than resolve issues in the Balkans, the Treaty of Berlin actually set in motion the rise of nationalist sentiments in the Balkans, Anatolia and the Arab provinces of the Ottoman Empire.²⁵ By, 1915, when the Ottoman Empire was involved in the First World as a belligerent against its longtime enemy, the Russian Empire, the decision to uproot Armenians in eastern Anatolia was seen as a “military necessity.” Unfortunately, the Ottoman state did not have the capacity to carry the relocation out in an orderly manner, and it was unable to prevent the tremendous human suffering that consequently occurred as a result of trying to implement a policy in the midst of a war of survival against Russia.²⁶ The Turkish side also emphasizes that genocide is a legal term, a crime clearly defined under international law with the Genocide Convention of 1948, and therefore is not applicable to the events in 1915. However, from the Armenian perspective, any discussion of military necessities or harsh conditions directs attention away from the Ottoman responsibility for genocide, and draws accusations of “denialism” from Armenian historians.²⁷

By rigidly adhering to a genocide thesis, this ‘Armenian version’ of the events depicts the Armenians as victims vis-à-vis “Muslim/Turkish perpetrators”— another artificially homogenized group. Furthermore, it moralizes history and leaves the righteous high ground exclusively to the ‘victims,’ thus diminishing Armenian agency while emphasizing Muslim or Turkish agency. This version of the historiography formulates statements about the intentions of Ottoman government officials based on known outcomes, which then are accepted unquestioningly by the Armenian public as ‘truth.’ Such interpretations offer an adhesive reason for Armenian diaspora communities to unite around a deep sense of “pain” and “loss” rather than to embrace assimilation in the countries where they live. There are also competing theses over the causes and consequences within the Armenian historiography.²⁸

A popular thesis treats Islam as the main motive for the relocations and killings of the Armenians. According to Vahakn Dadrian, the events of 1915 only can be understood as genocide, and he argues that genocide primarily was motivated by Islam and only secondarily by Turkish nationalism.²⁹ Dadrian’s version brands Islam as

M. Hakan Yavuz with Peter Sluglett (eds) (2011) *War and Diplomacy: The Russo-Turkish War of 1877-1878 and the Treaty of Berlin* (Salt Lake City: University of Utah Press).

²⁴ Examples include Gabriyel Noradunkyan Efendi (1852-1936), who served as the Minister of Trade and then Minister of Foreign Affairs (1912-1913); Ohannes Kuyumcuyan, who served as deputy undersecretary in the Ministry of Foreign Affairs (1909-1913); and Sakız Ohannes Paşa, Minister of Finance (1897-1908).

²⁵ Feroze A. K. Yasamee (2011) “European Equilibrium or Asiatic Balance of Power?: The Ottoman Search for Security in the Aftermath of the Congress of Berlin,” in M. H. Yavuz (ed) *War and Diplomacy: The Russo-Turkish War of 1877-1878 and the Treaty of Berlin*, pp. 56–78.

²⁶ Erickson, *Ottomans and Armenians*, pp. 197–212.

²⁷ See Robert Melson (1982) *A Theoretical Inquiry into the Armenian Massacres of 1894–1896*, *Comparative Studies in Society and History*, 24(3), pp. 481–509; and Robert Melson (1986) *Provocation or Nationalism: A Critical Inquiry into the Armenian Genocide of 1915*, in Richard G. Hovannisian (ed) *The Armenian Genocide in Perspective*, pp. 61–84 (New Brunswick, NJ: Transaction Books).

²⁸ Yavuz, *A Topography of Positions in the Turkish-Armenian Debate*.

dismissive of equality, and argues that when the European powers forced the Ottoman state to internalize equality before the law, many Muslims could not accept this and became radicalized against the Christians. He ignores the conscious efforts of the Tanzimat leaders to move toward a more secular and egalitarian form of citizenship under the new policy of Ottomanism. In addition, Dadrian does not put the Ottoman Empire in the context of other 19-century empires “such as the proximate Russian Empire, which carried on vendettas against various border nationalities (sometimes because of their revolutionary activities) and the British Empire, which also relegated non-Anglicans to the status of second-class citizens.”³⁰ In his polemical work, *Warrant for Genocide*, Dadrian concludes that genocide was the culmination of a deep-seated Islamic-Christian conflict that existed for centuries. He argues that “The Ottoman Empire, for most of its history was, and remained, a theocracy which, by definition and fact, cannot be secularized; laws that are predicated upon permanently fixed and intractable religious precepts cannot be modified, much less reformed.”³¹ In addition, Dadrian contends that Ottoman culture was belligerent and never tolerated any tension with “subject minorities.”³² Dadrian, a sociologist who shaped the debate more than any other scholar, treated the communal massacres during the reign of Abdulhamid II (r. 1877–1909) as “a prelude to, if not a rehearsal for, the World War [WWI] genocide.”³³

