

**UNDERSTANDING OF JUSTICE IN TURKEY: A COMPARATIVE ANALYSIS
OF THE ARMENIANS AND THE KURDS IN ISTANBUL**

by

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UNDERSTANDING OF JUSTICE IN TURKEY: A COMPARATIVE ANALYSIS OF
THE ARMENIANS AND THE KURDS IN ISTANBUL

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ABSTRACT

UNDERSTANDING OF JUSTICE IN TURKEY: A COMPARATIVE ANALYSIS OF THE ARMENIANS AND THE KURDS IN ISTANBUL

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Keywords: Turkey, Armenian, Kurd, justice, ethnic identity, conflict

The aim of this study is to reveal the understandings of justice of the Armenians and Kurds living in Istanbul by discussing their current predicaments and their daily life experiences in Istanbul. In this way, considering the different features of Armenians and Kurds it becomes possible to compare their understandings of justice coming from their ethnic identities. To achieve this aim, participants with different features were interviewed in depth and their experiences were asked to comprehend their sense of injustice as being ethnically different from the dominant ethnic majority in Turkey. As a result of the study, the interconnectedness between the sub-categories of justice, between its outcomes and processes is revealed. In this sense, this research shows how different forms of justice constitute a totality and how the conflicts at the state level and societal level interact with one another. That is why whereas this study helps to reveal the root causes of conflict stemming from injustice, it also underlines the dynamics that lead to protracted ethnic conflicts, if not sustain them.

ÖZET

TÜRKİYE'DE ADALET ANLAYIŞI: İSTANBUL'DAKİ ERMENİLERİN VE KÜRTLƏRİN KARŞILAŞTIRMALI ANALİZİ

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Keywords: Türkiye, Ermeni, Kürt, adalet, etnik kimlik, çatışma

Bu araştırmanın amacı İstanbul'da yaşayan Ermenilerin ve Kürtlerin İstanbul'daki güncel durumları ve günlük deneyimleri yoluyla adalet anlayışlarını açıklamaktır. Bu şekilde, Ermenilerin ve Kürtlerin farklı özelliklerini göz önünde bulundurarak etnik kimliklerinden etkilenen adalet anlayışlarını karşılaştırmak mümkün olmaktadır. Bu amaç doğrultusunda Türkiye'de etnik kimlikleri baskın etnik çoğunluğun dışında kalan farklı özelliklerdeki katılımcılarla görüşmeler yapılmış ve adalet algılarını kavramak amacıyla deneyimleri sorulmuştur. Bu çalışma adaletin alt kategorileri, sonuçları ve süreçleri arasındaki bileşikliği ortaya çıkarmaktadır. Bu anlamda, bu araştırma adaletin farklı formlarının nasıl bir bütün oluşturduğunu, ve devlet ve toplum seviyesindeki çatışmaların birbiriyle etkileştiğini göstermektedir. Bu yüzden bu çalışma adaletsizlikten kaynaklanan çatışmaların temel sebeplerine deşinirken, aynı zamanda sürüncemeli etnik çatışmalara ya da devam etmelerine sebep olan dinamiklere de dikkat çekmektedir.

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I hope this study can be helpful for those who are struggling for justice and peace.
You are not alone.

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LIST OF ABBREVIATIONS

AKP	Justice and Development Party (Adalet ve Kalkınma Partisi)
CHP	Republican People's Party (Cumhuriyet Halk Partisi)
EU	European Union (Avrupa Birliği)
GÖÇ-DER	Migrants Social Relief and Culture Association (Göç Edenler Sosyal Yardımlaşma ve Kültür Derneği)
KCK	Group of Communities in Kurdistan (Koma Civakên Kurdistan)
LGBTI	Lesbian, gay, bisexual, trans, intersex
MHP	Nationalist Movement Party (Milliyetçi Hareket Partisi)
OHAL	State of Emergency (Olağanüstü Hal)
OHCHR	Office of the United Nations High Commissioner for Human Rights
PKK	Kurdistan Workers' Party (Partiya Karkerê Kurdistan)

INTRODUCTION

The sense of injustice can be seen as one of the causes of conflicts. Especially, in the contexts in which the conflict is protracted, latent, or embedded within the institutions, the sense of injustice perceived by people sustains conflicts for long periods of time by undermining social harmony. In this sense, ensuring justice within the society is not only a step to improve democracy, but also it is the only way to eliminate the roots of social polarization within the society and to create a space for living together. Otherwise, in cases where citizens do not feel a sense of social justice existent in the society, and consequently the legitimacy of the state is not respected, conflicts are inevitable. That is why in order to grasp the root causes of a conflict and to eliminate them it is crucial to comprehend how justice is understood by people with different identities, their experiences of injustice and how their expectations from justice are shaped.

Unfortunately, the Turkish Republic does not present a very good picture with respect to justice. Considering the nation-state model and its relation with the ethnic identity groups, Turkey can be a good case to analyze the dynamics of how nation-states are creating forms of injustice for those who are staying outside of their national identity, and how those people interpret these forms. However, it is important to keep in mind that every context has its own dynamics. In that sense, the perceptions and understandings of the people living in Turkey can be considered only by a contextual and holistic analysis.

The aim of this research is to comprehend what the Armenians and the Kurds living in Istanbul understand by justice through their current predicaments, to look at how their understandings of justice differ from each other in these examples, and to

compare the phenomena driven from the discussion of these justice understandings. The second purpose of the study is to reveal the link between the understanding of justice and ethnic identity by looking at how ethnic identity groups develop an understanding of justice and what kinds of practices they are suffering from considering their statuses, rights, and the historical background in a particular context.

The reason why Kurds and Armenians are chosen for this study is the fact that whereas they both have perceived minorities, they have differences to influence their situation. Whereas the Armenians in Turkey are recognized as legal minorities in the Lausanne Treaty in 1923 and have a legal status from this recognition, the ethnic identity of the Kurds in Turkey is not acknowledged by the state. In that sense, these two ethnic groups can be differentiated from each other in terms of their legal recognition. Also, they have different religions; Christianity for Armenians and Islam for Kurds predominantly. The rate of the population of the Armenians and Kurds in Turkey is considerably different. While Kurds are holding a noticeable percentage of the population, Armenians only constitute a small size of it. Another important difference between Armenians and Kurds is political mobilization within each ethnic identity group; Kurds having a high political mobilization rate as opposed to Armenians. As a result of these differences, the policies that they are exposed to or their experiences in relation to their ethnic identity are shaped. That is why their understandings of justice are also expected to be influenced by these differences.

With this research, Kurdish and Armenian participants living in Istanbul but from different backgrounds, that is: having different income levels, education levels, sexes, occupations, sexual orientations, religious preferences and characteristics are interviewed in depth and asked to share their experiences along with their perceptions and understandings on the subject. In this sense, the interviews are not only designed to talk about the historical background of Turkey and how the participants make sense of it, but more importantly also to discuss their daily life experiences and practices.

In the next sections, (1) a literature review on justice; (2) the social context that the research takes place in; (3) the research design and methodology; (4) the results of

the understanding of justice of the Armenians living in Istanbul; (5) the results of the understanding of justice of the Kurds living in Istanbul; (6) a discussion part where the understandings of Armenians and Kurds are compared; and lastly (7) a conclusion part to sum up the research are presented in this exact order.

CHAPTER I | LITERATURE REVIEW

1.1. The conceptualization of justice

Discussions about justice are not recent; however, what is changing in the discussion of justice is the meaning that is loaded to this concept and the ways to address, if not to construct it. The meaning that is attached to justice is the determining factor of how the institutions are shaped and how the organization of the society is set. Therefore, without understanding the concepts that can bring the parts of justice together, it is not possible for political authorities to construct a holistic form of justice that can protect all the citizens and non-citizens of a particular state.

Unfortunately, it is not possible here to present all the names and discussions with respect to justice. From the early discussions of justice or more recent ones, several names can be mentioned. However, the aim of this chapter is not to map out the abstract conceptualizations of justice through different understandings articulated by eminent scholars. Rather, I am aiming here to give a brief introduction to justice and its sub-categories by referring to arguments of these scholars as they pertain to how different sub-categories of justice can be formed. In this way, it will be possible to look at the understandings of justice empirically.

Although I am not going to engage in a complex deliberation of justice, I think it is important to remember John Rawls because of his contribution to the theory of justice as a contemporary scholar. After a brief introduction to Rawls' statements, in order to map out the sub-categories of justice that I raise, I will present Deutsch's (2006)

categorization of justice.

In *A Theory of Justice* (1971), Rawls states that if the society or the individuals living in that society seek for their interests or some sort of utility, then social cooperation within that society is not possible (p. 12-14). The principles that can ensure the social cooperation should be arranged in a way that none is disadvantaged. That is why the principles should be chosen behind the “*veil of ignorance*”¹. In this way, nobody is favored and the society is not structured to maintain the natural endowments of those individuals. Justice is taken as the state where the natural inequalities are nullified and the domination that these inequalities can cause is eliminated (Rawls, 1973, p. 15). In order to nullify these natural endowments that can undermine the social cooperation of the society, and to create justice as fairness, the initial situation has to be interpreted and the principles written by the rational persons should be set according to this interpretation (Rawls, 1973, p. 15).

The contract that can construct the social cooperation and assure justice should be based on the two principles he underlines: “(1) each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty of others; (2) social and economic inequalities are to be arranged so that they are both reasonably expected to be everyone's advantage and attached to positions and offices open to all” (Rawls, 1973, p. 60). Considering these two principles, it can be said that justice requires *equality, rights* and *distribution*. Thereby, justice means equal liberty for all citizens, distribution of income and wealth, and accessible institutions and political authority to all (Rawls, 1973, p. 61).

Rawls states that whereas these two principles of justice must work in cooperation without creating any discrimination within the society, justice also has to be *formal* and *procedural* at the same time. In that sense, social institutions must be arranged in a way that laws and their actions are to be applied equally (Rawls, 1973, p. 54-58). The

¹ Rawls uses *veil of ignorance* as a metaphor to set up a fair procedure so that any principles agreed to will be just (1973, p. 136). It is a way of procedural justice. In this way, individuals do “not exploit their social and natural circumstances to their own advantage. Parties are situated behind a veil of ignorance; they do not know how the various alternatives will affect their own particular case and they are obliged to evaluate principles solely on the basis of general consideration (Rawls, 1973, p. 136-137)”.

arrangement of the institutions should allow the cooperation of the society within the framework of rule of law (Rawls, 1973, p. 58). In other words, formal justice is the way the institutions are structured and the predictability is assured; it does not refer to the relationship between institutions and individuals. Procedural justice, on the other hand, refers to the interaction of the individuals with the structure. It means the correctness of the distribution; how the claims of the individuals are answered within the scheme of the cooperation (Rawls, 1973, p. 88).

As mentioned in the second principle of justice, Rawls also underlines the importance of the role of the political economy in providing justice. Political economy has to serve for the public good (1973, p. 259). However, public good cannot be provided through the equal distribution of goods, services and offices solely. Also those with fewer assets and those born in disadvantaged positions should be favored to create the genuine equal opportunity (Rawls, 1973, p. 100). In that sense, the ideal principle suggested for the political economy is parallel to the logic of his two principles in general and the nullification of the natural endowments in particular.

Rawls conceptualizes justice on many different levels; he talks about the content of justice like basic liberty rights, redistribution, equal representation, and equal participation or in supplying these, he also mentions about its forms like formal and procedural justice. Additionally, it is also possible to see his discussions on compensatory or retributive justice. The multiplicity of concepts shows that justice does not run only within the structures but also between structures and individuals, or among individuals. That's why a genuine justice requires a comprehensive framework where all possibilities of injustice both within the institutions and as embedded within the bigger structure are eliminated. What is important for us to conceive here is that there are different types of justice and injustice.

Morton Deutsch, as parallel to Rawls' multi-layered conceptualization of justice, formulates a combination of six factors of (in)justice: (1) distributive injustice, (2) procedural injustice, (3) the sense of injustice, (4) retributive and reparative injustice, (5) moral exclusion, and (6) cultural imperialism (2006, p. 44). Distributive injustice occurs

when something scarce is not distributed according to the needs of the individuals or a cost is not avoided equally by all (Deutsch, 2006, p. 45). Procedural injustice arises when the procedures do not produce reliable, predictable, consistent or unbiased consequences due to the channels used (Deutsch, 2006, p. 48). The sense of injustice varies according to different expectations and perceptions of individuals or groups, because awareness of injustice changes in relation to individuals' or groups' positions in the relevant event (Deutsch, 2006, p. 48). The perceptions of victims and perpetrators are different, because they see the events from different angles and they construct their perceptions accordingly. In that sense, the injustice felt by a victim can be regarded pointless by her/his perpetrator or disregarded completely. Retributive justice and reparative justice, which are usually taken as two opposite poles, have to do with the attitudes and behavior of people in response to moral rule breaking (Deutsch, 2006, p. 51). Whereas retributive justice concerns with the rule breaking and see the crimes as a violation against the state, reparative justice focuses on the social relationships and try to repair them. Moral exclusion arises in relation to the political and social culture of that particular society. It can be difficult life conditions, instability of the political regime, perceptions of superiority over another group, justification or sanctioning of violence, authoritative nature of the social institutions or absence of observers of violence taking place (Deutsch, 2006, p. 54). The last, but not the least, cultural imperialism occurs when one dominant group tries to suppress the cultural existence of the others, which usually results in the double identity of these suppressed groups; one identity imposed from the dominant group and one from their own group (Deutsch, 2006, p. 55).

In order to understand what justice and injustice are and to conceptualize them within the particular contexts, it is crucial to map out the important concepts driven by the literature on justice. Since justice has many layers, without touching upon its sub-elements, it is not possible to draw a comprehensive framework in which injustice takes place. Throughout this chapter, the aim is to look at the main concepts that justice is associated with in the literature. Although these elements are dependent to one another, they are not aiming to answer the same questions in the domain of justice. Whereas some of them look at the issues like what justice requires, some of them deal with how

justice can be ensured. However, the main aim here is to bring the possible subjects that can help to comprehend people's understanding of justice. Therefore, justice is going to be analyzed under six sub-titles: (1) recognition, (2) rights, (3) procedures, (4) social inclusion, (5) (re)distribution, and (6) retribution and restoration. However, it is important to keep in mind that these concepts are overlapping at some points. Although here they are given under different sub-titles, it is not very likely to draw clear borders between these sub-titles.

1.1.1. Justice as recognition

Justice is related to many issues like decision making, division-of-labor, culture and more (Young, 1990, p. 33). In order to touch upon the root causes of injustice, the institutional context and the social structure are the two of the main things that have to be considered in depth (Young, 1990, p. 15). From this perspective, social justice has to do with the elimination of institutional domination and oppression (Young, 1990, p. 15). Institutional domination is used in this context as structural violence (Galtung, 1969) where there is no personal or direct act; where the violence is embedded into the structure and has a more abstract nature (p. 170-171). Structural violence shows up as the unequal distribution of resources and consequently unequal life chances (Galtung, 1969, p. 170).

If one group or groups of people are deprived of recognition and projected as inferior, invaluable or worthless, then this lack of recognition becomes the form of oppression (Taylor, 1994, p. 36). Injustice is the inescapable result of this domination and oppression in which institutions prevent self-determination and self-development of some particular groups (Young, 1990, p. 37). Thus, social justice is only provided when the realization of these values are guaranteed by the institutions and the social structure; when every person and group can equally participate in public discussions, decision making processes, and institutions of political and collective life (Young, 1990, p. 91). Fraser defines this form of structure as *participatory parity* where all members of the society have a sense of being a peer in the social life (2001, p. 24). If persons or groups

are deprived of the means or opportunities to participate in the decisions that can affect them and their actions, then it is impossible to talk about social justice².

Recognition requires institutions equally to acknowledge different needs and cultures of different groups (Guttman, 1994, p. 5). That's why each group's difference has to be considered and, even sometimes, institutions might offer different treatment for oppressed and disadvantaged groups in order to fulfill and secure inclusion of each group (Young, 1990, p. 158). Politics of inclusion does not mean the elimination of differences to create a homogenous society; rather, it means the promotion of a heterogeneous society in which every difference is acknowledged and respected equally, even if those differences cannot be understood by others (Young, 1990, p. 119). It is the recognition and fostering of particularity as opposed to a difference-blind fashion (Taylor, 1994, p. 43). Therefore, it requires first of all the social processes of assessment of differences within that particular society or public (Walby, 2001, p. 115).

The denial of recognition where ethnic and cultural minorities are oppressed can be considered as the illegitimate division of society (Habermas, 1994, p. 117). Honneth demonstrates that it does not only prevent the oppressed groups' freedom to act, but it also demeans their self-image and the image they have in the eyes of other people (1996, p. 132). Forms of disrespect to oppressed groups as a result of the denial of their recognition bring nothing but a social death to that particular society by which these oppressed social groups lose their social approval within the society, possession of certain rights, recognition as moral beings, their sense of identity, social status or their dignified self (Honneth, 1996, p. 133-135). This usually happens in ethnic states where the majority grants limited rights to the minority groups and keeps its special privileges on the essential and symbolic levels (Ghanem, 1998, p. 429).

Lack of recognition affects not only the oppressed groups but the whole society, because people with different identities are always in interaction with, or struggle against one another (Taylor, 1994, p. 32-33). Since identities are not givens, but candidates of moral scrutiny and potential revisions, the act of recognizing has to be

² However, unlike what Young suggests, in *participatory parity*, there are two different levels; institutional patterns of cultural value where everybody receives equal respect, and the distribution of material resources (Fraser, 2001, p. 29).

appropriate to their characteristic (McBride, 2005, p. 505). It should be considered in this respect that the act of recognition is a relationship through which equality and inequality, sameness and otherness, homogeneity and heterogeneity are defined (Düttman, 2000, p. 46-48). Considering identities as static would be problematic because they are inter-subjective and communicational (Lash and Featherstone, 2001, p. 17). In the cases where recognition is considered as static, it is inevitable to fall into the trap of social injustice, to disregard the needs of some particular groups, and to fail to eliminate the oppression that those groups have to face with on daily basis. Identities change over time according to changing needs and situations in those particular societies. People redefine their identities over and over again according to developing contexts, situations, and even time frames.

1.1.2. Justice as rights

Rights are defined as “modern understandings of what actions are permissible and which institutions are just. To accept a set of rights is to approve a distribution of freedom and authority, and so to endorse a certain view of what may, must, and must not be done.” (Wenar, 2011). Although there is a huge discussion on how to categorize rights, In Stanford Encyclopedia of Philosophy, Wenar states that rights can be categorized according to “who is alleged to have the right, what actions or states or objects the asserted right pertains to, why the right-holder has the right, and how the asserted right can be affected by the right-holder’s actions” (2011).

The discourse of rights is the main tool by which social norms of a society are set and social institutions are developed (Banakar, 2010, p. 19). Rights give people of that particular society a road map, “they exert a constraining influence on their moral capacity” (Banakar, 2010, p. 24), thereby describing what is allowed and not allowed. However, it cannot be said that the main concern of rights is to define what is moral or what is immoral. By their normative language, rights as part of the legal system exclude themselves from the sphere of morality and fill the gap morality leaves with the construction of justice (Banakar, 2010, p. 27). In that sense, the concerns that morality is

expected to take care of become the issues of justice supported by rights.

Rights are interconnected with the idea of justice in democracies. In order to develop justice and construct a system in which everyone can enjoy resources or advantages, rights emerge in the form of citizenship. In other words, citizenship rights ensure every citizen to be treated equally by the state. However, at the same time citizenship has to be considered as a multi-layered concept in order to eliminate any form of systemic exclusion (Bader, 1995, p. 212). A democracy has to develop a form of inclusive citizenship through which every person and group of people have legally recognized rights on an equal basis (Kabeer, 2002, p. 1). Otherwise, partial, fragmented, or incomplete citizenship may reproduce the ascribed statuses based on religion, kinship, ethnicity, race, caste, or gender (Kabeer, 2002, p. 9).

