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THE ARMENIAN GENOCIDE: REVIEW OF ITS HISTORICAL, POLITICAL, AND LEGAL ASPECTS

VAHAKN N. DADRIAN

INTRODUCTION

During World War I, the authorities of the Turkish Ottoman Empire carried out one of the largest genocides in world history, destroying huge portions of its minority Armenian population. That genocide followed decades of persecution, punctuated by two similar but smaller rounds of massacres in the 1894–96 and 1909 periods, which claimed two hundred thousand Armenian lives. In all, over one million Armenians were put to death during World War I. Adding to this figure are the several hundred thousand Armenians who perished in the course of the Turkish attempt to extend the genocide to Russian Armenia in the Transcaucus during the spring and summer of 1918, as well as in the fall of 1920 when Ankara’s fledgling government ordered General Karabekir’s army to “physically annihilate Armenia.” The European Powers, who defeated the Turks time and again on the battlefield, were unable or unwilling to prevent this mass murder. Of even more consequence, they failed to secure punishment of the perpetrators in the aftermath of the war, despite the fact that they had publicly committed to doing so. The events of that time have subsequently slipped into the shadows of world history, thus acquiring the imagery of “the Forgotten Genocide.” To this day, Turkey denies the genocidal intent of these massacres. Such a scale of perpetration, at the very least, warrants a documentary exposure and examination. The results may yet impel the civilized world to show a greater concern for the depth of the anguish that has been tormenting Armenians for generations. It may even move the more enlightened segment of the population of modern Turkey to face the historical fact of the Armenian Genocide and try to come to terms with it.

Over the past eighty years, the Armenian nation has struggled to bring

1. The terms “Ottomans” and “Turks” are used interchangeably given the historical interconnections and interplays.
the history of the Armenian Genocide to light and examine it. Despite the magnitude of the disaster, the international community has only recently officially recognized its genocidal character. In April of 1984, a group of public figures—including three Nobel Prize laureates, including the late international jurist Sean McBride—conducted “People’s Tribunal” hearings on the Armenian Genocide at the Sorbonne in Paris and adjudged it to be a crime of genocide without statutory limitations. In August of 1985, the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had been deadlocked for over fourteen years, “took note,” by a 14–1 vote (with four abstentions), of the historical fact of the Armenian Genocide. In June of 1987, the European Parliament declared the Turkish massacres of World War I to be a crime of genocide under the terms of the U.N. Convention on Genocide, stipulating that Turkey must recognize the Armenian genocide before the European Parliament would favorably consider Turkey’s application for membership in the European Community. The European Parliament labeled Turkey’s refusal to do so an “insurmountable obstacle to consideration of the possibility of Turkey’s accession to the European Community.” Moreover, on April 24, 1994, the wire services of United Press International and the Associated Press announced that “Israel issued its first official condemnation of the Turkish Genocide of the Armenians, ending a tradition of silence to appease its regional ally, Turkey.” Deputy Foreign Minister Yossi Bellin then told the Israeli Parliament that Israel would become part of an effort to ensure that the world remembers the genocide. “We will always reject any attempt to erase its record, even for some political advantage,” he said. Rejecting Turkish denials of the crime and its claim that the incident was a “civil war,” Bellin declared that “it was not war. It was most certainly massacre and genocide.”

The relatively low impact of the destruction of one million Armenians on modern public consciousness raises serious questions about the ability of the international community to prevent or punish acts of genocide. Many see the lack of action and reaction following the Armenian Genocide as a critical antecedent of the ensuing Jewish Holocaust during World War II. Indeed, it has been reported that, in trying to reassure the doubters of the morality and viability of his genocidal schemes, Hitler stated, “[w]ho, after all, speaks today of the annihilation of the Armenians?” This historical connection was raised repeatedly during the U.S. Senate’s consideration of the U.N. Convention on Genocide, which the United States ratified on February 19, 1986. A score of senators, most notably Kerry and Wilson, emphasized the historical precedent of the Armenian case and pointed to the enormous calamity of the Jewish Holocaust, which they claimed was a by-product of humanity’s callous disregard of the Armenians’ fate.

Neither were, nor are, other victim groups in the post-Nuremberg world
exempt from the consequences of the obliviousness to which the Armenians were subjected. Foremost among the series of genocidal massacres that stand out in this respect are those that occurred in Bangladesh, Cambodia, Rwanda, and the Kurdish territory in Iraq. In each one of these cases, a state system was beset by the pressures of centrifugal movements and revolutions before being engulfed by wars. Given certain conditions of simmering international conflicts, war emerges as a catalyst for radical methods of conflict resolution. From the standpoint of contemporary international law, the central issue is the relationship between the concept of war crimes on the one hand, and crimes against humanity on the other.

The recognition of the significance of this relationship in deciding to initiate legal actions against the offenders was evident in U.N. efforts to come to grips with the contemporary issues of ethnic cleansing. In its Resolution 808 (1993), the U.N. Security Council unanimously established an ad hoc international tribunal to prosecute and punish the perpetrators associated with the series of wars that were waged in the territories of former Yugoslavia, especially in the province of Bosnia. An almost identical initiative was applied to the Rwandan case in November of 1994. The basis of this initiative was the August 12, 1949, Geneva Civilian Convention Relative to the Protection of Civilian Persons in Time of War. The idea was to punish, under international law, the offenders accused of crimes against humanity.

A note on a specific category of sources and data used in this study may be in order. They originate from within Ottoman Turkey and her allies during World War I, Germany and Austria-Hungary. Specifically, these sources include:

1. Secret and top-secret Ottoman-Turkish state documents, each one of which was authenticated by ministerial officials before being introduced in the Turkish Court Martial Proceedings.

2. The importance of the preponderance of German and Austrian documents anticipating and corroborating the findings of the Turkish Military Tribunal cannot be overemphasized. As noted above, Imperial Germany and Imperial Austria-Hungary were the political and military allies of the Ottoman Empire during World War I. Their representatives' "confidential," "secret," and "top-secret" reports, mostly composed during the war for internal and in-house purposes only, have an authenticity and immediacy not matched by any other available category of sources and data.

EUROPEAN DIPLOMACY AND INTERNATIONAL LAW

The interplay of European attempts to impose reforms and the Turkish resistance set the stage for a bellicose Turkish response to the escalation of
the Turko-Armenian conflict. In this clash, the disjunction of European public law and Turkish customary law deteriorated into a sharp conflict between the two legal domains. Taking the series of enacted reforms seriously, the Armenians pressed for their actual implementation as a matter of legal entitlement. The Turks, however, relied on their common law claims of traditional super-ordination vis-à-vis the non-Muslim subjects of the empire. One such cardinal common law principle refers to a rule in the Akdi Zimmet (contract with the ruled nationality), which stipulates cessation of hostility against non-Muslim subjects following their defeat and submission. Once defeated, these subjects are dehalet ‘granted refuge and protection.’ By attempting to influence Turkish national policy in their favor by enlisting the intercession of foreign powers, the Ottoman Turks argued that the Armenians had violated this fundamental treaty provision, and under the prevailing common law, had therefore forfeited the Berat ‘grant of exemption and clemency.’

The cycle of massacres preceding the World War I genocide was rationalized essentially in this fashion. In describing the scenes of the 1895 Urfa Massacre and the entire 1894–96 era of Abdul Hamit Massacres, the Chief Dragoman of the British Embassy, who was fluent in Turkish and who based his report on evidence supplied to him by local Muslims, wrote the following:

[The perpetrators] are guided in their general action by the prescriptions of the Sheri Law. That law prescribes that if the ‘rayah’ [cattle, figuratively speaking] Christian attempts, by having recourse to foreign powers, to overstep the limits of privileges allowed to them by their Mussulman masters, and free themselves from their bondage, their lives and property are to be forfeited, and are at the mercy of the Mussulmans. To the Turkish mind the Armenians had tried to overstep those limits by appealing to foreign powers, especially England. They therefore considered it their religious duty and a righteous thing to destroy and seize the lives and property of the Armenians. . . .

This reasoning is confirmed, as follows, by the contemporary Israeli historian, Bat Ye’or: the Armenian quest for reforms invalidated their "legal status," which involved a "contract." This "breach . . . restored to the umma [the Muslim community] its initial right to kill the [subjugated minority] the dhimmis, [and] seize their property. . . ."

In resorting to massacre as a method of conflict resolution, the religious tenets of the preeminent Islamic common law destroyed the public law’s

2. FO 195/1930 Folio 34/187.
efficacy. To emphasize the religious thrust of the laws, the perpetrators performed Muslim rites when killing their victims whenever suitable. In reference to Urfa, a British historian named Lord Kinross provides the following example:

When a large group of young Armenians were brought before a sheikh, he had them thrown down on their backs and held by their hands and feet. Then, in the words of an observer, he recited verses of the Koran and “cut their throats after the Mecca rite of sacrificing sheep.”

This lethal disjunction between public and common laws in the Ottoman system was predicted by Grand Vizier Reşid. In his famous Memorandum of Dissent regarding the Reform Act of 1856, Reşid foresaw the possibility of *bir mukateleyi azime* ‘a great slaughter’ against the non-Muslims in connection with efforts to establish equality through the enactment of public laws.

**THE FAILURE OF INTERNATIONAL INTERVENTION ON BEHALF OF THE ARMENIANS**

Although the European Powers had repeatedly forced Turkey to

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4. LORD KINROSS, *THE OTTOMAN CENTURIES* 559–560 (1977). The passage, more fully, is as follows:

[The massacre’s] objective, based on the convenient consideration that Armenians were now tentatively to question their inferior status, was the ruthless reduction, with a view to elimination, of the Armenian Christians, and the expropriation of their lands for the Muslem Turks.

Each operation, between the bugle calls, followed a similar pattern. First into a town there came the Turkish troops, for the purpose of massacre; then came the Kurdish irregulars and tribesmen for the purpose of plunder. Finally came the holocaust, by fire and destruction, which spread, with the pursuit of the fugitives and mopping-up operations, throughout the lands and villages of the surrounding province. This murderous winter of 1895 thus saw the decimation of much of the Armenian population and the devastation of their property in some twenty distinct districts of eastern Turkey. Often the massacres were timed for a Friday, when the Moslems were in their mosques[. . .] Cruellest and most ruinous of all were the massacres at Urfa, where the Armenian Christians numbered a third of the total population. . . . When the bugle blast ended the day’s operations some three thousand refugees poured into the cathedral, hoping for sanctuary. But the next morning—a Sunday—a fanatical mob swarmed into the church in an orgy of slaughter, rifling its shrines with cries of “Call upon Christ to prove Himself a greater prophet than Mohammed.” Then they amassed a large pile of straw matting, which they spread over the litter of corpses and set alight with thirty cans of petroleum. The woodwork of the gallery where the crowd of women and children crouched, wailing with terror, caught fire, and all perished in the flames. Punctiliously at three-thirty in the afternoon the bugle blew once more, and the Moslem officials proceeded around the Armenian quarter to proclaim that the massacres were over. . . . The total casualties in the town, including those in the cathedral, amounted to eight thousand dead.

publicly proclaim equality for its non-Muslim subjects, they were unwilling or unable to force the Ottomans to honor such promises. As seen above, Turkey had many opportunities to make good on its agreements but inevitably failed to do so. By 1878, when the Treaty of Berlin was signed, the Armenian Question had ceased to be a merely domestic problem for the Ottoman Empire. Article 61 of that treaty read:

The Sublime Porte undertakes to carry out, without further delay, the ameliorations and reforms demanded by local requirements in the provinces inhabited by the Armenians, and to guarantee their security against the Circassians and the Kurds. . . . It will make known periodically the steps taken to this effect to the Powers, who will superintend their application.6

Commenting on the significance of this clause and Article 62 of the treaty—which provided for religious liberty, civil and political rights, as well as admission to public employments, functions, and honors—Rolin-Jaequemyns asserted that the Armenians were placed "under the express protection of international law of contract, and under the control of the Great Powers. The natural obligations of the Turkish Government . . . have become as regards the Armenians, strict engagements with the States which are parties to the Treaty. . . ."7 In reality, however, not only were the Armenians denied protection, but their condition of physical security deteriorated. They suffered a string of massacres between 1894 and 1896.

The series of conflagrations was launched with the 1894 Sassoun Massacres under circumstances not unlike those surrounding the 1876 Balkan insurrections and the Turkish response to them. The indigenous Armenian peasantry had long been enduring, among other forms of oppression, a system of double taxation that had triggered the uprising of the Slavs in the Balkans. The Armenians were being forced to pay taxes not only to government officials ostensibly representing the central government but also to local Kurdish chieftains. The resulting uprising of the Sassoun mountaineers, who are often compared with the mountaineers of Montenegro, was thus analogous to that of the peasants of Bosnia and Herzegovina. Like the Armenians in eastern Turkey, they too were subjected to a system of double taxation by two separate classes of oppressors: extortionist Turkish officials and local Muslim landowners and tribal chiefs, who were themselves Slavs but had converted to Islam. Nor do the parallels end here. Both victim groups were also exposed to external agitation, including some tacit encouragement from Russia in the case of the Balkan subject nationalities.

7. Id. at 39.
Given the vulnerability of the Armenians geographically, demographically, and politically, the retaliation by Sultan Abdul Hamit (1876–1908) was as severe as it could be under the circumstances. Entire villages were annihilated, and hundreds of trapped victims were mercilessly slaughtered—many of them burned alive, often with the assistance of regular army detachments and irregulars. As usual, the Powers went through the motions of protests, collective investigations and inquiries, denunciations, and warnings, but there was no interest or inclination to initiate punitive measures. Once more, these Powers allowed themselves to be mollified by Turkish promises of effective reforms. Turkey monopolized for herself the right to exclusively superintend the implementation aspect of the promises in the name of “national sovereignty.” These massacres were perpetrated “at a time when the regime was hard pressed by European Powers and was afraid of external intervention.”

The estimated number of victims ranged from 100,000 to 200,000. The following three circumstances set in motion the process of deterioration leading to these massacres: the subversion of public law by the Turkish authorities, the lack of solidarity among the European Powers in ensuring Turkish adherence to the public laws, and the lack of any national ties between the Armenians and the European Powers.


9. Kaiser Wilhelm II informed British Colonel Swaine in Berlin that up to December 31, 1895, approximately eighty thousand Armenians had been slain (umgebracht). DAS TÜRKLISCHE PROBLEM 1895, 10 DIE GROSSE POLITIK DER EUROPÄISCHEN KABINETTE 1871–1914, Doc. No. 2572, at 251 (transcript of Kaiser’s dictation) (J. Lepsius, A. Bartholdy, & F. Thimme, eds. 3rd ed. 1927). British Ambassador, Sir William White, however estimated one hundred thousand victims up to early December of 1895. Id., Doc. No. 2479, at 127. H.A. Loze, the French Ambassador at Vienna, cited the combined figure of two hundred thousand to cover those actually killed as well as those expected to perish from “hunger and cold during the coming winter.” FRENCH FOREIGN OFFICE, 12 DOCUMENTS DIPLOMATIQUES FRANÇAIS 1871–1900, Doc. No. 256, at 384 (1951) [hereinafter DOCUMENTS DIPLOMATIQUES]. German Turkophile and Foreign Office operative Ernest Jackh estimates the number of Armenian victims of Hamit era as follows: two hundred thousand killed, fifty thousand expelled, and one million pillaged and plundered. ERNST JACKH, DER AUFSTEIGENDE HALBMOND, 139 (Berlin 6th ed. 1916). Such losses of human lives cannot be separated, however, from the collateral material damage they entail. The real test of the success of exterminatory assaults is the extent to which the social fabric and cultural institutions undergirding the victim population as a national or ethnic entity are devastated in the process. Following his two month (May–June 1896) post-massacre trip to the sites of the massacres, Johannes Lepsius compiled the following data: 2,500 towns and villages were desolated and 645 churches and monasteries destroyed. The survivors of 559 villages and hundreds of families in cities were forcibly (zwangsweise) converted to Islam. Included in this are 15,000 Armenians, each from the provinces of Erzurum and Harput, who had converted under threat of death. Moreover, 328 churches were recast into mosques and 546,000 people were reduced to a state of destitution (Not). In addition, 508 churches and monasteries were completely plundered and 21 Protestant and 170 Gregorian-Apostolic priests were killed. JOHANNE LEPSIUS, ARMENIEN UND EUROPÄ 34–35 (1897).
Continued subversion of public law

As in the case of the previous reform acts of 1839 and 1856, as well as the 1876 Constitution, the Berlin Treaty clauses regarding the treatment of nationalities and minorities remained dead letters, especially with respect to the Armenians. Their formal enactment was done as a matter of expediency and was intended to forestall more drastic initiatives on the part of the Powers. In a dispatch to Berlin, Prince von Radolin—the German Ambassador—informed his Chancellor of a conversation with Sultan Abdul Hamit. During that exchange, “[the Sultan] most solemnly swore to me that under no circumstances would he yield on the matter of ‘the unjust’ Armenian reforms.” Moreover, the Ottoman system was ill-suited to extend equality to the Armenians socially, politically, or legally. As the prominent Harvard historian William Langer had concluded, “It was perfectly obvious that the Sultan was determined to end the Armenian [Q]uestion by exterminating the Armenians.”

Lack of cohesion among the European Powers

The European interventions historically hinged upon a modicum of consensus among the Great Powers. Until the 1878 Berlin Treaty, the unified insistence of England and Russia—the dominant Powers in the Concert of Europe—could induce, if not compel, Turkey to submit to some degree of intervention by the Powers. These lines of cooperation, however, were not exclusive of rivalries on many other levels, nor were these interventions purely “humanitarian.” The Treaty of Berlin ushered in

10. DIE GROSSE POLITIK DER EUROPÄISCHEN KABINETTE 1871–1914, supra note 9, No. 2184, at 203.
12. The cooperation of these two Powers started with the April 4, 1826, St. Petersburg Protocol, in which they agreed to mediate between the Turks and the Greeks on the basis of complete autonomy for Greece under Turkish suzerainty. See JONATHAN ARTHUR RANSONE MARRIOTT, THE EASTERN QUESTION: AN HISTORICAL STUDY IN EUROPEAN DIPLOMACY 214 (4th ed., 1958). The July 6, 1827, Treaty of London, which under the name of “humanitarian intervention” threatened Turkey with military support for Greece, was likewise initiated jointly by Britain and Russia. Id. at 218. The December 1876 Constantinople Conference, at which the Powers insisted on European control and supervision of Ottoman reforms, was the consequence of Anglo-Russian agreement to the terms of the projected peace negotiated between Lord Salisbury and General Ignatieff, the representative plenipotentiaries. BRITISH FOREIGN OFFICE, BLUE BOOK, TURKEY, No. 1 (1877), Doc. No. 1053, at 719. The July 13, 1878, Berlin Treaty followed a secret Anglo-Russian Agreement (May 30, 1878), engineered by Count Shuvalof, the Russian ambassador to Britain. ENCYCLOPEDIA OF WORLD HISTORY 735–736 (William Langer rev. ed. 1948). The Anglo-Russian accords on major issues were thus crucial to the Concert of Europe’s united action bringing pressure to bear upon the Ottoman authorities.
13. In the Gentleman’s Agreement of 1844, Tsar Nicholas I proposed a joint action for the disposition of the Ottoman Empire in the event of its collapse, which was then anticipated. Nine years later, during discussions with Lord Seymour, the Tsar described the Ottoman Empire as “the sick man,” and bid for its partition. 62 DAS STAATSARCHIV, Nos. 5612–13, at 167. In the July 8, 1976, Reichstadt Agreement, Russia and Austria laid out their contingency plans involving
a period of increasingly acute distrust between Russia and England, thus ensuring the gradual collapse of the Concert of Europe. The necessity of cooperation among the Powers and the ever-present suspicion of ulterior motives were limitations often inherent in the principle of multilateral intervention, whether humanitarian or otherwise.