In this theological reading of Ottoman-Armenian relations as a series of genocides, Dadrian ignores the security threat that the Armenian revolutionary committees generated; their collaboration with Russia; and the Armenian occupation of the eastern Ottoman province of Van in 1915, all of which created a threat perception in Istanbul that certain Armenian communities in Anatolia had to be removed in order to prevent a collapse of the Ottoman Anatolian heartland. In his work, however, Dadrian assigns agency to Islam as a motivating force that facilitated, if not justified, the killings of Christians. In effect, he treats the Young Turks as “religious fanatics,” which for objective historians of the era seems more like a fictional fantasy than objective reality, given that the Young Turks were mostly secular-oriented and their world views had been shaped by positivist ideology. Furthermore, Dadrian’s reading of the past ignores the relatively peaceful co-existence of Christians, Muslims and Jews that had prevailed within the Ottoman Empire for over six centuries due to the Ottomans’ *millet* system of government.

Richard Hovannisian, who produced the most nationalist Armenian historiography, tends to explain the relocations and the massacres of the Armenians on the basis of radicalized Turkish nationalism.³⁴ Those who stress the role of Turkish nationalism focus on the responsibility of the ambitious CUP leadership as a radical Turkish

Vahakn N. Dadrian (1995) *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus* (Providence and Oxford: Berghahn Books); Vahakn Dadrian (1999) *Warrant for Genocide: Key Elements of Turko-Armenian Conflict* (New Brunswick, NJ: Transaction Books).

³⁰ Mary S. Conroy (2000) Review of *Warrant for Genocide: Key Elements of Turko-Armenian Conflict* by Vahakn N. Dadrian, *The Social Science Journal*, 37(3), pp. 481–483.

³¹ Dadrian, *The History of the Armenian Genocide*, p. 22.

³² Ibid.

³³ Ibid, p. 156.

³⁴ Richard G. Hovannisian (ed) (2007) *The Armenian Genocide: Cultural and Ethical Legacies* (New Brunswick, NJ: Transaction Publishers).

nationalist group that used WWI as an “opportunity” to end the Armenian presence in Anatolia.³⁵ These historians deny the role of Armenian nationalists who “lit the fuse of the bomb and blew up their own community.”³⁶ Bedros Der Matossian aptly summarizes the nationalist claims of the Armenian political parties in the following way:

*While the ARF [Armenian Revolutionary Federation] program aspired to freedom and autonomy within the framework of the empire, the Hunchak program aspired to the complete separation and independence of Turkish Armenia. Consequently, these groups used different tactics to achieve their goals. For example, in order to quickly bring European attention to the Armenian Question, the Hunchaks staged mass demonstrations.*³⁷

Michael Reynolds, a leading historian of the Caucasus, argues, “whereas the Hunchaks tended to prefer mass protests, the Dashnaks [same as ARF] formed armed units to conduct guerrilla warfare in the countryside and terrorism in cities ... Some [Armenian] revolutionaries mounted attacks to provoke Ottoman reprisals and thereby win European sympathy and, ultimately trigger intervention.”³⁸

By their actions in WWI, the Armenian revolutionaries not only destroyed their relations with the Ottoman government and strengthened the ability of the Russian troops to destroy Ottoman defenses in eastern Anatolia and the Cilicia region, but also brought a catastrophe on the entire Armenian community in Anatolia, the majority of whom were peasant families and most likely uninvolved in politics. The revolutionary Armenian nationalists, however, perceived World War I as an opportunity. Based on his research of the Russian archives, Reynolds states that “The Armenian National Council cooperated with the [Russian] government to establish four volunteer regiments, known as *druzhiniy*, to serve in an invasion.”³⁹ Indeed, such prominent Ottoman Armenian politicians as Karekin Pastermaciyan joined and led these volunteer units against the Ottoman army.⁴⁰ Justin McCarthy, who examined the war situation on the Russian frontiers, showed the effect of the Armenian volunteer regiments on the failing Ottoman army by cutting telegraph wires, attacking military convoys and assassinating civilian and military officials.⁴¹

Elie Kedourie, a leading authority on the late Ottoman Empire and nationalism, provides a much more nuanced argument. Kedourie points out two significant factors, without which one cannot explain the emergence of Turkish nationalism and its shape: Great Power involvement in the Armenian nationalist cause; and the zealous quality of Armenian nationalist leaders. Kedourie’s discussion of the conflict as it became

³⁵ See Further C. J. Walker (1980) *Armenia, The Survival of a Nation* (London: Croom Helm), pp. 190, 202.