In defining rights, pre-existing differences should not be reproduced in a way that can harm the coherence of the society and create asymmetries of power (Kabeer, 2002, p. 10). Rights are important in the sense that if there is no rights-based justice, then political contestation, social inequality, economic dependency and/or cultural devaluation may arise or be reproduced (Kabeer, 2002, p. 10). Also rights must be the protector of economic independence; rights must be the guarantor of getting, keeping, and disposing things and values (Michelman, 1973, p. 972). Otherwise, people whose even basic survival needs are not met may lose their agency because of economic dependence (Kabeer, 2002, p. 11). The social equality has to be pursued by giving equal access to every identity group and the values of that particular identity group should not be *invisibilised*³ or devalued by the system itself through denial of recognition and degradation (Kabeer, 2002, p. 12). In that sense, rights ensure two crucial things; cultural valuation and economic independence both of which are interrelated.

The challenges to just citizenship or to the access of equal rights are mostly prevalent for the minority groups. In the situations where the state does not seek the prosperity or the equal position of particular groups within its territory, it also would not

³ *Invisibilised* is a term used by Kabeer (2002) to define the disregarded statutes of groups of people. However, invisibilisation is different from disregarding in the sense that it also refers to the discourses to show that particular groups of people as worthless and non-existent.

hesitate to use the machinery of surveillance over these minority groups (Banakar, 2010, p. 23). Assimilation, exclusion, and neutralization are some of the ways of social control exercised by the state (Banakar, 2010, p. 23). Through these ways, the state may deprive the minorities of justice by means of rights by constructing normativities based on the hegemony of one group over the others.

On the other hand, rights may be used to eliminate inequality or injustice within the society and to empower those who are by nature in unequal status. State may attribute minority rights against the preponderance of majority. The special rights of minority groups can balance their relative powerlessness and protect them (Green, 1995, p. 263). In that sense, minority rights have two aspects: whereas people within the minority groups have rights because of their individuality, people also have rights because of their minority group identity (Green, 1995, p. 259). In other words, every citizen in the country has individual rights and group rights mostly based on culture. Thus, justice is tried to be served by the state by empowering minority groups and at the same time by preventing forms of dominance by the majority.

1.1.3. Justice as procedure

Procedural justice refers to how social-decision-making mechanisms work and how people evaluate these processes, regardless of the outcomes (Lind and Earley, 1992, p. 228). According to Leventhal (1980), procedural justice has six components for the parties to judge if the procedures are fair or not: principles of third-party neutrality, consistency, bias suppression, accuracy, correctability, ethicality. Otherwise procedures are not considered as fair by the parties and the actions or decisions lose their legitimacy in the eyes of the people. For a procedure to be just, people should have an opportunity to express their views and thoughts, before the decision is made (Lind, *et al.*, 1990, p. 952). In that sense, Tyler (2006b) gives two types of procedural justice: justice in the quality of decision making processes and justice in the quality of treatment that people experience (p. 309). In the cases where there is a lack of procedural justice, people do not recognize the legitimacy of law and legal authorities and do not feel obliged to

follow their rules (Tyler, 2006b, p. 308).

Procedural justice also has to do with the emotional concerns of people, because it is at the same time a way to acknowledge people as valuable (Tyler and Belliveau, 1995, p. 298-303). In that sense, procedural justice is not only about an arrangement of how things get done, but also it has to do with the social-psychology of people. The literature of procedural justice within the domain of social-psychology is crucial to understand conflicts between people and institutions (see Lind and Tyler, 1988; Tyler and Smith, 1998; Tyler, 1989, 2000; Tyler and Blader, 2003; DeCrimen and Tyler, 2005). By looking at the psychological aspects of procedural justice, the influences of procedural justice on the sense of obligations and responsibility can be studied (Tyler, 2006b, p. 320). If procedural justice brings legitimacy, then people feel obliged to follow the rules simply because they think that regardless of the outcomes the procedures are just.

The legitimacy of the institutions and authorities is very much linked with the procedures of the authorities or the way the institutions exercise these procedures (Tyler, 2006a, p. 392). If there is no legitimacy of the actions of authorities, then in the eyes of people there is no validity of those particular authorities. Legitimacy means the rightness and properness of authorities (Tyler, 2006a, p. 376) (see Tyler, 2001). Sunshine and Tyler talk about the three components of procedural justice with respect to legitimacy: "overall evaluations of procedural fairness, evaluations of the quality of decision making, and evaluations of the quality of interpersonal treatment" (p. 532). Although these evaluations touch upon different spheres of procedural justice, legitimacy as procedural justice is particularly crucial in the sense that political and legal procedures can hold the state together and bring the loyalty of its citizens (Hampshire, 2000, p. 79). In that sense, legitimacy can bring the capacities to solve the disagreements that ensure the togetherness of the state and the society.

Whereas procedural justice is considered as the source of legitimacy, it also has to be studied by identity-based relational models of justice (Tyler and Belliveau, 1995, p. 306). Since identity has an important place in people's perceptions towards justice in general and procedural justice in particular, an identity-blind form of procedural justice

cannot regard the potential conflicts or legitimacy crises which may create deadlocks within the society. The identity relational model is important, because in societies or groups in which there are social and economic differences, people judge the social arrangements and legitimacy of processes from the perspective of their group identity (Tyler, 2006b, p. 384). Major and Schmader (2001) state that if people have doubts about the procedural justice of the system, then they are more prone to explain the outcomes through the discriminatory processes towards their group identity (cited in Tyler, 2006b, p. 386). In other words, the perceptions of people about their socio-economic conditions as a group are linked to their perceptions on the justness of the procedures and of the functioning of the system. If an identity group does not attain the procedural fairness that it expects from the authorities, then it may choose the path to protest behavior or deviant behavior (Müller and Kals, 2007, p. 127).

1.1.4. Justice as social inclusion

According to Opotow (1995), the scope of justice has three main items; “the belief that considerations of fairness apply to another, willingness to make sacrifices to foster another's well-being, and willingness to allocate a share of community resources to another” (353-354). For her, justice is a continuous process in which people shape the social arrangements by their behaviors and attitudes (Opotow, 1995, p. 365). It is the people themselves who create social norms by which it is decided on who is inside and who is outside. That's why moral exclusion occurs when we deprive groups or individuals of justice (Opotow, 1995, p. 348).

Moral exclusion is defined as the situation in which a person or group is excluded because of the denial of recognition of their identity, suffering or deprivation, needs and/or entitlements to basic resources (Opotow, 1990, p. 2). The morally excluded group is seen as “the other”, the outsider or the threat to the rest of the society (Opotow, 1990, p. 2).

Whereas moral exclusion looks at the socio-psychological side of the issue, social

exclusion has to do with social injustice in the form of a denial of opportunities that should be open to all (Barry, 2002, p. 22). It can be political exclusion, unequal educational and occupational opportunities or opportunity to getting a fair trial (Barry, 2002). It happens when a group or groups are excluded in multiple ways from the regular activities of the society (Stewart, *et al.*, 2006, p. 4). What is crucial to know about social exclusion is that it is a feature of the groups because of their culture, gender, color, nationality and the like. Therefore, it is related to power relations in which the socially excluded group suffers from lack of power or unequal power (Stewart, *et al.*, 2006, p. 4).

Social exclusion can be experienced as a result of economic stratification, when social oppressions with low income impede political participation (Barry, 2002; Gough, *et al.*, 2006); identity politics, when a hegemonic power creates the basis of exclusion groups (Das, 2009); or physical separation, when some groups are confined or their freedom of association is prevented (Opotow, 1995). In either case, at the center of social exclusion lies social oppression (Gough, *et al.*, 2006, p. 57).

Since social exclusion is the product of social interactions, it is the society itself that creates its own norms and defines “the unwanted”. In other words, social exclusion and social justice is constructed by the social order of that particular society (Opotow, 1990, p. 5). Once individuals internalize this dominant social order and develop their perceptions based on the social exclusion patterns, they also produce a sense of moral exclusion (Opotow, 1990, p. 12). Therefore, exclusion runs at two levels: society and individual; social exclusion and moral exclusion respectively, where the latter is produced by the former.

Opotow states that (1995, p. 350) as a result of the social norms through which people perceive excluded groups and individuals as psychologically distant, people also regard those groups and individuals as nonentities or undeserving. That's why the society does not feel any obligation to improve the conditions of these excluded groups and to integrate them back to the society. Also the society is not bothered by the unjust procedures or outcomes which the excluded groups have to face with (Opotow, 1995, p.

350).

The groups based on their ethnicity, gender, nationality, color, religion, language can be excluded either structurally or morally. Whereas the former refers to the unequal distribution of political and economic resources, the latter refers to an exclusion which a group or groups face with, when there is no recognition as equals or no willingness to acknowledge the dignity of the other.

1.1.5. Justice as (re)distribution

Distributive justice refers to the distribution of conditions and goods which can affect the well-being of an individual (Deutsch, 1975, p. 137). The well-being of an individual can be psychological, physiological, economic, and social aspects as Deutsch states (1975, p. 137) or it can be understood as monetary based measures like income and consumption, as Kanbur offers (2007, p. 1).

Redistributive justice defines justice according to the socio-economic factors. It assumes that injustice is stemming from the economic structure of the society (Fraser, 1996, p. 12). Thus, if economic stratification is rearranged and the tools of exploitation are removed, then there can be justice with respect to redistribution. Also, other forms of injustice that Deutsch mentions, such as psychological, physiological or social, can be improved or eliminated with the change of economic structures. The logic behind this expectation is the assumption that these forms of injustice are the derivations of the economic injustice.

Although scholars of distributive justice agree more or less that injustice is rooted in the economic structure or in the political economy, the question that they deal with is according to which rule the resources or goods are distributed. Marx states that distribution should be “*from each according to his ability, to each according to his need*” (1875). On the other hand, contemporary scholars, such as Deutsch (1975) and Miller (1992), join this discussion through three different principles according to which

the distribution can take place in each and every case. Deutsch (1975) states that equity, equality, and need -like Miller (1992) who uses *desert* instead of equity- are the dominant principles of distribution as the logic behind the rights in practice. However, Miller can be differentiated from Deutsch in the sense that Miller looks at what the people think about distributive justice and conceptualizes distributive justice accordingly.

The *need principle* cares about the personal development and personal welfare of individuals in a group or in a society (Deutsch, 1975, p. 147). The members of the society aim the equality of need fulfillment of all members since they have the sense of mutual sympathy and trust to one another (Miller, 1992, p. 573). Miller says that the society feels a responsibility to take care of its members up to a certain level (1992, p. 573). At least, all members of that particular society should be able to meet their basic needs.

On the other hand according to the *equity principle*, members receive outcomes proportional to their contributions; therefore, equivalent contributions mean equivalent benefits (Folger, 1977, p. 108). Unlike distributional justice where there is a general fairness in allocation, the notion of exchange is effective in equity (Cook, 1983, p. 218). Dugan states that the indicators of inequity are the gross differences in income and wealth; in that sense the distribution becomes not only unequal, it is also unfair and unjust (2004, p. 1). Also, Miller (1992), who defines *equity principle* as a matter of merit says that it is simply instrumental and does not concern about the relationships within that particular group or the society as the *equality principle* does (560-561). Thus, the *equity principle* and the *equality principle* differ from each other with respect to the value given to the group relations (Miller, 1992, p. 562).

The *equality principle* is used in societies where the maintenance of enjoyable social relations is crucial (Deutsch, 1992, p. 146). Since the members of the society want to sustain their relationships and care about the solidarity within, they want to make sure that every member of that particular society is enjoying the same amount of resources. It is also possible to find critiques to the *equality principle* in the literature.

One of the important books that started this discussion is “*Equality of What*” (Sen, 1980). As a continuation of that discussion, statements of Phillips on this subject (1999) can be raised here as an example. Phillips disagrees with the *equality principle* in the sense that if economic resources are distributed equally, then we may end up ignoring the differences in people's capacities (1999, p. 54). That's why Phillips demonstrates that the principle should aim the maintenance of a decent standard of living, but at the same time it should reflect differences in the choices of people (1999).

These three principles are used according to the concerns of that particular society or group. Those who are economically-oriented tend to use the *equity principle*, those who are solidarity-oriented tend to use the *equality principle*, and those who are caring-oriented tend to use the *need principle* as basis of the distributive justice (Deutsch, 1992, p. 147). However, it should not be forgotten that justice can be regarded as a pluralistic concept (Miller, 1992, p. 558). In these cases, trying to develop a sense of distributive justice only by looking at one single value does not help to bring justice into the society. Therefore, different values might be used according to the purpose of that distribution.

In order to provide the requirements of justice and prevent transmission of one inequality from one sphere to another, Walzer (1983) comes up with a suggestion of *complex equalities*. He suggests a *distributive pluralism* through which each sphere has its own principle. In this way, if a person has an advantage in one sphere, that person can not transmit this advantage to another one, because each sphere has its own value and principle. By trying to create an idea of equal citizenship with *complex equality*, he aims to prevent domination of goods over people (Miller, 1995, p. 11). His suggestion opposes the idea that social justice is provided by one main principle (Guttmann, 1995, p. 100). Rather, *distributive pluralism* provides multiplicity of principles for each sphere.

1.1.6. Justice as retribution and restoration

Retributive justice refers to repair of justice through imposition of punishment; the offender who violates rules or laws deserves to be punished in proportion of the severity

of the wrong-doing for justice to be served (Wenzel *et al.*, 2008, p. 375). On the other hand, restorative justice means a process of reparation or restoration among offender, victim and other interested parties through mediation and reconciliation programmes to reveal what was done and the ways to deal with it (Duff, 2013).

Retributive justice and restorative justice are the ways chosen to recover a wrong-doing after a crime is committed or somebody gets harmed. They focus on different sides of a wrong-doing and construct their sense of justice from different perspectives. Although by definition retributive justice and restorative justice may seem like the opposites, they are not the polar opposites of a continuum (Zehr, 2002, p. 13). Instead of polarization, there is balance between them. They complement each other; they should be taken as dependent to one another (Daly, 2002, p. 64). Thus, real world justice can only be achieved, when the characteristics of both are taken into account and this process is seen as a continuum (Zehr, 2002, p. 60). The differences between them, though, are the ways how they try to recover the broken sense of justice after wrong-doings.

Retributive justice considers the crime in terms of behaviors and attitudes of people towards the state and other people (Deutsch, 2005). Therefore, crime is defined as violations of law and the state (Zehr, 2002, p. 21). “Crimes are kinds of conduct which are condemned as wrong by some purportedly authoritative social norm” (Duff, 2013) or what authoritative bodies claim as punishable and lawbreaking acts (Estrada-Hollenbeck, 2001, p. 66). Since retributive justice concerns what offenders get as punishment in proportion of their crimes (Zehr, 2002, 21), it fails to see the harm on the relationships as a result of the acts of offenders (Johnstone, 2004, p. 8). Its concern is to recover the authority of the state by means of punishment, while giving the offender what s/he deserves. That is why in response to rule breaking, retributive justice comes up with the solutions like arrest, going to trial, conviction, imprisonment, death penalty or so on (Deutsch, 2005).

Parallel to retributive justice's definition of crime, ideal justice can only be served when guilty perpetrators are equitably punished and the laws and civil order are restored

solely by the exclusive responsibility of the state (Estrada-Hollenbeck, 2001, p. 68). However, the sense of justice that retributive justice may ensure can only be short-lived, because it does not provide any of the needs of the victims; information, participation in their cases, respect, and material and emotional reparation (Johnstone, 2004, p. 9). Even more importantly, instead of empowering the victim, it reinforces the sense of victimization (Zehr, 2002, p. 31). Therefore, it is an important question whether retributive justice can bring justice for all; and restorative justice is born from this discussion.

Restorative justice reemerged in the “modern” sense to prevent the inhumane conditions in prisons against the prisoners, and more importantly to recover the harms of injustice by focusing on the victims and to transform the conditions which gave rise to these crimes by acknowledging them at the first place (Braithwaite, 2002, p. 564-565). Therefore, the aim of restorative justice is to complement the deficiencies that retributive justice cannot fulfill. It is a myth that retributive justice and restorative justice are the opposites and restorative justice is a pre-modern form of justice composed of indigenous practices which gave its place to retributive justice (Daly, 2002, p. 56).

Restorative justice focuses on the needs of crime victims that crimes create; it might be information about the offense, truth-telling, empowerment, restitution or vindication (Zehr, 2002, p. 14-15). In that sense, whereas most prevailing forms of restorative justice can be seen as apology and reparation, it is also possible to find different ways of restitution such as shaming, remembering or compensation. The forms of restorative justice can be designed according to the wrong-doing or the needs of the victim in that particular context. Also at the same time, one of the main motives of restorative justice is to encourage offenders to understand the harm they created and to help them develop empathy and responsibility towards victims (Zehr, 2002, p. 17). In this regard, it is a space for parties to communicate each other about the crime, its consequences, and the needs and the responsibilities it creates (Sharpe, 2004, p. 26). The main aim of restorative justice is to prevent future injustice by increasing trust between the parties (Estrada, 2001, p. 74). It tries to build a form of engagement between

offenders, victims, and community members by inclusive, collaborative processes (Zehr, 2002, p. 25-26).

Since restorative justice envisages that injustice as harmed relationships instead of crimes against the laws and the state, justice requires taking responsibility to heal the harms and to remedy the relationships rather than punishing the perpetrator (Sawatsky, 2003, p. 5). Justice can only be restored when the violated social contract is renegotiated and rearranged (Sharpe, 2004, p. 24-25). However, what is also crucial at this level in particular and at every level in general is to keep in mind the context, culture, and the time period, because justice requires a holistic vision to comprehend the whole framework (Sawatsky, 2003, p. 6-11).

Restorative justice aims the activation of internal values within the offenders to engage them into self-regulatory behaviors (Tyler, 2006, p. 309). Therefore, its scope focuses on the psychology of the offenders and makes them understand the other side of the issue. However, this understanding is criticized by failing to see the fact that crimes emerge from a flawed society which lack wholeness (Lofton, 2004, p. 385). In that sense, the crime does not only belong to the individuals who committed that crime. Rather, they also are the victims of the system, because crimes are produced by the system itself. Activation of the internal values of the offenders does not ensure justice, because the system through its structure and institutions runs in a way that leads some of its citizens to get involved in some sort of a crime. That is why in order to eliminate the root causes of these crimes, focusing only one side of the issue is not sufficient. It requires reparation of flaws of the society and ensuring wholeness in that society.

1.1.7. Justice as a holistic concept

Although every concept mentioned above has a particular importance in providing justice and creating social cooperation, what is also crucial in justice discussions is to evaluate justice as a totality. In a particular society or group, it does not make sense to focus only one dimension of justice and ignore the others. As long as these concepts,

mentioned above or some additional ones that are not touched upon within the above discussion, are taken separately, the root causes of injustice cannot be eliminated. It is crucial to understand that the concepts relevant to justice are intertwined to one another, because justice is not something from which one can choose some aspects and leave the others. Therefore, if justice is not taken as a holistic concept, where every dimension has its own importance in the bigger totality, then discussing how justice can be provided will be a useless discussion.

Folger, *et al.* (1995) state that since a single norm of justice can overshadow different perceptions of justice and injustice, there has to be more grounds for justice to be discussed in terms of what fairness is and what it is not (p. 278). Since there are multiple perceptions of fairness, justice with respect to these perceptions of fairness can vary accordingly (Folger, *et al.*, 1995, p. 278). As opposed to the static conditions with a monolithic sense of justice, changing dynamics require different forms of justice. There can be multiple sources of disagreements coming from injustice; therefore, the ambiguity that unstable conditions may cause can only be overcome by the multiplicity of justice conceptualizations (Folger, *et al.*, 1995, p. 278-280). In other words, Folger, *et.al* suggest that there have to be alternatives of the implementation of a policy in order to alleviate forms of injustice (Folger, *et al.*, 1995, p. 282).