As European concern for Turkey's need to implement Article 61 of the Berlin Treaty lessened and eventually evaporated in the face of the Anglo-Russian rivalry and suspicion, these limitations became distinct liabilities for the Armenians. While England appeared willing to intercede if joined

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territorial acquisitions in the event the Turks should suffer defeat at the hands of the Serbs and Montenegrins. 3 DIE GROSSE POLITIK DER EUROPÄISCHEN KABINETTE 1871–1914, supra note 9, No. 605, at 293. ENCYCLOPEDIA OF WORLD HISTORY, supra note 12, at 724. In the January 15, 1877, Budapest Convention between Russia and Austria, similar plans were devised for disposing of Turkish territories. Id. at 735. Most importantly, Austria was given a mandate to occupy Bosnia and Herzegovina, and to garrison the district of Novi Bazar, a strip between Serbia and Montenegro. Similarly, in a secret Anglo-Turkish agreement, Great Britain took Cyprus from Ottoman dominion. For the French text of the agreement see 3 GABRIEL EFFENDI NORADOUGHIAN, RECUEIL D'ACTES INTERNATIONAUX DE L'EMPIRE OTTOMAN 522–25 (1902). For the English text see 4 EDWARD HERTSLET, THE MAP OF EUROPE BY TREATY 1875–1891, at 2721–22 (1891). All of these events were directly connected to the Treaty of Berlin. To the Russians, the benefits of victory in the 1877–78 Russo-Turkish war were minimal enough to plant in their minds the seeds of bitterness toward Great Britain, which lasted for decades.


15. These rivalries found expression in the British challenge to the provisions of Article 16 of the San Stefano Treaty, in which Russia had acquired the right to continue to occupy eastern (primarily Armenian) provinces of Turkey, which they had conquered through the 1877–78 Russo-Turkish War, until Turkey had carried out the reforms she had promised. Considering the presence of Russian troops in that region a threat to British colonial interests in India, Disraeli went through the motions of preliminary mobilization to signal to Russia his intent to wage war, if necessary to force Russian withdrawal. This British maneuver directly affected Armenia. As Lloyd George outlines:

Had it not been for our sinister intervention, the great majority of Armenians would have been placed, by the Treaty of San Stefano in 1878, under the protection of the Russian flag.

The Treaty of San Stefano provided that Russian troops should remain in occupation of the Armenian provinces until satisfactory reforms were carried out. By the Treaty of Berlin (1878)—which was entirely due to our minatory pressure and which was acclaimed by us as a great British triumph which brought '[p]eace with honour'—that article was superseded. Armenia was sacrificed on the triumphal altar we had erected. The Russians were forced to withdraw; the wretched Armenians were once more placed under the heel of their old masters, subject to a pledge to 'introduce ameliorations and reforms into the provinces inhabited by Armenians.' We all know how these pledges were broken for forty years, in spite of repeated protests from the country that was primarily responsible for restoring Armenia to Turkish rule. The action of the British Government led inevitably to the terrible massacres of 1895–97, 1909, and worst of all to the holocausts of 1915. By these atrocities, almost unparalleled in the black record of Turkish misrule, the Armenian population was reduced in numbers by well over a million.

Having regard to the part we had taken in making these outrages possible, we were morally bound to take the first opportunity that came our way to redress the
by the other Powers, France supported Russia’s adamant opposition to such license for intercession. Germany was even more reluctant to act on behalf of the Armenians, but unlike the other Powers, she did not equivocate on her posture. Bismarck, who tried to dissuade England from interfering in “the internal affairs” of Turkey, articulated that exercise of realpolitik with brutal frankness. In a dispatch dated May 17, 1883, and addressed to his Ambassador in London, Bismarck deprecated that

the so-called “Armenian Reforms” [are] ideal and theoretical efforts constituting the ornamental part of the [Berlin] Congress. Their practical significance is of very doubtful value and for the Armenians means [a] double-edged [sword]. . . . I cannot join Lord Dufferin [British Ambassador to Turkey] in a policy which sacrifices his practical goals to a temporary philanthropic halo.

A day before, on May 16, Bismarck had told Lord Ampthill (Odo Russell)—British Ambassador at Berlin—that the concern of the Powers for the welfare of the subjects of the Sultan “was philanthropy, and that he

described the charitable motives that had driven the Powers to support Armenia. He also echoed Gladstone’s views by comparing the Armenians to the subject races of the Ottoman Empire. Bismarck further expressed his belief that the situation in Turkey was a matter of “realpolitik” and that the Powers’ actions were motivated by “philanthropy” rather than by any genuine concern for the welfare of the Armenians.

Bismarck’s dispatch was a reflection of the broader geopolitical context of the time. The Ottoman Empire was crumbling under the pressure of nationalism and modernization, and the Powers were divided over how to respond to the situation. Bismarck’s stance was typical of conservative leaders who opposed any form of intervention in the internal affairs of other states.

The tenuous character of this willingness bordered on deception. Diplomatic records highlight the incidence of frivolous party politics carried out under the guise of “humanitarian intervention.” The British handling of the Armenian Question exemplified the influence of domestic party squabbles on foreign policy, pitting the Gladstonian liberals against the conservatives represented by Disraeli, and subsequently by Salisbury.

This overall judgment seems to be corroborated in part by the statement of William Summers, a liberal MP (and a colleague of Gladstone) who, during a brief visit in Constantinople in 1890, met with some diplomats. In his September 28, 1890, report to his chancellor in Berlin, German Ambassador Radwitz, and after describing Summers as the “most energetic supporter of the Armenian cause in England,” quoted Summers: “Gladstone and I are involved in the Armenian [Q]uestion for the sole purpose of causing difficulties to the Salisbury Cabinet.”

2 David Lloyd George, Memoirs of the Peace Conference 811 (1939).

During the November 18, 1918, Parliamentary debates in the House of Commons, Aneurin Williams raised the same question, declaring:

This country owes a debt to Armenia, because, after all, we more than forty years ago prevented Armenia from being released by Russia from Turkish tyranny. If we had not done that, the awful sufferings which have occurred since would not have occurred. We therefore owe them a debt. We owe them further debt because they have fought valiantly for us in this War.

16. The tenuous character of this willingness bordered on deception. Diplomatic records highlight the incidence of frivolous party politics carried out under the guise of “humanitarian intervention.” The British handling of the Armenian Question exemplified the influence of domestic party squabbles on foreign policy, pitting the Gladstonian liberals against the conservatives represented by Disraeli, and subsequently by Salisbury. In dismissing Gladstone’s fervent pronouncements in support of efforts to extricate the subject races from the Ottoman yoke, Disraeli denounced Gladstone as an “unprincipled maniac, extraordinary mixture of envy, vindictiveness, hypocrisy . . . never a gentleman.” Andre Maurois, Disraeli: A Picture of the Victorian Age 310 (Hamish Miles, trans. 1930).

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[Bismarck] hated philanthropy in politics.” Bismarck then stated that his main concern was “the new danger looming in the distance in the shape of an alliance between Bulgaria, Serbia, Montenegro and Greece” against Turkey. He should, therefore, prefer helping the Sultan prepare for self-defense.\(^\text{17}\)

Apprised of Bismarck’s policy amounting to a deliberate derogation from Article 61, British Minister of Foreign Affairs Granville had ordered Ambassador Goschen to cease pursuing the Armenian Question two years earlier at Constantinople “in consequence of the objections raised by the German Government.”\(^\text{18}\) Kaiser Willhelm II ratified the Bismarckian attitude regarding the Armenian reforms when, on November 22, 1895, he declared that “the Berlin Congress was a mistake that entailed grave consequences. I will never agree to the convening of a second one.” A day earlier, the Kaiser, in dialogue with his wife, had declared that “[t]he Berlin Congress offers no protection at all to the Christians and doesn’t prevent the Turks from cutting off their necks.”\(^\text{19}\) Austria eventually joined these Powers in defining the stipulated reforms as moribund and inherently full of “hidden complications for the Powers.”\(^\text{20}\) For a variety of reasons, the Powers thus abdicated the responsibilities they had assumed as signatories to the Treaty of Berlin.

The vague and imprecise terms of the Treaties of Paris and Berlin also allowed the Powers to hedge and disclaim responsibility. For example, Article 9 of the Paris Treaty stipulated reforms while prohibiting any intervention, “either collectively or separately,” in the internal affairs of Turkey. The imprecision of the word “superintend,” inserted into the last paragraph of Article 61 of the Berlin Treaty, compounded the treaty’s ambivalence. The specific functions of superintendence were left undefined, allowing any signatory to argue that the Powers were contractually responsible to each other alone. Thus, in practice, the reforms were left unmonitored. Moreover, Article 61 implicitly proscribed unilateral action by any of the signatory Powers through the use of the corporate term “the Powers.”\(^\text{21}\) Sultan Abdul Hamit, whose name and regime are associated

\(^{17}\) The May 17th statement is in 9 DIE GROSSE POLITIK DER EUROPÄISCHEN KABINETTE 1871–1914, supra note 9, at 200, No. 2183. The May 16th statement is in BRITISH DOCUMENTS ON OTTOMAN ARMENIANS 462, Doc. No. 204 (Bilal N. Shmîr ed. 1983).

\(^{18}\) BRITISH FOREIGN OFFICE, BLUE BOOK, TURKEY, No. 6 (1881), Report No. 170, at 322.

\(^{19}\) The November 22, 1895, statement is in 10 DIE GROSSE POLITIK DER EUROPÄISCHEN KABINETTE 1871–1914, supra note 9, at 114, No. 2464, Kaiser’s marginalia. The November 21, 1895, statement is in 10 DIE GROSSE POLITIK DER EUROPÄISCHEN KABINETTE 1871–1914, supra note 9, at 109, Doc. 2463.

\(^{20}\) DOCUMENTS DIPLOMATIQUES, supra note 9, at 371 Doc. No. 248.

\(^{21}\) As England’s Duke of Argyll noted, “[W]hat was everybody’s business was nobody’s business.” DUKE OF ARGYLL, OUR RESPONSIBILITIES FOR TURKEY 74 (1896). British scholar Dawson reasserted this point nearly thirty years later: “[N]o solemn international covenant has been so systematically and openly infringed and ignored, in part by the Signatory Powers
with the nineteenth-century Armenian massacres, understood the reluctance of the Powers to intervene actively on behalf of the Armenians and appreciated their proclivity to take refuge in the imperfections of the Treaty clauses involved.\(^2\) The Powers’ only reaction to the massacres was to remonstrate Turkey and issue ambiguous threats.

*The Armenians’ lack of ties to any European power*

The Armenians’ failure to obtain the national emancipation achieved by other non-Muslim nationalities under the Ottoman rule was also a direct result of their lack of tutelage and active sponsorship by any of the European Powers. The Slavic nationalities—the Serbs, the Bulgars, and the Montenegrins—enjoyed Russian guardianship because of their racial and ethnic kinship. Religious ties through the Eastern Orthodox Church accounted for the Russian guardianship of the Greeks and the Romanians of Wallachia. The French, for their part, virtually rescued the Catholic Maronites of Lebanon by invading Lebanon and compelling the Turks to give the Maronites limited autonomy. The Armenians, however, did not enjoy sufficient religious or ethnic bonds to any European Power and thus were unable to benefit from similar treatment.

Furthermore, past episodes of the “ingratitude” of Balkan nationalities that had benefited from outside intervention reduced the Armenians’ chance of receiving similar assistance. Bulgaria, for example, thwarted Russian attempts at control despite the active Russian support she had received in the past when freeing herself from Ottoman domination. After that

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\(^2\) Commenting on the impact of this stance upon European diplomats, noted British historian G. P. Gooch wrote,

The [European] Concert was dead... It became clear that pressure without the intention of resorting to force stiffened rather than weakened the resistance of the Sultan, who had no intention of allowing Armenia to go the way of Bulgaria... The lamentable result of the fitful interest shown by the Powers was to awaken hopes in the Armenian highlands which could not be fulfilled, and to arouse suspicions in the breast of the Sultan which were to bear fruit in organized massacre and outrage in days to come.

G. P. Gooch, *History of Modern Europe 1878–1919*, at 22–23 (1923). In a speech in the British Parliament, Lord Salisbury—later Foreign and Prime Minister of England—noted skeptically, “[w]hether it ever will be possible to induce the six Powers to agree together to use, not diplomatic pressure, but naval and military forces, I very much doubt... I am sure nothing can be gained by a compromise between the two...” M. MacColl, *The Sultan and the Powers* 291 (1896) (citing TIMES (London), Oct. 27, 1890). The standard Turkish reaction to threats of the use of force was the raising of the spectre of general massacre against the entire nationality in the given provinces. In the 1860 French intervention in Lebanon, French Foreign Minister M. Thouvenel dismissed this threat, stating, “[i]f such reasoning were once to be admitted, it would be put forward on every occasion when an abuse was to be corrected in Turkey.” *Id.* at 34.
experience, the Tsars not only studiously dissociated themselves from the Armenians, but during the reign of Abdul Hamit, they tacitly supported the Turkish persecution of the Armenians. The Russians explained their behavior as a way to avoid the emergence of a second Bulgaria on their southern border.23 Frank Lascelles, the British Ambassador at St. Petersburg, quoted Russian Foreign Minister Prince Lobanof-Rostowski as declaring that he was decidedly opposed to seeing the rise in the proximity of Russian territory of “another Bulgaria.”24

Another factor alienating the Armenians from other Ottoman nationalities involved geo-political considerations. While all the other nationalities on whose behalf the European Powers intervened were located on the periphery of the Ottoman Empire, Armenia’s historical location caused her to be regarded as a threat to the Turkish heartland. Logistical difficulties involved in providing assistance—such as Armenia’s lack of ports for British vessels—further compounded the problem.25

The Armenians were also hindered because they lacked the geographic concentration of the Balkan nationalities. Sultan Abdul Hamit had been redistricting the heavily Armenian-populated provinces with the intention of reducing them to numerical minorities, especially in such regions of historic Armenia as the provinces of Erzerum, Van, Sivas, and Bitlis. Additionally, a significant portion of the Armenian population in search of relief from depredations—as well as on a quest for economic opportunities—resorted to internal migration. The resulting geographic

23. Soon after the Treaty of Berlin, Bulgaria, the protégé of the Russians, was reduced to a pawn in Russian hands. Russian officers and officials descended on Bulgaria’s capital in a swarm and reduced the country to a Russian province. Any complaint was branded as “ingratitude.” Growing discontent, attended by anti-Russian sentiments, led to the 1881 overthrow of the regime. Russia responded by appointing Russian generals in Bulgaria, who took their orders directly from the Tsar, and “Russian generals were appointed to the Interior, War, and Justice [ministries] . . .” In defiance, nationalists in Bulgaria subsequently coined the phrase, “Bulgaria for the Bulgarians.” These are the conditions under which Bulgarian “ingratitude” arose and crystallized. Gooch, supra note 22, at 3–6.


25. Russia was the only power that indeed felt capable of overcoming the logistical difficulties involved in rescuing the Armenians from Ottoman bondage. Russian policy on this matter of conflict obtained between territorial sovereignty of the state, on the one end, and the principle of humanitarian intervention, on the other, was articulated by Russian Foreign Minister Alexander Gorchakov—who in a November 7, 1876, dispatch to the Russian ambassador to Berlin Count Paul Shuvalof—stated “if the Great Powers wish to accomplish a real work . . . it is necessary . . . to recognize that the independence and integrity of Turkey must be subordinated to the guarantees demanded by humanity, the sentiment of Christian Europe and the general peace.” BRITISH FOREIGN OFFICE, in CORRESPONDENCE RESPECTING THE AFFAIRS OF TURKEY 1877, Doc. No. 1053, at 90. But as British author Pears noted, “Armenians were to be protected if they would abandon their national Church and become formally united with the Russian faith, but not otherwise.” Sir Edwin Pears, Turkey, Islam and Turanianism, 14 CONTEMP. REV. 373 (1918).
dispersion diluted the pre-existing density of Armenian population enclaves, thereby rendering dubious the idea of a concrete Armenian state analogous to Greece or Bulgaria.

THE USE OF RISING ARMENIAN NATIONAL AWARENESS AS A CATALYST FOR A NEW OTTOMAN POLICY OF DECIMATION

The international efforts of the European Powers may in fact have caused the Armenians more harm than good. By helping to raise the consciousness of the oppressed peoples within Turkey without concurrently enhancing their power, international actors created a situation in which the Ottomans had both the incentive and the excuse for dealing with the "Armenian problem" with massacres. Encouraged by the promises of the Treaty of Berlin, the Armenians experienced a new sense of national consciousness, which in turn engendered rising expectations. Sporadic displays of assertiveness began to erode their tradition of passively enduring the abuses endemic in the Ottoman system. Additionally, émigré Armenian intellectuals formed committees in the capitals of Europe to protest these abuses and push for the implementation of the promised reforms. As the Ottoman regime resisted these agitations and refused to execute the reforms in any meaningful way, Armenian revolutionary cells emerged within and without the Empire and braced themselves for resistant combat. In a report to Paris entitled Exposé historique de la question arménienne, long-time French Ambassador Paul Cambon traced the genesis of the Armenian Question to this period. He wrote:

A high ranking Turkish official told me, "the Armenian [Q]uestion does not exist but we shall create it." . . . Up until 1881 the idea of Armenian independence was non-existent. The masses simply yearned for reforms, dreaming only of a normal administration under the Ottoman rule. . . . The inaction of the Porte served to vitiate the good will of the Armenians. The reforms have not been carried out. The exactions of the officials remained scandalous and justice was not improved . . . from one end of the Empire to the other, there is rampant corruption of officials, denial of justice and insecurity of life. . . . The Armenian diaspora began denouncing the administrative misdeeds, and in the process managed to transform the condition of simple administrative ineptness into one of racial persecution. It called to the attention of Europe the violation by the Turks of the Treaty of Berlin and thereby summoned up the image of Armenian autonomy in the minds of the Armenian population. France did not respond to the Armenian overtures but the England of Gladstone did: The Armenian revolutionary movement took off
from England\textsuperscript{26} . . . [A]s if it were not enough to provoke Armenian discontent, the Turks were glad to amplify it b[y] the manner in which they handled it. In maintaining that the Armenians were conspiring, the Armenians ended up conjuring the reality of her existence. . . . The harsh punishment of conspirators, the maintenance in Armenia of a veritable regime of terror, arrests, murders, rapes, all this shows that Turkey is taking pleasure in precipitating the events [in relation to] an inoffensive population. In reality the Armenian Question is nothing but an expression of the antagonism between England and Russia. . . . Where does Armenia begin, and where does it end?\textsuperscript{27} Later in the report, Cambon prophetically questioned the reasonableness of transporting the Armenians to Mesopotamia, a solution reportedly contemplated by the Ottoman government. Mesopotamia would later serve as the valley of the Armenian Genocide.