³⁶ Andrew Mango (1990) *Some Recent Books on the Armenians and the Next Stage in the Historiography of Turkish-Armenian Relations*, XI. Türk Tarih Kongresi [Turk History Congress], pp. 1945–1950, at p. 1948 (Ankara: Türk Tarih Kurumu).

³⁷ B. Der Matossian (2014) *Shattered Dreams of Revolution: From Liberty to Violence in the Late Ottoman Empire* (Stanford: Stanford University Press), p. 13.

³⁸ Reynolds, *Shattering Empires*, p. 54.

³⁹ *Ibid.*, p. 117.

⁴⁰ *Ibid.*

⁴¹ Justin McCarthy (2006) *The Armenian Rebellion at Van* (Salt Lake City: University of Utah Press), p. 185; for more on the success of the Armenian volunteer regiments, see Reynolds, *Shattering Empires*, p. 145.

solidified in the late nineteenth century illustrates how the eventual catastrophe had several parties, including the Armenian leadership:

*No means but insurrection: this was clear and it was meant seriously. The leaders of the Armenian nationalist movement had already decided that autonomy was their goal and they thought they had a strategy to achieve it. And these leaders took care that Armenians would not be found to help with the reforms.*⁴²

Singling out Turkish nationalism as a causal force misreads the greater socio-political context in which it emerged. Also, it ignores the impact of the deportations and mass violence against the Muslims in the Caucasus, the Balkans, as well as in eastern Anatolia.

Among the significant factors that consistently disregarded are the following: The impact on the political culture and economy in Anatolia of the sudden influx of large numbers of destitute Muslim refugees who had been expelled from their homelands in the Balkans; the struggle over the control of arable lands; European policies in favor of the Christian Armenian population and their enrichment at the expense of traditional Muslim artisans and merchants; and the undermining effect that the penetration of European capitalism had on Ottoman society. In short, Muslim sentiment on the eve of WWI was influenced by European supported economic and political policies that had uprooted thousands of Muslims from their eastern European homelands and had to be resettled in Anatolia.

However, most Armenian historians ignore the impact of above tragic history on the eve of 1914 and instead point to the religion of Islam or Turkish nationalism to explain the causes of the 1915 relocations and massacres of Armenians in eastern Anatolia. One exception is Stephan H. Astourian, who provides a reasonable contextual explanation to what happened, why it happened, and how it happened. By utilizing world-system theory, he places the Ottoman state as a semi-colonized state within the larger competitive world system. Within this system, Christian minorities, including the Armenians, lived in self-contained communal autonomy, known as the *millet* system. The colonial rivalry among major powers, along with the penetration of European capitalism, and the *Tanzimat* reforms destroyed the traditional hierarchical system and helped to create a new political environment in which equality and justice before the law became the main framework of reintegrating separate communities under the Ottoman state system. This new environment created an opportunity for Armenian communities to become more self-assertive and demand new political rights. The *Tanzimat* reforms and the weakening of state finances resulted in the destruction of local economies and created relative deprivation among the traditional Ottoman artisans' vis-à-vis better off Armenian merchants. This relative discrepancy in economic wealth translated into further distancing of the two communities and resulted in a series of communal clashes and massacres.⁴³ Nevertheless, in other works Astourian inexplicably shifts his causal argument from world-system theory to nationalism and argues that the killings of Armenians were the product of Turkish nationalism.⁴⁴ This approach assumes the existence of a well-developed Turkish nationalism that motivated the policies of CUP officials to homogenize Anatolia.

⁴² Elie Kedourie (1970) *The Chatham House Version and Other Middle Eastern Studies* (New York: Praeger), p. 294.

⁴³ *Ibid.*, p. 62.