Considering Folger, *et al.*'s main idea, the important point here is to keep in mind how justice as the combination of multiple factors is in need of divergent point of views, and at the same time how much it needs to be looked as a totality. In his article in order to construct an inclusive citizenship and to overcome possible forms of injustice, Kabeer (2002) strictly underlines the requirement to go beyond the simple policy analysis and raise the discussions about individual identity, social movements or group dynamics (p. 13). Since all the factors affect inclusive citizenship, staying at the level of law can not bring genuine inclusiveness. Rather, inclusive citizenship can only be possible when institutions and access to them are transparently discussed; when issues of identity, how people define themselves and how they are defined by others are addressed; and when associations and collective action patterns are understood. In that sense, justice is not a *quick-fix* system; it requires to be taken as a whole and in-depth with all its historical

connections.

Amartya Sen sums up the whole idea of this section in *The Idea of Justice* (2010); where he states that injustice runs on many different levels and saying that injustice has one dominant reason will not be a correct diagnosis (p. 2). As parallel to what Folger, *et al.* mention above, justice does not revolve around one main idea. As long the contexts change, the components that justice requires will change accordingly. That's why eliminating injustice requires the multiplicity of point of views in evaluating justice and more importantly an approach to dwell into the depth of injustice.

Justice can be considered as a process or as an outcome. In order to achieve justice, justice has to involve some components and a functioning mechanism at the same time. It is not possible to talk about justice, if some factors of it are missing. Likewise, if justice does not work properly, then it is not justice at all. That is why justice requires the combination of processes and outcomes.

Justice requires a holistic view, not only because every single element within the dynamics matter, but also because every context has its own dynamics. Therefore, a monolithic view of justice will hinder to look at the particular dynamics of that situation. A case has to be taken in terms of its historical bounds, sociological dynamics and cultural characteristics. Therefore, in order to diagnose injustice and recover it, justice has to be taken into consideration from each aspect.

1.2. Injustice as a source of conflict

One of the reasons why a conflict between groups in the same society emerges in the first place or is maintained is the existence of a state of injustice or the sense of it. Perceptions of injustice can be based on the expectations of individuals and groups or their comparative situations relative to the others within the same society. Groups who form their group identity based on their ethnicity, religion, culture, gender, language or any other reason compare their 'have's or 'have-not's with other groups and shape their

sense of justice and injustice according to the positions and statuses of these groups.

When the conflicts stem from the differences in ethnicity, ethnic conflicts can be seen in two forms; either between different ethnic groups or between an ethnic group and the state dominated by another ethnic group. In cases where the ethnic minorities as a group sense injustice or experience discrimination because of their group identity within a nation-state, injustice or the sense of it becomes the main reason of that particular conflict within the society or the conflict between a particular ethnic group vis-à-vis the state.

Injustice as a source of a conflict can be explained through various theories of conflict resolution or conflict transformation. However, the main idea in these kinds of conflicts is that one or more particular groups suffer from the asymmetric power relations where one dominant group suppresses the others and becomes the source of injustice where goods, services, rights, political authority or any relevant power mechanism are not open to all.

In *Why Men Rebel*, Ted Gurr (1971) states that if value expectations of a group and its value capabilities do not correspond to one another, relative deprivation arises (p. 13). The deprivation is relative in the sense that there is a discrepancy between what an individual or a group expects and what they can get. Therefore, relative deprivation refers to the tension between the 'ought' and the 'is' of collective value satisfaction (Gurr, 1971, p. 23).

The value expectations of an individual or a group are determined according to the value positions which that individual or group thinks that they are entitled to (Gurr, 1971, p. 27). They may expect their value capabilities to be arranged according to the changing dynamics or they may expect to keep their capabilities as they are. What is common in each case is that the intensity of the relative deprivation is based on the perception of that particular individual or the group (Gurr, 1971, p. 29).

Gurr categorizes values into three; (i) welfare values, which refer to physical well-

being and self-realization; (ii) power values, which refer to influence to the others, participation in decision making, and the security of positions; and (iii) interpersonal values, which refer to psychological satisfactions, status, communality, and ideational coherence (1971, p. 25-26).

The values that ethnic identities expect in the context of nation-states involve all of the three values mentioned. In this sense, justice can be regarded as the situation where these values are fulfilled. When an individual's or a group's expectations about justice do not correspond to what they get as a just outcome, relative deprivation arises. The sense of injustice or injustice itself can become the source of the conflict in some cases, and which at the end may also evolve into violence. Injustice sensed by an individual or a community can be resulting from the physical insecurity, being suppressed by the dominant majority, dissatisfaction related to its group status within the bigger society, or a combination of all. In each case as long as the individual or the group who have the sense of injustice think that what they are entitled to is not met, the discrepancy in their perceptions and the root causes of the conflict cannot be eliminated. Since the injustice that an individual or a group has to face with is the outcome of the contradiction between the 'ought' and the 'is', as long as this expectation of justice is not fulfilled, the source of the conflict will be sustained.

Deutsch and Steil (1988) state that injustice can be the outcome of a disproportionate distribution principle or of the methods through which the distribution is made (p. 5-7). The distribution and the procedures through which the decisions are made could be the source of injustice. The distribution problem may stem from the quality or the quantity of what is distributed, if not both. In either case, the distribution principle has to take into account the conceptions of the society without disregarding the just procedures that could bring the just outcomes acceptable by the society in question.

In both cases, whether the source of injustice is the distribution principle or the procedures by which the distribution is made, those who suffer from injustice and those who take an advantage from the unjust situation need to maintain their self-esteem. This need of preserving self-esteem causes opposite reactions to injustice (Deutsch and Steil,

1988, p. 9). Whereas one side, because of its position, does not react to a case of injustice and disregards it, for the other side it can be regarded as the most important thing to be fixed. Parties' or groups' sensitivity to injustice varies according to their positions within that particular conflict. Victims and perpetrators perceive injustice differently, and sometimes perpetrators do not even think that there is injustice.

Deutsch and Steil emphasize the explanation that the major theme for the sensitivity to injustice is the deprivation that a group experiences (1988, p. 11). The deprivation that they are talking about differs from what Gurr theorizes in that it is relative to others rather than relative to the expectation of the same individual or the group. In that sense, the group's standards, status or what they have are compared to the standards of other groups.

While comparing what the group is deprived of, Deutsch and Steil also underline the classification which Runciman brings into the discussion; egoistical deprivation and fraternal deprivation (1966). Egoistical deprivation refers to a disadvantage that an individual feels relative to the other individuals; and fraternal deprivation refers to a disadvantage that a group feels relative to the other groups (Runciman, 1966, cited in Deutsch and Steil, 1988, p. 12).

Either in Gurr's or in Runciman's conceptualization of deprivation, the sense of injustice deepens when the discrepancy between what a person perceives she is entitled to and what this person gets becomes bigger. It does not matter whether that person compares her expectations with her capabilities or she compares her capabilities with the capabilities of others. Individual's or the group's sense of justice is determined by the perception what (s)he thinks (s)he is entitled to.

According to Deutsch and Steil, there are five factors that can influence one's conception of what (s)he is entitled to; "(i) the ideologies and myths about justice that are dominant and officially supported in one's society; (ii) the amount of one's exposure to ideologies and myths that conflict with those that are officially supported and are supportive of larger claims of oneself; (iii) experienced changes in one's satisfaction-

dissatisfaction; (iv) one's knowledge of what others who are viewed as comparable to oneself are getting; and (v) one's bargaining power" (1988, p. 13-14). Different from Gurr's theory of relative deprivation, what is crucial in Deutsch and Steil's argument is the emphasis on the institutions to eliminate the sense of injustice that may cause a conflict within the society or among the groups. They state that unlike the common assumption that the victim is the one that should be recovered, the social pathology lies within the institutions or in the people who built those institutions, because they are the ones who maintain the suppressed and suppressor positions, create the disadvantages (Deutsch and Steil, 1988, p. 21) and protract the social conflict within the society.

Deutsch (2006), in his writings on justice and conflict, adds that perceived injustice is always the source of a conflict; if the parties think that the processes and outcomes of a conflict are unjust, then the instability that the conflict resolution brings furthers the conflict (p. 56). Since the victim's and the perpetrator's sense of justice are different from one another, in a case where injustice is not eliminated from the outcome or from the procedure, the conflict escalates (Deutsch, 2006, p. 56).

In addition to the factors Deutsch and Steil give that could influence one's conception of what she is entitled to, Deutsch (2006) mentions the fact that discontent, social unrest, and rebellion are common after the periods of improvement in political-economic conditions (p. 47). Improvements in political-economic conditions bring higher expectations with respect to entitlements.

According to Burton (1990), the cause of a conflict is the dissatisfaction of the basic human needs. In this sense, needs refer to basic requirements to maintain the life of an individual or a group. He mentions seven of the needs as basic; consistency in response, stimulation, security, recognition, distributive justice, appearance of rationality, meaning, control and role defense (Tidwell, 2001, p. 79). As long as these basic needs are not met, conflict may arise. It is also crucial to look at the social context from which the dissatisfaction arises as the cause of the conflict, while elaborating on needs (Tidwell, 2001, p. 77). The social context can influence how the dissatisfaction arising from the non-fulfillment of needs is perceived. Besides, from context to context

the importance of a particular can need increase or decrease.

In addition to Burton, Tidwell (2001) emphasizes the fact that since in a conflict individuals or groups indicate their interests, the satisfaction of the basic needs may not be the source of the conflict reduction (p. 77). Meeting the basic needs would eliminate the root causes of the conflict. However, since individuals or groups do not directly reflect their needs within conflicts but their interests, it may not directly eliminate the sources of a conflict. Another important point what Tidwell underlines is that unsatisfied needs are the results of the power relations embedded within the institutions; that's why without controlling the use of power it is not possible to satisfy the needs, including justice (2001, p. 79).

A conflict resulting from dissatisfaction of the basic human needs or the lack of justice can be transformed into a protracted social conflict. According to Azar (1990), the context of a conflict, the role that the state, the military or the communal groups play, satisfaction or the dissatisfaction of the needs of security, identity, or access play an important role in the maintenance of a conflict and the transformation of it into a protracted one. The conflict may become more destructive as a result of the denial of the basic human needs which at the end leads to further the denial of them (Miall, 2004, p. 5). The non-recognition and denial of the satisfaction of the basic needs with other components such as the embeddedness of this discourse within the state institutions and the society lead the conflict to be protracted and hard to resolve at the end. Therefore, eliminating the causes of a conflict always requires considering the structure, the broader framework of the conflict not to sustain, if not strengthen, it.

Kaldor and Luckham (2001) look at the cause of conflicts from another point of view. They state that the source of the contemporary conflicts is most of the time the desire for access to state power. Since the legitimacy of political authority is eroded and the state power is privatized as a result of globalization, having state power becomes having the means to extract the resources as a particular group (Kaldor and Luckham, 2001, p. 48-53). Therefore, through access to state power, those who can access this power and his/her privileged networks acquire all the opportunities that this power

brings- jobs, enrichment, status, recognition-; this power struggle becomes a matter of inclusion or exclusion (Kaldor and Luckham, 2001, p. 53-54). At the same time, each political group's justification of the state power differs and they base their power on a particular form of identity, such as religion, language, ethnicity (Kaldor and Luckham, 2001, p. 54). Therefore, the competition for the access to the state power and its capabilities among the divergent political groups lead each grouping to favor its identity at the expense of the others. Kaldor and Luckham's discussion in the context of justice means that each political grouping constitutes an understanding of justice that presents their interests. Since rival political groupings construct their own sense of justice and legitimacy, and create a form of state in which the national identity is shaped through their needs, there will be neither equality nor justice for all.

Unlike the theories mentioned above, in Kaldor and Luckham's explanation of the sources of contemporary conflicts, economic transformation and globalization become the main determinant of the change of the state from the societal regulator towards an instrument for the extraction of resources and the creator of the privileged networks (Kaldor and Luckham, 2001, p. 54). In that sense, injustice does not directly play a role in initiating a conflict. However, as a result of the competition among the political groups and the unequal distribution of the resources based on identity, identity groups seek more power for justice and even for their survival. Justice becomes something that groups can achieve only when they have the political and economic power.

In their article, on the beliefs that may propel groups toward conflict, Eidelson and Eidelson (2003) mention about five belief domains -superiority, injustice, vulnerability, distrust, and helplessness- relevant to conflicts both at the individual and at the group levels. About the sense of injustice, they state that the sense of injustice which is dependent on the historical perspective helps to construct an in-group and out-group differentiation, where the group who holds the sense of injustice has deep grievances against the other group or authority (Eidelson and Eidelson, 2003, p. 185). Whereas the past experiences of exploitation and mistreatment construct a collectivity among the victims as a group based on their identity, they also create "us" vs. "them" dichotomy which eventually puts the seeds of the social conflict into the society.

Considering that social exclusion is one of the concepts of injustice, Stewart, *et al.* (2006)'s work on social exclusion and conflict is worth mentioning within this discussion. Whereas they are defining social exclusion as an economic deprivation and inaccessibility to political power, they also see it as a source of social mobilization through which deprived groups come together and create a group affinity (Stewart, *et al.*, 2006, p. 6). Cultural differences should not be taken as the source of mobilization though; the group mobilization starts when these cultural differences are combined with group deprivations (Stewart, *et al.*, 2006, p. 6). In that sense, socio-economic exclusion is not enough to understand how the conflict is emerged and how the dynamics of the conflict work (Stewart, *et al.*, 2006, p. 10).

Sen (2008) in his article, *Violence, Identity, and Poverty*, shows the relationship between poverty, injustice and rebellion. He states that deprivation or poverty makes a person or a group outraged. The injustice and the inequality that a group of people are experiencing are the reasons for anger and fury, which appear in the form of rebellion, and sometimes even as bloody rebellion (Sen, 2008, p. 7). A group who is deprived of some resources of who is compelled to poverty will eventually feel desperation and anger; the helplessness with the rage causes violence which will seem as the only option for survival. In that sense, he also criticizes the theory of clash of civilizations (Huntington, 1996) through which violence is tried to be explained at the global level.

In order not to be trapped into economic reductionism, Sen emphasizes the importance of an integrated picture of a conflict and dynamics of it (2008, p. 11). Ideas of identity, culture, and political economy are integrated into one another; therefore, instead of an 'either-or' approach, one has to embrace a comprehensive framework where cultural, social factors and political economy are important elements to understand why violence takes place (Sen, 2008, p. 12). In a system where poverty and inequality are associated with racial or ethnic groups or other non-economic identities, it is a must to avoid isolationist programmes of explaining violence (Sen, 2008, p. 15).

It is crucial to emphasize that justice is a totality. Every aspect of justice is

important in order to provide a comprehensive framework of justice. In this discussion, what is also important is to understand how justice is constructed within that particular society. What determines justice is the meaning that people in that particular society attaches to it. In that sense, justice is contextual. It recreates and reproduces its meaning within the societies and in interaction to them. That's why it is important to keep in mind that the perceptions of injustice change from context to context or even from individual to individual.

By looking from a psychological perspective; since the sense of injustice and justice is subjective, this subjectivity may also be the source of the conflict. Mikula and Wenzel (2000) state that one of the functions of justice is its trigger function, by which perceptions of injustice can cause the social conflicts (p. 127). Even if the sense of justice and injustice is socially shared, individuals may have different perceptions of injustice (Mikula and Wenzel, 2000, p. 127). From the individual to individual what he or she understands by injustice can vary and this subjectivity itself may lead to a social conflict.

What is more important in this context than subjectivity is to understand the variations among groups' sense of injustice. However, instead of a purely psychological understanding, this time the access to power is a significant factor to understand different perceptions of injustice across groups. Access to power brings the issues of social subordination or exposure to harsh crime control with it, besides the equal access to resources or goods (Buckler *et al.*, 2008, p. 37). Also asymmetric power may lead to an unjust distribution, procedure or treatment that is also the cause of a social conflict (Mikula and Wenzel, 2000, p. 128). Since groups are prone to pay attention to their deprivations based on their group identity, factors relevant to power relations influence a group's sense of injustice and reshape their positions as individuals vis-à-vis the power holders.

Considering the perceptions of injustice of groups relevant to their access to power, the historical and social perspective through which the whole process of the conflict evolves has to be considered. As Buckler, *et al.* mention, minority citizens

perceive injustice with respect to the historical and social context that they have been exposed to (2008, p. 38). In short, in addition to the subjectivity of the perception of injustice, there are many variables which have an impact on the conflicts, such as class or economic status of minority groups (Hagan, 1982; Buckler, *et al.*, 2008). That's why it is worth restating that the sense of injustice which is taken as the potential source of social conflicts is a totality composed of many elements and influenced by many factors.

CHAPTER II | THE SOCIAL CONTEXT

In the earlier chapter, I mentioned about the contextuality of justice. Considering that discussion, in order to understand what people mean by justice or to reveal their understandings, as much as covering the elements through which justice can be discussed, considering the context is crucial. In that sense, throughout this chapter I am going to present the social context of Turkey and the experiences of the Kurds and Armenians in Turkey.

2.1. The Turkish Nation State

The Ottoman Empire, which the Turkish State claims to be the successor of, was using the *millet system* to keep all the communities together as the Ottoman nation within the Empire. This system was providing the ground for the organization and integration of different social and ethnic groups within the Empire (Akman, 2004, p. 33). The traditional *millet system* based on the religious and ethnic differences of the communities was not working any more to keep them together under the umbrella of an Ottoman nation. Particularly the non-Muslim communities in the empire was rebelling against the state and making necessary for the reformist elites to come up with a different solution to integrate them back (Kushner, 1997, p. 219). The Empire had to reform some elements in the organization of communities and to give up on the old system. With this aim, the Ottoman state undertook reforms between the years of 1839 and 1876 resulting with an end to the *millet system* (Kuyucu, 2005, p. 368). However, after the nationalist challenges and the defeat of the Empire in the Balkan Wars of 1912 in particular, this system became something very hard to sustain (Kuyucu, 2005, p. 369).

The tool of the new Turkish reformist elites to integrate all the communities in the empire into one identity was nationalism. They used this ideology to reshape the nation, after they consolidated the state (Ergil, 2000, p. 46). The new Turkish State is a model of nation-state, whose nationhood was based on the ethnicity, religion and cultural identity of one majority group (Ergil, 2000, p. 46). They borrowed this idea mainly from the experience of advanced industrial European societies (Akman, 2004, p. 29). However, this nationalism should not be taken only in a patriotic form; it also carries cultural and racial elements of one dominant group (Kushner, 2000, p. 220).

Turkish nationalism had been created by the Young Turks to preserve the Turkish identity within the Ottoman Empire, which aimed to converse the communities with different cultural backgrounds to Turkism (Kushner, 1997, p. 221). However, even if Turkish nationalism can be regarded as the continuation of the Ottoman reformist tradition, it also differed from it by being *order-in-progress* as opposed to the unchanging order of *millets* (Akman, 2004, p. 34).

Turkish nationalism is associated with the Ottoman reforms in the sense that they were both trying to create a sense of cohesion among the remaining peoples and emerging out of the fear of partition and subversion (Ergil, 2000, p. 49). The fear that Christian, Kurdish or Armenian minorities would ally with the foreign powers to divide the country, later known as the Sevres Syndrome, influenced the way the Turkish nationalism evolved (İnce, 2012, p. 122). As a result, Turkish nationalism became something that imposed hegemonic Turkish identity on its ethnically heterogeneous population (Kuyucu, 2005, p. 364).

The new Turkish state was established as a hegemonic nation-state (Yeğen, 2007, p. 126; Ergil, 2000, p. 43). It denied the existence of multi-ethnicity and multi-culturality of the country, except the religious minorities who were recognized in the Lausanne Treaty (Kirişçi, 2000, p. 1). Apart from the religious minorities, all citizens were regarded constitutionally as Turkish (Kushner, 1997, p. 222).