THE PRE-WORLD WAR I ANTECEDENTS: THE DEBACLES IN THE YOUNG TURK ITTIHADIST ERA (1909–13)\textsuperscript{28}

The 1909 twin Adana Massacres: The actual prelude to the World War I Genocide

That the commitment to constitutionalism was both tenuous and less than uniform—as far as all ethnic elements of the empire were concerned—was a fact that came into full view in April of 1909. It is a fact that the March 31/April 13, 1909, counter-revolution—staged by an assortment of Islamic fundamentalists, opponents of Ittihad, and Abdul Hamit loyalists—was crushed when contingents of the Ottoman III's Army marched into Istanbul from Saloniki and restored both the Ittihadist regime and the principle of constitutionality that was identified with that regime. A singly contributing factor to that outbreak was the assassination of the chief editor of a Turkish newspaper who, defying all threats to his life, was severely criticizing Ittihadist measures of autocracy and coerciveness. The reference is to Hasan Fehmi, Editor of \textit{Serbesti}. The failure of the authorities to track down and apprehend the assassin or assassins aroused the ire of many people and precipitated the counter-revolution. Even more significantly,

\textsuperscript{26} In an exchange with his German colleague Baron von Saurma, Russian Ambassador Nelidof commented that the Armenians were frustrated not only by the lack of any tangible results from European intervention, but also by the ensuing massacres. \textit{DIE GROSSE POLITIK DER EUROPÄISCHEN KABINETTE}, supra note 9, Doc. No. 2426, at 69. \textit{See also supra} note 16.

\textsuperscript{27} \textit{DOCUMENTS DIPLOMATIQUES}, supra note 9, at 7174, Doc. Feb. 20, 1894; \textit{see also LIVRE JAUNE, AFFAIRES ARMÉNIENS, PROJETS DE RÉFORMES DANS L’EMPIRE OTTOMAN 1893–1897}, Doc. No. 6, at 10–13 (1897).

\textsuperscript{28} The terms “Young Turks,” “Ittihad,” and “CUP” are seen as interchangeable, even though CUP seems to be the prevalent modus description.
this act of plain murder heralded a series of subsequent murders to which other prominent editors—equally critical of the regime—fell victim. The culprits of these crimes likewise managed to escape and remain free. As time progressed and problems mounted, the Young Turk revolutionaries gradually relinquished their adherence to constitutional principles and adopted severe measures of repression, thereby surpassing the notoriety of the preceding Abdul Hamit regime in many respects.

The elusive character of the Ittihadist Young Turk constitutionalist revolution came into full view with the launching of the two-tier Adana Massacres in the April 1/14—April 14/27, 1909, period, during which some twenty-one thousand Armenians fell victim. In contrast to the multitudes of Armenian residents in the Ottoman capital where the counter-revolution was unleashed, the Armenians in Adana were recognized as the demonstrative champions of the Ittihadist constitutional liberty principles. Intoxicated with their new-found freedoms, they flaunted them to the point of provoking many Turks—some of whom were Abdul Hamit loyalists who resented the new leadership of the Young Turks; others were residual bureaucrats apprehensive about their jobs; while most of them were aroused and angry at the idea of considering their former rayas ‘infidel’ Christian subjects as co-equals. Moreover, Adana and its environs were those rare spots that had escaped the massacres and devastations of the 1894–96 Abdul Hamit era. This fact, plus the relative affluence of the indigenous Armenian population, served to render them a suitable target for annihilation at a propitious moment.

Thus, cupidity, status anxieties, religious dogmas, and occasional displays by the victims’ bravado, were factors converging at a level of conflict that served to produce the pogroms. Superseding all of these factors was the actual organization of the bloodbath. It involved mainly the cooperation of the governmental functionaries with Ottoman military authorities who made ample use of the local garrison arsenals. In the aftermath of the massacres, however, the Ottoman government publicly and officially exonerated the Armenians, thereby implicitly recognizing their victim status. Moreover, during an interpellation in the Ottoman Chamber of Deputies, which is also known as the Lower House of the Ottoman Parliament, Grand Vizier Hilmi Paşa scorned “the reactionary, criminal scoundrels who were bent on massacring and plundering the Armenians through a surprise attack.” Local tribunals and military courts-martial altogether convicted and executed 124 Turks—all of them minor officials and haphazard individual perpetrators—on the gallows in the period

29. TAKVIMI VEKAYI (Turk.), July 31, 1909 (publishing the ministerial circular announcing the blamelessness of the Armenians who were described as “devoted and loyal” citizens).
The Armenian Genocide between May 28/June 10, 1909, and November 30/December 13, 1910. To mollify Muslim sentiment, seven Armenians were also hanged.

Two salient points about this episode merit discussion. First of all, there is the matter of the degree of the Armenians' vulnerability as the victim group. As stated above, the 1909 Adana Holocaust had two stages. The first one proved more or less abortive for the assaulting forces. Anticipating the eventuality of the onslaught, several hundred young Armenians had secured arms and devised a self-defense strategy. As a result, they not only warded off attacks and protected the larger populations residing in the Armenian wards of the city of Adana, but in the process they exacted heavy tolls from the assaulting forces. This fact demonstrates the viability of deterrence or mitigation through organized self-defense for groups targeted by inexorable foes for destruction.

There are also limits to such defensive undertakings. Having experienced a depletion of their resources for armed resistance, and in a condition of utmost exhaustion, the Armenians wearily consented to disarm for a truce arranged by the British consul at nearby Mersin. In the meantime, new contingents of the Turkish army had arrived ostensibly to restore “peace and order.” What followed was one of the most gruesome and savage bloodbaths ever recorded in human history. Enraged by the magnitude of the losses they sustained during the first round of the conflagration, the Turks—directly supported by the newly-arrived army contingents—descended upon the totally disarmed and defenseless Armenians, butchering and burning them alive by the thousands. Schools, hospitals, and churches—overcrowded with despairing multitudes seeking refuge in them—were especially selected for this purpose. The overwhelming majority of some 22,000 Armenian victims of the 1909 Adana Holocaust died at this second stage of the perpetration of the mass murder.

Second, the internal vulnerability of the victim population was compounded by the external vulnerability factor. The warships of seven nations—England, France, Italy, Austria, Russia, Germany, and the United States—had streamed into the waters near Adana’s port city of Mersin. They consisted mostly of cruisers and frigates, along with their regular complements of combat sailors ready for action. None of them were ordered to intervene inasmuch as the victims were Ottoman subjects and outside the pale of their protective duties. The non-materialization of the anticipated—yet feared—foreign intervention was not only a great relief to the perpetrators but also served as an incentive to renew the carnage with even greater ferocity. This failure of external deterrence only served to amplify the vulnerability of the targeted group as it considerably emboldened the perpetrator group. This critical fact underscores the dysfunctional aspects of the principle of humanitarian intervention. The naval forces of the Powers
failed to intervene for a variety of reasons, chief among which were the following:

1. There was no concrete agreement to act jointly.
2. Each Power was anxious to protect its own nationals trapped in the conflagration, including consular personnel.
3. Mutual suspicions of imperial and/or colonial designs on a decaying empire stifled the will for unilateral initiative on the part of any Powers.
4. The abruptness of the outbreak of the bloodbath astounded the governments of these Powers, denying them the possibility to clearly define the situation and work out a response. They were, in a sense, paralyzed by confusion and uncertainty.

The net result of all this was that the commanders and the naval forces at their disposal, comprising this formidable international armada, were reduced to the ignominious role of spectators of the 1909 Adana Holocaust. More significantly, the top leadership strata involved in the decision-making and organization of this holocaust almost completely escaped punitive justice.

The rise of the Ittihadists and the ultimate decision to "liquidate" the Armenians

The transition to a new Turkish regime through a bloodless revolution that deposed Sultan Abdul Hamit and installed the Ittihadists—namely the Young Turks—in July of 1908, only compounded the problems of domestic conflict in general and the Turko-Armenian conflict in particular. Though their regime (1908–18) was dubbed the Second Era of the Constitution, the Young Turk Ittihad leaders—like their predecessor Abdul Hamit ("the Red Sultan")—embraced violent measures against the minorities on whose behalf the Powers had again begun to intercede. Their policy of repression helped spark the 1912 Balkan War and later played a role in the adoption of nationalist policies that plunged Turkey into World War I. As noted, British historian John A. R. Mariott stated:

The Young Turk revolution brought matters to a head. [That undertaking] was in fact a last effort of the Moslem minority\textsuperscript{31} to retain its ascendancy in the face of growing resistance on the part of

\textsuperscript{31} In 1910, the British Foreign Office estimated that as a national rather than religious group, "the Turkish element only number[s] some six million in an Empire of thirty million. Under a real constitutional regime it would be swamped, more especially as it is inferior to the majority in intelligence, instruction, and business qualities. It can only maintain its position by the army and by the method [of repression]." FO 424/250, TURKEY, ANNUAL REPORT 1910, at 4. Turkish statesman and editor H.C. Yalçın confirms the view of the numerical minority of the Turks in the Ottoman Empire while deploring it as fact. Hüseyin Cahit Yalçın, 1 YAKIN TARIHİMIZ 214 (1962).
subject races and impending European intervention. The revival of the constitution was little more than an ingenious device for appeasing Liberal sentiment abroad while furnishing a pretext for the abrogation of the historic rights of the Christian nationalities at home.\(^\text{32}\)

At the 1910 annual Ittihadist Congress at Saloniki, the secret discussion outside the formal sittings revolved around the plan for the coercive homogenization of Turkey, which was euphemistically called “the complete Ottomanization of all Turkish subjects.”\(^\text{33}\) British Ambassador Gerard Lowther observed that “[f]or them ‘Ottoman’ evidently means ‘Turk’ and their present policy of ‘Ottomanization’ is one of pounding the non-Turkish elements in a Turkish mortar.”\(^\text{34}\) When assessing these decisions in a report, the British Foreign Office employed the words “to level”—to eliminate—with the forecast that “the Young Turks will endeavor to extend the ‘levelling’ system to the Kurds and the Arabs.”\(^\text{35}\) In a series of reports based on “authentic documents” furnished by confidential sources, the French Consul at Saloniki informed his Foreign Ministry in Paris that the Young Turks decided to employ force and violence, including massacres, as a last resort for the resolution of nationality conflicts.\(^\text{36}\)

A final clue to understanding this pattern of repudiation regarding the ideas of social and political reform is found in a secret speech by Talât, who was simultaneously the preeminent Young Turk leader and Interior Minister. He delivered the speech to a conclave of top Ittihad leaders

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\(^{32}\) Supra note 12, at 443-44.

\(^{33}\) FO 195/2359, fol. 276.

\(^{34}\) Doc. No. 181, Sept. 6, 1910, Report, in 9 BRITISH DOCUMENTS ON THE ORIGINS OF WAR 1889-1914, pt. 1, at 207 (Gooch & Temperley eds., 1926) [hereinafter BRITISH DOCUMENTS].

\(^{35}\) FO 424/250, supra note 31, at 4.

\(^{36}\) M. CHOUBLIER, LA QUESTION D’ORIENT DEPUIS LE TRAITÉ DE BERLIN (1897). In his November 15, 1910, report, quoting Halil—the head of the parliamentary branch of the party comprising Ittihadist deputies—Consul Choublier mentions the proposal of relying “solely on military might” in order to deal with the nationalities. 7 N. S. TURQUIE POLITIQUE INTERIEURE, JEUNES TURCS 149 [hereinafter N. S. TURQUIE]. In his November 16 report, the Consul revealed the existence of a divergence of opinion among Ottoman authorities as to the choice between “deportation” and “massacre” in handling the problem of Macedonia and the Bulgarians in Adrianople (Edirne). Id. at 150. According to the highly confidential information supplied to him in the November 16, 1910, report, the Monastir branch of the party opted for the deportation to Asiatic Turkey of parts of the Christian population of Macedonia to be supplanted by Muslim refugees, whereas the Adrianople branch opted for the massacre of the resident Christian population (L’éxtermination de tous les chrétiens hostile a la jeune Turquie) should the implementing of large bodies of Muslim immigrants fail to attain the desired results. In the November 17 report, he speaks of the resolve of Ittihad to resort to “la force des armes” if efforts “to achieve peacefully the unity of Turkey should fail . . . for which purpose we should develop the patriotism of the Turks.” Id. at 151. All these disclosures are confirmed by the Dean of Turkish historians who stated that, weary of the protracted Turko-Armenian conflict, Ittihad would turn to the army to resolve the conflict by force of arms. 2 Y. BAYUR, TÜRK İNKİLABI TARIHI [THE HISTORY OF THE TURKISH REVOLUTION] 13 (1952).
assembled in Saloniki in August of 1910 for a pre-Congress strategy meeting. Austrian, French, and British intelligence sources in that city confirmed both the occurrence of this meeting and the authenticity of the text of the speech. The British Vice Consul at Monastir, Arthur Geary, vouched for “the accurate reproduction of the gist of Talât’s discourse” as it was obtained from “an unimpeachable source.” The relevant portion of that speech reads:

You are aware that by the terms of the Constitution equality of Mussulman and Ghiaur [infidel, a derogatory label applied to non-Muslims] was affirmed but you one and all know and feel that this is an unrealizable ideal. The Sheriat [the religious laws of Islam], our whole past history and the sentiments of hundreds of thousands of Mussulmans and even the sentiments of the Ghiaurs themselves ... present an impenetrable barrier to the establishment of real equality. ... There can, therefore, be no question of equality until we have succeeded in our task of Ottomanizing the empire.\(^{37}\)

The homogenous Ottoman society Talât envisioned as a precondition for real equality the required liquidation in one form or another of the existing heterogeneous elements. In confirming the authenticity of that speech, a fourth source, a French diplomat, spoke of the Ittihad resolve to déraciner ‘deracinate,’ or uproot the bases of nationalistic tendencies to “deform” the nationalities themselves.\(^{38}\)

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37. BRITISH DOCUMENTS, supra note 34, at 208. Confirmation of the speech is in Austrian Vice Consul von Zitkovsky’s No. 69 “secret” report of October 14, 1910, in 12 A.A. TÜRKEI 159, No. 2, A186643. French confirmation is in N.S. TURQUIE, supra note 36, at 92–97. A particular additional phrase in this French version, not found in the British report, is Talât’s proposal to lull the potential victims of the Ottomanization program to complacency: “il faut que nous tranquillisions nos voisins.” This report is stamped “received” by the Direction Politique et Commerciale of the French Foreign Ministry, bearing the symbols D. Carton 391, and the date August 6, 1910, indicating that it was wired on the very same day on which the speech was delivered.

38. This source was the French Chargé at distant Hidjaz in Arabia, who was reporting to Pichon, the French Foreign Minister. N.S. TURQUIE, Jan. 26, 1911.

Two prominent Turkish sociologists both confirm and explain the inevitability of this decision of Ittihad to resort to the violent elimination of non-Turkish nationalities. One concluded that Ittihad meant to “[assimilate them] through coercive methods, if necessary.” A. YALMAN, THE DEVELOPMENT OF MODERN TURKEY AS MEASURED BY ITS PRESS 101 (1914). The other, the high priest of Ittihad ideology, traced the lingering nationality conflicts to the introduction of statutory public laws, equating Muslims with non-Muslims. In a rarely publicized internal party document written during the World War I genocide against the Armenians and bearing the title: “The Two Mistakes of Tanzimat,” ideologue Ziya Gökalp lambasted the 1839 and 1856 reform edicts. Declaring them serious mistakes, he reasserted the concept of milleti hakime ‘the nation of overlords’ with the watchword: “Islam mandates domination.” According to the author of the book in which this document was published for the first time in 1949, the document was in the possession of Ittihad party Secretary-General Midhat Şükru Bleda. K. DURU, ZIYA GÖKALP 60–69 (1949) (Turk.). Another author has revealed that Gökalp wrote this essay for the benefit of the Ittihadist leaders, to whom they were then distributed at the party’s 1916 convention. ZIYA GÖKALP, TURKISH NATIONALISM AND WESTERN CIVILIZATION 319 n.6 (Niyazi Berkes ed., trans.
Within a year of taking power, the Young Turks introduced a number of constitutional changes and laws purporting to liberalize the regime. Although promulgated through the Parliament, these changes brought no relief to the minorities. In the Balkans—particularly Macedonia and Albania, in the eastern provinces with large concentrations of Armenians, and even in distant Yemen—Ottoman misrule deteriorated into bloody oppression. With the exception of the Armenians, the subject nationalities resorted to open rebellion. Many of these rebellions were successful, and the Empire suffered further shrinkage of its territories as a result.

THE TURKISH MILITARY DEFEATS IN THE 1912 BALKAN WAR AND THE ACCENTUATION OF THE EASTERN QUESTION

The historical background of the Balkan War

In terms of its origin and outcome, this war had a profound effect upon the Young Turk Ittihadist leadership as it grappled with the task of maintaining the integrity of the Ottoman Empire, which was in danger of disintegration through centrifugal forces. The Balkan Peninsula emerged as the main theater on which these forces exerted themselves, effectively challenging the sovereign authority of the Ottoman state. In other words, the nationality question—or more specifically the Eastern Question—became a crucible for the survival of the empire. Equally important, to the extent that the Armenian Question had become an extension of the Eastern Question, the Turko-Armenian conflict functioned as an integral part of that crucible, or test case, for the preservation of the empire.

The disastrous outcome of the 1912 Balkan War, however, left the very survival of that empire hanging in the balance. The attempt of the Armenians to revive the thorny Armenian reform question at this critical juncture of Ottoman history, with all that it portended for the Turks, served to arouse the ire and fury of despondent Ittihadists, thereby further intensifying the already simmering Turko-Armenian conflict. The ground was prepared for the Turks to redefine the Armenian Question as an ominous variant of the Eastern Question, warranting drastic and pre-emptive measures in order to avert a total disaster. To understand these developments more fully, a brief historical review of the events surrounding the 1912 Balkan War is in order.

The rising tide of nationalism in Europe and elsewhere had certain roots that were independent from any experience of foreign or colonial domination but were nevertheless susceptible to being reinforced by such...
experiences. The nationalism that was beginning to blossom in the Balkans was substantially influenced by the legacy of the French Revolution, which consecrated the twin ideals of liberty and nationality. Nor can one disregard the impetus that the Great Powers inadvertently provided in this regard in their pursuit of aggrandizement, riches, and hegemony. The efforts of Napoleon III stand out in this context. As a measure of spite against the Hapsburg Empire, he encouraged the spread of nationalism among the Balkan nationalities. With England—and later Germany—merely playing the role of the more or less disinterested and benevolent mediators, Russia assumed a predominant role in due time. Ethnic and religious affinities, on the one hand, and an eye on the big prize, Constantinople, on the other, energized that role.

Nevertheless, Russia had some grounds for bitterness that drove her to engage in some disruptive behavior. Through the maneuvers of Austria and Germany—and especially England—her spectacular victories in the 1877–78 Russo-Turkish War were reduced to insignificance at the July meeting of the 1878 Berlin Congress. The ensuing Berlin Treaty contained many of the seeds of discontent that animated the Serbian, Bulgarian, and Macedonian nationalists to play a major role in the precipitation of the subsequent 1912 Balkan War.

At that Congress, Bosnia and Herzegovina were handed over to Austria, thereby angering the Serbs. The Serbs lost Nis and Mitrovitza and were cut off from their kinsmen, the Montenegrins, through the loss of Novibazar—of which the Austrian military occupation was sanctioned by the Congress. Furthermore, the Three Emperors’ League, involving Germany, Austria, and Russia—established in 1881 and renewed for three years in 1884—granted Austria the right to annex the dual provinces of Bosnia and Herzegovina whenever she deemed it opportune. The terms of the Berlin Treaty were considered even more damaging to Bulgarian interests and aspirations, as the territories granted to her by the 1878 San Stefano Treaty—the forerunner of the Berlin Treaty—were reduced by two-thirds. Moreover, she had lost Macedonia and was cut off from the Aegean Sea. Pro-Russian Montenegro likewise sustained territorial losses, including a strip of Bosnia. Perhaps most importantly, Russia had to acquiesce in the Berlin Congress to the imposition by the other Powers of all these terms under a very real threat of war from Austria and England.