The CUP leaders were not nationalists but rather statisticians who favored the unity of the empire and also stressed Islamic solidarity, especially under the war conditions. The Young Turks had a vague understanding of nation, and their main task was to protect the state. The re-discovery of Islam as a new unifier and an instrument of social mobilization was closely linked with the sense of humiliation and victimization the Young Turks experienced during the Balkan wars, the loss of vast Ottoman territory there and the ensuing massacres and ethnic cleansing of Ottoman Muslims there.⁴⁵ Moreover, the intervention of European powers in the name of Ottoman Christian minorities turned these minorities into a “security threat” or “concern” and further alienated the Young Turks from the minorities. The Young Turks believed that radical Armenians such as the Dashnaks preferred Russian to Ottoman rule. Indeed, the alliance of Armenian revolutionary groups with Russia enhanced the Ottoman threat perception about the Armenian communities in Anatolia, and this concern was augmented further when Armenian voluntary units began fighting on the side of Russia after the latter country invaded eastern Anatolia in late 1914. As a result, the Ottoman state came to regard the entire Armenian population in Anatolia as a security threat.

Genociding the Past and the Use of the Court

Many societies enrich contemporary political debates and offer solutions to their present problems by openly debating past experiences and events. Edward Hallett Carr, in his famous book, *What is History*, argues that history “is a continuous process of interaction between the historian and his facts, an unending dialogue between the past and the present.”⁴⁶ Carr argues that historical studies should serve to broaden the public’s understanding of the past and that there is no single history about the past as the values of society change along with new methods.⁴⁷ Indeed, the debates over the causes, processes and consequences of the events of 1915 still continue between historians and the public at large, contributing not only to democratic development but also to the understanding of current political relations.

History develops narratives along with cause-and-effect relationships to explain what happened and why it happened. As new narratives continuously emerge to address these factors, it is difficult to establish a single hegemonic story about the past. Those who seek to legislate the past and prevent new historical research are usually reluctant to face this uncomfortable truth. They abuse history and selectively construct their own self-fulfilling story, and use the law to criminalize anyone who

astouranian’s argument is in Richard G. Hovannisian (1999) *Remembrance and Denial: The Case of the Armenian Genocide* (Detroit: Wayne State University Press).

⁴⁵ Richard Wilson (2011) *Writing History in International Criminal Trial* (New York: Cambridge University Press)

⁴⁶ E. H. Carr (1987) *What is History* (London: Penguin), p. 23; the full text reads: “Study the historian before you begin to study the facts. The facts are really not at all like fish on the fishmonger’s slab. They are like fish swimming about in a vast and sometimes inaccessible ocean; and what the historian catches will depend, partly on chance, but mainly on what part of the ocean he chooses to fish in and what tackle he chooses to use – these two factors being, of course, determined by the kind of fish he wants to catch. By and large, the historian will get the kind of facts he wants. History means interpretation.” (Ibid.)

⁴⁷ Although criminal law demands a threshold of proof that is “beyond reasonable doubt,” historians deal in “broader frame of probabilities.” Quote from Richard Ashby Wilson (2011) *Writing History in International Criminal Trials* (New York: Cambridge University Press), p. 6.

challenges their narrative. History is a discipline that seeks to explain the past; while the law's main objective is to judge whether events implicate any rights defined by the society. Put another way, law judges, while history explains. They are related, but separate disciplines. Since genocide is a legal term, along with memory laws, one should resist pressures to criminalize certain interpretations of events, or to reduce a complex set of historical events into a single crime described by a single word, genocide. This is why the initiative by *Liberté pour L'Histoire* is so important: a group of historians organized to resist political pressure to canonize certain versions of history and attempt to criminalize the opposing views. In the case of Turkey, efforts by some European countries or bodies to label the 1915 events as genocide through political declarations or to codify history through declarations are thinly veiled attempts to keep Turkey out of the EU. Many actors in these efforts are motivated by Islamophobia and Turkophobia rather than by the quest for historical truth. Extending further, many actors in these efforts are motivated more strongly by a partisan-driven need to regulate, fueled by emotional sentiments of Islamophobia and Turkophobia, rather than by the fair-minded, evidence-based quest for historical truth. Of note is the EU Parliament's statement upon passing a resolution on June 18, 1987:

*The EU Parliament believes that the tragic events in 1915–1917 involving the Armenians living in the territory of the Ottoman Empire constitute genocide within the meaning of the convention on the prevention and the punishment of the crime of genocide adopted by the UN General Assembly on 9 December 1948; Recognizes, however, that the present Turkey cannot be held responsible for the tragedy experienced by the Armenians of the Ottoman Empire and stresses that neither political nor legal or material claims against present-day Turkey can be derived from the recognition of this historical event as an act of genocide.*⁴⁸