Although all citizens were regarded as equals before the law, in practice they were

not using equal democratic rights. There was a gap between substantive and formal citizenship (Kirişçi, 2000, p. 18). Kemalism, as the ideology of the new Turkish state, claimed that all the past inhabitants of the country were ethnically and racially Turkish and it would stay so (Çagaptay, 2004, p. 93). The state refused to acknowledge the demands of the periphery (Akman, 2004, p. 38) and maintained its unmediated role by staying as uni-dimensional; transforming its ideology from the state to the society only (Ergil, 2000, p. 44-46). The democratic demands for the free expression of cultural, political and ethnic differences were denied and repressed (Akman, 2004, p. 44). The state did not only refuse to recognize these rights, but also it invited people demanding these rights to become Turks (Yeğen, 2007, p. 127), whereas non-Muslims stayed fully at the periphery and were excluded from the country with respect to their religious preferences (İçduygu, *et al.*, 2008, p. 365).

Although the roots of the Turkish nationalism were based on racial and linguistic factors (Kushner, 1997, p. 228), the new Turkish identity emerged as the combination of two essential factors: religion (Sunni sect of Islam) and language (Turkish) (İnce, 2012, p. 119). Non-Muslim minorities were regarded as “others” who did not belong to the new nation (İçduygu *et al.*, 2008, p. 359). In that sense, non-Muslim peoples were an obstacle. As opposed to non-Muslim minorities, Muslim minorities were granted Turkishness (Ergil, 2000, p. 51). However, since this ethnicity was constructed through language; those who did not speak Turkish were openly harassed (Çagaptay, 2004, p. 98). This was the period of a social and political transformation of the country with the discourse of westernization (Akman, 2004, p. 25) and the aim was to rip all the ethnic and cultural differences off the country to create a homogenized society (Ergil, 2000, p. 51).

In 1923, the Treaty of Lausanne recognized 3 minority groups: Armenians, Greeks and Jews. The main motivation behind this recognition was the fact that non-Muslim minorities were regarded as potential enemies of the Turkish nation (Kuyucu, 2005, p. 363). Therefore, this recognition was the confirmation of the fact that they did not belong to Turkey; they were outsiders. This was not the only attempt of the state for the homogenization of the population. Right before the Lausanne Treaty, the state used

some methods like expulsion or killing. Armenians were massacred during the deportations of 1915-16, Greeks were exchanged or they were all forced to leave the country by further threats or enforcements (Yeğen, 2007, p. 125). The aim was to subtract them from the picture.

The way of assimilation was open to those minorities, who were not ethnically Turkish (Çagaptay, 2004, p. 97). Their citizenship rights were granted as long as they were assimilated into Turkishness (Yeğen, 2007, p. 138). Kurds also were in this group. They were seen as future-Turks since the foundation of the Republic (Yeğen, 2007, p. 137). Since the national identity was not negotiated with the groups with different cultural backgrounds, the situation created its neglected and excluded groups, who were going to struggle for their rights (Ergil, 2000, p. 47).

The Kurdish question can be defined as a resistance against the modern state and society, which were not recognizing Kurdish identity and cultural rights (Yeğen, 2007, p. 124). However, it was regarded as the conservation of the past to the present by the nationalists of that time (Yeğen, 2007, p. 128). Later, the movement was started to be seen as the discontent of the Kurdish people of their economic and social conditions (Kushner, 1997, p. 224). As a result of the lack of acknowledgment for years, the struggle of the Kurdish people for their democratic rights and for the recognition of their identity evolved into a conflict that led to so many violations of rights and freedoms (see Bozarslan, 1992; Yavuz, 1998, 2007; International Crisis Group Report, 2011, 2012).

Turkish political leaders are still reluctant in resolving the former conflicts or acknowledging their devastating results. They still refuse to grant cultural, administrative, political rights of Kurdish people or to acknowledge the past atrocities and violations of rights (see Oran, 2004). Turkish state still denies the massacres of 1915 (see Dixon, 2010). However, since 1998 with the EU integration process, the EU has been using some leverage on Turkey for the extension of official recognition to the Kurdish, Alawite, Assyrian groups and other ethno-cultural claims (İçduygu, *et al.*, 2008, p. 378)⁴.

⁴ For further information see Kaya, A.; Tarhanlı, T (Eds.). (2005) *Türkiye'de coğuluk ve azınlık politikaları: AB sürecinde yurttaşlık tartışmaları*. Tesev Yayınları.

To sum up, considering aforementioned discussions, the identity of the ethnic minorities in Turkey were constructed as opposed to the Turkish state. The conflicts between the Turkish state and ethnic groups did not only influence their sense of identity and how these identities were shaped, but all this process of nation-building had an impact on their conceptualizations of justice. The ideology of Turkish State and all the actions of the state accordingly polarized the society by emphasizing their cultural, religious, linguistic differences by marginalizing them.

2.2. Armenians in Turkey

Before presenting the features of the Armenians in Turkey, it can also be helpful to remind some historical information about the past of the Turkish Republic. Although the national identity policies of the Turkish Nation-State were mentioned above, there were also a couple of things specific to the Armenians or non-Muslim populations during this establishment period.

Although the 1915 *Meds Yeghern* is crucial to comprehend the dynamics, while discussing the existence of the Armenians in the new Turkish Republic, we also need to remember the policies or events caused Armenians to lose their properties, or to leave their homeland and migrate. It is not possible here to mention all the major events or policies. However, I want to remind *Varlık Vergisi* (The Law on Capital Tax) in 1942, because it was a turning point in the creation of the national economy of the new Turkish Republic. It forced mainly non-Muslim people to pay for their “undeserved” income that they gained from the black market during the war by taking advantage of war time conditions (Kuyucu, 2005, p. 370). With this tax, the real intention was to eliminate the non-Muslim bourgeoisie by taking over their properties. The law led those non-Muslims who could not pay the high amounts of money either to end up in working camps or to sell their properties. In that sense, law on capital tax in particular, along with the other policies regarding private property, is crucial to understand the change of property in Turkey, which meant creating a new bourgeoisie or Islamification of the

bourgeoisie (İçduygu, *et al.*, 2008, p. 366-367).

As much as the historical background of the relationship between Armenians and the Turkish State, major features of the Armenians in Turkey and their identity should be mentioned to grasp the picture of the Armenians in Turkey and in Istanbul. It is not possible to give an exact number for the Armenians population in Turkey. However, according to the unofficial sources, it is estimated that there are 50.000 to 70.000 Armenians living in Turkey today (Aljazeera, 26 Nov. 2009). Whereas most of the Armenian population is living in Istanbul, there are still Armenians living in Anatolia, where they migrated from at the first place. However, again it is not very likely to give a number of the Armenians living in Anatolia or to specify them. It is estimated that a considerable number of Armenians in Anatolia were Turkified or Kurdified or integrated into the society by hiding their Armenian identity. In that sense, Istanbul became the center for Armenians where they could find the means to sustain their identity and existence (Yumul, cited in Özdoğan *et al.*, 2009, p. 339).

Whereas it is possible to mention the differences between the Armenians of Istanbul and the Armenians of Anatolia heavily based on urban-rural distinction, there are also some cultural variations among them (Özdoğan *et al.*, 2009, p. 339). Most of the Armenians of Anatolia cannot speak Armenian because of the lack of Armenian schools in the cities they emigrated from, and even if they are living in Istanbul now, they do not prefer to send their children to Armenian schools (Özdoğan *et al.*, 2009, p. 339). Also the Armenians of Anatolia differ from the Armenians in Istanbul in that they are holding and maintaining Anatolian customs and traditions (Özdoğan *et al.*, 2009, p. 339). Even if the most of the Armenians of Anatolia are living in Istanbul now, there are still differences between their Armenian identities. In that sense, it is not possible to talk about homogeneity among the Armenians in Istanbul considering urbanization and modernization practices.

The urban-rural distinction is not the only criterion that creates diversity among Armenians. Also there is diversity in terms of religion. Although the Armenians in Turkey vary in terms of their religious sect as Apostolic (Gregorian), Protestant or

Catholic, they unify under the roof of Christianity. Undoubtedly, there can be exceptions; however, the strong link between the Armenian identity and Christianity cannot be denied (Özdoğan *et al.*, 2009, p. 319). The church has a considerable authority upon Armenians.

On the other hand, the language is losing its power among the Armenians in Turkey. According to Özdoğan *et al.*'s (2009) research, the majority of all age groups speak Turkish better than Armenian (p. 309). They state that the rate of those who are better at Turkish than Armenian is even higher among the youth (19-24 age) (2009, p. 309). Even in the cases where members of the family are good at Armenian, they either prefer to talk in Turkish or Armenian and Turkish mixed at home. This research also reveals three problems for the sustainability of the Armenian language: the marginalization of the Armenian language in the daily life, the lack of teachers who know Armenian, and the lack of education materials in Armenian (Özdoğan *et al.*, 2009, p. 313).

Despite the low rate of the Armenian population in Turkey, the interaction among the members of the ethnic identity is not that low. They owe this intense communication to being a community and staying in the same surroundings. Arus Yumul, in "*Religion, Community and Culture: The Turkish Armenians*" (1992)⁵ states that the Armenians in Turkey have four elements to be named as *cemaat* (community): "1. in-group preferences, 2. in-group marriages (*endogamy*), 3. rites, 4. social audit" (cited in Özdoğan *et al.*, 2009, p. 350). Although the Armenians in Istanbul live in ethnically diverse districts, according to assessments of Gülüm Şener, they are still living in particular districts such as Feriköy/Şişli, Kocamustafapaşa, Yeşilköy, Bakırköy, Beyoğlu, Kumkapı, Üsküdar and Kadıköy (Özdoğan *et al.*, 2009, p. 350). Additionally, community foundations, churches, and summer houses in the same districts help them to maintain their Armenian identity and its cultural traits.

In addition to the aforementioned events in the past and general information about Armenians, recent incidents deserve to be mentioned in this context to understand the

⁵ Unpublished Ph.D dissertation, Oxford University

experiences of the Armenians in Turkey from a broader perspective. One of these incidents is the assassination of Hrant Dink, who was an executive editor of Armenian newspaper Agos (Hurriyet, 19 Jan. 2007). Hrant Dink was a journalist and columnist writing on human rights, peace, and reconciliation between Armenians and Turks. Before he was shot by Oğün Samast, he was notified the relevant authorities that he was being threatened constantly because of the accusation against him of denigration Turkishness according to article 301 of the Turkish Penal Code⁶. That is why after the murder, it was alleged that the nationalist cadres made him a target by twisting his statements. Samast was regarded only as the triggerman; the public regarded the assassination as an organized crime involving political authorities. Also the incidents following the assassination created a huge discussion. The officers who took a picture with Samast in front of a Turkish flag with proud created a huge repercussion in the media and caused reactions from the public. People as “Friends of Hrant” marched to draw attention to the court case, perpetrators and the search for justice for Hrant. The court case is still not closed and the perpetrators are not revealed yet. That is why the march on the 19th of January is repeated every year since 2007 to show the demand for justice.

In 2011, the Monument of Humanity in Kars which was symbolizing the peace between two peoples, Armenians and Turks after the horrific past, was demolished by the prime minister's request (Bianet 29 April 2011). After his visit to the city, Prime Minister Erdoğan called *ucube* (freak) to the sculpture and requested it to be demolished. The demolition not only hurt the sense of justice of people in Turkey in general because a prime minister could simply request a monument to be demolished, but more importantly because this monument was presenting peace and good relations between two peoples and it was a way of remembering the past atrocities.

Again in 2011, a soldier of the Turkish Army with an Armenian descent, Sevag Balıkçı (age 25), was killed during his military service on the 24th of April in Batman (Radikal, 26 April 2011)⁷. Initially, according to the testimonies of officers, it was

⁶ Article 301 of the penal code was on the denigration of Turkishness. It was amended in 2008.

⁷ The date is specifically important here, because 24 April is the remembrance day of The 1915 Armenian Massacres. Sevag's death on this day is regarded as very suspicious and reinforced the allegations that he was murdered because of his Armenian

claimed to be an accident and the soldier shot him unintentionally while they were “joking around” (Today's Zaman, 27 Jan. 2012). Then, one of the officers changed his testimony and stated that it was an intentional act (Today's Zaman, 27 Jan. 2012). Although the legal expert drew attention to the suspicious elements in the incidents (Agos, 7 April 2012), and it was strongly alleged that he was murdered because of his Armenian descent, the prosecutor decided that there was no intention to kill and it was a reckless homicide (Agos, 26 March 2013, 2 April 2013). The court sentenced the perpetrator, Kivanç Ağaoğlu for four years and five months in prison (Today's Zaman, 26 March 2013). The decision is considered as unjust by a considerable amount of people, including Sevag's family (Bianet, 4 May 2011).

In 2012, Maritsa Küçük, an old Armenian woman, was killed brutally in Samatya at her home (Birgün, 19 Nov. 2013). First, it was thought that it was a theft murder. However, the way she was killed and the evidences in the crime scene were suspicious. The incident was followed by similar cases. It is alleged that these murders were committed because of victims' Armenian descent and it was a hate crime. Eventually, the incidents created uneasiness among the Armenians.

It is also possible to mention some other incidents that hurt the sense of justice or help to explain the experiences of Armenians in relation to their ethnic identity. I prefer to pick the incidents that can come up during the interviews, and have a place in people's memory or in their daily life conversations. However, undoubtedly there are also other incidents not mentioned in the historical documents or newspapers but still hurting the sense of justice of people in general or some identity groups in particular.

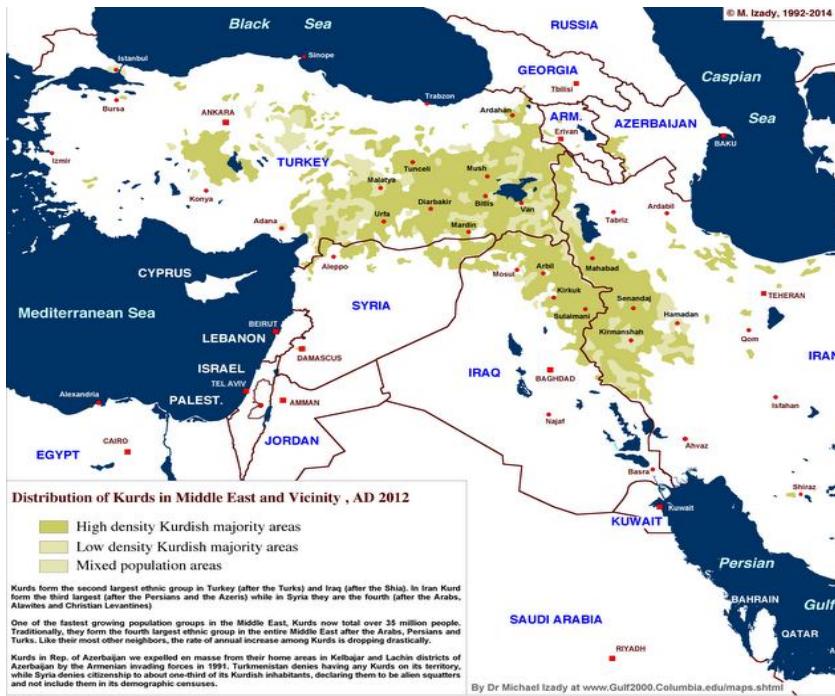
2.3. Kurds in Turkey

Before looking at the Kurds in Turkey, it is important to consider the distribution of the Kurdish population across states (see Figure 1). Kurdish identity or Kurdish culture cannot be thought separate from the dynamics in the region. Although there are differences in the understandings and conceptions of Kurds about their culture and

descent.

identity depending on the region and the state they are living in, it is still a fact that they are sharing a sense of togetherness as Kurds.

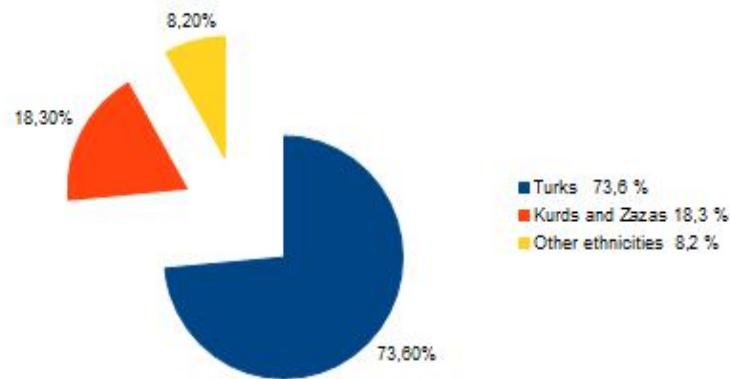
Figure 1: Distribution of Kurds in Middle East and Vicinity



Source: *Gulf/2000Project Change, Communication and Cooperation in the Persian Gulf*.
Online source. <http://gulf2000.columbia.edu/maps.shtml>

On the other hand in the context of Turkey, according to the findings of KONDA (2010); whereas 73,6 % of the population is composed of Turks, 18,3 % of the population is composed of Kurds and Zazas and the rest 8,2 % of the population is composed of other ethnicities (see Figure 2). In that sense, statistics indicate that Kurds and Zazas have a considerable proportion in Turkey, also seen in Figure 1. However, it is not possible to say that all Kurds in Turkey are living in a specific area. Although it is possible to talk about a region where the rate of the Kurdish population is higher and regarded as the Kurdish homeland because of their long existence, and historical and cultural bonds with the region, Kurds are scattered across the country as a result of economic and political reasons, or personal preferences.

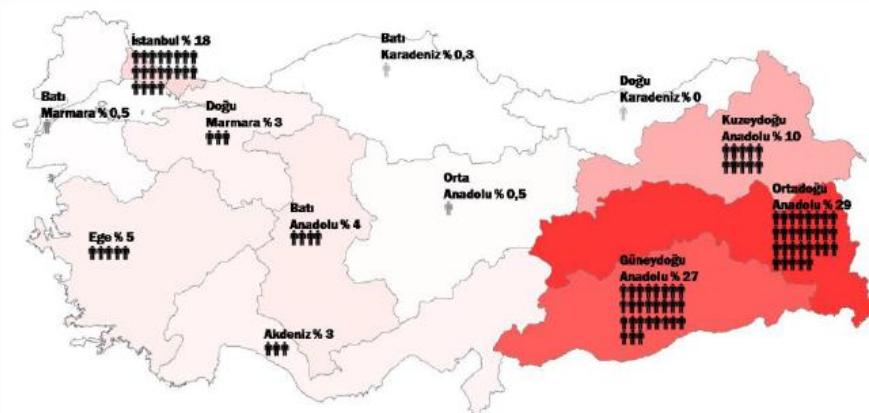
Figure 2: The population of Turkey by ethnicity



Source: KONDA. (2010). *Kürt Meselesi ni Yeniden Düşünmek*, p. 19.

As a result of the waves of migration stemming from economic or political reasons, that will be discussed in advance, or for other reasons such as university education, the Kurdish population in Turkey is scattered across regions. In addition to a region where the rate of the Kurdish population is higher, the big cities in particular are also rich in terms of ethnic diversity. The map prepared by KONDA (2010) shows how the Kurdish population in Turkey scatters across twelve regions (see Figure 3). By looking at the map, it is seen that Istanbul is an important immigration center for Kurds by holding 18 % of the Kurdish population in Turkey. In that sense, 14,8 % of the population of Istanbul is Kurdish (KONDA, 2010, p. 19).

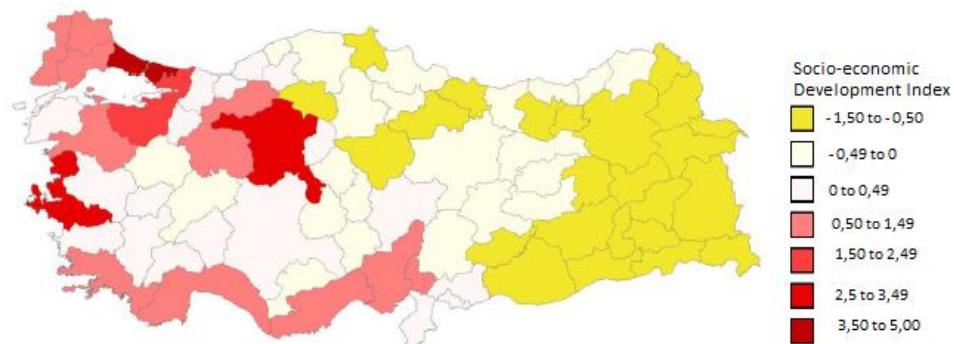
Figure 3: Distribution of Kurds across twelve regions



Source: KONDA. (2010). *Kürt Meselesi ni Yeniden Düşünmek*, p. 20.