In substituting the Berlin Treaty for that of San Stefano, the Powers were once more outlining and solidifying their notion of humanitarian intervention, while zealously guarding their own national interests. At issue were the nationality conflicts subsumed under both the Eastern Question and the Armenian Question. The San Stefano Treaty was virtually dictated by victorious Russia to the defeated Turks—who had sued for peace—and thus had a bilateral character. The terms of both the 1856 Paris Peace Treaty
and the 1871 London Agreement, however, stipulated that any change in
the terms involved respecting the status of Turkey, including her borders,
could not be valid without the collective assent of all the Powers—England,
Russia, France, Germany, Austria-Hungary, and Italy.

In 1870, Russia had repudiated the Black Sea clauses of the Treaty of
Paris, and the Powers, while grudgingly accepting this Russian \textit{fait accompli}, declared their stand against unilateral breaches of international
agreements. The same San Stefano Treaty’s Article 16 had made the
departure of Russian troops from “the Armenian provinces” in eastern
Turkey contingent on the actual implementation of the reforms provided in
that article. In the substitute Berlin Treaty, however, that article was
sufficiently diluted to render it inoperative. This was done by acceding to
the Turkish demand to let her assume responsibility for the implementation
of the reforms she had committed to undertake, without the presence of
Russian occupation troops, who eventually left as a result.

The projected reforms not only failed to materialize, but the Ottoman
authorities embarked upon a deliberate campaign of massacre and
repression to reduce the issue of reform to irrelevance. Consequently,
Macedonia—which under Article 23 of the Berlin Treaty was guaranteed
similar reforms—together with Armenia became a testing ground for
Turkish defiance of treaty obligations and Turkish resolve to obviate, if not
eliminate, the Macedonian and Armenian Questions. This was to be
accomplished through a new wave of persecutions, as well as by way of
decimating the native populations involved through a series of massacres
and compulsory demographic changes—including the importation of large
numbers of Muslim refugees into the Balkans for resettlement purposes.

Through Articles 23 and 61, the Berlin Treaty of 1878 thus emerged as
the immediate nexus, the acute connecting link, between the Eastern
Question and the Armenian Question. It highlighted their convergence in
the processes through which the doctrine of humanitarian intervention
gradually emerged and crystallized itself, with Russia emerging as its chief
champion. In order to stymie this Russian penchant for unilateral
protectionism, the Powers, led by England, supplanted that doctrine by
insisting on the need for collective engagement on the part of the Concert of
Europe. The objection of the Powers rested on the argument that they all
had a stake in the improvement of the conditions of the nationalities seeking
reform and deliverance from Ottoman dominion. Therefore, they
maintained, no single Power was entitled to monopolize this overall
humanitarian concern for remedies.

When one examines the relationship between the terms of the
settlement incorporated into the Berlin Treaty and the 1912 Balkan War,
one cannot help but observe again the dysfunctional, if not
counterproductive, aspects of the humanitarian intervention principle. The
Powers managed to agree among themselves and reach a modicum of consensus, but in the process generated a treaty that was pregnant with inevitable future conflict among the peoples on whom its terms were imposed as a humanitarian service. Macedonia was a major source of such conflict. Serbia, Bulgaria, and Greece had conflicting claims inasmuch as that province was almost entirely populated by Greeks and Serbs, but also Bulgarians. The severity with which the Young Turk Ittihadist regime began to forcibly denude Macedonia of its indigenous Christian population and repopulate it with Muslim migrants was such as to alarm and agitate these three nationalities, which all began exploring the possibility of an alliance primarily against Turkey. As described in note 36, the Ittihadists had already resolved—during the secret meetings of their 1910 annual Congress—to resort to massacre, if necessary, to cleanse Macedonia of Christians.

The first initiative for an alliance came from the Serbs approaching the Bulgarians with whom they had fought and lost a war in 1885. The Serbs were angry about the loss of Bosnia, which Austria finally had incorporated—as allowed in the Three Emperors’ League agreement—in the wake of the 1908 Young Turk revolution. At the same time, Bulgaria had almost simultaneously proclaimed her complete independence, repudiating the existing arrangement of Ottoman suzerainty. Likewise, angry at the Turkish policy of extermination in Macedonia, the Russophile Bulgarian Premier not only responded favorably to the Serbian overture, after some initial hesitation, but proposed an even wider Balkan alliance.

The outbreak and outcome of the First Balkan War

The Serbo-Bulgar Pact was first forged under the guidance and sponsorship of Russia within the space of two months during the year of 1912. It had a secret annex providing for a common action against Turkey—subject to Russian approval—in the event of a threat of war or an outbreak, such as a massacre. This pact was followed by a Greco-Bulgar alliance, supplemented by a military convention, and joined by Montenegro. The resulting Balkan League, disguised as a defensive alliance, was an instrument designed to pounce at an opportune moment on a foe that for centuries had oppressed the subject peoples in the Balkan Peninsula, and whose expulsion from Europe was presently held to be warranted once and for all.\footnote{On the formation of the Balkan League and the associated wars see Gooch, supra note 22, at 500–10; A. J. Grant & H. Temperley, Europe in the Nineteenth and Twentieth Centuries (1789–1950), at 375–80 (6th ed. London 1962); C. Seymour, The Diplomatic Background of the War 1870–1914, at 221–39 (1927); R. Sontag, European Diplomatic History 1871–1932, at 176–82 (1933); W. S. Davis, The Roots of the War 426–43 (1918).}
boundaries of the two countries by an eventual partition of Macedonia to which, as noted above, both countries had respective claims. To enhance the significance of the treaty, the sovereigns of the two states, in addition to the ministers, signed it. Apart from aspirations that she entertained with respect to Macedonia, Serbia was a tiny, land-locked state when compared to a relatively aggrandized Bulgaria, and she had high hopes of creating the nucleus of a future Yugoslav Empire.

As if to accommodate the zeal of the partners of the new Balkan coalition, the Ottoman regime was not long in providing the opportunity for these partners to go collectively into offensive action—preceded by the dispatch to Turkey of unacceptable ultimatums. That opportunity involved the twin massacres perpetrated by the Turks in the summer of 1912. One massacre took place in the town of Ishtib, east of Skopje, and the other and major one in Koçani, southeast of Skopje—the capital city of Kosovo province in Macedonia. The bloodbaths aroused the people of Bulgaria and galvanized the governments of the Balkan Alliance, which, led by tiny Montenegro, proceeded to carry out the projected war against Turkey.

The intercession by the Powers—first through efforts of persuasion and subsequently through a warning to the effect that no territorial conquest would be recognized by any of the partners of the coalition—was of no avail. For their part, Turkish masses led by Ittihadist leaders and university students launched a series of noisy militant demonstrations in the streets of Istanbul, defiantly insulting their former subjects and chanting in unison: “We want war, war, war.” They also shouted such battle cries as “To Sofia, to Sofia,” “Down with Greece! Greeks, bow your heads,” and some other unprintable epithets directed at both Greeks and Bulgarians. Equally significant, the university students kept screaming, “Down with Article 23, down [with] it” when confronting Grand Vizier and veteran Army Commander Ahmed Muhtar Paşa—in whose presence some of the students went so far as to cry out, “Down with equality . . . we don’t want equality,” referring to the central provision of Article 23 of the Berlin Treaty, stipulating reforms to benefit the downtrodden Christian subjects. With an inclination to underscore the religious dimensions of the escalating conflicts, other demonstrators shouted, “The Balkan dogs are tramping on Islam,” “They are insulting an empire which is adorned with victories amassed in the course of six centuries, and which can crush that pack of dog lice with a single blow of the heel.”

As if to publicly confirm the interconnectedness of Articles 23 and 61 of the Berlin Treaty and their nearly identical ramifications for Turkey, Tanin—the semi-official mouthpiece of Ittihad—declared in an editorial:

Who can guarantee that Article 61 will not follow Article 23, which Article they presently want to resuscitate. Europe’s intervention and Europe’s desire to control our internal affairs is a warning to us to
ponder the fate not only of Rumelia [Macedonia], but also eastern Turkey for it will be impossible to spare eastern Turkey the fate awaiting Rumelia.\textsuperscript{40}

Similar meetings and demonstrations were taking place in Sofia, Belgrade, and Athens—where bellicosity and clamors for war were no less pronounced. There was a sense of self-righteousness in these gatherings, which Bulgarian Premier I. E. Gueshof articulated as follows: “The present war in which the Greeks, Bulgarians, Serbians, Catholic Albanians and Orthodox Montenegrins will fight hand in hand, is not a product of panslavist agitation. It is a crusade against unbearable Turkish tyranny that is exploiting and martyrizing the Christians of the Balkan [P]eninsula.”\textsuperscript{41}

In less than three weeks, that crusade harnessed a series of spectacular military victories, with each of the three major partners of the coalition displaying inordinate martial prowess on the battlefields. The redoubtable Ottoman army suffered humiliating defeats that were as unexpected as devastating. Under General Savof, the Bulgarians scored a series of victories in the battles of Kirkkilise in Thrace and Luleburgaz, forcing the Turks into full retreat. In the process they reached the outskirts of Adrianople (Edirne) and the gates of Istanbul at Catalca.

The Serbs were equally, if not more, successful. On October 18, Serb King Peter issued a proclamation to his troops declaring that the object of the Balkan League was to liberate Macedonia and bring liberty, fraternity, and equality to the Christian and Muslim Serbs, as well as to the Albanians with whom the Serbs had coexisted for thirteen centuries. The 150,000 man Serbian army was first victorious at Novibazar—the district out of which the Turks were cleared. A portion of that army subsequently occupied Pristina. The main part of that army began to march toward Uskub (Skopje) in Macedonia, the ancient capital of the Serbs. The Turks blocked the way by occupying Kumanovo. There the two armies met, and after three days of fierce fighting between October 22 and October 24, 1912, the Serbs scored a complete victory. Two days later, the Turks were forced to yield Uskub. The triumphant entry in that ancient Serbian capital marked a historical milestone for the Serbs, who for five hundred years had waited for the day to avenge their defeat at the hands of the Turks in the June 15, 1389, Battle of Kossovo Polye. It was a defeat that had sealed the fate of the Serbs for five centuries, many of whom had sought refuge in the mountains of Montenegro to continually wage war against the Turks ever since that time. Many more had migrated to Bosnia. In quick succession, the Serbs had become the masters of Novibazar, Old Serbia, western Macedonia, and the

\textsuperscript{40} 3 A. Andonian, Badgerazart Untartzag Badmootun Balkanian Baderazmin [Comprehensive History of the Balkan War] 499 (1912) (Turk.).
\textsuperscript{41} Id. at 503.
Albanian coast of Durâzzo on the Adriatic Sea.

Similar victories were scored by the Greeks, who entered Saloniki on November 3, 1912, after three days of combat in Yenice. In the second round of the Balkan War, which started on February 3, 1913, the Bulgarians and Serbs finally captured the ancient Ottoman capital of Adrianople. On March 6, the Greeks won a phenomenal victory at Janine with the fall of this almost impregnable fortress. The Greeks captured 200 guns and the 33,000 soldiers of the garrison.

The conduct of the Powers in the face of these Balkan coalition victories was significant in several respects, but was critical in one respect. The critical component centered on the rise of acute dissension in its ranks and the formation of two types of alignments counterpoised to each other. This splitting foreshadowed, in a sense, the establishment among the Great Powers of the two enemy camps prevalent at the outbreak of the war—the Entente Powers, consisting of England, France, and Russia, and the Central Powers, consisting of Germany, Austria-Hungary, and Italy. Even though these Powers—especially Austria-Hungary and Russia—had warned Serbia, Montenegro, Bulgaria, and Greece that they would be denied the right to appropriate the lands they might conquer in the war, they now were in disagreement about this issue. Sympathetic from the very start with the cause of the coalition, Russia suggested that the conquered territories belonged to the victors by right of occupation and should be partitioned among them by way of friendly agreement. British opinion was almost unanimous on the side of the allies of the coalition. On November 9, 1912, Prime Minister Herbert Asquith declared that the Powers would recognize accomplished feats and would not oppose the recognition of the territorial changes achieved through military victory.

The Central Powers, on the other hand, demurred and resisted such accommodation. A particular bone of contention was Serbia’s retention of Durâzzo, which afforded her access to the Adriatic Sea. The Entente Powers were willing to support Serbia’s stance, but it was opposed by Italy and especially Austria, which was willing to wage war for the Adriatic because she considered it her sole preserve. In the interest of an autonomous Albania, Austria-Hungary pressured Serbia and Montenegro to surrender Scutari (Iškodra), which had been captured during the war.

The Balkan League was formed under the auspices of the Russian Tsar. It essentially revolved around Serbia, which had become Russia’s outpost in the Balkans. The League did not last long, however, as the Serbs and Greeks were forced to reunite against Bulgaria, which had made a mockery of the coalition by her twin surprise attacks against Serbia and Greece. Reportedly engineered by the Bulgarian Commander-in-Chief, General Savof, without the knowledge of the Cabinet and Premier Gueshof, the initiative backfired at great cost to Bulgaria. This war of partition between
the former allies began in June and ended on July 29, 1913.

In the meantime, Austria-Hungary and Russia had resorted to partial mobilization, with Russia amassing troops on the Caucasian frontier and informing Turkey that she could not promise neutrality if the war in the Balkans started again. Germany sternly let it be known that an attack on Turkey might trigger an all-out European war. One of the consequences of the military defeats sustained by Turkey was that the Central Powers, especially Germany, became most apprehensive about the design of Russia and her Slavic client-states in the Balkans.

This is the context in which the Powers, after much haggling, combined their influence in 1913–14 to persuade Turkey to agree to a set of Armenian reforms for which the Armenians had been clamoring for decades. Three elements in this undertaking rendered the February 8, 1914, Reform Agreement explosive. It was initiated by the Russians—the mortal enemies of the Turks—and coincided with one of the worst moments of Ottoman-Turkish history. Finally, the Powers impelled, if not compelled, the Turks to accede to it.


The Armenians' vulnerability magnified

As one student of the Young Turks observed, the Albanians, Greeks, and the different Slavic nationalities in the Balkans had emancipated themselves one by one from Ottoman dominion, and by 1913, "only the Armenians and Arabs remained as subject nationalities." Since the Arabs

42. FEROZ AHMAD, THE YOUNG TURKS 154 (1969). In one particular respect the Armenians stood out among all the subject nationalities, such as the Albanians and various Arab groups—the Yemenis, Syrrians, Lebanese, and Jordanians. The Armenians avoided militancy and confrontation, consistently seeking remedies through appeals and pleas which were always suffused with pledges of unswerving loyalty. The Balkan nationalities and the Arabs, on the other hand, resorted to rebellion in order to end Ottoman subjugation and the attendant repression. The Armenians were characterized by Ottoman rulers as milleti sadika 'the loyal nation,' for this display of fidelity, SADI KOÇAĞ TARIH BOYUNCA ERMEVINER VE TURK-ERMEVIN ILLIŞKİLERİ [THE ARMENIANS THROUGHOUT HISTORY AND TURKO-ARMENIAN RELATIONS] 59, 61 (1967) (Turk.). Their subsequent transformation from loyal servants of the State into its militant opponents is, however, an example of the futility of entreaties and pleas applied to regimes thriving on oppression and tyranny. In a meeting with British Ambassador Sir Henry Elliot on December 6, 1876, Patriarch Nercess Varjabedian, the duly recognized religious head of the Armenians, expressed the hope that the impending Constantinople Conference would not urge the Porte to accord certain privileges to the rebel provinces (Serbs, Bulgars, Montenegrins) and to deny the same to the loyal ones (the Armenians). The Ambassador demurred, saying that the purpose of the Conference was not to scrutinize the entire Administration of Turkey, but rather to secure peace and tranquility in those provinces where revolts were threatening the general peace. The Patriarch retorted that if rebellion were a prerequisite for enlisting the support of European Powers, then there would be no
were far more numerous, inhabited areas that were peripheral to the
cardinal of the empire, and perhaps most significantly, were of Muslim
faith, the Turks turned their combative attention to the Armenians as a
residual minority of primary importance. Their catastrophic experiences in
the first Balkan War of 1912 not only shocked them, but also informed
them of the potential perils mistreated nationalities could bring to bear on
the Empire. As a result of that Balkan War catastrophe, Turkey had lost
nearly 70 percent of her European population and about 85 percent of her
European territory. The streets, mosques, and other communal places of
abode in Istanbul were full of destitute and emaciated Muslims who had
fled the war zones or were dislocated as a result of Greek, Serb, and
Bulgarian territorial conquests in the former Ottoman provinces of the
Balkans. It was against this overall backdrop of misery and despair that the
Armenian leadership once again chose to launch its campaign for Armenian
reforms inside and outside Turkey, mobilizing prominent diplomats,
clergymen, and public figures in Russia and Europe. From a Turkish point
of view, however, this was a time of deep anguish, grim reflection, taking
stock, and new, drastic initiatives for remedies in pursuit of national
redemption.

Halil (Menteş)—President of the Ottoman Chamber of Deputies and
Foreign Minister in World War I—openly lamented the losses in the
Balkans and in 1914 declared in Parliament: “I exhort my nation from this
eminent podium that it should not forget [the tragedy in the Balkans]
(shouts of ‘we won’t forget’). . . . We have on the other side of our borders
brothers to be freed. . . . Only thus can we protect our future from the
dangers of repeating the mistakes which led to our defeats and tragedies.”43

One major conclusion the Ittihadists derived from their reflection was
that the renewal of the Armenian pursuit of reforms, if successful, had all
the potential of becoming an extension of the Balkan disaster in eastern
Turkey—with far graver consequences for the future of Turkey. Abdullah
Cevdet, one of the original pillars of Ittihadist ideology, as well as a
military physician, veteran publicist, and exponent of the drive for
Westernization in Turkey, linked his lamentations for the losses in the
Balkans to his apprehensions of greater potential dangers in Asiatic Turkey:
“Will these thunderous roars on our European borders, these blows, awaken
us? . . . Don’t kid yourself that because of our preoccupations in European
Turkey, we should not worry about Anatolia. Anatolia is the well spring of
every fibre of our life. It is our heart, head, and the air we breathe.”44

The implicit message contained in this statement is clear: beware of the

44. Id. at 463.
Armenians and their clamors for reform to be introduced in the heart of our fatherland. For the Turks, it was not easy to forget that the Balkan nationalities' attainment of complete freedom and independence was traceable to the rudimentary demands for reform that eventually involved some form of autonomy. Projecting into the future any kind of autonomy in any scheme of reforms was defined by the Ittihadist leaders as a non plus ultra for Turkey.