In 1999, after EU leaders at the Helsinki Summit had agreed on Turkey's "candidate status," the European-based Armenian Diaspora organization (Euro-Arménie ASBL) and two French Armenians applied to the Court of First Instance of the European Communities in October 2003 and indicated that Turkey's status of candidacy to the EU contravened the EU Parliament's resolution of 18 June 1987. They claimed that (a) the Resolution of 18 June 1987 recognizes the Armenian genocide and its denial would constitute an obstacle for Turkey's membership; and (b) Armenians were offended by the recognition of Turkey's candidate status for EU membership and had requested moral and symbolic compensation. The plaintiffs argued that Turkey's candidate status should be withdrawn, as the country had not recognized genocide as indicated by the EU Parliament resolution. The European Court of Justice rejected the lawsuit, claiming the Court's declaration that European Union Parliament resolutions are not legally binding, as per the following statement (para.19):

It suffices to point out that the 1987 resolution is a document containing declarations of a purely political nature, which may be amended by the

⁴⁸ "Resolution on a political solution to the Armenian question," Official Journal of European Communities, NC 190/119, 20 July 1987. Full text see, europarl.europa.eu/meetdocs/2014_2019/documents/dsca/dv/dsca_2016012021_10/dsca_2016012021_10en.pdf, accessed March 10, 2020.

*Parliament at any time. It cannot therefore have binding legal consequences for its author nor, a fortiori, for the other defendant institutions.*⁴⁹

The EU Parliament's original declaration is also full of contradictions. The Parliament not only aspires to become a body of historians to decipher the complex events of 1915 but also seeks to function as a court to decide whether the Ottomans carried out the crime of genocide. The same declaration also indicates that the Republic of Turkey is not responsible for the events of 1915 but never hesitates to ask the same Republic to recognize it. The Parliament erroneously sees the historical and juridical perspectives as its simultaneous purview. However, the creeds of politically-inspired hope and the historical record of truth that demands eternal vigilance against the tenacity of injustice cannot function in unison within the realm of Parliament. As for the matter of determining and recognizing the 1915 events as genocide, it will be determined not capriciously by a political body but by way of a prior juridical precedent and decision carrying the weight of *res judicata* and which has been rendered by an international court. And, it will be the weight of professional historians who rise above temptations of hagiography and ahistoricism to chronicle meticulously the truth even when history has not necessarily exacted its own retribution.

Current Turkish historiography does not deny the suffering of the Armenians; rather it challenges the legal characterization of these events. The debate is not over what took place, but rather over how to name these events. In other words, there is little questioning of the *actus resus*, the acts of massacre that took place against Armenians but at issue is the *dolus specialis*, the special intent of these acts that would raise them to the crime of genocide. Moreover, when the events of 1915 were unfolding there was no such crime called genocide. The concept of genocide was not recognized as a matter of international law until 1948. Furthermore, as pointed out by Christian J. Tams, *et al*, "states that joined the treaty [the Convention on the Prevention and Punishment of the Crime of Genocide] at a later stage only are bound *pro future*, not for acts, facts, or situations prior to their ratification or accession."⁵⁰ Professor William Schabas, the former president of the International Association of Genocide Scholars (IAGS), has stated, "It is not enough to say that the phenomenon of genocide has always been present. We have to demonstrate that the crime of genocide was recognized at law. Otherwise we are confronted with the fundamental principle *nullum crimen sine lege* – [no crime without law] criminal laws do not apply retroactively. This principle is in all of the international human rights conventions, and most national constitutions."⁵¹ In fact, the general norm in international law is that law is not retrospective in application. It could only applied to the events that occurred subsequent to the Genocide Convention.

⁴⁹ For the judgment visit, <http://curia.europa.eu/juris/document/document.jsf?docid=48869&doclang=EN>, accessed March 14, 2020.

⁵⁰ Christian J. Tams, Lars Berster & Bjorn Schiffbauer (2014) *The Convention on the Prevention and Punishment of the Crime of Genocide: A Commentary* (Berlin: Verlag C.H. Beck oHG), p. 44. Many governments, such as that of Germany, have made public their view that the Convention "does not possess retroactive effect." See Deutscher Bundestag (German Federal Parliament), Document No 17/1956 (2010), 5: "Die Konvention über die Verhütung und Bestrafung des Völkermordes vom 9. Dezember 1948 ist am 12. Januar 1951 in Kraft getreten. Für die Bundesrepublik Deutschland ist sie seit dem 22. Februar 1955 in Kraft. Sie gilt nicht rückwirken."