Besides the population rate, also KONDA research (2010) gives some demographic information, while comparing Turks and Kurds in Turkey. This comparison reveals the inequality between Kurds and Turks by showing the relevant data such as their income level, education level, employment, access to social security and the like. Another factor to understand the inequality that Kurds are facing with in the regional scale can be the socio-economic development index (see Figure 4). In the figure, it can be seen that the cities with higher Kurdish population have lower development indexes. The inadequate redistribution policies of the state, or as the state authorities claim the devastation that the ongoing war lasting for the last thirty years led to can be regarded as the results of this situation. In either case, this picture reflects the situation working to the detriments of Kurds.

Figure 4: Provinces according to socio-economic development index levels



Source: DPT 2003. The figure is taken from KONDA. (2010). *Kurt Meselesini Yeniden Düşünmek*, p. 26.

Another important information to understand the context can be the religious preferences of Kurds in Turkey. It is not possible to give a number or percentage about the religious preferences of people in general. However, it is possible to say that the high percentage of Kurds is Sunni or Alawite, following with a low percentage of Yezidis. It is possible to find people with other religious preferences or people without faith; however, they do not constitute a considerable percentage in the Kurdish society.

In addition to the demographics, what can also help us to understand the Kurds in Turkey is the historical background. The relationship between the Kurds in Turkey and the Turkish State is a crucial part of this historical background, which can give the components to understand the Kurdish identity and the experiences of Kurds. As much as what Kurds are experiencing in today's context, what they were exposed to in the past shapes their understandings. That is why it is crucial to visit the literature on the Turkish Nation State and Kurds.

After the Turkish identity construction with the new Republic, Kurdish revolts, which started in the 19th century against the centralization policies of the Ottoman Empire, went to another level. Whereas the aim of the revolts was more or less the same with the earlier ones, with the establishment of the Republic in 1923 they also gained a nationalist tendency (see Yavuz, 2007). In 1925, under the leadership of Sheikh Sa'id, Kurdish groups revolted; however, at that time revolts had a religious tendency, which aimed to preserve the religio-tribal structure of the region (Yavuz, 2007, p. 62). In order to stop the revolt, the Turkish Army captured and hanged Sheikh Sa'id in Diyarbakır in 1925. The revolts did not stop and strengthened its identity aspect and were transformed into a nationalist movement in reaction to the assimilationist policies of the state (Yavuz, 2007, p. 62-63).

The revolts against the Turkish State's assimilation policies continued in the following years; revolts of Ararat between 1930 and 1931, and revolts of Dersim between 1937 and 1938 were the major ones. In order to prevent the revolts and change the demography of the region, in 1934 law on settlement organized a selective deportation, deciding who could move to where (Yavuz, 2007, p. 62). In 1938, the Turkish army took extra-ordinary measures against revolts and bombed the villages of Dersim. The Turkish state erased Dersim from the map and renamed it as Tunceli (Yavuz, 2007, p. 62). After the defeats, starting from the 1950s, Kurdish population started to migrate to the big cities because of financial reasons (Çelik, 2010, p. 154). Later these migration flows were used as a base to say that the Kurdish question was resulting from the socio-economic reasons (Kushner, 1997, p. 224).

The conflict between the Kurdish people and the Turkish state took a new form, after the 1980 coup d'état, when extra-ordinary measures were taken. A national quota had been imposed to prevent political parties to enter into the parliament, if they took less than 10 percent of the national votes (Çelik, 2010, p. 160). The Kurdish parties which were taking the 60-80 percentages of the votes in the region had to stay outside of the parliament because they could not pass over the electoral quota (Çelik, 2010, p. 160). This in itself was an impediment for Kurds to enjoy their democratic rights and to state their demands in legal ways.

After the establishment of the PKK in 1978, and especially after the 1980 coup, the conflict escalated and became violent. 1984 was acknowledged as the cornerstone of the start of the armed conflict because of the high numbers of deaths and violence in the region. As a result of this, in 1987, the martial law which put 13 cities under OHAL (state of emergency) region was declared. OHAL regions were subject to decrees which were not tied to the decision of the constitutional court; which meant that there were special forms of legal and administrative laws exercised in the region different from the rest of the country (Yavuz, 2007, p. 67). State of emergency, which was renewed for 46 times, lasted 23 years in some OHAL regions (Hurriyet, 30 Nov. 2002).

One of the tools of the Turkish State in the 1990s to suppress the Kurdish movement was enforced disappearances. Mainly between the years of 1980-2000 around 1,353, people were taken into the custody by the security forces and disappeared under the custody (for detailed analysis see Hafiza Merkezi Report 1&2). These people's bodies were not given to their families, if not the body turned up in rural areas (Whitman, 1993, p. 15).

In the 1990s, also internal displacement policies were used to make Kurds move from the region. They were either forced to become village guards under the order of the military (put into action in 1985) or to leave their villages. They moved to nearby cities or settled down in big cities such as in Istanbul, Ankara, Izmir, and Adana (Çelik, 2010, notes). From 1985 to 2005, the estimated number of people who were forced to migrate in Turkey's migration and displacement report by Hacettepe University is between

953.680-1.201.200 from rural and urban areas (Tezcan, 2005). However, GOC-DER demonstrates that people who were forced to migrate because of security reasons were more than three millions (Akdeniz GOC-DER, October 2004).

Kurdish IDPs who came to the big cities in the 1990s settled down mostly in *gecekondus* (shantytown areas) or in the deprived inner-city areas of the big cities (Yukseker, 2006, p. 41). It is not wrong to say that forced migration ended up with spatial concentration of the displaced population (Adaman and Keyder, 2006, p. 21). At the same time, socio-economic and political processes of neoliberalism initiated by the state reinforced this social and spatial segregation of emerging groups (Candan and Kolluoglu, 2008, p. 9). Contemporary cities became the spatial forms of social exclusion and poverty through creating their own urban marginals (Candan and Kolluoglu, 2008). In that sense, the internal displacement created a new generation; The Kurdish youth who are deeply affected by the state of emergency and/or displacement becomes individuals who are jobless and little hope for the future (Yavuz, 2007, p. 68).

On the other hand, forced migration also had an impact on the region where no likelihood is left for stock-breeding and agriculture (Yavuz, 2007, p. 68). That is why the economic development of the region was interrupted. Although recently the state is trying to provide the requirements for victims of forced migration to return to their homes, this situation does not give enough confidence to people who have concerns of security and employment.

There are countless things that can be mentioned in this context in order to understand the Kurds in Turkey. However, it is not possible here to present every bit of it. I tried to give the major events and important points in the literature. My aim by giving these events and points is to show the links and interactions between the historical background and the understanding of justice of Kurds and discuss them in advance.

CHAPTER III | METHODOLOGY

The purpose of this chapter is to show how the data were collected for the research, which methods were used, and why these methods were chosen. After brief information why Kurds and Armenians were chosen for the research, the methods were introduced below. At the end of the chapter, a discussion on ethical concerns about the research and the limitations of the methodology are also included.

The historical background of the relationship between the Turkish State and its ethnic minorities⁸ was already given in the literature review chapter. However, in order to understand why Armenians and Kurds were chosen to be compared in this study I again tried to present the main differences between these ethnically and religiously diverse populations.

Three ethnic identity groups, Jews, Greeks, and Armenians, of the new Turkish Republic were recognized in the Treaty of Lausanne, in 1923. Only these three ethnic minorities were provided their cultural rights based on their legally recognized minority status. However, the new Turkish Republic did not recognize these three ethnic identities with the intention of ensuring the well-being of its citizens. The state was aiming to marginalize these ethnically and religiously diverse populations by pointing them as potential enemies of the newly established Republic and of the construction of the new Turkish nation (Kuyucu, 2005, p. 363). By recognizing these identities, the state in fact was excluding those whose identity components did not fit into the Turkish national identity.

⁸ “Minority” here is conceptualized with respect to the national identity definition of the Turkish State. Since those who hold the Turkish national identity, composed of the elements of Turkishness and Islam, are entitled to the power of the state, throughout this research other ethnic and religious identities are regarded as minorities. In that sense minority, in addition to being a legal term, means lacking access to the state power.

On the other hand, for those ethnic groups whose religion was Islam, the situation was different. These ethnic identities were exposed to assimilation policies as the first step, instead of expulsion or extermination policies as in the case of non-Muslim minorities⁹. Rather than marginalization and exclusion practices, the state chose to assimilate their ethnic identity by holding their religion constant and to transform their ethnically and linguistically different identity (Çagaptay, 2004, p. 97). The Turkish State considered ethnicity as something that could be easily erased as long as the religion of that particular population was Islam. That is why the citizenship rights of Kurds were given them on the condition of accepting Turkishness (Yeşen, 2007, p. 125). If they gave up on their language, there would be no obstacle for them to become members of the national identity.

The aim of the new Turkish Republic was to homogenize the society by ripping off all the ethnic and cultural differences (Ergil, 2000, p. 51). In that sense, whereas Armenians were sacrificed because of their religion, the state tried to include Kurds by eliminating their cultural differences. That is why although both Armenian and Kurdish identities were not welcomed by the Republic, they were subjected to different policies during the construction of the Turkish national identity. Whereas Armenians were allowed to sustain the institutions through which they could enjoy their cultural rights deriving from their identity, the existence of Kurds as a separate identity was totally denied. In that sense, whereas Armenians were excluded explicitly and discarded in the new Turkish Republic, Kurds was tried to be included into the new national identity by assimilation. In each case, the identity construction of the state caused sufferings for these two peoples in particular and the society in general.

The aim of this research is to understand how the different backgrounds of these ethnic identity groups and their relations with the state shape their understanding of justice. The perspectives of the subjects are taken as the basis to reveal how the sub-categories of justice are considered and how justice can be ensured by the state and

⁹ In fact this is not completely true. In the history of the Turkish Republic, extermination or expulsion was practiced against the Muslims depending on their ethnic identity or which sect of Islam they were holding. However, the major tendency of the state was to assimilate these ethnic identities whose religion was Islam. In the conditions where the assimilation policies did not work or where the state could not prevent reactions against its authority, it used the methods of extermination or expulsion.

society.

3.1. Research Design

In order to fulfill the aforementioned aim and collect information from the subjects, the research was designed with the interview method. After the data collection, the narratives of the interviewees were analyzed. In order to give some information about how the interview method was designed and implemented, I am presenting a short information part below.

3.1.1. Interview Method

In the interview method, the data are obtained from face-to-face interviews with the participants. The main difference between conversations and interviews is that interviews are structured forms of conversations whose questions are prearranged and usually the answers of the participants are voice/video-recorded (Neuman, 2006, p. 305). The main aim of the interview method is to get subjective viewpoints of the participants or social groups (Flick, 2002, p. 79). Usually studies whose research questions focus on the impact of a concrete event or the subjective handling of participants prefer this methodology (Flick, 2002, 79). Since the purpose of this research is to understand how the Armenians and Kurds living in Istanbul understand justice and how they perceive the forms of injustice, interview method is chosen.

After choosing this methodology, the researcher also has to decide on the structure of the interviews. Based on the purpose of the research, interviews can be structured, semi-structured, or unstructured in terms of their questions, schedule and format (Berg, 2009). Since justice is a broad term and the understanding of the participants are tried to be analyzed, semi-structured interview method was chosen for this research.

In semi-structured interviews, although there are prearranged questions, the researcher can also probe on and digress from the prepared schedule (Berg, 2009, p.

105). Open questions or topics raised by the researcher are answered by the interviewees freely (Flick, 2002, p. 91). Therefore, what interviewees are going to say is completely up to their decision (Gillham, 2000, p. 41). Also in order to reconstruct interviewees' subjectivity, different kind of questions can be asked (Flick, 2002, p. 80). In that way, the researcher can look at the data from a holistic perspective, while she can test the reliability of the questions.

In this research, the interviews were prepared in a semi-structured way through which probing, follow-up questions and some digress were possible. In that way, I could find some chance to gain the confidence of my interviewees' to make them talk about a relatively sensitive topic. Derived from the literature, the interview questions were designed to ask the understandings of justice for each sub-category and the ways to ensure these sub-categories of justice. That's why I ask the participants to tell their own experiences of injustice for each sub-category. In that way, it became possible to discuss the issues explicitly.

The venues were chosen according to the request of the interviewees. The meetings lasted approximately one hour without a break and were conducted in Turkish¹⁰. In order to prevent any bias, the interviewees were asked in which language they preferred to be interviewed. However, since as the researcher I did not have any Armenian and Kurdish language skills, participants were told that they could choose to be interviewed in English in the case that they did not prefer to talk in Turkish. However, none of them chose this option since they all were comfortable with talking in Turkish to me.

¹⁰ I as the researcher am not able to speak either Armenian or Kurdish. Since all my interviewees were aware of this fact, they preferred to talk in Turkish so that we could understand each other more clearly. It is also worth to mention here that with a couple of exception the interviewees are better at speaking Turkish than Armenian or Kurdish depending on their ethnicity. Although some of them can express themselves both in Turkish and in the language of their ethnic identity equivalently, it is not the case for all.

3.1.2 Sampling

3.1.2.1 Sampling Procedure

All the interviews were conducted in Istanbul and the interviewees were those who were living in Istanbul. However, they all were not born in Istanbul. Whereas some of them were born in Istanbul, there were also interviewees who migrated to Istanbul with the purpose of starting their university education or as a result of the economic and political reasons. However, this variable created a significant difference between Armenians and Kurds. Whereas most of the Armenian interviewees were born in Istanbul, for Kurds this was not the case. In that sense, Kurds were also sharing stories that they experienced in other cities where they were born or raised till they moved to Istanbul.

On the other hand, the reason behind choosing Istanbul was to benefit from the multicultural and multiethnic character of the place as a metropolitan city, where participants could interact with other identity group members. In this way, the relations between ethnic groups, the patterns of social polarization and discriminatory treatments against them would be more observable as a result of the daily life interactions between different identities.

I started my research with the self-identified Armenians and Kurds that I could reach in the first place from my close surroundings. However, I did not prefer to talk to people whom I personally knew well. Instead I used those people as my gatekeepers. I used more than one gatekeeper from different surroundings to ensure the diversity among interviewees. After I finished the first tour with the people that I reached through my gatekeepers, I used snowball sampling to contact more people.

I preferred snowball sampling¹¹, because in a research like this where I, as the

¹¹ It is a way of non-random sampling that begins with one or two people and spreads out based on the information and interrelationships from these cases (Neuman, 2006, p. 223). With the contact information that the first round interviewees provide, the researcher contacts more people with the desired qualifications for the research.

researcher, have to earn the confidence of my interviewees, finding participants through reliable contacts helped them believe in my confidentiality and good intention. Also another reason why I chose snowball sampling was to have a diverse group of people whose only common characteristic was their ethnicity. In that way, I could contact people from different places, socio-economic conditions, income levels, backgrounds, genders, sexual orientations, ages, occupations etc.

3.1.2.2 Sample Size

I interviewed 13 Armenians and 14 Kurds living in Istanbul, in total 27 participants, living in Istanbul. Since I could find patterns for each sampling group, I decided to stop with these many participants for each group. As mentioned above the samples were composed of people with different characteristics. In that sense, in each sample group the only common characteristic of the interviewees was their ethnic identity.

Table 1: Distribution of the interviewees by sex

Sex/ethnic identity	Kurdish	Armenian
Woman	4	7
Man	9	6
Those who did not want to be categorized as either woman or man	1	-

Table 2: Distribution of the interviewees by age range

Age/ethnic identity	Kurdish	Armenian
15 – 24	7	4
25 – 34	2	2
35 – 44	4	3
45 – 60	1	2
60 +	-	2

Table 3: Distribution of the interviewees by the place of birth

Place of birth/ethnic identity	Kurdish	Armenian
Istanbul	4	11
Outside of Istanbul	10	2

3.2. Ethical Issues

In this study, all participants voluntarily agreed to join the research and to be interviewed. After the interviewees were informed about the study, they were also told that they could leave the interviews any time they felt uncomfortable. After the interviews, each interviewee signed the consent form. A consent form means that interviewees are participating in the study by their choice and that they are free from fraud, deceit, duress, or similar unfair manipulation (Berg, 2009, 87). Whereas the consent form that they signed showed that they voluntarily became a part of the research, it also meant that their transcripts could only be used with their permission for the purposes of this research.

This study acknowledges the fact that justice is a sensitive topic in the contexts where people do not feel comfortable enough to talk about their past experiences. Considering the violent past that the Armenians and Kurds in Turkey suffered from, it would be very understandable if they did not want share their thoughts and feelings on justice in relation to their ethnic identities. Therefore, it was very important for me to assure the interviewees about the confidentiality of the research. The names of the participants are kept anonymous and I, as the researcher, am the only person who owns their transcripts and knows their real names. In order to protect the interviewees, their identities are kept hidden and pseudonyms are used to cover their real identities.

Another ethical concern during my interviews was about the trauma that the interviewees might have been going through as a result of the violations of their rights, the lack of recognition, unjust procedures, social exclusion from the broader society, the

lack of a compensation after a wrongdoing, the deprivation of resources or opportunities, or the lack of access to institutions and power positions. Therefore, I put extra care not to hurt the interviewees psychologically or to intervene into their rational integrity according to which their reality was constructed. To achieve this, I tried to be caring and to be a good listener as much as possible.

3.3. Limitations of the Study

Since the study was conducted in Istanbul, it could be said that the mobilization of the interviewees was higher than those who were living in other cities of Turkey or who did not leave their homes for various reasons. Those who were immigrated to Istanbul changed their way of living, their livelihoods or maybe even their behavior patterns to fit into a more multi-ethnic, multi-cultural society due to the diversity in Istanbul. Therefore, the relations between identity groups and the definitions of these identities can be different in Istanbul from the other cities in Turkey.

Since identity is contextual and is influenced by exogenous factors, identities differ from context to context. In that sense, the experiences of the members of that particular identity in big cities in general, and in Istanbul in particular have to be taken into account while discussing the identity. Therefore, in this case it is not possible to generalize the results of the study to Turkey, because the interviewees are influenced by the factors of urbanization or other city dynamics specific to Istanbul. That is why this study acknowledges the fact that some results of the study can only be seen in this context and cannot be generalized to Turkey.

Another limitation of the study may stem from the fact that there were only 27 interviewees, 14 and 13 participants for Kurds and Armenians respectively. The number of the interviewees may not be sufficient to present data on the relationship between the ethnic identity and their understanding of justice, and to generalize the data to the whole members of the identity group. Also since these participants were contacted through snowball sampling, the collected information could be biased. Although the participants

have different characteristics, in terms of their gender, class, political participation, age, occupation, neighborhood, etc, still it cannot be said that all parts of the society are presented in the study.

Another very important limitation of the study is the fact this research is trying to grasp a data that can be generalizable to the all members of the ethnic identity group. However, neither the Kurds nor the Armenians in Istanbul or in Turkey are homogenous populations. By keeping the variable of the “city” constant, it still cannot be possible to assume that the data collected reflect the Kurds or Armenians living in Istanbul. In the result and discussion chapters, the data are presented as if it reflects the identity group; however, in fact the results do not go beyond inferences of the interviewees' narratives. Although the samples are diversified and include various preferences and features, the collected data cannot present more than the thoughts of each individual participated in the research.

Last but not the least, the credibility of the methodology can be questioned in that since justice is a sensitive topic, it is possible that the interviewees do not choose to be sincere or share their genuine thoughts and feelings on the issue. However, this is one of the problems that we have to acknowledge if we are looking at the perceptions and individual experiences of people from their perspective. In that sense, even the silences, the things they choose not to say or choose to say implicitly mean something about the general context that the study takes place in.