As if to exacerbate the situation, several other factors entered the picture. The resumption of the campaign for Armenian reforms occurred during the critical months of the fall of 1912, when Turkey was suffering setbacks externally—such as the Balkan War military defeats—and internally when Ittihad temporarily was forced out of power. Moreover, a number of non-Turkish members of the Ottoman Chamber of Deputies, including Greeks and Armenians, were becoming more vocal about their criticism of Turkish nationality policies in Europe and Asiatic Turkey. In the meantime, the deposed Sultan Abdul Hamit chided the Ittihadist leaders as misguided patriots for allowing non-Muslims such scope for dissidence and opposition, which critically undermined Turkish national interests. This Turkish exacerbation reached its apex by the most crucial factor at work throughout the entire episode. The Armenian reforms movement was spearheaded by the Russians who now had become the defenders—if not champions—of the Armenian cause, reversing their policy of tacit support for the massacres prevalent in the 1890s. Through their persistence and willingness to address the concerns of the Turks and their German advocates, the Russians finally succeeded in overcoming the obstacles created by Turkish methods of stalling and temporizing. On February 8, 1914, the Armenian Reform Agreement, reflecting a hard-won consensus by the Powers that had been grudgingly approved by Turkey, was signed in Istanbul as an international law document akin to a treaty. The most critical and consequential feature of the Agreement was a provision for two foreign inspectors-general to administer and superintend the projected reforms, a provision which alarmed and offended the Turks while inspiring and relieving the Armenians.45 The Turkish intent to derail the implementation of the Agreement, however, was evident in the resentment of many Ittihadist leaders regarding the collective pressures they felt the Powers had utilized to influence Turkey to sign the Agreement. These Powers had succeeded in ironing out their differences through the forging of a more or less united front, mainly through the active engagement of Russia and Germany, as well as by impelling Turkey to accommodate. The lasting effects of this resentment were manifest at the outbreak of World War I,

when several Ittihadist leaders, including party boss Talât, openly berated and vilified the Armenian leaders for resuscitating the reform issue at the most painful and vulnerable moment of Turkish history. This resentment gave way to rage when these same Ittihadists made reference to the fact that the Armenians had dared to seek and obtain foreign intervention on their behalf. The more blunt Ittihadists are reported to have gleefully reminded some of the Armenian leaders on their way to liquidation during the World War I genocide that "Simdi intikam zaman idir" ‘this is our moment of settling scores.’

The adoption of a radical Turkish ideology

Parallel to the projections of a potential Armenian threat to the integrity of the Turkish state, the Young Turk Ittihadists embarked upon a comprehensive program of national renewal and political reorientation. One aspect of this undertaking was the vehemence with which Ittihad proceeded to deal with dissidents from within and opponents from without the party. There was a prevailing sense among the party leaders that the recent misfortunes befalling Turkey were largely due to their “mistake” of having allowed their political and military antagonists to challenge the party and its leaders. Several prominent party members bitterly opposed to the party had resigned from it to form the Freedom and Accord Party (Hürriyet ve Ittâf) in November of 1911 and were anticipating the downfall of Ittihad. This new party of liberals included non-Muslims in its ranks—especially Armenians—whose essential common objective was the overthrow of the Ittihadist regime.

In addition, there was the active opposition of the Savior Officers (Halâskar) group, which had close ties to the abovementioned Freedom and Accord Party. Their objective was the demolition of the Ittihadist power structure, the disengagement of military officers from the vagaries of politics, and the restoration of a “legal government.” Through a variety of pressures, which culminated in an ultimatum demanding the dissolution of the Ottoman Parliament, they managed to oust Ittihad from power in July of 1912. These initiatives coincided with the reigniting of the Macedonian crisis and the subsequent outbreak of the Balkan War, ultimately giving rise to a general conviction that the rift among the Turkish military—pitting Ittihadist against anti-Ittihadist officers—in no small way contributed to the defeat suffered by the Ottoman army.

The Ittihadist program of national renewal essentially aimed at discarding the traditional concept of multi-ethnic “Ottomanism”—which was based on the premise of concord among the various nationalities—as

46. The testimony of Ottoman Civil Inspector and Ittihadist sympathizer Mihran Boyadjian, the French version of which is in Renaissance, June 25, 1919.
useless and even pernicious. This concept was predicated upon the assumption that the other ethnic elements would eventually integrate themselves in the Ottoman system, and would relinquish most of their ethnic ties, with the temporary exception of their religions. This assumption proved not only illusory but ill-advised because it implied eventual assimilation—a condition that was abhorrent to these nationalities. Ottomanism was, therefore, to be dismantled and replaced by a narrowly conceived nationalism, glorifying “Turkism” and seeking the “Turkification” of the entire fabric of Ottoman society. With this turn of events, the rudimentary liberal ideals of the Young Turk Ittihadist Revolution were doomed to be relinquished or repudiated.

The main instrument for this radical change was the Ittihadist Party, the Committee of Union and Progress, relying as it did on its organization and hierarchy of leadership, including its covert designs and submerged structures. Top priority was given to the task of creating a vast network of party branches in the provinces to be directed by trusted party loyalists. They were to be entrusted with party secrets and the execution of party directives independent from, and sometimes in contradiction to, officially stated policies. These measures of party penetration and expansion were applied most resolutely in those provinces of Anatolia and eastern Turkey in which there were large clusters of Armenians. As it turned out, the principal aim of the entire undertaking was to gradually gain control over these populations, emasculate them further through legal-political constrictors, and create a general atmosphere of anti-Armenianism among the Muslim multitudes in these provinces. In the 1910 secret speech of Talât, alluded to above, there was already a provision included for this type of party build-up and secrecy of certain party designs, about which even regular civilian functionaries in the Ottoman provincial administration were to be kept incognito.47

Consistent with the thrust of these administrative initiatives, Ittihad, in the very midst of Turkish military reverses in the 1912 Balkan War, launched a comprehensive program of indoctrination and paramilitary training of Turkish youth. Ittihad had tried to inculcate a new mood of nationalism and militancy among the young generation committed to its care. The Association for the Promotion of Turkish Strength (Türk Güçü Cemiyeti), established in 1913, in its Number 1 Statute, speaks of the need for “military training [of the youth] to enable the nation to become again a warrior (silahçor) nation” in order to avert Türk irk‘i inhihata ‘the decay of the Turkish race.’ Additionally, there were a number of Ottoman youth groups that, under the direction of the War Ministry, were to be prepared “for the defense of the fatherland” and for whose purpose “the ministry is to
supply, free of charge, rifles, bullets, and ammunition."

These activities were directed by Ittihadist War Minister Enver and chief Ittihadist ideologue Ziya Gökalp. Both leaders were indicted by the post-war Turkish Military Tribunal investigating the wartime Armenian massacres, and Enver was convicted and sentenced to death. The League for National Defense (Müdafaa-i Milliye Cemiyeti), established in the midst of the Balkan War, had the mission to prepare the Turks for combat, despite its disinterest in political and party involvements and its profession for such other ancillary ends as peace, prosperity, and happiness. These professions were belied by the subsequent activities of the League. Equally important, the founders of the League included the top leaders of Ittihad, who were also Cabinet Ministers named Interior Minister Talât, War Minister Enver, Foreign Minister Said Halim, Marine Minister Cemal, and Justice Minister Ibrahim.

The military initiatives

Given the preeminent role of the military officers in the outbreak of the Ittihadist Revolution and the general sway of militarism in the unfolding of the career of the Ottoman Empire, the military functioned as the backbone of the party organization in launching these initiatives. As a first step, the officer corps of the armed forces was purged inexorably. Ittihadist War Minister Enver abruptly dismissed a total of 1100 officers from all ranks, including generals who were considered incompetent and less than loyal to, or outright opponents of, Ittihad. Concomitantly, the same War Minister promoted young, trusted Ittihadist officers, including himself, to much higher ranks than normal procedure would allow. The net result of these undertakings was the optimal politicization of the officer corps and the swift ascendancy of Ittihadist zealots in all ranks.

Under the auspices of the same War Minister, and in close cooperation with the Supreme Directorate of the Talât factions, the Turks reactivated and enlarged the Special Organization. A quasi-military outfit led by regular army officers, this organization in its nuclear form was already active in the 1913 Second Balkan War. It mainly conducted guerrilla operations against the Bulgarians. As publicly stated, a vital part of its assigned task was surveillance and “neutralization” of internal foes. Its secret mission was to liquidate the discordant and “alien” minorities at the first opportunity, which were major threats to Turkish national security, as evidenced later in the war as the Armenians headed this list of minorities.

The party directorate, in close cooperation with the Public Security

49. Id. at 294–95.
50. Liman von Sanders, Five Years in Turkey 8 (1927).
Office (Emniyet Umumiye) of the Interior Ministry, set up a special department of surveillance and intelligence in the General Directorate of Turkish Police. This department housed the secret files compiled on Armenian clerical, political, and educational leaders, as well as journalists and intellectuals against whom warrants for future action existed.

A number of members of the League of National Defense enrolled in the ranks of the Special Organization, which served as the principal instrument in the implementation of the Armenian Genocide. These Special Organization contingents were led by such highly committed and prominent Ittihadist military officers as Yakub Cemil, Halil (Kut), and Yenibahçeli Nail, who were heavily implicated in the subsequent wartime planning and direction of the massacres against the Armenians. They simply transferred the skills they had acquired as guerrilla leaders in the Balkans\textsuperscript{51} to their new field of operations involving the extermination of the bulk of the Armenian population in Turkey during World War I.

The successful achievement of that objective was in line with the objectives of the new nationalism of the Ittihadists, which centered on radically restructuring Ottoman society by way of converting a heterogeneous social system into a more or less homogeneous one—the optimal Turkification of a residual empire.

THE CONDITIONS OF INITIATING THE GENOCIDE

Contrary to some views being advanced in recent times, the World War I genocide against the Armenians was not simply an aberration due to wartime exigencies. The 1894–96 Abdul Hamit era and the subsequent 1909 Young Turk Ittihadist era Armenian massacres not only constitute the antecedents of that genocide, but given the conditions surrounding them, the latter genocide is rather ominously foreshadowed in this chain of massacres. Within such a historical perspective, there is a discernible Ottoman-Turkish pattern where resort to wholesale massacres emerges as an integral part of the policy respecting the treatment of minorities considered to be discordant and troublesome for the state.

Although the Armenian massacres preceding World War I were significant in many respects, they underscored two especially important facts. First, the massacres were not subjected to the test of viable criminal proceedings, either nationally or internationally. The resulting impunity accorded to the perpetrators became a form of negative reward. Second, as a result, no deterrence materialized in anticipation of the 1915 genocide. Current international law on genocide revolves around the twin principles of prevention and punishment. The examination of the special case of the

\footnotesize{\textsuperscript{51} PASA HALIL \& TAYLAN SORGUN, BITMEYEN SAVAŞ [THE UNENDING FIGHT] 125 (1972) (Turk.); TUNAYA, supra note 43, at 123, 275, 294.}
The Armenian Genocide, in which both of these principles failed to operate, brings into question the reliability and adequacy of international law and, accordingly, the efficacy of international efforts to deter genocide.

Evidence suggests that Turkey's entry into World War I was substantially influenced by a desire to seize a suitable opportunity to finally resolve all lingering domestic conflicts, especially the Armenian Question. The recent literature analyzing the problems of genocide is replete with discussions recognizing this historical fact. Several of these discussions singled out the 1894–96 Abdul Hamit era massacres as a historical antecedent of contemporary issues of genocide, while others focused on

52. The classification of genocide as a crime under international law in the U.N. Convention on Genocide poses a number of difficulties in current international jurisprudence, where the doctrine of state sovereignty still remains powerful. While a variety of new principles, conventions, and covenants have emerged in the post-Nuremberg period and provided some help in this arena—especially those involving the twin ad hoc tribunals that prosecuted the respective crimes in former Yugoslavia and in Rwanda—these difficulties remain substantial.

The ad hoc International Criminal Tribunal for the Former Yugoslavia was established at The Hague in 1994 pursuant to Security Council Resolution No. 827. Several convictions for the crimes against humanity have been handed down, including for the crimes of rape and enslavement. On August 2, 2001, Trial Chamber I of the Tribunal rendered the first judgement convicting an individual of having committed the crime of genocide. General Radislav Krstić was sentenced to forty-six years of imprisonment for his involvement in genocide, forced deportation and fission between July and November 1995, in particular for his responsibility for the crimes committed by Serbian forces in the town of Srebrenica. On November 23, 2001, the U.N. Tribunal indicted Slobodan Milosevic for committing genocide against the Bosnian people. His trial for crimes against humanity committed during the Serbian crackdown on ethnic Albanians in Kosovo and during the war in Bosnia and Croatia opened in February 2002. He is the first head of state to stand trial for genocide.

The International Criminal Tribunal for Rwanda was established in 1995 at Arusha, Tanzania, pursuant to Security Council Resolution No. 955. On September 2, 1998, the first verdict interpreting the Genocide Convention was handed down by the Arusha Tribunal in the judgement against Jean-Paul Akayesu, who was held guilty on nine counts for his role in the 1994 Rwandan Genocide.

It is only recently that the crime of genocide has even been considered a crime under international law. As Willis states:

Not until 1948 would genocide...be clearly defined as an international crime, and in 1919 adherence to time-honored notions of sovereignty placed limitations upon the scope of traditional laws and customs of war. The Hague conventions...[did not deal] with a state's treatment of its own citizens...From this perspective, Turkish action against Armenians was an internal matter, not subject to the jurisdiction of another government.

JAMES WILLIS, PROLOGUE TO NUREMBERG: THE POLITICS AND DIPLOMACY OF PUNISHING WAR CRIMINALS OF THE FIRST WORLD WAR 157 (1982). As indicated in this study, this deference to state sovereignty was ever-present in the international reaction to the Armenian Genocide. See the exchange between U.S. Secretary of State Lansing and President Wilson during World War I, in GEORGE, supra note 15, at Introduction.

53. See A. Jacoby, Genocide, 4 Schweizerische Zeitschrift für Strafrecht (4 Revu
the World War I massacres.\textsuperscript{54}

\textit{The opportunity factor}

When World War I broke out in July of 1914, Turkey was neither prepared militarily, nor disposed to commit herself instantly and unconditionally to the camp of the Central Powers led by Imperial Germany. Sympathies for Germany among the most powerful leaders of Ittihad, such as War Minister Ismail Enver, some of his close associates in the ministry, and Dr. Nazım—the shadowy arch power-wielder in the supreme directorate of the party—were pervasive. Several factors additionally favored the adoption of a pro-German Turkish stance. Foremost among these was German Emperor Wilhelm II’s legacy of diplomatic support of Sultan Abdul Hamit’s regime at a time when most of the other Powers of the Concert of Europe were against the wholesale Armenian massacres carried out under the aegis of the regime they had condemned. Moreover, it was an Ottoman tradition to entrust the reorganization and rebuilding of the Ottoman army mainly to German officers, among whom Helmuth von Moltke and Baron Colmar v.d. Goltz stand out. Perhaps most importantly, the Ittihadists’ first major move after they overthrew their opponents’ government in January of 1913 was to seek German military assistance in reorganizing the Ottoman army, which was then directly under Enver’s control. Enver’s sympathies for the Germans bordered on exaltation of Germany as a formidable military machine that he had an opportunity to observe and assess when serving in Berlin as Turkish Military Attaché prior to World War I. Following the signing of a contract, the arrival of a German Military Mission to the Ottoman capital of Turkey in December of 1913 foreshadowed the Turkish intent to forge a partnership with Germany. That partnership materialized on August 2, 1914, when the Turko-German political and military alliance was signed, following a series of stringent negotiations whereby the Turks secured German commitment

for massive monetary and other types of economic assistance to Turkey.\textsuperscript{55}

The dividends of this alliance for the unfolding of Turkish designs and aspirations were multifarious. First and foremost, Germany now offered a protective shield to Ittihad’s wartime plans. Internally, the centerpiece of these plans was the homogenization of the ethnic make-up of what was left of the Ottoman Empire. As later events demonstrated by explicit and strict orders from the German High Command in Berlin, the multitudes of German officers who were affiliated with the German Military Mission to Turkey were forbidden from intervening in the process of Armenian deportations. The same prohibition applied to the thousands of other German officers assisting in the Turkish war effort, whether as commanders-in-combat or as administrative support personnel. This order was rationalized by twin arguments. First, unconditional support of the Turkish ally for the sake of a common victory in a war for survival was to be regarded as a matter that should take precedence over everything else. Second, Germany could ill-afford to ignore “Turkish sensitivities” with regard to the Armenian issue. This policy of non-intervention was approved at the highest level of the German government and sanctioned by the Kaiser. In fact, in a lengthy report made to Berlin on April 15, 1915, German Ambassador Hans Freiherr von Wangenheim declared that by intervening in “a hopeless case (aussichtlose Sache), i.e., the Armenian problem, we may jeopardize interests which are more important and crucial for us.”\textsuperscript{56}

Apart from these attitudes of indulging the Turks and thereby granting them a \textit{laissez faire} license, German intelligence operatives helped the Ittihadists to set up a surveillance bureau within the General Police Directorate in the Ottoman capital. As noted above, the purpose was to prepare lists and dossiers on Armenian community leaders to be treated as potential foes of Turkey. Furthermore, upon German advice, War Minister Enver reactivated and expanded the residual \textit{Teşkilat i Mahisə} ‘Special Organization’ as an instrument of wartime agitation, sabotage, and murder both inside and outside Turkey.

Thus, taking advantage of the crisis generated by the outbreak of the war in July of 1914, the general mobilization in the wake of the signing of the Turko-German alliance, and the endemic state of siege together with the corollary martial law, the Turkish authorities proceeded to prepare the ground for the holocaust-to-come, while energetically preparing themselves for preemptive war. The opportunity was not only at hand, but also was considerably maximized.

\textsuperscript{55} For a detailed discussion of the circumstances under which this pact was signed see BAYUR, \textit{supra} note 36, vol. 2:4, at 629–647.
\textsuperscript{56} A.A. TÜRKEI 183/36, A13922, R14085.
In his memoirs, Major-General Joseph Pomiankowski, the Austro-
Hungarian Military Plenipotentiary attached to the Ottoman General
Headquarters during the War, alluded to the unabated antagonism between
Muslim and non-Muslim nationalities. Referring to "the spontaneous
utterances of many intelligent Turks," Pomiankowski conveyed their view
that these conquered peoples ought to have been forcibly converted to Islam
or "ought to have been exterminated (ausrotten) long ago."57 His conclusion
is noteworthy:

In this sense there is no doubt that the Young Turk government
already before the war had decided to utilize the next opportunity
for rectifying at least in part this mistake. . . . It is also very
probable that this consideration, i.e., the intent, had a very important
influence upon the decisions of the Ottoman government relative to
joining the Central Powers, and upon the determination of the exact
time of their intervening in the war.58

Ambassador Henry Morgenthau, whose contacts with high-ranking
Young Turk officials were more frequent and intimate than
Pomiankowski's, was even more explicit in this regard:

The conditions of the war gave to the Turkish Government its
longed-for opportunity to lay hold of the Armenians. . . . They
criticized their ancestors for neglecting to destroy or convert the
Christian races to Mohammedanism at the time when they first
subjugated them. Now . . . they thought the time opportune to make
good the oversight of their ancestors in the 15th century. They
concluded that once they had carried out their plan, the Great
Powers would find themselves before an accomplished fact and that
their crime would be condoned, as was done in the case of the
massacres of 1895–96, when the Great Powers did not even
reprimand the Sultan.59

Morgenthau's opinion was unequivocally confirmed by the Young
Turk party leader Mehmet Talât, one of his chief sources in Turkish
government circles. Talât told Dr. Johann Mordtman, the man in charge of
the Armenian desk and the dragoman at the German Embassy at Istanbul,
that Turkey was "intent on taking advantage of the war in order to
thoroughly liquidate its internal foes, i.e., the indigenous Christians,

57. Joseph Pomiankowski, Der Zusammenbruch des ottomanischen Reiches, 162
(1969) (Ger.).
58. Id.
1918). Louis Heck, the U.S. High Commissioner in Istanbul and a Special Assistant of the
Department of State, also pointed out the opportunity factor provided by World War I: "[T]he
Young Turk Government soon availed itself of the opportunity afforded by war conditions to try
to exterminate the Armenian population of Asia Minor and thus rid itself once for all of the
The Armenian Genocide without being thereby disturbed by foreign intervention." In a joint memorandum to Berlin requesting the removal of German Ambassador Metternich on account of the envoy's unceasing efforts to intercede on behalf of the Armenians, Talât—along with warlord Enver—re-emphasized this point: "[T]he work must be done now: after the war it will be too late."