⁵¹ William Schabas (2010) Commentary on Paul Boghossian, 'The Concept of Genocide', *Journal of Genocide Research*, 12 (1-2), pp. 94-95.

As long as Armenians insist on the legal term of genocide to describe the events, there is very little hope of reconciliation. The term “genocide” denotes a crime clearly defined with very specific conditions of proof. It was first legally codified by the Convention on the Prevention and Punishment of Genocide (the 1948 Convention), which was adopted by the United Nations General Assembly in 1948 and entered into force in 1951. The International Court of Justice (ICJ), in its judgment of 3 February 2015 in the case of *Croatia v. Serbia*, underlined that the 1948 Convention is not retroactive. Its substantive provisions do not impose upon a State obligations in relation to acts said to have occurred before that State became bound by the Convention or before the Convention’s adoption. To say otherwise is to disregard the logic, as well as the presumption, against retroactivity of treaty obligations enshrined in the Vienna Convention on the Law of Treaties. There is no basis for doing so in the text of the 1948 Convention, or in preparatory works (*I.C.J. Croatia v. Serbia 2015, para. 95-100*). For the ICJ, claims against a State involving charges of the crime of genocide must be proved by evidence that is fully conclusive (*I.C.J. Croatia v. Serbia 2015, para.178*). It is not for the accused country to prove a negative fact, for example the absence of facts constituting the *actus reus* of genocide within the meaning of Article II of the 1948 Convention. It is for the accusing party to demonstrate the existence of the facts put forward in support of its claims (*I.C.J. Croatia v. Serbia 2015, para. 174-175*). For the ICJ– the sole authorized arbiter on the question of state responsibility for genocide according to the 1948 Convention –the threshold for proving the crime of “genocide” is extremely high. It is not sufficient for the members of a particular group to be targeted because they belong to that group, but the acts in question must at the same time be perpetrated with intent to destroy the group as such in whole or in part (*dolus specialis*). In other words, in order for genocide to be established, a specific intent must be present and convincingly demonstrated. According to the judgments of the ICJ in the cases of *Bosnia-Herzegovina v. Serbia* and *Croatia v. Serbia*, the deportation or displacement of the members of a group, even if effected by force, is not necessarily equivalent to destruction of that group, nor should a person assume that destruction will be a necessary consequence of the displacement. (*I.C.J. Bosnia-Herzegovina v. Serbia 2007, p. 123, para. 190; I.C.J. Croatia v. Serbia 2015, p. 64, para.162*). Genocide, thus, is a specific and narrowly defined crime, reflecting the interests and compromises of the parties that drafted the 1948 Convention. Despite its rare application, it has proven a useful and durable concept.

Dissatisfaction with Legal Constraints

Today Armenians, along with certain European groups, seek to politicize and legislate the events of 1915 as genocide. Armenian groups vigilantly have pursued the legal avenue to deny freedom of speech to contra-genocide views, especially in Europe. A recent criminal case was brought in Switzerland against a Turkish politician and several Turkish Swiss groups for “denying the Armenian genocide.” Dogu Perincek, who was convicted by a Swiss court, appealed to the European Court of Human Rights (ECtHR), which overturned the Swiss verdict.⁵² The group, Liberté pour l’histoire:

⁵² In June 2008, Dogu Perincek filed an application in the European Court of Human Rights. He alleged that the Swiss courts wrongfully had breached his right to freedom of expression by convicting him for

welcomed with great satisfaction the judgement held by the Grand Chamber of the European Court of Human Rights, on the 15th of October 2015 on the so-called *Perinçek* case condemning the Swiss government for violation of freedom of expression for *Doğu Perinçek*.⁵³

As emphasized by the European Court of Human Rights in the case *Perinçek v. Switzerland*, the nature of the events of 1915 is a matter of legitimate historical and political debate, particularly among academics, protected by the freedom of expression. Accepting the Armenian national narrative as uncontested fact is, therefore, legally problematic. There exists no judgment in which any competent court has confirmed the genocide narrative regarding the events of 1915. The ECtHR, in the case *Perinçek v. Switzerland*, and the French Constitutional Court, in its judgment of 8 January 2016 on the “*Gayssot Act*,” made a distinction between the clearly established facts of the Holocaust by a competent international court, and the lack thereof regarding the events of 1915. Both courts emphasized that the crimes perpetrated by the Nazi regime had been previously adjudicated and clearly established according to Article 6, subparagraph (c), of the Charter of the (Nuremberg) International Military Tribunal, annexed to the London Agreement of 8 August 1945. By contrast, the ECtHR emphasized that the alleged consensus concerning the legal characterisation of the events of 1915 cannot be relied on in relation to the notion of “genocide,” which remains a precisely defined legal concept.