CHAPTER IV | ANALYSIS: ARMENIANS IN ISTANBUL

Before starting to talk about what ethnic minorities in Istanbul understand by justice, it is necessary to understand how important their ethnic identities are for themselves and most importantly how they see their membership to that particular ethnic group. For these reasons, I asked my interviewees how it felt like to be an Armenian in Turkey and what kind of their daily experiences they had as being a member of that particular ethnic group. Let us analyze these in the context of the Armenian identity in the section below.

4.1. Identity

Political events influence identity formations in the sense that they lead a particular group to develop group awareness in contrast to the others. Considering the history and particular events in the context of Turkey, it is possible to mention some main points through which the Armenians in Istanbul construct their identity. These points can either be their daily life experiences, perceptions within the family towards other people, stories told by the older members of the family, events that could find a place on the agenda of the broader society or any other event that could be linked to the identity formation in some way.

The 1915 *Meds Yeghern*¹² could be regarded as one of those points, or even the most prominent one. Since Armenians were exposed to the 1915 events because of their ethnicity and religion, it could be said that they developed a group identity based on the characteristics through which they were excluded. This identity formation occurs in this

¹² Meaning Great Crime in Armenian.

way either because these people see those characteristics as the source of an exogenous pressure to create a group for themselves or because the trauma that the incidents produce leads them to develop an identity for themselves where they can feel safe.

Those who could remember the 1915 *Meds Yeghern* or listen to them from the firsthand, feel like distancing themselves from the Muslim population or refraining from any confrontation with the Muslims. For example, Vartanuş¹³ (age 75) whose mother was a direct victim of the 1915 *Meds Yeghern* remembered that her mother was talking about the 1915 events at home. By sharing the reason why her mother did not want to get married to a Muslim man, Vartanuş was implying how much she was affected by her mother's trauma. Therefore, the psychology of her mother influenced her interpretation of events in general:

*"At that time, my mother said that she did not want to marry that Muslim man. [She said] 'They have done this much to us. We were walking through the dead bodies.' My mother was crying a lot. She lost her sisters, brothers, mother and father. Only she was left, alone."*¹⁴

Although the impact of the 1915 *Meds Yeghern* is considerably visible in the discourses of the primary victims of those events and their children, it is not very common to hear stories of 1915 from the third or fourth generations. Most of the Armenians in Istanbul no longer talk at home what had happened to the older members of their family during the incidents. Only some of them remember their grandparents telling their stories in their childhoods. Most Armenian interviewees in Istanbul do not prefer to transform the stories of past atrocities from generation to generation. Most of the time, it is the older members of the families, not the younger ones, who are stuck in the past and cannot move on because they are going through a severe trauma¹⁵. However, it is important to

¹³ All names in this chapter are pseudonyms.

¹⁴ Original: "Annem demiş ki ben müslümana gitmem demiş. Yani bu kadar ettiler bize, ölülerin içinden geçiyorduk diyor. Çok ağlardi anam, çok ağlardi. Kızkardeşlerini, kardeşlerini, anasını, babasını... Bir tek bu kalmış."

¹⁵ Özdoğan *et al.* (2009) in their book "*Türkiye'de Ermeniler: Cemaat-Birey-Yurttas*" state that although it is a fact that Armenians in Turkey, who were exposed to the massacres or not, are holding a chosen trauma (see Volkan, 2001), the young Armenians in Turkey narrate the stories from a distanced perspective, like the incident occurred to a third party. In that sense, whereas those who listen to stories from their family members consider the incidents more like an outsider with sediments of trauma, those who did not listen to any 1915 stories at home learn them at their later ages by reading books. Another important finding in this research is the fact that while telling their stories, the family members put extra care for these stories and information not to cause any vengeance among the youth (Özdoğan *et al.*, 2009, p. 394).

remember that this situation cannot be generalized to the Armenians across the world. Their conceptions of the past are probably different from the Armenians in Turkey. Especially, for Armenians in the diaspora who have to live away from their homelands, the situation might be a whole different thing.

Another consequence of the 1915 *Meds Yeghern* might be its effect on the perceptions of daily life interactions within the society. Older members of the Armenian families refrain from any confrontation that can reveal their ethnic identity or they do not want to have close relationships with the Muslims. However, most of the members of the third and the fourth generations of the 1915 *Meds Yeghern* do not need to do so, although we can find contrary examples of those who want to stay in the Armenian population and form their interactions accordingly. Since there are some differences among age groups in terms of their relations with the Muslim part of the society, in families sometimes there can be disagreements in cases of inter-ethnic marriages in which the older members do not prefer a Muslim bride or groom. In the following example, the difference of the perceptions between the generations can be observed. Victoria (age 53), who states that an inter-ethnic marriage is not an issue for her, also claims that her mother-in-law is against this kind of a marriage. Her mother-in-law bases her reluctance on the past atrocities that Armenians went through:

“For example, my mother-in-law's nephew married a Turkish girl. She is educated, has a very good family. My mother-in-law said the bride-to-be was a daughter of a soldier, I would prefer at least she was from a “normal” family. Did not my nephew know what they did to us?”¹⁶

Although for the older members of the family the 1915 *Meds Yeghern* is a factor to differentiate themselves from the rest of the society and the Muslim society in particular, for those who did not experience these events or who were not told by the primary victims of the events, it is part of the history that can be known, but not a thing which they can directly hold resentment against. Most of the time, it is a source of curiosity towards the family stories or recent history. For example, Tamar (age 28) said

¹⁶ Original: "Mesela kaynanamın yeğeni Türk kız aldı. Çok tahsilli, çok iyi bir aile. Yok o asker kızıdır, askeriyeden dedi. Bari, normal bir ailenin kızı olsaydı, diyor. Yani bize zamanında neler yaptılar, o bilmiyor mu falan filan."

that her parents did not mention anything about the 1915 *Meds Yeghern* until she personally got curious and started to ask questions about the 1915 *Meds Yeghern*. Only after that, her family told some stories about what had happened to their family members during those events.

“When I asked them [my parents], they started to tell the stories one by one. Then I started to wonder about my own family stories; where my grandmother came from, where my grandfather was from. So the stories go somewhere and complete one another.”¹⁷

There is no doubt that the family has an influence on how a person builds her relation with the rest of the society in terms of her identity. Even if a person cannot make sense of the difference that she holds towards other identities, the instruction within the family gives the clues of it. What is taught within the family in terms of differences does not necessarily lead that child to behave discriminatory towards other people. The essence of this teaching is basically to be careful outside of the family. Ümit (age 44), for example, is one of those children, who were warned by their family not to discuss over these topics in the public: “*If somebody asks you your faith or your religion, do not answer them, do not push for it. If somebody calls you gavur¹⁸, then ignore them, it is OK that they may be ignorant.’ They always warned us not to discuss or fight over these kinds of issues.*”¹⁹ This kind of teaching shows us that the fear which the parents carry can have an impact on the perception of the children towards the others. In this way, whereas on the one hand children construct an identity of who they are, on the other they shape the image of the other as to be afraid of. The childhood story of Victoria (age 53) is a very good example of the fear which an Armenian family in Turkey can hold towards the rest of the society. In that sense, the psychology of the parents can be transformed to their children and cause them to behave suspicious towards non-Armenians within the society and be uneasy most of the time:

¹⁷ Original:”[Aileme] sorunca yavaş yavaş anlatmaya başladılar. Sonra aile hikayeni merak ediyorsun, anneannem nereden gelmiş, babaannem nereli, dedem nereli falan oradan hikaye böyle bir yere varıyor, tamamlıyor.”

¹⁸ Used for non-Muslim, non-believer in a pejorative way.

¹⁹ Original:”Dışarıda dini inancını bilmem neyini sana sormazlarsa sen kimseye cevap verme, bunun üstüne gitme. Hani birisi ‘vay gavur’ falan derse bile boşver, olabilir onlar cahildir. Kimseyle bu konularda tartışma yaratma, kavga etme, her zaman anlayışlı ol, Bunlar tabii ki bu şekilde uyarı aldık.”

*"I was little, 5-6 years old, was rummaging through drawers, I found a postcard. There was another flag on it; it was not one in red with a star and crescent, another one. I ran to my mother asking in Armenian what it was.
- What, how did you find it, hide it.*

- But why?

- Hide it.

- If you don't want it, we can throw it away.

- No, no, if we throw it away, they [some people or neighbors] can find it at the garbage.'

*So we could not throw it away, because there was this possibility that [some people] could find it in the garbage. You know what it was. It was an Armenian flag."*²⁰

There is this fear²¹ within the families, which makes the parents constantly remind their children to be careful. Before the children understand what the case is all about or why that is dangerous, they are told to be careful and to cover up their identities as much as possible. Nevertheless, it is possible to say that the attitude of the families is softened now. However, Christianity still can be regarded by the families as an element that should not be revealed publicly. The impact of Christianity on the daily lives of the Armenians in Istanbul will be discussed in more detail under the sub-heading of justice as social inclusion.

Speaking of visibility, the first thing most of Armenians is faced within the society is to be asked about their names. Their non-Turkish names lead other people to think that they are foreigners. On the other hand, because of Armenians' long existence in Anatolia, they have a powerful attachment to the land. That is why most of the time being exposed to such a question is regarded as highly offensive. It causes disturbance among Armenian interviewees due to the fact that they are seen as outsiders, although they belong to this land and see themselves as being among the rightful owners. Kirkor (age 65) and his family were born in Istanbul and they have been living in Istanbul for their whole lives. He states that he felt highly offended once a guy asked for his origin

²⁰ Original:"Ta rahmetli annem seneler önce ben ufağım böyle 5-6 yaşlarındayım çekmeceleri karıştırıyorum. Bir kartpostal buldum. Üzerinde başka bir bayrak vardı, kırmızı ay-yıldız değildi. Başka bir bayraktı. Ermenice sorarak annemin yanına koştum. '-Ne, nerden buldun onu, sakla onu -Niye ama -Yok onu sakla -E istersen atalım – Yok,yok atarız çöpte de bulunur'. Atınca öçpte de bulunabilir korkusuya atamıyor da. Neydi biliyor musun? Ermeni bayrağı."

²¹ To be honest, I am not sure whether it is a paranoia or not. The Armenians in Istanbul have this natural instinct to hide themselves against any possibility of insecurity. However, I am not sure how much they feel threatened or whether they are hiding themselves just in case.

and treated him as if he was a foreigner. Kirkor cannot understand how some people regard the Armenians living in Istanbul as foreigners in Turkey in spite of the fact Armenians had kingdoms and civilizations in Anatolia older than the empires or principalities of Turks:

“A pizza seller asked me who I was, where I was from. And I said to him that I had been here for 1500 years, maybe more. Our kingdoms built up Urfa, we have Ani, Kars, Ardahan, 1500-200 year-old churches, they built kingdoms there. But now this guy asks me where I came from.”²²

The issues here are not only about the fact that Armenians have been living here for such a long time or longer than most of the peoples, but also about the fact that most people think that there have been only Turks and Muslims living in this land and all the others do not belong here. Therefore, this kind of confrontation unintentionally brings a tension; who owns Anatolia more, who the rightful owner is and so on. Like Kirkor (age 65), Arno (age 20) is also one of those who feel uneasy about the fact that some people think that there have only been and always will be Muslim Turks in Anatolia. What disturbs Armenian interviewees is that some people forget that the existence of the Armenians in Anatolia is older than Turks:

“[They ask,] ‘Why is your name like this? Are you a foreigner?’ No, you are a foreigner [I say], I am from here. Of course, [I am saying this] not in an arrogant way Rather, [I am trying to explain] we have been living here together for a long time, but we were forgotten that we had lived together. When [some people] see such a name, they think how this can be possible. [They think] there have been only Turks and Muslims here.”²³

Armenian interviewees construct their identity in relation to the fact that they have been living in Anatolia for centuries. Since the land is very important for their identity construction, the attachment to the land strengthens the feeling to be Armenian. However, it may also work the other way around. Attachment to the land may also lead

²² Original:”Basit bir pizzacı bana kim olduğumu sordu, nereden geldiğimi sordu. Ben dedim 1500 yıldır belki çok daha fazla en 1500 sene diyeceğim ben buradayım. Urfa'yı bizim krallıklar meydana çıkarmışlar. Bizim Ani, Kars, Ardahan biz orada 1500-2000 senelik kiliselerimiz var, krallıklar kurmuşlar orada. Ama şimdî bana adam diyor ki sen nereden geldin diyor.”

²³ Original:”A adın diye böyle ki falan, yabancı mısin? Hayır arkadaş, sensin yabancı yani. Ben zaten buralıydım. Tabii asla ukala bir yerden değil. Hani biz çok uzun zamandır birlikte yaşıyoruz ama bize birlikte yaşadığımız dahi unutturulmuş ve böyle bir isim görünce bu ülkede zaten iste Türk ve Sunni Müslümanlar yaşıyor, nasıl böyle bir isim olabilir ki.”

a person to feel less Armenian, if that person defines ethnicity based on where one is born in. However, in either case irrespective of how strong the Armenians in Istanbul feel their ethnic identity, belonging to the land means a lot to the interviewees. That is why the Armenian interviewees in Istanbul differentiate their identity from the Armenian identity in the Republic of Armenia because their customs and traditions have been mixed with the traditions of peoples living in Anatolia. For example Selin (age 23) is among those who do not feel Armenian that much, because she thinks that ethnicity is related to the country where one is born and grows up. Since she was born in Istanbul, she states that she feels like Turkish:

“Saying that I am Armenian makes me feel weird, because if being Armenian is a race, then it also means belonging to Armenia, I think, if it is related to a country, to a race. We have no connection to Armenia either close or distant; no relatives either now or in the past. We have nothing to belong to there. Therefore, if it is a race, then I feel like I am a Turk. It is absurd to say that I am Armenian then. I think it is related to where I live or how many generations I have been there.”²⁴

In spite of the similar characteristics of the cultures in Anatolia and in spite of the fact that these cultures blend their traditions, Armenians along with the other non-Muslim peoples in Turkey detach themselves from the rest of the society in terms of their religion. Since religion, Christianity in this case, is a differentiating factor from the dominant majority, most of the time Armenian interviewees need to attach their religion to their Armenian identity; as if the two are connected, if not seen as the same thing. As a reason of setting a connection between the Armenianism and Christianity, Sesil (age 24) asserts that since there are not many Christian or non-Muslim peoples in Turkey, this religious difference emerges as one of the major dividing factors within the society. When Christianity of a person becomes the source of a difference in relation to the broader society, that person feels her Christianity more strongly and attaches it to her ethnic identity:

“I experience here more that the Armenianism goes along with Christianity in Turkey. But I do not feel abroad this much, for the matter of fact. How

²⁴ Original: "Ermeni'ym demek bana çok garip geliyor çünkü Ermenilik ırk demekse eğer demek ki Ermenistan'a ait demektir diye düşünüyorum, ülke ile ırkla alakalıysa. Bizim Ermenistan'la şu an yakından uzaktan hiçbir tanıdığımız, hiçbir akrabamız yok. Hiç oraya ait bir şeyimiz yok. O yüzden eğer bir irksa şey o zaman Türk'üm gibi geliyor yani o zaman Ermeniyim demek bana biraz saçma geliyor açıkçası. Nerede yaşadığımıla ya da kaç kökendir orada olduğunla alakalı olmalı diye düşünüyorum."

many Christian communities are there living here? That is why I see them [Christianity and being Armenian] as connected.”²⁵

The reason why Armenian interviewees feel that being Armenian also means being Christian and they are inseparable can also be the fact that the practices of Christianity are more visible for other people. Therefore, in the public Armenians are defined through their Christianity frequently. When Armenians feel this religious difference within the society more, then they may construct their identity including this criterion, if not making them integral to one another. This connection may also be strengthened by the fact that the exogenous pressures make Armenians attach this religious difference to their identity more strongly, because external pressures, most of the time, lead groups hold onto that difference more tightly.

On the other hand, the authority of the church and its connective aspect within the Armenian population cannot be disregarded. The church can either be seen as an authority that has a religious power over Armenians or as a mean bringing them together and making them share some sense of similarity. To put it differently, even if Armenians do not visit the church for religious reasons, they can come together there and share their sense of togetherness. In that sense, churches can be regarded as the places of communication where Armenians can interact with each other. They are the places of socialization for the Armenians living in Istanbul. On the other hand, in the following example Ümit (age 44) argues that the church has an indispensable part in the Armenianship, because it both has a unifying feature for Armenians and is a legitimate authority for them to sustain their existence:

“For us the Armenian patriarch at the same time is the head of the state, the head of the nation. Therefore, the church is a religious institution and a civil institution at the same time. It still keeps this feature; there is an Armenian state, but it is the church which brings us today. That is why we cannot talk about the existence of Armenians without Christianity.”²⁶

²⁵ Original:”Burada daha fazla yaşıyorum aslında Ermeniliğin Hristiyanlıkla beraber olmasını, Türkiye'de. Ama yurtdışında o kadar bir şey hissetmiyorum açıkçası. Burada kaç tane Hristiyan topluluğu var ki yaşayın. Onun için birbirine bağlı şeyler olarak görüyorum.”

²⁶ Original:”Bizde aynı zamanda Ermeni patriği, başpatriği aynı zamanda bir devlet başkanıdır, bir millet başıdır. Onun için kilise bizim için aynı zamanda hem dini bir kurum hem de sivil bir kurumdur. Bu özelliğini hala korur kilise. Onun için Hristiyanlık dışındaki Ermeni'nin varlığından pek bahsedilmez.”

Undoubtedly, this point of view cannot be generalizable to all Armenians in Turkey. It cannot be expected that all Armenians have the same faith or the same level of affinity. However, still it is a fact that the Armenian identity is highly attached to Christianity; even if the persons are not religious at all. In that sense, the unifying characteristic of the church is crucial to understand the importance of the church and religion for the Armenian identity in Turkey.

In addition to the internal components of the Armenian identity, also outside factors contribute to the construction of in-group awareness. In this case, confrontations with people with other identities on the street or at the school make an impact on this awareness. Whereas in public schools all classes are held in Turkish and all children irrespective of their ethnicity can be registered, in the minority schools²⁷ classes are held in the language of that particular minority and only the children of that minority group are allowed to be registered. The students in these schools can be aware of their ethnic identity, because they are in an environment with the students who share strong similarities with them. Minority schools must have a Turkish vice principal to investigate whether everything is run in accordance with the regulations. Also in these schools, history and literature classes are held in Turkish by a Turkish teacher appointed by the Ministry of Education. Since school curriculums in general emphasize Turkish nationalism especially in Turkish literature and history classes, in the minority schools this kind of incoherency brings curiosity for the students about their identity. The internal conflict that a student can experience is explained very well by Victoria (age 53) who could not make sense of this situation back then in her student years:

“For example, in the school we have a history class, [there is this expression off] driving the enemy forces into the sea. By enemy, it means Rums and Armenians there. The more you paint this story with glowing colors, the higher point you get in the exam. At that time I was having a huge inner conflict. I was saying we drove the enemy forces, Armenians into

²⁷ Minority schools are the schools of Armenians, Greeks and Jews in Turkey. Since these three peoples are recognized as minorities by the Lausanne Treaty, their schools are named as minority schools. These schools have a different status and are only open to their communities by law.

the sea. I am an Armenian. What kind of a thing is that? It is absurd.”²⁸

In addition to the school experiences, also being questioned within the society about the visible differences makes the child feel that there is something wrong with this situation. When things that one person learns within the family or within that person's ethnic group are conflicting with what the others say, this incoherency strengthens the feelings towards one's identity. Therefore, the identity production cannot be seen separate from the out-group pressures. Especially if it is a minority by number, then the pressure is felt more strongly and more effectively in identity construction. For instance, Sesil (age 24) who was born in Istanbul says that as a result of the questions that she faces with, she needs to express her Armenianness. In a way, people force her to express her identity and define herself with respect to an ethnic identity. Even if the people are asking questions with a good intention or out of curiosity, it creates a feeling on that questioned person that she is regarded as strange. This feeling in itself produces the need for that person to define herself. That is why the identity becomes more important to that person:

“My identity carries a lot of importance to me in my daily life. First of all, when I meet a person, she says how different my name is. They ask, – 'Are you from Istanbul', - 'Yes', - 'Are you from Turkey', - 'Yes'. Then when the number of questions increases, I need to say that I am Armenian.”²⁹

The confrontation or socialization process can be either in the form of asking questions that makes the person feel obliged to explain some characteristics about herself or in the form of a hate speech. In either case, that person who feels or sees herself different from the dominant group starts to position herself accordingly. Therefore, that person eventually reproduces her identity and even strengthens the characteristics that constitute that identity. Especially in the cases that are directly related to an ethnic identity, hate speeches generate the need that group members should

²⁸ Original:”Okulda mesela tarih dersi okuyoruz; düşmanlarımızı deniz döktük. Düşman dediğin Rumlar ve Ermeniler orada. Bu konuya sınımda ne kadar ballandırı ballandırı anlatırsan o kadar iyi puan alıyorsun. O anda müthiş bir iç çatışması yaşıyordum. Diyordum ki Ermenileri, düşmanlarımızı denize döktük. Ben Ermeniyim. Nasıl bir şey bu? Açayıp bir şey.”