The observations of two prominent German experts also merit special attention. In explaining Turkey's motivation for entering World War I on the side of Germany, K. Ziemke—a renowned German political scientist—described Turkey's desire to extricate herself from the bondage of the Armenian Reform Agreement of January 26/February 8, 1914, initiated in the wake of the 1912 Balkan War, as a contributing factor. He recognized the massacre and destruction of "one million Armenians" during the war as "the radical solution" of the Armenian Question, delivering Turkey from the burden of all future vexations. By so doing, the Turkish Government eliminated the conditions for future reform projects, as well as the allied pressures. More significantly, a German officer serving as Vice Consul of

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60. The Talât statement is in German Ambassador Wangenheim's June 17, 1915, report to his chancellor in Berlin, A.A. TÜRKEI 183/37, A1974, R14086. The same Talât in a Cabinet meeting in the fall of 1915, when the anti-Armenian exterminations campaign had all but run its course, is reported to have declared that he was aiming at the creation of a solidly Turkish nation, cleansed from alien elements, so that the Powers would have no more cause to intervene in the internal affairs of Turkey. A.A. TÜRKEI 159, No. 2, v. 14, Chargé Baron von Neurath's November 5, 1915, report to Berlin.

These judgments are confirmed by Ernst Jackh, the German expert on Turkey who undertook several inspection trips to Turkey during the war, relaying his conversations with high ranking Turkish officials and his observations to Kaiser Wilhelm II at his headquarters, the German Chamber of Deputies, and the Foreign Office. In his twenty-two page report covering his September-October 1915 trip he stated, "Indeed Talât openly hailed the destruction of the Armenian people as a political relief...." A.A. TÜRKEI 158/14, p. 18 (Oct. 17, 1915). Another German author, the last German Ambassador to Turkey in World War I, commented in his memoirs: "When I kept on pestering him [Talât] on the Armenian Question, he once said with a smile, 'What on earth do you want? The question is settled. There are no more Armenians.'" The ambassador later explained this assertion of having solved the Armenian Question in terms of the ancestral territories of the victims, namely, "Armenia where the Turks have been systematically trying to exterminate the Christian population." Despite his expressions of esteem for Talât, the ambassador conceded Talât's role in that extermination: "[H]is complicity in the Armenian crime he atoned for by his death." MEMOIRS OF COUNT BERNSTORFF, 176, 180, 374 (Eric Sutton trans., 1934). All of these admissions and testimonies are confirmed by a Turkish newspaper that was able to gain access to a pile of secret documents hidden in a suitcase, which was found and impounded by the Turkish judicial police during a raid at the home of attorney-at-law Ramiz, the brother-in-law of Dr. B. Şakir. In its December 14, 1918, issue, Sabah, the newspaper in question, concluded that "Talât has ordered the extermination of the Armenians."


62. KURT ZIEMKE, DIE NEUE TÜRKEI 1914–1929, at 271–72 (1930). The French text of the February 8, 1914, Agreement is in ANDRE M. MANDELSTAM, LE SORT DE L'EMPIRE OTTOMAN 236–38 (1917). Another German author who defined the Turkish conflict with the Armenians as a struggle for self-preservation and hence indirectly justified the resort to radical measures, characterized the Armenian reforms as dynamite—a nauseating medicine for the Turks cast in the role of a patient. FRIEDRICH NAUMANN, ASIA 132 (1911). In this context, Naumann advanced the
Erzerum, where a large Armenian population was destroyed, informed Berlin that "the Armenian [Q]uestion which for decades occupied the attention of Europe's diplomats is to be solved in the course of the present war[.] ... [M]easures undertaken by the Turkish government ... are tantamount to the total destruction of the Armenians."63

This view is further corroborated by the sources within the Ittihadist regime itself. Ahmet Cemal Paşa, who served both as a member of the Young Turk triumvirate running the Ittihadist regime from 1908–18 and also as the Commander of the Fourth Army and Marine Minister during the war, states in his memoirs that "our sole objective (bizim yegane gayemiz) was to free ourselves from all the governmental measures [imposed upon us] in this war and which constituted a blow to our internal independence."64 These shackles involved the international stipulations on the autonomy of Lebanon and the Armenian reform agreement—signed on February 8, 1914, by Turkey and Russia with the concurrence of the other Powers. As Cemal stated, "We wanted to tear up that Agreement."65 Enver, also a member of the ruling Ittihad triumvirate, likewise denounced the reforms stipulated by the international Agreement of February 8, 1914. During an exchange on August 6, 1915, with Hans Humann—German naval attaché and Enver’s childhood friend—the Minister admitted that the

view that given the Islamic tenets of Ottoman theocracy, there should be allowance made for the Turks exercising barbarisches Naturrecht, ‘the natural law of barbarism.’ Id.

63. A.A. TÜRKEI 183/39, A28584 (Aug. 10, 1915, report by Dr. Max von Scheubner Richter); see also JOHANNES LEPSIUS, DEUTSCHLAND UND ARMENIEN 1914–1918, at 123–24 (1919) (Ger.).

64. CEML PAŞA, HATIRALAR 438 (1977).

In the September–December 1913 period, during which the Armenians were again pressing for reform to be executed under European control, Ahmet Cemal repeatedly threatened the Armenian leaders with massacres through “the Muslim populations of six provinces” that were targeted for reforms. The threat was made to Vartkes, one of the Armenian Deputies serving in the Ottoman Parliament. Being an ardent Ittihadist, Vartkes—who was also a nationalist Dashnak leader—was advised to inform his party of this threat, warning against further solicitation of European intervention. ARMEN KARO, ABRUADZ ORER [LIVED DAYS] 191–92 (1948). This threat was confirmed by K. Zohrab, another Armenian deputy and professor of international law at Istanbul’s law school. In his pre-World War I secret diary, Zohrab in anticipation of the genocide, called attention to Cemal’s threat. Krikor Zohrab, Zohrabee Orakroutiuni Yegernee Nakhoriageen [K. Zohrab’s Diary on the Eve of the Genocide], VII NAVASART (Armenian Monthly, Los Angeles, C.A.), Apr. 1989, at 21. Both Vartkes and Zohrab were arrested and summarily killed by agents of the Turkish Special Organization during the war.

In December of 1913, Cemal had several Armenian students arrested for leading the festivities celebrating the 1500th anniversary of the invention of the Armenian alphabet. When exhorting them to stop their “traitorous activities,” Cemal again threatened to “exterminate the Armenians, sparing neither infants nor the old.” L. MOZIAN, AKSORAGANEE MU VOTISAGANU: SEV OREROU HISHADagner [AN EXILE’S ODYSSEY: MEMORIES OF DARK DAYS] 9–10 (1958). Cemal’s threat is further confirmed by another Armenian deputy of the Ottoman Parliament, who along with five other Dashnak leaders, had met Cemal in a private session after dinner in Prinkipo (Büyükada) Island. Cemal repeated his threat at that meeting. PAPAZYAN, supra note 30, at 191–92.

65. PAŞA, supra note 64, at 438.
main rationale of the anti-Armenian measures was "the total elimination of any basis" for future interventions by the Powers on the behalf of the Armenians. As a departmental head in the Turkish Justice Ministry declared, "There is no room for Armenians and Turks in our state, and it would be irresponsible and thoughtless for us if we didn't take advantage of this opportunity [afforded by the war] to do away with [the Armenians] thoroughly."

The annulment of the treaties

Through the December 3/16, 1914, Imperial Rescript, the Agreement of February 8, 1914, was cancelled. Talat, then Interior Minister, justified

66. A.A. Konstantinopel 170, folio 52; Leipsius, supra note 63, at 122. In a report to Berlin on February 2, 1915, German Ambassador Wangenheim stated that pursuant to Article 5 of the contract—signed with 2 Inspectors-General—the Turkish government had the right to cancel that contact. A.A. Türkei 183/36, A5043, R14085. According to a Turkish historian, the contract was signed on May 25, 1914, and provided for a monthly salary of four hundred Turkish gold pounds, plus a supplementary allocation for lodging. 4 Ismail Hamidi Taneci, [The Annotated Chronology of Ottoman History] 409 (2d ed. 1961). These conditions are described in the July 1, 1914, issue of the official Ottoman gazette, Takvimi Vekâyi.

67. Johannes Leipsius, Der Todeskampf des Armenischen Volkes 230 (1930). In an interview with the Director of Talât's Hüsüsi Kâlem 'Special Bureau,' Hasan Fehmi, journalist von Tyszka (Harry Stuermer) touched on the then ongoing anti-Armenian campaign. Fehmi, who had studied in Vienna, was fluent in German, and had translated German writer Goethe's Egmont into Turkish, responded as follows: "We must get rid of the Armenians. They have a revengeful and irreconcilable attitude and, as they are brave, they constitute a danger to the state. . . . We must make a clean sweep of the Armenians (reinen Tisch machen)." A.A. Türkei 183/37, A25593, R14088 (Sept. 30, 1915, report).


The cancellation coincided with the termination of the contract of the two inspectors—a Dutchman L.C. Westenenk, Assistant Resident in the Dutch East Indies, and a Norwegian Nicolai Hoff, Major and later Lieutenant Colonel in the Norwegian Army and the Secretary General of the Norwegian Ministry of War—who were to implement the reforms. However, as historian Arnold Toynbee pointed out, the two Inspectors' mission was intentionally handicapped by the Turkish authorities so as to derail and abolish it at an opportune moment:

A clause was inserted in the Inspectors contract of engagement, empowering the Government to denounce it at any moment upon payment of an indemnity of one year's salary—a flat violation of the ten years' term provided for under the scheme; and the list of 'superior officials' was inflated until the patronage of the Inspectors, which next to their irrevocability, would have been their most effective power, was reduced to an illusion. The unfortunate nominees were spared the farce of exercising their maimed authority. They had barely reached their provinces when the European War broke out, and the Government promptly denounced the contracts and suspended the Scheme of Reforms, as the first step towards its own intervention in the conflict. Thus, at the close of 1914, the Armenians found themselves in the same position as in 1883. The measures designed for their security had fallen through, and left nothing behind but the resentment of the Government that still held them at its mercy. The deportations of 1915 followed as inexorably from the Balkan War and
this move by declaring to Dr. Mordtman, “C’est le seul moment propice.”

The Project [Agreement] of 1914 as the massacres of 1895–96 had followed from the Russian War and the Project of 1878 [Berlin Treaty].

Arnold Toynbee & James (Viscount) Bryce, The Treatment of Armenians in the Ottoman Empire 1915–16, at 635–36 (Ara Sarafian ed., uncensored ed. 2000). See also Austrian Political Office Foreign Affairs Archives, 12 Türkei, Karton 463. In Austrian Ambassador Pallavicini’s May 16, 1914, report, he informed Vienna that “many of the competences agreed upon by the Powers were not included in the contract,” and in his May 25, 1914, report he complained that the two Inspectors were being treated as subordinate civil servants under the authority of the Turkish government, not as European Inspectors General. In his diary, Westenenk quoted Talât as describing Hoff and him as “just officials,” with Hoff repeatedly expressing doubt about the seriousness of the Turkish rulers. See L.C. Westenenk, Diary Concerning the Armenian Reforms in 1913–1914, 39 Armenian Rev., Spring 1986, at 29, 46, 57, 69, 72. Interior Minister and Party Chief Talât’s two appointments were revealing in this respect, portending as they did ominous developments for the Armenians. Diyarbekir Deputy Aziz Feyzi and his brother-in-law Bitlis province Governor Mustafa Abdülhalik (Renda) were assigned to the staff of Hoff as Deputies. Both men were subsequently to play pivotal roles in the destruction of the largest concentration of Armenians in southeastern and eastern Turkey, involving the provinces of Diyarbekir and Bitlis. Abdülhalik was later assigned to the post of Governor-General of Aleppo province, directing the ancillary liquidation of the remnants of the Armenian population who had survived the exacting forced trek from the interior of Turkey to the deserts of Mesopotamia in 1915–16. A.A. Türkei 183/38, A24658 (Enclosure VI of Aug. 20, 1915, report R14087). Zhamanag (Turk.), 6/19 July 1914, describes the other, i.e., Abdülhalik’s assignment, whose complicity in the Armenian Genocide is sketched in Vahakn N. Dadrian, The Naim-Andonian Documents on the World War I Destruction of the Ottoman Armenians—The Anatomy of a Genocide, 18 Int’l J. Middle E. Stud. 311, 336–38, 342 (1986).

Interior Minister Talât’s highhanded breaches of the February 8 Reform Agreement, transacted under the guise of a contract with the two European Inspectors-General, were challenged by Boghos Nubar in a protest letter to German Deputy Foreign Minister Arthur Zimmerman on June 22, 1914. In it, Nubar, who in 1912 had been appointed by the Catholics of all Armenians in Russian Armenia to revive and pursue the outstanding problem of Armenian Reforms in Europe, pointed out that the stipulations of the Reform Act were grossly violated by the provisions of the related contract. As an international agreement, the Act had precedence over an internal contract, and the Turkish government, it was claimed, had no legal basis to circumvent that Act. Nubar was mainly objecting to the willful reduction of the international status of the European inspectors to that of mere Ottoman functionaries whereby they would lose their power of control over the administration of the Reform Act, as well as their ten year tenure set forth in that Act. He warned Zimmerman that should the Turks be allowed to get away with these breaches, the reforms would once more prove moribund. A.A. Botschaft Konstantinopel, 168, A12314.

The protest was an exercise in futility. Long before World War I broke out, Talât let the Armenian leaders know that they were wasting their time, and that under no circumstances would Turkey allow European or any foreign control of the provincial administration. He told an Armenian Parliament deputy: “Don’t you realize that there are a thousand ways to derail the reforms in the course of their implementations?” Papazyan, supra note 30, at 225–36. Talât’s Turkish biographer confirmed this obstructive stance of the Ittihadist party boss who avowedly was biding his time to dismantle the whole plan. Tevfik Çavdar, Talât Paşa 308–11 (1984).

In his memoirs, an Armenian political executioner assigned by the Dashnak party to duties involving the “avenging” of the crimes perpetrated against the Armenians by assassinating the arch perpetrators, claims to have encountered a Turkish agent sent to the prison to spy on him and establish his true identity. Hasan Burhaneddin, the agent, reportedly was induced to confess that he was assigned to the task of assassinating one of the two Inspectors in Romania. K. Merdjanof, Eem Gudagu [My Testament] 28–29 (1972).

69. A.A. Türkei 183/36, A504, R14085 (Ambassador Wangenheim’s Feb. 2, 1915, report to
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This reflected a general determination during the war to abrogate the international treaties that had resulted from the application of the "humanitarian intervention" principle. On September 5, 1916, Ottoman Foreign Minister (Menteșe) Halil informed German Ambassador Count Paul Wolff-Metternich that "the Ottoman Cabinet had decided to declare null and void the Paris Treaty of 1878." As Halil explained, "All three of these international treaties had imposed 'political shackles' on the Ottoman state which the Porte intended to be rid of." It is important to note that Richard von Kühlmann, the German Ambassador at Istanbul, pointed to the relationship between the Armenian reform movement and the imposition of these "shackles" on Turkey—especially the February 8, 1914, Reform

Kegham Der Garabedianee, Kegham Der Garabedianee Vugayutounu [The Testimony of Kegham Der Garabedian] in GARO SASSOUNI, BADMOUTIUN DARONEE ACHKHAREE [HISTORY OF DARON] 838–39 (1957). This watchword, "Turkey for the Turks," was the standard rationale on which other Ittihadist leaders based their campaign against the Armenians. Dr. Nazim, a cohort of Talat, is reported to have declared, "[T]he Ottoman state must be exclusively Turkish. The presence of foreign elements is a pretext for European intervention. They [the foreign elements] should be forcibly Turkicized." René Pinon, La liquidation de l'Empire Ottoman, 53 REVUE DES DEUX MONDES 128, 131 (Sept. 1919).

70. TRUMPENER, supra note 58, at 134–35.

71. Id. On the same day, Halil departed to Berlin to seek German support for the annulments. In informing his government of this move in his September 5, 1916, report, German Ambassador Metternich directed attention to the Turkish concern for Article 61 of the Berlin Treaty involving Turkey's "engagements for Armenia," and to Halil's justification of the act on grounds of Kriegszustand 'the effect of war.' A.A. TÜRKEL, 183/44, A24061, R14093. The full text of the repudiation of the treaties in German is in Friedrich Edler von Kraelitz-Greifenhorst, Die Ungültigkeitserklärung des Pariser und Berliner Vertrages durch die Osmanische Regierung, 43 ÖSTERREICHISCHE MONATSSCHRIFT FÜR DEN ORIENT 56–60 (1917) (Ger.), where Halil predicated his abrogation of the Paris and Berlin Treaties on the following main arguments: (1) The Paris Treaty provisions proscribing interference in the internal affairs of Turkey were violated through some of the provisions of the Berlin Treaty. (2) While the Ottoman Empire scrupulously adhered to the two treaties, Italy, England, France, and Russia repeatedly violated them. (3) France coerced Turkey to illegally grant limited autonomy to Lebanon. Moreover, the provisions of the autonomy were not part of any international treaty or agreement, but rather were internal administrative adjustments. Hence, they could be revoked and canceled. (4) Russia blatantly violated the Paris Treaty by acts of agitation in the Balkan provinces, an aggressive war against Turkey, a series of interventions in the internal affairs of Turkey, and by illegally subverting the status of the Black Sea port city of Batum. (5) The present conditions have altered the situation in that Turkey was no longer under the Powers' tutelage, and as a totally independent state, could act with all the rights and privileges conferred upon such a state. (6) This new situation justified the conclusion that the two treaties forfeited their right to exist. For the English text of Halil's statements, see Current History (N.Y. Times monthly publication), 5 Feb. 1917.
Agreement—as a condition justifying the ensuing genocide. Reviewing the history of the Turko-Armenian conflict, on February 16, 1917—six months before he became Foreign Minister—Kühlmann traced "the destruction of the Armenians which has been carried out on a large scale, and was based on a policy of extermination" to "Armenian reform endeavors, especially those launched during the 1912 Balkan War."72

The Allies' warning and the introduction of the principle of "Crimes Against Humanity"

As the genocide was beginning, the Allies issued a joint declaration on May 24, 1915, condemning "the connivance and often assistance of Ottoman authorities" in the massacres. "In view of these new crimes of Turkey against humanity and civilization," the declaration continued: "[T]he Allied governments announce publicly . . . that they will hold personally responsible . . . all the members of the Ottoman government and

72. A.A. TÜRKET 183/46. A5919, R14095. In his memoirs, Talat confirms this Turkish reaction to renewed Armenian reform efforts. TALAT PAŞANIN, HATIRALARı 50–55 (E. Bolayler ed., 1946). Nor were the Armenians themselves unaware of the dangers looming on the horizon. The years 1913 and 1914 up to the fall, when Turkey unilaterally intervened in the war and joined the camp of the Central Powers, were periods of anxiety bordering on apprehension. Turkish threats of retaliation as a response to the revival of the Armenian reform issue were especially aggravating for the Armenians. Mecheroatitte (Paris, monthly, organ of Itila) 6, 50 (Jan. 1914): 44–45. Of particular significance are the threat letters sent to the Armenian press and to the Armenian Patriarch. In a communication from November 12, 1913, the latter was addressed as follows:

You accursed ones (melounlar) have brought many perils on the head of our esteemed government [and] . . . paved the way for foreign aggressions (Tejavouzat).