The European Court expressed further doubts about the existence of an alleged general consensus, particularly among academics, regarding the events of 1915. Given that historical research is, by definition, subject to controversy and dispute and does not really lend itself to definitive conclusions or the assertion of objective and absolute truths, this should not come as a surprise. Accordingly, to apply the term “genocide” to the events of 1915, which predate the 1948 Convention and where no legal judgment exists, is incompatible with both logic and international law. In short, the attempt to rewrite history through the power of law did not result in what many Armenians hoped to achieve. Rather, it has opened more space to discuss the events outside the politically and socially charged term of genocide.

The issue today is what should be done in order to bring the two sides together to develop shared facts and discourse, along with a language, to discuss both what happened in 1915 and why. In order to stop the abuse of history, I would suggest the establishment of a commission of independent historians to examine the events of 1915 and to facilitate an informed and objective opinion on the basis of archival sources. Kai Ambos, a leading international law scholar, aptly argues that concerning the issue of genocide accusation, “we can conclude from all of this that no final judgment should be made before a report has been presented by an independent historical commission duly advised by international criminal lawyers.”⁵⁴

denial of the Armenian genocide. The ECtHR Chamber concluded that the reasons given by the domestic court of Switzerland were insufficient to justify his conviction. In March 2014, the Swiss government requested that the case be referred to the Grand Chamber. Pulat Tacar and I wrote Perinçek’s legal defense for the Grand Chamber. In fact, the Grand Chamber upheld the decision of the Court. See Pulat Tacar’s analysis online at: <https://www.turkishnews.com/tr/content/2019/02/11/ahim-fransanin-sozde-soykirim-karari-uzerine-pulat-tacar/>, accessed March 13, 2020.

⁵³ Perinçek Case. Available at: <https://www.lph-asso.fr/>, accessed December 14, 2019.

Commission of Historians

History and memory are related, but they are not the same. Memory is constructed and politically charged to cope with present problems and issues. Maurice Halbwachs, the French sociologist who coined the term “collective memory,” indicated that memory, by its nature, is a socially mediated phenomenon.⁵⁵ Memory is shaped by social and political surroundings, and most of the time it is constructed to cope with present challenges. History is a discipline that seeks to explain what happened, why it happened, and how it happened, on the basis of inter-textually examined archival sources. The goal of historians is to reconstruct the most objective narrative of past events. In order to create a shared language between Turkey and Armenia, in 2009 both countries signed the Zurich Protocols, a set of agreements to establish a commission of historians to examine the events of 1915 and to normalize their relations. Although the EU, Russia and the US had brokered the agreement, the Zurich Protocols have not been implemented due to three reasons: (1) they ignored the Armenian occupation of Azerbaijan’s Karabakh region (since 1993), and consequently Azerbaijan threatened to sever relations with Turkey if it opened its border with Armenia; (2) they ignored the resistance from Armenian nationalist groups, such as expatriate Armenian communities in Europe and North America and members of Armenia’s Constitutional Court, against the establishment of a commission of historians to study the 1915 events; and (3) the protocols did not include a date for ratification. Subsequently, a major blow to the Protocols came from Armenia’s Constitutional Court, which ruled on January 12, 2010, that the Protocols could not be interpreted against the Preamble of Armenia’s Constitution or the country’s 1991 Declaration of Independence (from the Soviet Union). Furthermore, the Court claimed that Armenia would not give up its struggle to obtain international recognition of the 1915 events as genocide; that Armenia would not give up its territorial claims on Turkey; and the Protocols do not imply any recognition of the current border between Armenia and Turkey. Perhaps not unexpectedly, this interpretive intervention by Armenia’s Constitutional Court angered Turkey and mobilized the country’s opposition parties against the government of then Prime Minister Erdoğan, who accused Armenia of ‘insincerity’ and said: ‘With this mind-set we cannot normalize relations.’ Unfortunately, the Zurich Protocols had created such a major uproar among Armenian nationalists, who insist that the events of 1915 must be recognized as a genocide and nothing less, that it been impossible for ten years to establish a commission of historians to investigate the controversial and contested events of 1915 eastern Anatolia.