²⁹ Original:”Bence önemli. Zaten ilk başta bir insanla tanıştığımda aa ne kadar değişik bir ismin var. İşte – İstanbullu musunuz, diye soruyorlar, - Evet, - Türkiye'den misiniz?, - Evet. Daha sonra sorular çoğalınca ben de Ermeniyim deme ihtiyacı duyuyorum.”

stick together; otherwise, their existence will be under threat.

“Against the ‘we are all Hrant³⁰, we are all Armenians’ slogan, they started a hashtag on twitter saying ‘you are all Armenians, you are all bastards’”³¹ (Tamar, 28).

Like in Tamar's example, among Armenians, most of the time, being insulted results in coming closer and sharing their experiences. This is one of the reasons why they feel their Armenian identity in their daily lives powerfully. In that sense, the assassination of Hrant Dink on the 19th of January in 2007 had a huge impact particularly on the youth³². The youth who had not embraced their Armenian identity before, started to think about it and at the end they were attached to that identity. Below, you can see three persons sharing the process of how they try to make sense of the assassination and its impact on them:

“I am one of those who realized that they were Armenian after the assassination of Hrant Dink. Before then, yes I was speaking another language and speaking Turkish, but I was not able to see the difference. After that incident, I learned what Armenian meant, what they did. My Armenian identity comes into prominence after Sevag Balıkçı murder³³, Samatya incidents³⁴, and hate speeches.”³⁵ (Arno, 20)

“There had been many things we had heard, but we were saying no way, everything would be better. However, when Hrant Dink was shot, all the things they [Armenians living outside of Turkey] said... [were verified]. We all have someone in the Diaspora in France or in the US; I have my cousins

³⁰ Referring to Hrant Dink.

³¹ Original: "Hepimiz Hrant'ız, Hepimiz Ermeni'yiz" sloganına karşı 'Hepiniz Ermeni'siniz, Hepiniz piçsiniz' hashtagi açılmış twitterda."

³² Here the definition of youth is taken from UN General Assembly, World Programme of Action for Youth to the Year 2000 and Beyond, A/RES/50/81 and A/RES/62/126 (14December 1996 and 18 December 2007). According to this definition, those who are between the ages 15 to 24 are considered as youth.

³³ During his military service on the 24th April 2011, Sevag Balıkçı was shot by a soldier who was doing his military service at the same time. There are allegations that he was murdered because of his Armenian identity. During the investigation it was revealed that he was being harassed verbally by a couple of soldiers with respect to his Armenianness. The court decided that it was an accident. However, some people think that it was a hate crime.

³⁴ In 2012, Maritsa Küçük in Samatya, Istanbul was killed brutally. Since she was Armenian, there were suspicions in the murder. Some believed that she was murdered because she was an Armenian. It was claimed that the murderer was there for theft; however, different blood samples and the way of murder are suspicious. The court case still continues. This incident was followed by similar incidents, in these cases also the victims were Armenian women.

³⁵ Original: "Ben aslında Ermeni olduğunu Hrant Dink'in öldürülmesiyle fark edenlerdenim. Çünkü o zamana kadar evet farklı bir dil daha kullanıyordum işte Türkçe de konuşuyordum ama bunların arasındaki ayrimı yapamıyordum. Ondan sonra biraz Ermeni nedir yani kimdir bize Ermeni diyorlarımı onu öğrendim. Sonra arkasından gelen Sevag Balıkçı cinayeti, Samatya olayları ve işte bir sürü hani nefret söylemleri derken aslında Ermeni kimliği biraz daha önplana çıkıyor."

for example. It turned out to be right when they questioned why we were still living here, in Turkey. After that, something different has started. All the experience and what you have experienced that day evolved into something else. ”³⁶ (Tamar, 28)³⁷

“I got awareness with the death of Hrant Dink. In 2007, I was 15 and we would go out to celebrate my birthday. When I was leaving the school, I heard the news. Our whole life went upside down...Then I, as a person who puts her Armenian identity into prominence, attached it to myself.”³⁸ (Katia, 22)

Needless to say, the situation in Turkey has changed over time. Consequently, the relation that the Armenians have with their identity was altered accordingly. In that sense, the new AKP government ruling for 12 years after the rule of the Kemalist party CHP changed the perception of some Armenians. Victoria (age 53) states comfortably that the attitudes towards her and how she feels in terms of security change with the AKP government. Since some issues are opened to discussion, like Kemalism, this atmosphere makes her more comfortable with her Armenian identity:

“For example; there was this taboo of Ataturk. People started to get over that taboo. We said that Ataturk who has been taught us for years was a human being after all; he drank alcohol, he got drunk, he loved a woman. It became sweet to think him like that; he was like a sculpture, a bust before...It started with the discussion of Ataturk. Talking about Armenians, Kurds parallel to that is also started. In other words, even the expression of ‘Ataturk is the next important after God’ got loose, it lost its importance to reveal that I was Armenian.”³⁹ (Victoria, 53)

³⁶ Original:”O zamana kadar dinlediğimiz bir sürü şey vardı ama böyle insanlara yok canım artık bundan sonra artık her şey daha iyi olur filan dediğimiz biraz daha şey baktığımız zamanlardı. Ama 19 Ocak 2007 Hrant Dink vurulduğunda bir anda şey oldu hani bize bunu söyleyenler ya işte atıyorum hepimizin diiyasporada Fransa'da mesela Amerika'da kuzenlerim var. Hani onların bize hala nasıl orada yaşayabiliyorsunuz deme şeyi bir anda haklı çıktı gibi oldu. Ondan sonra başka bir şey başlıdı. Yani bütün o geçmişten gelen deneyim ve o gün yaşadığım şey bambaşka bir şeye evrildi.”

³⁷ Although she is not at the age range (15-24) to be defined as youth, she is included here because she was in that age range when the incident occurred (on the 19 Jan. 2007).

³⁸ Original:”Ben biraz farkındalık Hrant Dink'in ölümüyle yaşadım. 2007 yılında ben 15 yaşındaydım ve benim doğum günü kutlamak için o akşam biz Osmanbey'de dışarı çıkacaktık. Ama okuldan çıkışken duydum ve bütün hayatım alt üst oldu. Ondan sonra ben zaten Ermeni kimliğimle önde olan bir insanken bunu daha çok attach etmiş oldum kendime.”

³⁹ Original:”Mesela bir Atatürk tabusu vardı, o tabu tartışılmaya başlandı. Dedik ki senelerdir bize öğretilen Atatürk aslında bizim gibi bir insan, adam alkollünü de içmiş, sarhoş da olmuş, kadın da sevmiş. Ne kadar tatlı oldu yani hep heykel gibi bir şeydi, büsttü Atatürk. Atatürk'ün tartışılmasıyla birlikte başladığını zaten onunla birlikte de bu Ermeniler, Kürtler onun paralelinde konuşulmaya başlandı. Yani şu oldu Atatürk hani Allahtan sonra Atatürk gelir şeklinde önüne sunulan şey yerinden oynadıktan sonra aman ben de Ermeniyim yani o kadar da önemli olmadı.”

Either because of the new government as mentioned above or because of the altered domestic politics with the impact of international factors, Turkey has had new subjects that could not be discussed before. The reason can be the spread of the ideas or the impact of the international organizations. The Kurdish conflict or issues related to the Armenians in Turkey can be taken as examples of the subjects that are opened to discussion. As another example to the issues related to the Armenians in Turkey; the AKP government also reinstated ways for legal entities of churches and minority schools to reclaim their property that was occupied during the early years of the Turkish Republic. These policies and altered dynamics within the society led the Armenians in Turkey to express themselves more freely and comfortably because they started to feel less threat in revealing their identity with the discussions about ethnic identities, the democratization process, the weakening of Kemalism or the changing perceptions of the broader society towards differences.

4.2. Justice

It is important to keep in mind the fact that the understanding of justice is also shaped by how the identity is constructed among that group. Therefore, what justice to that group of people means is specific to that particular context, among other factors. Understanding how Armenian identity is shaped for a particular person can help grasp that person's understanding of justice. As it will be discussed below, the analysis of the interviews show that what the Armenian interviewees understand by justice can be roughly grouped under three main focuses; (1) justice as equality, which is to be treated equally, to enjoy the rights that others enjoy, to be respected and to be embraced equally, (2) justice as a penalty process or (3) justice as being granted basic survival needs by the state. In order to reveal what they mean by these concepts and its components, justice is analyzed from different angles along with the literature.

4.2.1. Justice as recognition

The Lausanne Treaty in 1923 recognized the rights of the Armenian population that were also recognized by and practiced during the Ottoman Empire. Although this can be regarded as the legal recognition of the Armenians in the new Republic, when Armenian interviewees are asked about recognition and its implementation in Turkey, their thoughts on this subject vary. Whereas some of them are content with the situation, some others state that the implementation of the treaty does not fulfill the expectation or the requirements of recognition. For example Ari (age 25) argues that even though there is legal recognition, rights gained through recognition are not implemented making recognition meaningless. “*There is recognition [of the Armenians in Turkey as a minority]. [As an Armenian] I have a difference, I have an existence. It feels like... [that we, Armenians are different]. But how much can you enjoy [the privileges] of that recognition here?*”⁴⁰

At the implementation level, the citizens do not feel the sincerity of the state when it comes to the recognition of the identities that stand outside of the dominant state ideology. Armenian interviewees think that rights driven from recognition are not implemented, because in fact the state does not embrace those who are considered to be minorities. Tamar (age 28) as an NGO employee is able to follow the processes and events related to this topic. She states that the state only offers minor privileges to minorities. Although offering these minor privileges, the Turkish state is not considering the well-being of its Armenian citizens. On the contrary, it is only acting for its own interests. That is why recognition does not penetrate into the state institutions or into the society, which will be discussed subsequently.

“*Although it is shown that they [the political authorities] are doing something to protect your cultural rights, this is never sincere. They are doing what they are doing out of an interest; they are picking something to realize that interest, but either at the societal level or at the level of power holders, there is no such thing.*”⁴¹ (Tamar, 28)

⁴⁰ Original: "Tanınma, evet. Benim bir varlığım, benim bir farkım var. Bunu hissettiyor. Ama hani oradaki tanınmaya buradaki karşılığımı ne kadar yaşayabiliyorsun aslında."

⁴¹ Original: "Kültürel haklarını korumak için de bir şey yapılmış gibi gösteriliyorsa bile bu hiçbir zaman samimi olmuyor zaten. Mutlaka oradan bir çıkarı oluyor, sırı o çıkarı şey yapmak için içinden bir şey seçiyor ve bak bunu böyle yaptım deniyor."

We can classify Armenian interviewees' arguments under three discussion points when it comes to discuss what recognition means to Armenians, how it can be achieved or what lacks in implementation: (1) the tools to sustain and protect the culture, (2) the ways to support the feeling of belonging, and (3) the recognition of the past violations. One of the main elements to sustain a culture are schools. However, the minority schools in Turkey are not treated in the same way as public schools. They are not funded by the state; they are expected to cover all their expenses by themselves. These expenses can be supplied through their properties, if they were not taken away, by volunteer fundraisers among Armenians or through the money that the parents of the students agree to give. For this purpose, these schools are organizing fundraising dinners every year and try to cover all the expenses of the schools. Kirkor (age 65) is complaining of this situation. Although he is a tax giver, he is not able to benefit from the opportunities that the state offers to the students in public schools. He still has to pay for the expenses of the school, since he is sending his grandchild to an Armenian school. In that sense, he feels like discriminated against, because the state does not recognize his needs:

*"The state does not cover the cost of electricity, water [of the Armenian schools] or any support for the teachers [working in these schools]. It gives nothing. However, I am also a citizen. Since I am a citizen who gives his taxes, then [the state should] cover some of my needs."*⁴² (Kirkor, 65)

Although the minority schools are run like private schools, they are at the same time under the control of the state and have to use the curriculum that the state obliges them. They are not allowed to teach the conception of history of their culture. Armenians themselves are expected to prepare the materials in the way the state obliges them to do. However, they do not have a source to manage this process. Therefore, they are having financial problems as well as problems stemming from finding proper educational materials that are pedagogically suitable. Tamar (age 28) remarks that Armenians are not allowed to use books of their preference. The teachers are obliged to

Ama ne toplum nezdinde ne de iktidarda böyle bir şey yok."

⁴² Original:"Elektriği vermiyor, suyu vermiyor. Öğretmene bir destek vermiyor. Hiçbir şey vermiyor. E halbuki ben de vatandaşım. Mademki ben de bir yurtaşım e ben de bir vergi veriyorsam e benim de bir kişi bir şeyimi."

use the same books with the books in the public schools. This creates a problem not only because these students are learning Turkish history and Turkish culture instead of theirs, but also it takes so much time and energy to translate these materials into Armenian without any resource to do so:

"In our Armenian schools, math, science are all taught in Armenian. However, there are no books to teach [because the state does not allow Armenians to choose their own educational materials]. They ask us to translate the books that are taught in the public schools into Armenian. OK. We translate the books, send them to the Directorate of National Education and wait for the approval. We have experienced this for one time; while we were waiting, they changed the curriculum again. They said we could not use these books either. [We have to follow the same procedure all over]again. Who is going to run this? There is this cost. We are a minority group, how long we can maintain this?"⁴³

Since their history and literature courses are taught in Turkish, Armenian interviewees see this situation itself as interference to the sustainability of their culture. It is not possible to learn the Armenian literature or history in these schools. In addition, it is also difficult to find teachers to recruit for these schools because of the lack of Armenian philology departments at the universities. Therefore, now the Armenian community itself is educating their teachers who have taken certificates from other educational departments so that these teachers can hold their classes in Armenian.

While talking about the sustainability of the Armenian culture, it is also worth mentioning the historical ruins in Anatolia that belong to the Armenian culture. Armenian interviewees draw attention to the fact that these ruins are not seen as a part of the history and are not taken under preservation. One may say that the state does not pay enough attention and respect to the historical places and ruins in general; however, it is a fact that the places that can be associated with Islam are most of the time taken care of, particularly in the last ten years. Still this does not mean that there is no advancement for some Armenian historical places. For example Surp Giragos Church in

⁴³ Original:"Bizim Ermeni okullarında matematik, fen bilgisi bunlar da Ermenice işlenir. Fakat bunu işleyebilecek kitap yok ve diyor ki bizim kitabı alacaksın, aynen çevireceksin, Tamam, peki. Alınıyor, aynen çevriliyor, tekrar Milli Eğitim'e gidiyor. Onaylanması bekleniyor. Mesela bir kere bunu yaşadık; onaylanana kadar müfredati değiştirdiler. Dediler ki, hayır bunu da okutamazsınız hadi bir daha. Bir de bu işi kim yürütecek, sürekli bir zaman maddi şey falan. Hani bir azınlık grubusun ne kadar bunu sürdürbilirsin?"

Diyarbakır and Ahtamar Church in Van have recently been restored. However, even in these cases there have been problems concerning religious representations or symbols, such as the placement of a cross at the top of the church⁴⁴. Discussions around these topics lead Armenian interviewees to regard that their cultural heritage is not taken care of properly, if not it is tried to be ignored.

The feeling of belonging on the other hand is shaped by how a particular group or identity is represented in the state and by its attachment to that particular state. The bond between the state and its citizens is crucial, because only by establishing a bond the state can ensure trust among its citizens towards itself. Otherwise, members of that identity group feel that they are unwanted. How Sesil (age 24) and Katia (age 22) feel is a good example of this argument. They express that the lack of the recognition of a group means that the state does not respect that group and this attitude hurts their sense of belonging: “*The state needs to recognize a group, so that it can learn how to respect that group. [In order to protect that group's] faith, traditions, their recognition by the state are a need*”⁴⁵ (Sesil, 24). “*Ignoring an identity kills the sense of that particular individual's, group's sense of belonging*”⁴⁶ (Katia, 22). In other words, the need of all identities is to be embraced. This embracement will eventually bring loyalty or belonging to that particular country. Otherwise, not only does the state isolate its citizens by treating them differently than the dominant group, but also it forces them to refrain themselves from joining the society as equal citizens. However, if the state would be welcoming towards differences, then its citizens will be happier as Victoria (age 53) states. Happy people will create happy societies at the end: “*People will be happier, be more active, be involved into daily life more, and embrace the flag. When they sing the national anthem, they will sing it, [they will] not move their lips and pretend that they are singing.*”⁴⁷

⁴⁴ Habervesaire. (16.05.2010). *Akdamar'a Haç Koyma İzni*. <http://www.habervesaire.com/news/akdamar-a-hac-koyma-izni-1687.html>.

⁴⁵ Original: ”O grubu tanınması gereklidir ki ona da saygı duymayı öğrensin, onun inancı ne dini ne. Yani inancı nedir, gelenekleri nedir o bakımdan tanımaması gerektiğini düşünüyorum.”

⁴⁶ Original: ”Biri kimliği yok saymak bir kere o insanın, o grubun aidiyet duygusunu öldürüyor bence.”

⁴⁷ Original: ”İnsanlar daha mutlu olacak, daha aktif olacaklar, daha hayatın içine girecekler, daha bayrağa sarılacaklar. İstiklal Marşını söylediklerinde söyleyecekler, uyduruktan ağızlarını sallamayacaklar.”

The experiences at the state institutions or the discourse of the politicians are also crucial in understanding the sense of belonging of a group which is feeling ignored by the state. While on the one hand Armenians have some problems at the state institutions as a result of the lack of recognition, on the other hand the discourses of the prime minister, ministers, the president or the politicians can be problematic for some of them. Discourses and public speeches of officials may create the perception within the society that some of the citizens are favored, while some other citizens are tried to be pushed to the edges. This also hurts the feeling of togetherness within the society. Vartanuş (age 75) claims that she is offended, when the prime minister does not mention the existence of the Armenian identity or does not embrace it: “*Erdogan has never said that Armenians were his brothers and sisters.*”⁴⁸ When the governors do not raise the sense of togetherness, then the link between the citizens and the state will be eventually weak. For Arman (age 38), the legal recognition is not important when the politicians do not respect who you are. A legal recognition becomes meaningless when you as an Armenian see that even the politicians in your country regard Armenianness as an unwanted identity:

*“Neither your minister, nor your prime minister, or your president recognizes you. They [some people in the media] said once that the mother of the president was Armenian, he responded wildly to prove the opposite. How is he going to recognize you?”*⁴⁹

Beyond the lack of recognition, the problem is also the speeches of the state representatives that make the Armenian interviewees feel like their identity is not rightfully recognized by their governors. In addition to an unwelcoming atmosphere as above, there are also cases where the speeches are insulting or even can be considered as hate speeches.