. . . You must know that the Young Turks have awakened now[.] . . . You Armenians . . . never forget where you live[.] . . . Turkish youth . . . shall not delay the execution of their assigned duties.

Haigaz K. Kazarian, How Turkey Prepared the Ground for Massacre, 18 ARMENIAN REV., Winter 1965, at 30, 31–32. It was signed: Islam Young Turks. Id. at 31. Four days later, a more threatening letter was sent in which, among others, the following menacing lines were included:

The Turkish sword, to date, has cut down millions of Giavoors (infidels), nor has it lost its intention to cut down millions more hereafter. Know this[.] that the Turks have committed themselves, and have vowed to subdue and to clean up the Armenian Giavoors who have become tubercular microbes for us.

Id. In one of the series of articles, published in the Armistice period in a newspaper edited by himself, an Armenian agent of the Turkish secret police hinted that these letters were the work of Hüseyin Azmi—at the time the Director General of Istanbul Police and an experienced handler of secret operations—who played an important role in the preparation and initiation of the World War I genocide in Istanbul. After the war, he and the other Ittihadist leaders escaped to Germany. Haroutiun Mugurditchian, Kaghdnikneroun Gudzigu [The Web of Secrets], HAIRENİK (Watertown, M.A.), Oct. 30/ Nov. 12, 1918, installment No. 2. An Armenian historian indicates that already in December of 1913 a number of British public figures had warned the British government that Turkey was bent on destroying the Ottoman Armenian population in the event the Powers imposed the Reform Act upon Turkey. On September 18, 1914, member of Parliament Aneurin Williams likewise informed British Foreign Minister Grey of the prevalence in Turkey of a "great fear of a massacre." AKABY NASSIBIAN, BRITAIN AND THE ARMENIAN QUESTION 1915–1923, at 31 (1984).
those of their agents who are implicated in such massacres.”

THE ADMINISTRATIVE MEASURES

Alleging treasonable acts, separatism, and other assorted acts by the Armenians viewed as a national minority, the Ottoman authorities ordered the wholesale deportation of the Armenian population of the Empire’s eastern and southeastern provinces under the guise of national security. This measure was subsequently extended to virtually all of the Empire’s Armenian population, including such faraway cities as Bursa, Eskişehir, Konya, and the Ottoman capital, Istanbul.73

73. GUERRE 1914–1918, TURQUIE, 887. I. Arménie (May 26, 1915); FO 371/2488/51010 (May 28, 1915); A.A. TÜRKİYE 183/37, A17667, K168, No. 21; Foreign Relations of the United States, 1915, Supp., 981 (1928); U.S. National Archives, Record Group 59, 867. 4016/67 (May 28, 1915). See also the report of Polish jurist Litwaski, the Legal Officer of the U.N. War Crimes Commission, who in addition to writing Chapter 11 in WAR CRIMES COMMISSION, supra note 54, also prepared a separate report, U.N. Doc. E/CN. 4/W. 20/Corr. 1, at 1, no. 3 (1948). In these works, including that of Schwelb, supra note 54, at 181, the May 28, 1915, date is a misprint for May 24, 1915.

74. BAYUR, supra note 36, at 37–38.

75. German Embassy Chargé von Neurath informed Berlin on November 12, 1915: “According to a reliable source, the Turkish Government has, contrary to all assurances, decided to deport the Armenians of Constantinople also.” A.A. TÜRKİYE 183/40, A33705, R14089. On December 7, 1915, German Ambassador Metternich informed Berlin that four thousand Armenians had recently been removed from Constantinople, that the total number of those deported from the Ottoman capital up to that time had reached thirty thousand, and that “gradually a clean sweep will be made of the remaining [eighty thousand] Armenian inhabitants” of the Ottoman capital. A.A. TÜRKİYE 183/40, A36184, R14089. For additional corroboration of this pattern of deportation of Istanbul’s Armenians, see 2 SAMUEL ZURLINDEN, DER WELTKRIEG 705 (1918); HARRY STUERMER, TWO WAR YEARS IN CONSTANTINOPLE 55 (E. Allen trans., 1917) [hereinafter TWO WAR YEARS] (author maintains that Istanbul police used daily quota system to deport Armenians in groups ranging from two hundred to one thousand); HARRY STUERMER, ZWEI KRIEGSJAHRÉ IN KONSTANTINOPLE 48–51 (1917) [hereinafter ZWEI KRIEGSJAHRÉ] (the German original of TWO WAR YEARS). See also ARNOLD TOYNBEE, ARMENIAN ATROCITIES: THE MURDER OF A NATION 77–78 (1915); Ambassador Morgenthau’s October 4, 1915, cipher No. 1121, U.S. National Archives, RG 59/867.4016/159, AHMET REFIK, İKİ KOMİTE İKİ KİTAP 23–24 (1919) (Turkish intelligence officer recounting his own observations about “atrocious” deaths of the victims of these cities “so far removed from the war zones”). See also Foreign Ministry Archives of Austria, XL Interna, Konfidenzberichte 1914–1918, No. 272, Forderung zur Türkenisierung des Reiches, Situationsbericht No. 312, Konstantinopel, August 27, 1915. The cautious operations of rounding up multitudes of lower class Armenians in the Ottoman capital and the possibility of the apprehension and removal of higher class Armenians at an opportune moment is underscored in this report. See also the following works containing the eyewitness accounts of German correspondents and an American diplomat stationed in Istanbul. In a “very confidential” report, the correspondent of Kölnische Zeitung, a major German newspaper, narrates the procedures of the gradual liquidation of the Armenian population of the capital, concentrating first on the provincials and singles, followed by the married ones and their families. Ridiculing the government’s claim that only those suspected of disloyalty are being arrested, the correspondent argued:

[T]he most harmless people are being deported in a very systematic way, such as the two caretakers of my household; they just disappeared after being taken in custody. . . . I have authentic information that the arrests are being carried out absolutely at
The execution of this order, ostensibly a wartime emergency measure of relocation, actually masked a deliberate plan for the execution of the Armenian population. The vast majority of the deportees perished through a variety of direct and indirect atrocities perpetrated during the deportations. As Winston Churchill wrote:

In 1915 the Turkish government began and ruthlessly carried out the infamous general massacre and deportation of Armenians in Asia Minor. The clearance of the race from Asia Minor was about as complete as such an act, on a scale so great, could well be. There is no reasonable doubt that this crime was planned and executed for political reasons. The opportunity presented itself for clearing Turkish soil of a Christian race opposed to all Turkish ambitions, cherishing national ambitions that could be satisfied only at the expense of Turkey, and planted geographically between Turkish and Caucasian Moslems.

A.A. TÜRKEI 183/38, A30432, R14087. The correspondent was Ernst von Nahmer whose two reports, September 5 and 6, comprise together twenty-two pages; the quotations are from pp. 3-4. He has a Nachlass (Papers) at Deutsches Zentralarchiv, Potsdam. Another correspondent provides graphic details of the mass arrests in Constantinople based on daily quotas of “two hundred or a thousand—to be delivered up daily from a certain quarter of the town—as I have been told was the case by reliable Turks who were in full touch with the police organization and knew the system of these deportations.” TWO WAR YEARS, supra this note, at 55. See also ZWEI KRIEGSJAHRRE, supra this note, at 44, 46-49, 54-55. A French demographer likewise maintains that the Armenian population of Constantinople was subjected to “round-ups in the streets and to executions.” Daniel Panzac, L’enjeu du nombre. La population de la Turquie de 1914 à 1927, 50 REVUE DE L’OCCIDENT MUSULMAN ET DE LA MEDITERRANEE 45, 61 (1988). Finally, reference may be made to an American diplomat stationed in Turkey during most of the operations of genocide. In the August 23, 1915, entry of his diary he notes that “in the capital . . . the arrests of Armenians are of daily occurrence.” LEWIS EINSTEIN, INSIDE CONSTANTINOPLE 253 (1918). In the September 8 entry, he speaks of new wholesale arrests “fresh consternation.” Id. at 285.


Three massive volumes in English, German, and French document these atrocities, relying mostly upon neutral observers (Swiss, American, Swedish), and German and Austrian civilian and military officials stationed in Turkey as war-time allies. (1) TOYNBEE & BRYCE, supra note 68 (Viscount Bryce, also author of the classic THE AMERICAN COMMONWEALTH (1888), was Regius Professor of Civil Law at Oxford from 1870–1893, entered Parliament in 1880, and between 1907–1913 was Ambassador to the United States, signing the Anglo-American Arbitration Treaty in 1911. After the war he was appointed Chairman of a Royal Commission on German atrocities in Belgium and subsequently became a member of the Hague Permanent Court of Arbitration); (2) J. LEPSIUS, DEUTSCHLAND UND ARMENIEN, supra note 63; (3) ARTHUR BEYLERIAN, LES GRANDES PUSSIONS, L’EMPIRE OTTOMAN, ET LES ARMENIENS DANS LES ARCHIVES FRANCAISES 1914–1918 (1983). Because the Bryce volume was compiled during the war, some critics questioned the impartiality and balance of its contents. To prove the veracity of the work, Bryce submitted the material before publication to a number of scholars for evaluation. TOYNBEE & BRYCE, supra note 68. Among them was Gilbert Murray, Regius Professor at Oxford, who declared: “I realize that in times of persecution passions run high . . . But the evidence of these letters and reports will bear any scrutiny and overpower any skepticism. Their
A secret propaganda campaign followed the deportation order and was waged by Department II of the Turkish War Office. The campaign sought to deflect blame from the Turkish government by labeling the Armenians a national security threat. As one Turkish naval captain attached to that office recounted:

In order to justify this enormous crime (bu muazzan cinayet) [of the Armenian Genocide] the requisite propaganda material was thoroughly prepared in Istanbul. [It included such statements as:] “the Armenians are in league with the enemy. They will launch an uprising in Istanbul, kill off the Ittihadist leaders and will succeed in opening up the straits [to enable the Allied fleets to capture Istanbul].” These vile and malicious incitements [were such, however, that they] could persuade only people who were not even able to feel the pangs of their own hunger.

77. REFIK, supra note 75, at 40. Dismissing these pieces of agitation as crass propaganda that “def[y] every logic,” Refik returns to his central theme, that under the guise of deportation and wartime relocation, Ittihad pursued the goal of “destroying (imha) the Armenians.” Id. at 23. Refik later became a Professor of History at the University of Istanbul. In his memoirs Interior Minister Talât repeats this charge of an imminent Armenian uprising in Istanbul and the opening up of the Straits for the fleet of the Allies to make the anti-Armenian measures look pre-emptive in nature.
The main vehicle of this anti-Armenian agitation was the Ottoman propaganda weekly *Harb Mecmuası* ‘War Magazine.’ Edited by Colonel Seyfi, the head of Department II at the War Office, this weekly’s influence went well beyond its 15,000 subscribers. A Turkish newspaper during the Armistice declared that it was Seyfi who, as director of the Political Department at Ottoman General Headquarters, mapped the strategy of the Armenian massacres. In close cooperation with Dr. B. Şakir, and under the auspices of the Ittihad party’s Central Committee, he mobilized the çetes ‘brigands’ of the Special Organization. The Turkish government also worked to deflect blame for the eventual killing of the Armenians through its use of the Special Organization. The members of the Special Organization, mostly ex-convicts, would be identified as the actual villains and portrayed as “beyond the authority and control of the government.” An American author noted their recourse to this method and described the unruly “group of brigands” who made up the Special Organization as “a secret, rather disreputable group.”

*Mobilization and deportation*

Proclaiming a state of “armed neutrality,” Turkey, with the assistance of German staff officers, launched a general mobilization on August 3, 1914. Among those affected by this scheme were male Armenians, who were inducted in three stages. First called were those between twenty and forty-five years of age, followed by those between fifteen and twenty, and finally those in the forty-five to sixty age group, who were used as pack animals for the transport of military equipment. About a month later, on

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78. The newspaper was the daily *Sabah*, from which an Armenian daily, probably a day or two later, repeated that declaration in summary form. ARIAMARD (namesake of Djagadamard), Dec. 13, 1918. This shows the enormous power of Colonel Seyfi, a graduate of the Istanbul Turkish War Staff Academy and a long-time Ittihadist supporter of war lord Enver. He later became General, adopting the surname Dürgören in the Turkish Republic. According to U.S. Acting Secretary of State William Phillips, Seyfi “was vested with great power.” FO 371/4173, folio 345, March 20, 1919 (report to U.S. Ambassador to England, John Davis, assessing Seyfi’s liability as a top war criminal). British intelligence during the Armistice obtained a document from the Turkish Interior Ministry’s National Security Office files during the Armistice in which Seyfi is described as one of the five top Ittihadist leaders plotting the genocide against the Armenians. FO 371/4172/31307, folio 386. Seyfi’s directing role in the operations of the Special Organization is confirmed in the memoirs of a top S.O. leader operating in the Balkans, i.e., Colonel Fuat Balkan. 2 FUAT BALKAN, YAKIN TARHIMIZ 297 (1962). On the provocative contents of the military periodical *Polis Mecruuasi* (Seyfi ed.), see H. Sirounee, *Yegern Mu Yev Eer Badmoutyun [A Genocide and its History]* in ETCHMIADZIN, Feb./Mar./Apr. 1965, 20 (the official periodical of the Catholicosate in Armenia); GARABED KAPIKIAN, *YEGHERNABADOUM [THE CHRONICLE OF THE GENOCIDE . . . IN SIVAS] 89* (1924).


80. American Ambassador Morgenthau describes the use of these Armenian conscripts as
September 6, 1914, the Interior Ministry utilized a cipher circular to instruct the provincial authorities to keep Armenian political and community leaders under surveillance. When Turkey finally entered the war two months later through a pre-emptive attack on Russian seaports and shipping in the Black Sea, the military's emergency measures assumed inordinate dimensions of severity. The requisitions in particular stripped the provincial Armenian population of most of their accumulated goods. The confiscation included almost anything subsumed under the general category of supplies and provisions for the army. Widespread governmental provocations, during which some Armenians clashed with gendarmes and soldiers who were harassing them, accentuated these hardships. There were also sporadic acts of sabotage performed by isolated groups of Armenians. This unrest

pack animals and their eventual destruction as follows:

Army supplies of all kinds were loaded on their backs, and, stumbling under the burdens and driven by the whips and bayonets of the Turks ... almost waist high through snow ... If any stragglers succeeded in reaching their destinations, they were not infrequently massacred. In many instances, Armenian soldiers were disposed of in even summary fashion, for it now became almost the general practice to shoot them in cold blood.


81. TRUMPENER, supra note 61, at 51.

82. In discussing these requisitions, Dr. Harry Stuermer, the Istanbul correspondent of the influential German daily newspaper Kölnische Zeitung, noted:

When I speak of requisitioning, I do not mean the necessary military carrying off of grain, cattle, vehicles, buffaloes, and horses, general equipment, and so on ... I do not mean that, even though the way it was accomplished bled the country far more than was necessary, falling as it did in the country districts into the hands of ignorant, brutal, and fanatical underlings, and in the town being carried out with every kind of refinement by the central authorities. Too often it was a means of violent 'nationalisation' and deprivation of property and rights exercised especially against Armenians, Greeks, and subjects of other Entente countries.

Two War Years, supra note 75, at 115.


84. MORGENTHAU, supra note 80, at 304–05. As Morgenthau related, some Armenians "proposed to defend their own lives and their women's honour against the outrages[]. . . Nothing was sacred to the Turkish gendarmes under the plea of searching for hidden arms, they ransacked churches, treated the altars and sacred utensils with the utmost indignity[]. . . They would beat the priests into insensibility." Commenting on his intimate exchanges with "authoritative Turkish personalities," in a December 4, 1916, summary report to his Chancellor in Berlin, Erzerum's German Vice Consul, Captain von Scheubner-Richter, reveals the incidence of Turkish plans to provoke Armenians into "acts of self-defense" that then were used as a basis for "inflated descriptions" of Armenian insurgency and, therefore, as "pretexts" for subsequent operations of murder. A.A. Türkei 183/45, A33457, R14094. On April 26, 1915, the German Consulate at
culminated in the Interior Ministry’s issuing of the order of April 24, 1915, which authorized the arrest of all Armenian political and community leaders suspected of anti-İttihad or nationalistic sentiments. Thousands of Armenians were seized and incarcerated. In Istanbul alone, 2,345 such leaders were arrested,\(^8\) most of whom were subsequently executed. Except for a small minority, none of them were either nationalists or in any way involved in politics. Most significantly, none of them were tried and found guilty of war-time sabotage, espionage, or any other crime.

The last and decisive stage of the process of reducing the bulk of the Armenian population to absolute helplessness was merciless deportation. In a memorandum dated May 26, 1915, the Interior Minister requested that the Grand Vizier enact a special law authorizing such deportations. The memorandum was endorsed on May 29, 1915, by the Grand Vizier even though, as required by law, the Cabinet did not act on it first. Instead, it did so on May 30, 1915. Meanwhile, the press had already announced the promulgation of the new emergency law called the Temporary Law of Deportation\(^6\) on May 27, 1915. Without referring to the Armenians, the law authorized the Commanders of Armies, Army Corps, Divisions, and Commandants of the local garrisons to order the deportation of population clusters on the mere suspicion of espionage, treason, and for reasons of military necessity. The key word was hissetmek ‘sensing.’ The authorities, empowered to order deportations, had merely to have a feel, or a sense, of looming offence or danger.\(^7\) This purposefully vague but sweeping authorization resulted in the deportation of the bulk of Turkey’s Armenian population. As one Turkish historian admitted, the Interior Minister “was intent on creating an accomplished fact,” and “railroad[ed] the Cabinet
approval of the law” by beginning to administer the deportations prior to submitting his draft bill to the full Cabinet.88 The Temporary Law of Deportation, it should be noted, was eventually repealed “on account of its unconstitutionality” in a stormy November 4, 1918, session of the post-war Ottoman Parliament. During this session, the Armenian Massacres, the scope of the victims, and the responsibility of the government, were debated.89

Expropriation and confiscation of goods and assets

A supplementary law enacted on June 10, 1915, contained instructions on how to register the property of the deportees, how to safeguard it, and how to dispose of others through public auctions. The revenue was to be held in trust for remittance to the owners upon their return after the war.90 Another temporary law promulgated on September 26, 1915, disposed of the deportees’ goods and property. It provided for the handling of the debts, credits, and assets of the deportees. In relaying this new law to the German Foreign Office, Arthur Gwinner, the Director of the Deutsche Bank, sarcastically stated that eleven articles might well have been compressed into the following two: “1. All goods of the Armenians are confiscated. 2. The government will cash in the credits of the deportees and will repay (or not repay) their debts.”91

Unlike the Temporary Law of Deportation, which though approved by the Cabinet was never promulgated by the Ottoman Parliament as required

88. BAYUR, supra note 36, at 38. See also TUNAYA, supra note 43, vol. 1, at 579 (the author characterizes this “accomplished fact” as typical of Ittihad daring to bypass the regular channels of the government). According to the testimony of Finance Minister Cavid, the General Mobilization on August 2/3, 1914, was likewise ordered prior to the approval of the Cabinet. Vakit, HARİB KABİNELERİN İSTİCİVABI [THE WAR CABINET’S HEARINGS] 81 (1933) (Turk.) [hereinafter WAR CABINET’S HEARINGS].