Nevertheless, a commission of historians charged with carrying out a thorough investigation of historical records surrounding the events of 1915 is the most effective way to recognize the sufferings of all communities involved and, most importantly, to help these communities to move forward peacefully. This commission should include five historians from Armenia and Turkey, along with five foreign historians, who are experts on the period of late Ottoman history. The inclusion of foreign scholars should ensure impartiality in the Commission’s ultimate findings. The commission should have a pre-determined set of questions and a clear date to conclude its inquiry and

Kai Ambos (2015) ‘The Armenian Genocide’, E.J.L. Talk!: Blog of the European Journal of International Law. Available at: <https://www.ejiltalk.org/the-armenian-genocide/>, accessed March 12, 2020.

⁵⁵ Maurice Halbwachs (1992) *On Collective Memory* (University of Chicago Press).

release its final report to the public. It should focus on the following three issues: 1). The context of the events and the activities of Armenian revolutionary movements prior to World War I; 2) The conditions under which the Ottoman government decided to relocate the Armenian population in eastern Anatolia; and 3) Why the relocation process resulted in such catastrophic human suffering and a series of massacres of Armenians. More specifically, the commission should seek answers to the following set of questions: What was the military, political, and social context of the events of 1915?; Why did the Ottoman Armenian political parties defect and ally with Russia? How realistic was the Ottoman fear of mass rebellion? Why did the Ottoman government decide to relocate the Armenians?; How was this decision implemented?; Why did the decision result in such a major human catastrophe? What was the role of the Ottoman local and national bureaucracy in making and implementing this decision? Did the Ottoman government prosecute officials who did not obey orders or misused their authority?

Conclusion

Unfortunately, both the Armenian and Turkish sides have developed their own “ethno-centric” narrative and supporting historiography. The continuous rejection of each other’s counter-narratives over the course of time, have seen these historiographies become even more rigid. Historians on opposite sides of this deep divide over the events of 1915 collect evidence and write books to perpetuate their own sufferings, while denying the humanity of the other side. These “rival traumas” or “competing sufferings” neither serve to reconcile the communities, nor get them to engage in any meaningful dialogue. Thus the conflict of the past is perpetuated through contentious memories in the present.

Quite simply, the respective versions of the historiography tend to treat one side as an absolute victim and the other as an absolute perpetrator. Moreover, it assumes that each of those past groups was homogeneous and demands that the present generation atone for the actions of their ancestors. It creates a direct lineage between the past and present through the descendants of victims and perpetrators as if they are one and the same. The issue is not about understanding the past, but rather marshalling it for political gain and influence in the present. For the ordinary Turk, the accusation of murder by the Armenians seems more emotional than rational, and as such it stresses that there is a fundamental disconnect between the two sides. In order to bring the two communities together, historians must avoid using collective (homogenizing) categories such as Turks and Armenians.

The portrayal of 1915 is affected not only by the two distinct sides in the debate, but also by outsiders who seek to use it as pretext for undermining, or even excluding, one of the two groups, as reflected in the European Parliament’s position on Turkey’s membership, which just recently called on Turkey to recognize the “Armenian genocide.”⁵⁶ As far as the events of 1915 are concerned, people are less interested in discussing what happened in the past than they are in using history to maneuver in the

⁵⁶ For one of the best analyses of the parliamentary declarations of the events of 1915 as “genocide” see Bertil Dunér (2004) What Can Be Done about Historical Atrocities? The Armenian Case, in *The International Journal of Human Rights*, 8(2), pp. 217–233.

present international power configuration. The key obstacle to reconciliation between the Turkish and Armenian communities today is the abuse of history by political actors and, by extension, the politicized versions of history this engenders. A way to overcome these obstacles is to unpack this “us versus them” paradigm, and examine the connection between the past and present. Indeed, the current international political situation, as evidenced by the recent intervention of some states into this historical issue, enables leaders to utilize the past as an instrument for the maintenance of conflict in the present.

To create a shared language of dialogue between the Armenian and Turkish sides, a historical commission needs to be established to review all of the available and relevant documents and create a free and open environment for dialogue among scholars. This would allow scholars freely to air their perspectives in an effort to consider, and reconsider, the facts as they discuss the causes and consequences of what happened in 1915.

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