89. ZHAMAŞAĞ [İSTANBUL DAILY], Nov. 5, 1918. The repeal is described by 3 KUTAY, TALAT PAŞANIN GÜRBET HATIRALARI [THE MEMOIRS OF TALAT PAŞA IN EXILE] 1512 (1983).

90. FO 371/4241/170751. The thirty-four articles are reproduced in DOCUMENTS 76-80 (vol. 1, 1982) (a compilation of ciphers and letters assembled by the Press and Information Office of Turkey’s Prime Minister to justify or explain away the anti-Armenian measures). See also TAKVİM VE KAYI (Turk.), Oct. 1/14, 1916.

91. A.A. TÜRKİYE 183/39, A29127 Oct 7, 1915, report. The French text of the eleven articles is found in A.A. TÜRKİYE 183/39, A29127, R14088 and LEPSIUS, supra note 63, at 214–16. In reacting to the same law, the Austrian Military Plenipotentiary dismissed “the whole thing [as] a comedy.” JOSEPH POMIANOWSKI, DER ZUSAMMENBRUCH DES OTTOMANISCHEN REICHES 161 (1969). As if to punctuate this lethal melodrama, the Turkish authorities—in another promulgation of a Temporary Law of October 5, 1916—pretended that the deportees were to be relocated free of charge in houses and other places of abode. When relaying this news to Berlin, Dr. Göppert, the legal counsellor of the German Embassy, diplomatically let it be known that the claim of relocation was a farce. A.A. TÜRKİYE 183/45, A28792, R14094. Oct. 20, 1916 report. An American diplomat at the U.S. Embassy in the Ottoman capital characterized this pretense of “relocation” as a “grim horror of paternal solicitude to cover barbarous massacres.” Lewis Einstein, The Armenian Massacres, CONTEMP. REV. 490 (Apr. 1917).
by Article 36 of the Ottoman Constitution, the Ottoman Senate publicly debated the Temporary Law of Expropriation and Confiscation ("The Temporary Law"). Over a two month period—from October 4 through December 13, 1915—a lone senator, Ahmed Riza, raised his voice in opposition to the proposed measure. The evolving debate sheds further light on the political forces and biases that shaped the Ottoman government's decisions.

In the September 21/October 4, 1915 session of the Senate, for example, Riza pleaded with his government to allow the deportees, "hundreds and thousands of whom, women and children and old people, are helplessly and miserably wandering around in the streets and mountains of Anatolia[,] to return to their original places of residence or to settle wherever they wish before the onset of the winter." He then submitted a draft bill that proposed to postpone the Temporary Law's application until the end of the war.

Senator Riza claimed that the Temporary Law was contrary to Article 16 of the Ottoman Constitution because it was announced two days before the convening of the Parliament. He further argued that "[i]t is also inimical to the principles of law and justice. This law must, therefore, pass first through the Parliament and go into effect only after the end of the war. Hence, on the basis of Article 53 of the Constitution[,] I request the adoption of the change as proposed in the bill before us." The ensuing debate revealed that the parliamentarians knew nothing about the Temporary Law in question, and that nobody knew when, if ever, it would come to the Parliament for consideration. Therefore, no proposal for change would be entertained. Following Senator Riza's expression of concern that the Temporary Law might either arrive at the Parliament too late or not at all, the Senate voted to transmit the senator's bill to the Legislative Acts Committee of the Senate.

In the October 19/November 1, 1915, session of the Senate, Senator Ahmed Riza was one of the original founders of Ittihad. Subsequently, however, he became a dissident fighting vigorously against Ittihad excesses. On October 19, 1918, in his first post-war speech in the Senate, Riza invoked the memory of "the Armenians who were murdered in a beastly manner." A.A. TÜRK E 201/9, A46488, R14088. Quoting the Senator directly, Tunaya reproduces the original Turkish words, "vahşiçe öldürülen." TUNAYA, supra note 43, vol. 3, at 156.

Riza again urged his fellow legislators to consider the suffering of the wretched deportees in the rigors of the Anatolian mountains and provide relief before the onset of the winter season. He requested that the Senate expedite relief, which the government had formally promised to provide according to the president of the Senate.  

In discussing these debates, prominent Turkish historian Bayur noted the pressures brought to bear upon Senator Riza to withdraw his bill. One Deputy shouted at Riza that “this is not the time to provoke rumours,” alluding to the delicate political matter of the massacres that were still in progress. Bayur states that Senator Riza was especially harassed during the November 24/December 7, 1915, session when the Senate decided to consider the bill only after it was formerly reported to the Senate. As Bayur observed, “[T]wo and a half months had elapsed since the bill was introduced and the Chamber of Deputies hadn’t even begun to consider it. Clearly, the Parliament was intent on sanctioning the application of the Temporary Law while putting Riza’s bill ‘to sleep.”'  

During the November 30/December 13, 1915, session, Senator Riza once more raised his voice to protest the subversion of the Constitution, which forbade the implementation of any law before the Parliament passes it while in session. Since the law had been introduced in the Chamber of Deputies for consideration and debate after the Chamber had convened, Riza argued that the matter became the concern of the Legislative branch. Focusing on the key elements of the Temporary Law, the Senator raised the following objection:

It is unlawful to designate the Armenian assets and properties as ‘abandoned goods’ [emval metruke][,] for the Armenians, the proprietors, did not abandon their properties voluntarily; they were forcibly, compulsively [zorla, cebren] removed from their domiciles and were brutally exiled. Now the government through its officials is selling their goods. . . . Nobody can sell my property if I am unwilling to sell it. Article 21 of the Constitution forbids it. If we are a constitutional regime functioning in accordance with constitutional law we can’t do this. This is atrocious. Grab my arm, eject me from my village, then sell my good[s] and properties, such a thing can never be permissible. Neither the conscience of the Ottomans nor the law can allow it.  

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97. BAYUR, supra note 36, at 46.
98. Id. at 46–49.
99. Id. at 48. Dr. Harry Stuermer, the Istanbul correspondent of the German daily newspaper Kölnische Zeitung, relates an incident at the same Parliament when war lord Enver, Talât’s acolyte, “went so far as to hurl the epithet ‘shameless dog’ [edebsiz kopek] at Ahmed Riza in the Senate without being called to order by the President.” STUERMER, supra note 75, at 256. See also ZWEI KRIEGSJAHRE, supra note 75, at 232. Turkish historian Ahmed Refik, an eyewitness of the
In his November 4, 1915 communication to the State Department, Morgenthau confirmed the occurrence of these debates. He further disclosed that Talât himself exerted the greatest pressure upon Senator Riza by threatening to initiate more severe measures against the Armenians should Riza continue his agitation on their behalf: “From other sources it is stated that the Cabinet promised to modify [its] attitude towards the Armenians if Ahmed Riza and his friends would agree not to interpolate the government. This Ahmed Riza did not [do].” The Temporary Law was thus left intact. A Turkish Armistice government facing the victorious Allies subsequently annulled the law on January 8, 1920, but the insurgent Kemalists reversed the annulment on September 14, 1922.

During the November-December 1918 hearings of the Fifth Committee of the Ottoman Chamber of Deputies, which investigated the wartime

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massacres, several Turkish Deputies took former Justice Minister Ibrahim to task over the illegal aspects of the expropriation. One of them pointed out the widespread “robberies and plunders” that were committed in the course of the confiscations. Ibrahim conceded that his government officials investigated “abuses” that occurred. Other observers were less charitable in their analysis. The Swiss historian Samuel Zurlinden quoted in a detailed study of the Armenian Genocide “a knowledgeable German” source who had stated that “what really happened was an expropriation carried out on the greatest scale against 1.5 million citizens.”

At Aleppo, American Consul Jackson pointed to the major role the confiscation played in the genocidal scheme of the Turkish government. Jackson identified the genocide as “a gigantic plundering scheme as well as a final blow to extinguish the [Armenian] race.”

Turkish historian Doğan Avcıoğlu confirms this point by stating that after the European interventions of 1856–78, “[t]here emerged a need to radically solve this problem. The nationalization of the economy was the complementary part of this policy. . . . Among those who quickly enriched themselves in the process of the expropriation of the Armenians were [Ittihad] party influentials, ex-officers serving as party operatives, and Turkish immigrants.”

Neither the text of the Temporary Law on Deportations nor that of the Temporary Law of Expropriation and Confiscation referred specifically to the Armenians or, in fact, to any nationality. During the secret Parliamentary debates of the fledgling Turkish Republic convening in Ankara after World War I, however, Turkish deputies were told that general terms were used to conceal the true purposes of the law from the Armenians. This fact emerged during the debate on April 3, 1924, when

103. WAR CABINET’S HEARINGS, supra note 88, at 527. These abuses were brought out in the open in some memoirs and public debates in the aftermath of the war. In the Grand National Assembly on December 6, 1920, Trabzon’s Deputy Ali Şıkırı lamented the fact that “[t]he so called Abandoned Goods ended up becoming the property of the grabbers. What was the result of your shouts and protests?” 4 YAKIN TARIHİMIZ 77 (1962) (Turk.). A similar observation was made at the November 18, 1922 session of the Assembly by Yozgad Deputy Feyyaz Ali. 3 TBMM, GIZLI CELSEL ZABİTLARI 1065 (1985) [hereinafter TBMM]. Moreover, in his memoirs, Economics Minister Cavid admitted that on November 9, 1918, he ordered using up—consider changing to “spending”—one million Turkish Pounds from the proceeds of the abandoned goods scheme. TANIN, Aug. 30, 1945 (Turk.).

104. WAR CABINET’S HEARINGS, supra note 88, at 519.

105. ZURLINDEN, supra note 75, at 596.


107. 3 DOĞAN AVCIOĞLU, MILLİ KURTULUŞ TARİHİ, 1838'DEN 1995'E [HISTORY OF NATIONAL LIBERATION] 1137, 1141 (1974). Sina Aksin likewise maintains that the Armenian deportations were implemented in pursuit of economic goals, which eliminated minority dominance and competition in business and industry, allowing Muslims to control these areas. See SINA AKŞİN, 100 SORUDA JON TÜRKLER VE İTTİHAD VE TERAKKI [İTTİHAD VE TERAKKI IN THE CONTEXT OF 100 QUESTIONS] 283 (1980).
Deputy Musa Kázım objected to Article 2 of a fiscal bill draft that used the covert formula, *siyasi zimre* ‘a political body of people’, to target non-Muslim minorities. He argued that “[t]he guilt of a person should be determined in a court of law. In my opinion, the insertion in a bill of economic character of a clause smacking of politics is very much out of place. It is a shame. I implore you to let us remove it.”\(^{108}\) In responding to this objection, former Finance Minister Hasan Fehmi, representing the Parliamentary Commission in charge of preparing the bill in question, explained the rationale of secretly targeting non-Muslims. Given the risks involved when specifically identifying them in the bill, he said that the Commission had secretly made a deal with the Finance Minister to the effect that the Muslims were to be excluded from the application of the law. In this connection, he revealed the fact that the same procedure had been adopted during the war when the September 13/26, 1915 Temporary Law on Expropriation and Confiscation was instituted. He stated:

> Not a single Muslim’s good were liquidated—you can establish these facts by examining the old records of the secret deliberations. The Parliament at that time secretly secured reassurances from the Finance Minister that the law would not apply to Muslims who likewise had fled as a result of the war. Only after registering this assurance did we proclaim to the world the enactment of that law. Presently, we are repeating that procedure.\(^{109}\)

Deputy Kázım thereupon withdrew his motion and the bill was approved.\(^{110}\)

**Intent and outcome**

Contrary to the avowals of the Ottoman authorities who implemented these emergency laws, the Armenians did not return from the deportations.\(^{111}\) The deportations proved to be a cover for the ensuing...
wholesale destruction of the targeted victim population. As the American Ambassador Morgenthau observed:

The real purpose of the deportation was robbery and destruction; it really represented a new method of massacre. When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact.\textsuperscript{112}

By official Turkish accounts alone, those directly killed numbered about 800,000,\textsuperscript{113} not counting the tens of thousands of wartime conscripts liquidated by the military. To quote Morgenthau again:

In many instances Armenian soldiers were disposed of in even more summary fashion, for it now became almost the general practice to shoot them in cold blood. In almost all cases the procedure was the same. Here and there squads of 50 or 100 men would be taken, bound together in groups of four, and then marched out to a secluded spot a short distance from the village. Suddenly the sound of rifle shots would fill the air, and the Turkish soldiers who had acted as the escort would sullenly return to the camp. Those sent to bury the bodies would find them almost invariably stark naked, for, as usual, the Turks had stolen all their clothes. In cases that came to my attention, the murderers had added a refinement to the victims’ sufferings by compelling them to dig their graves before being shot.\textsuperscript{114}

In an October 2, 1916 message to his ambassador in Istanbul, German Undersecretary of Foreign Affairs Zimmermann—who six weeks later replaced Jagow as Foreign Minister—denounced the exterminations accompanying the deportations. He also denounced the forcible “mass conversions” to Islam of Armenian children whose parents had been killed, as cause for “indignation in the entire civilized world.”\textsuperscript{115} He added that he had discussed his feelings on this point with the Turkish Foreign Minister


112. \textit{Morgenthau, supra} note 80, at 309.
113. This figure was released by a post-war Turkish Interior Minister, relying on statistics compiled by his Ministry. \textit{See} Dadrian, \textit{supra} note 68, at 342. In a recent volume authored by Turkish historian Bayur, this figure was confirmed as a more or less accurate computation by Turkish authorities. \textit{Bayur, supra} note 36, vol. 3:4, at 787. This 800,000 figure was likewise confirmed by Mustafa Kemal Atatürk himself in the course of an exchange with American Major General Harbord, the chief of the American Military Mission to Armenia, in September 1919. \textit{Yakın Tarihimiz} 179 (1962) (Turk.).
114. \textit{Morgenthau, supra} note 80, at 302–03.
115. Two prominent Turkish authors likewise denounced the practice of forcing Islam on Armenians orphans. \textit{See} Halid Edib, \textit{The Turkish Ordeal} 16 (1928); Avcioglu, \textit{supra} note 107, at 1141.
Halil. In that communication, Zimmermann used the dubious expression "with an appearance of legality" when describing the official deportation measures.116

CONCLUSION

Several factors are seen emerging as pivotal in the incidence of the wartime Armenian Genocide. Foremost among them is the Turko-Armenian conflict, which provides an essential historical framework by which to study that Genocide. The cumulative aspects of this conflict are seen as the matrix of a process through which that conflict progressively intensified and ultimately became explosive. The resort to genocide by the perpetrator camp is thus viewed as an attempt to radically resolve that conflict. Such a task-performance is necessarily contingent on critically disparate power relations obtained by the potential perpetrator and the potential victim group. In other words, successful genocidal enactments are contingent upon a fundamental condition, namely, a critical disparity of power relations. The functional importance of such a power differential has historically almost always proven decisive for the genocidal outcomes of such lingering conflicts. Thus, evolving power relations are viewed within such a framework of conflict-laden relations as the crux of the problem. What remains constant, however, is the structural vulnerability of the potential victim group in a socio-political system where power is associated with the dominant group status of the perpetrator, and by the same token, vulnerability flows from a minority group status. In and of themselves, such disparities in power relations are not necessarily conducive to explosive conflicts precipitating genocidal outbursts. There is a need to consider special types of potential perpetrator groups confronting special types of victim groups. The particularity in question here serves also to determine the nature and outcome of the conflict itself.

It is most significant that the two instances of mass murder treated in this study, the 1909 twin Adana Massacres and the World War I Genocide, were committed during the autocratic rule of the Ittihadist political party. It is equally significant that the empire-wide massacres in the 1894–96 period, which are not covered in this essay, were also the by-product of the autocratic regime of Sultan Abdul Hamit. What is at stake here is the concentration of power and its near-monopolistic exercise by dictatorial regimes bent on resolving domestic conflicts through reckless abuse of power and reinforced by an atavistic penchant for murderous violence. Such mechanisms of reinforcement require special attention, inquiry, and

The Armenian Genocide attempts at explanation. What are the latitudes—the so-called Spielraums—that afford perpetrators the audacity to commit mass murder? The historical experience of the Armenians is such as to yield a relevant answer, namely, the calculated anticipation of impunity by the perpetrator camp. Throughout the modern era of Armenian history, a series of periodic massacres were inflicted upon the victims, and the arch perpetrators nearly always remarkably escaped punishment. In other words, while impunity has become the haunting by-product of the Armenian experience of victimization in modern times, it simultaneously emerged as a reliable end-product for the perpetrator camp bent on profiting from its criminality. Nowhere is this condition more evident, nor more astounding, as in the statement from Talât, the principal architect of the wartime Armenian Genocide. In his capacity as Interior Minister and CUP Party Chief, he had an exchange with Halide Edib, who at the time was both a CUP partisan and a prominent Turkish feminist. Edib quotes him as declaring, “I have the conviction that as long as a nation does the best for its own interests, and succeeds, the world admires it and thinks it moral.”

This form of fixation on successful outcomes as a standard of conduct, as well as the attendant indifference to the nature of the deed producing that outcome, is emblematic of typical genocidal decision-making. It epitomizes the intoxicating spell of impunity in the wake of a crime. In this way, it helps engender stimuli for new ventures of criminality, while enabling the actor to persist in the denial of both the victim and the act itself.

The overarching illegality of the origins and evolving career of the CUP regime supersedes all of these considerations in both import and consequence. It was the type of illegality that, completely devoid of elements of responsibility and accountability, readily degenerated into lethal criminality. In the process, the functions of the state were overwhelmed by the imposition on the respective system of the desiderata of a highly monolithic and dictatorial political party. The subversion and ultimate criminalization of these state functions thus became the order of the day. The January 1913 Young Turk overthrow of the government and the subsequent political purges throughout the land are the incipient initiatives of this process. The common pattern of substituting party authority of the CUP with all its variants for legitimate state authority is all too evident. Accordingly, the cardinal lesson to be derived from this essay is that the most important determinant in cases of genocide is not the state—to whose powers and resources are generally attributed the latitude for genocidal decision-making and its associated enactment—but rather the progressively incremental power structure of a dictatorial political party. Equally important is the fact of the illicit capture of constitutional authority

117. HALIDÉ EDIB, MEMOIRS 387 (1926) (emphasis added).
and its transfer from the legitimate state to a political party that is mobilized with highly secretive and radical exterminatory designs. Such illicit action is capable of providing the requisite dynamics for genocidal radicalism. Among the many ways in which state functions are thus subverted, perhaps the most consequential is that many of these functions are reduced and instrumental to the hidden goals of the party. In other words, in addition to subverting its functions, the quasi-omnipotent party specifically aims to reduce the state to a level of optimal subservience. Thus, in one way or another, the state ultimately becomes complicit in the series of crimes that inevitably ensues. This is a process that might be called radical and deadly task-performance. Such an outcome was foreseen by Aristotle when he declared nearly twenty-five centuries ago that "when separated from law and justice [man] is the worst of all [animals]."118

118. ARISTOTELE, Politics, in POLITICS & POETICS, bk. 1, ch. 2, at 6 (Benjamin Jowett & Thomas Turning trans., Viking Press 1976).