At the same time, some Armenian interviewees say that there must be a balance that the state needs to set while recognizing the identities. Otherwise, recognition may

⁴⁸ Original:” Erdogan bir gün de dememiştir Ermeniler de bizim kardeşlerimizdir.”

⁴⁹ Original:”Ne bakanın tanıyor, ne başbakanın tanıyor, ne cumhurbaşkanının tanıyor. Cumhurbaşkanının annesine Ermeni dediler, kalktı hop oturdu hop kalktı öyle bir şey yok diye. Nasıl tanıယاک?”

turn into stigmatization for some parts of the society and can cause fear among those. In other words, recognition should not be an “exclusive recognition”⁵⁰. Roy (age 43) is uncomfortable with the fact that the state is creating an atmosphere by marginalizing some identities in which people with these identities feel under threat. In that sense, their lack of recognition by the state creates the basis of their exclusion or the vice versa: “*The state says that you are Kurdish, you are Armenian, you are Sunni, you are Alawite. We all see that by experience. You may say this is none of your business. Yes, it is none of my business, but then we have to live at the edges.*”⁵¹ In order to prevent this result, while recognizing differences, the state also has to be careful about the fact that this may also cause some forms of discrimination, which at the end feeds the fear among those who are already suffering from this kind of a problem.

As a third component of recognition, Armenian interviewees also see that recognition of a violation is an indispensable part of the recognition process. In this subject, the main focus is on the property of the Armenian foundations that were taken away or occupied during the process of nationalization in the early years of the Turkish Republic⁵². In recent years, legally the way to make a reclaim on the properties is opened; however, most of the time the remedy cannot be possible or is partly possible. It is also controversial that you as the victim have to start a court case, prove your properties instead of a restitution process run by the state. Although the state has all the documents to designate the rightful owners of the properties, it does not grant those documents to the public. Even in the cases where the properties are known and their past ownership can be proved, not the entire property is returned to the owners. These all create the feeling among Armenian interviewees that the state is not sincere and it

⁵⁰ Saracoglu, C. (2009). ‘Exclusive recognition’: the new dimensions of the question of ethnicity and nationalism in Turkey. *Ethnic and Racial Studies*, 32(4), 640-658. By exclusive recognition, he means that a particular group, Kurds in his case, is known or recognized by the society through exclusive and discriminatory attitudes and treatments.

⁵¹ Original: “Devlet işaret ediyor buna. Diyor ki işte sen Kürtsün, sen Ermenisin, sen Sunnisin, sen Alevisin. Bunu hepimiz yaşayarak görüyoruz. E bu da diyeceksin sanane. Evet, bize ne ama biz daha çok köşelerde yaşamaya başlıyoruz.”

⁵² A couple of policies or laws can be mentioned here. The first is the law on capital tax in 1942, through this law non-Muslims were forced to pay high taxes in return of their income during the World War I. The state claimed that these people earned undeserved money from the black market; that is why, they had to pay in exchange to their incomes. Those who could not pay these taxes were forced to sell their properties. The second can be the 6-7 September incidents in 1955, in which the shops of non-Muslims were looted and their properties were taken forcefully. Additionally, it is also possible to talk about some other unofficial acts or the looting after the 1915 massacres.

does this for its own good⁵³. Arman (age 38) who thinks that there has been an enormous injustice against Armenians states that it becomes possible to reclaim some part of these properties only because of the European Union integration process. He cites one of the examples:

“For example, Yedikule Surp Pirgiç Hospital had a 100-150 thousand m² land that could not be reclaimed for years. They gave only 42.500 m² of it. This was because of the EU integration process; they had to.”⁵⁴

Armenian interviewees do not regard themselves as the only sufferers of the lack of recognition. They also think that other non-Muslim, non-Sunni, non-Turkish identities, and mostly women, gays, lesbians, bisexuals, or transsexuals have many problems regarding recognition. However, interestingly, Alawites are those who are seen as having the worst condition most of the time when it comes to recognition. Armenian interviewees see that Alawites suffer as much as they are, or even more. The reason behind Armenian interviewees' acknowledgment of the sufferings of other identities stemming from recognition is the fact that they feel like they are sharing the sorrow of being the unwanted and unwelcomed in Turkey. Being outside of the dominant ideology of the state creates a basis for Armenian interviewees to sympathize for the problems that other people are experiencing.

Although some Armenian interviewees consider recognition as an indispensable need, some of them hold suspicion against it. Skeptics of recognition think that it may not be possible to set a balance among diverse identities when it comes to satisfy their needs stemming from their identities. For example, Selin (age 23) asks whether recognizing an identity would increase the polarization within the society by producing so many identities: *“I believe that recognition is a need, but I am not sure if it leads to a chaos in the long run. I am not sure whether everyone creates an identity after their own heart and tries to take an advantage of it.”⁵⁵* For skeptics, it is better to unify the

⁵³ By “the good of the state” here, I mean the aim to accelerate the integration process to the European Union and electoral interests of the government.

⁵⁴ Original:”Mesela Yedikule Surp Pirgiç Hastanesinin senelerdir alamadığı 100-150 bin m²lik bir arası var . Onun da 42.500 m²sini verdiler. O da Avrupa Birliği uyum yasaları içinde oldukları için, zorunda kaldıkları için vermek zorunda kaldılar.”

⁵⁵ Original:”Yani olması gerekiğine inanırım ama bu uzun vaddede bir kaosa yol açar mı ondan çok emin olamıyorum. O zaman şey mi olur herkes kafasına göre bir grup kimliği yaratıp bu sefer o şeylerden bir şekilde yararlanmaya çalışır mı, onda emin

needs of everyone under the roof of citizenship, instead of granting them different cultural rights. They think that granting cultural autonomy may lead to polarization within the society or the state may lose control over them.

4.2.2. Justice as rights

Moving from the domain of recognition to the domain of rights with reference to the understandings of Armenian interviewees does not give that much a colorful picture. Armenian interviewees do not express a strong sense of inequality with respect to rights. Armenians living in Istanbul do not think that some parts of the society are discriminated because they lack some rights. We can find exceptions to this understanding undoubtedly. However, considering my small sample size, my interviewees did not mention about rights that some people were deprived of, whereas others could enjoy.

On the other hand, in the discussion of rights, most Armenian interviewees raise the definition of citizenship in the constitution⁵⁶ as an issue. Although in the constitution Turkishness is defined as civic and territory-based regardless of the ethnic roots of its subjects, in practice it is used and perceived as an ethnic identity⁵⁷. That is why people with other ethnic identities feel that they are not equal before the law. The definition in the constitution is regarded as a cause of inequality before the law. Even if Armenian interviewees cannot give examples to this inequality as rights, they discuss it under this topic. The reason of this tendency is the fact that Armenian interviewees see the constitution as the basis and the ground of all rights. Therefore, the invisibility in the constitution towards non-Turkish identities is taken as a lack of a right. That is why I am presenting concerns about the definition of citizenship here, under the heading of rights.

olamıyorum.”

⁵⁶ Article 66 of the 1982 constitution of the Turkish Republic: “Türk Devletine vatandaşlık bağı ile bağlı olan herkes Türk’tür.” (translation: The one who is the citizen of the Turkish Republic is Turkish.)

⁵⁷ See Kirisci, K. (2000). Disaggregating Turkish citizenship and immigration practices. *Middle Eastern Studies*, Vol 36(3).

The citizenship definition in the constitution is actually tightly related to the recognition of other ethnic identities in the Turkish Republic. In that sense, it is hard to differentiate the spheres of recognition and rights. Justice as recognition and justice as rights are overlapping in this context. The reason behind it is the fact that a problem in one of them can easily penetrate into the other. Here, since there is no recognition by the state, it eventually causes a problem in the constitution where all basic human rights lie.

Coming back to the discussion of the definition of citizenship, Tamar (age 28) is only one of the many who assert that the definition of citizenship in the constitution is problematic. She states that while this definition is disregarding the existence of other ethnic identities, it is also depriving them of some rights. For example religious institutions of these ethnic identities are not seen as the state institutions. Thereby, they cannot enjoy the rights that the state institutions can enjoy. Covering the expenses of these institutions or appointing officials can be regarded in this context. However, in the below quotation, the point that Tamar is trying to raise is slightly different. She is trying to say that her existence and her rights are defined through something that she is not. This quotation in itself can be directly linked to the topic of recognition. Therefore, it again clearly shows the close relationship between recognition and rights:

“First of all, everyone is Turkish, from the start [the constitution] says so, which in fact you are not. The definition of non-Muslim means something by itself; why I am defined as non-Muslim, and that I am Christian as the name implies or Jewish.”⁵⁸ (Tamar, 28)

However, the problem is beyond the definition of the citizenship. Although Armenian interviewees do not say much about the inequality when it comes to rights, they have a perception that these rights are not enjoyed equally. For example Roy (age 43) rather than the equality in rights discussion, emphasizes these rights cannot be enjoyed in practice by different parts of the society: “*For sure we have equal rights. Everything is equal. But I do not know what we have equal.*”⁵⁹ Therefore, the problem

⁵⁸ Original:”Bir kere herkes Türk zaten en baştan böyle sana ne olduğunu söylüyor ki zaten sen o değilsin. Gayrimüslim tanımlaması kendi başına bir şey ifade ediyor zaten. Niye ben Müslüman olmayan diye tanımlıyorum ki, Hristiyan'ım işte adı üstünde ya da Yahudi.”

⁵⁹ Original:”Eşit haklara sahibiz tabii. Yani her şey eşit. Ama eşit olan ne var bilmiyorum.”

becomes something not about how rights are written, but how they are implemented. Before talking about whether the implementation of these rights creates injustice or how the procedures are run, it is also important to underline the fact that the state is seen as the reproducer of inequality among peoples. Arno (age 20) argues this point. Although he could not give a concrete example, he thinks that the state produces the discrimination through its policies, regulations, codes and the like:

“There is this 10th article of the constitution⁶⁰; everyone is equal, but no one is equal in fact. On purpose, the state instigates this discrimination and today it still continues.”⁶¹

In other words, even if the Armenian interviewees cannot give concrete examples of discriminative practices, their perceptions are on the contrary. This also has to do with the fact that there is no law that prevents hate speeches or crimes against the minorities who are discriminated on the basis of their ethnicity, sexual orientation or the like.

4.2.3. Justice as procedure

When the topic comes to injustice, procedures become the main point that the discussion of Armenian interviewees focuses on. However, before jumping into the relationship between identity and procedural justice, procedural justice in the state institutions in general has to be discussed.

The Armenian interviewees do not see the state as legitimate in terms of its procedures, because it is commonly and strictly believed that the state *par excellence* and its institutions are not free from any pressure or interests of the power holders. Like Silva (age 51) who works at a private company mentions, nepotism and favoritism are the ways in Turkey for people to make their work done in the state institutions: “*More*

⁶⁰ Article 10 of the Turkish Constitution: “Herkes, dil, ırk, renk, cinsiyet, siyasi düşünce, felsefi inanç, din, mezhep ve benzeri sebeplerle ayrılmaksızın kanun önünde eşittir.” (Every single person regardless of his/her language, race, color, sex, political ideology, philosophical belief, religion, religious sect and the like is equal before the law without any discrimination.)

⁶¹ Original: “Anayasının bir 10. maddesi var işte herkes eşittir vs. der ama aslında kimse de eşit değildir yani. Devlet bilerek bu ayrımcılığı körklemiştir ve bugün hala buna devam ediyor.”

*than having money, having acquaintances [to make your work done] is important in Turkey. Membership to a political party is very important. Other than that, bribery still works, so we know that some businesses are run with bribery.”*⁶² This is only one example, but Armenian interviewees commonly accept that the one who has political power or who follows the dominant ideology is favored during the procedures within the state institutions.

Judiciary is one of the domains that are not immune to favoritism that commonly runs in the state institutions. Selin (age 23) as a university student argues that judiciary in Turkey does not stand at an equal distance from every person; that is why it is not free at all: “*Everyone should be litigated. I believe that judiciary is supposed to be distanced and free from any pressure; everyone should be treated equally.*”⁶³ Although ideally Armenian interviewees expect that judiciary should be unbiased and should not be influenced by any authority, in reality they all think that procedures in general and judiciary in particular favor a group of people. However, this favoritism is not based on any ethnic or religious identity necessarily. Rather, it is related to the relationship either with government authorities or a group that has some sort of political power. Therefore, Armenian interviewees consider the experienced injustice as something that every person can experience, unless that person is in one of those favored groups. At the end, this way of thinking leads to the normalization process of this form of injustice among the Armenians in Istanbul. People are not surprised by this fact any more.

For Armenian interviewees, the perceptions on injustice experienced in the judiciary are strengthened by the Hrant Dink court case running since 2007. In addition to the common belief that there is an organized crime supported by the state authorities, also the attitude of the state officers during this process reinforces the idea that judiciary is not independent. Beside the general idea among Armenian interviewees that judiciary is not independent; Hrant Dink court case adds another factor. Armenian interviewees think that the due process is running even worse than regular because the victim is an

⁶² Original:”Türkiye'de devlette bir kere tanıdıksa paradan belki daha evvel tanıdık olmak çok önemli. Belli bir partiyenin mensup olmak çok önemli. Bunun haricinde de rüşvet hala çalıştığı için bazı şeylerin de parayla döndüğünü yani bunu biliyoruz.”

⁶³ Original:”Herkesin yargılanabilir olması gerekiyor bir kere, ve bunun kesinlikle şeyden uzak, bir güç etkisinden uzak, herkesin aynı şekilde muamele görmesi gereğine inanıyorum.”

Armenian. In that sense, what Silva (age 51) brings about is crucial to consider in this context. According to her, in addition to the unjust atmosphere of the murder, how policemen treated the perpetrator showed the perceptions towards Armenians by the state institutions, and law enforcement agencies in particular⁶⁴: “*In the case of Hrant Dink, they might applaud the murderer secretly. I had this kind of feeling [that there was a discrimination], but when the people took a photograph with the murderer, my feeling was solidified*”⁶⁵ (Silva, 51). In other words, the assassination of Hrant Dink is the case which proves the concerns of people who think that they are under threat in some way. In short, when Armenians in particular and the society in general started to evaluate the assassination considering its precarious due process, they felt severe injustice in procedures.

Other than judiciary, it is also possible to see other cases of procedural injustice that can be directly linked to the Armenian identity. These cases include treatment towards Armenians in the police stations or legal implementations in other state institutions. Roy (age 43) raises an example of how an Armenian might be treated in a police station, when there is a dispute in which the other party is Muslim: “*When you have an argument on the street and be 99% right... [And if] the other person is Muslim... When you go to the police station and when that person says that you swear at his religion or the flag, whom the policeman is going to believe in?*”⁶⁶ Being non-Turkish and non-Muslim in these cases emerges as an impediment to be treated fairly. Since there is a specific place to specify the religion of the person in the Turkish identification cards, religious choice is visible and may become a discriminative feature in some occasions. Also the name of the person strengthens the visibility of the person's religious and ethnic difference. That is why cases like above can easily happen.

Although Armenian interviewees argue that procedural injustice is not specific to

⁶⁴ When the hitman of the murder, Oğün Samast, was arrested by the police and taken to the police station, some police officers had a photo taken with him in front of a Turkish flag to show how much they were proud of him in the name of Turkishness. It created so much discussion in the media and in the public.

⁶⁵ Original:”Hrant Dink'in olayındaki gibi aslında yani belki içten içe alkışladılar bile onu. Böyle bir duyguya zaten vardı bende ama Hrant Dink'te işte gidip de o insanlar hatırlı fotoğrafı çekirince işte pekişiyor.”

⁶⁶ Original:”Sokakta bir kavga yapın, %99 haklı olun. Karşınızdaki insan müslüman. Karakola girdiğin zaman benim dinime, bayrağıma küfür etti dese kime inanacak.”

their group and that all groups suffer from it, they at the same time claim that they stay in their circles of trust. Some Armenian interviewees are asserting that they are not trying to do something different or experience new things. Rather, they are more prone to follow the advices of their family members and be careful about their choices. This emerges as “*knowing one's place*”⁶⁷; these people set limits for themselves to define what is appropriate or safe for them to do and what is not. From this perspective, the Armenian identity emerges as a limit to define the capabilities of a person who holds that identity. Therefore, those who think in this way decide their workplaces or jobs accordingly, most of the time.

Particularly, Armenians refrain from employment in the state institutions and military. Also they feel violated because of the treatments during their military services or the troubles in birth, death and marriage registration offices. Although there is no legal limitation against the employment of Armenians in the state institutions, the interviewees are complaining about the fact that there is no Armenian policeman, soldier, public prosecutor, judge or the like. They assert that there is no chance that they can work at the state institutions and become officers. This feeling becomes stronger for men during their military services⁶⁸. For instance; Roy (age 43) who served for the military as a soldier narrates his story occurred during his military service:

“We were standing at attention, shaking out of fear. The lieutenant colonel said they thought of me as an operator, but the chain of command did not let them [to recruit me as an operator]. I said there was no need to mention...Why is he not taking me as an operator? You are taking me to the military service, using my labor, making me work, giving a gun, educating me, but you do not let me be an operator. Why not? Since it is communication, there may be concerns about intelligence security. Can this be possible? They are sending me to the military service, taking taxes and [even] sending me a fine, when there is a delay on the tax.”⁶⁹

⁶⁷ Original: “Haddini bilmek”.

⁶⁸ The military service in Turkey is mandatory for men. Unless the person has a strong medical excuse, it is not possible to be exempt from it.

⁶⁹ Original: ”Esas duruştayız, tir tir titriyoruz. Yarbay, dedi, oğlum, dedi, biz seni santrale düşündük ama, dedi, emir komuta zinciri izin vermiyor kusura bakma, dedi. Dedim, komutanım ne demek, yani olur mu öyle şey. Santrale beni niye almadığın sen? Beni askere alıyorsun, kullanıyorsun, çalıştırıyorsun, silah veriyorsun, eğitim veriyorsun, sen beni santralci yapmadığın. Neymiş? İşte haberleşme yeri olduğu için istihbarat kaygısı olabilirmiş. Böyle bir şey olabilir mi ya. Askere yolluyorsun, vergi alıyorsun, vergiyi bir kere aksatırsan ceza yolluyorsun.”

As another point, the problems at the birth, death and marriage registration offices can be regarded in this context. Armenians are exposed to arbitrary behaviors of the officers working in these offices. The officers may create troubles, when they see that the proposed name of the newborn child is not Turkish or Turkic. Although there is no restriction or regulation against it, the officers can arbitrarily keep Armenians who apply to the office waiting, if not prevent the process completely.

It is crucial to mention the fact that not all Armenians feel that they are discriminated against in the state institutions due to their ethnicity or religion. Some Armenian interviewees confidently say that they do not experience such things. However, all my interviewees accept that procedural injustice is something that everyone is faced with in Turkey because of high nepotism and favoritism in the state institutions. In that sense, whereas it is possible to say that some Armenian interviewees think that they are discriminated against solely because of their ethnic identity, all Armenian interviewees state that procedural injustice based on favoritism and nepotism is something that every citizen in Turkey has to live with. Beyond that, Armenians interviewees normalize procedural injustice and regard it as the irreversible part of the culture in the state institutions.

4.2.4. Justice as social inclusion

When injustice is considered in the form of social exclusion, the logic does not differ from what is found in the procedural injustice. However, the experiences of Armenians vary widely considering the divergent nature of the society in Turkey. Again some Armenian interviewees claim that they are not experiencing any form of social exclusion. This can be either because simply there is no discrimination against them or because they are choosing their surroundings accordingly. Those Armenian interviewees who claim that there is social exclusion against them exemplify their argument most of the time through the discourses in the mass media, social media or the discriminatory expressions within the society.

The older Armenian interviewees who think that there is social exclusion argue that there was no such thing in the past because of good neighbor relations. As a result of the urbanization now people do not have a chance to get to know each other or each other's culture. Therefore, social exclusion is seen as a result of the lack of communication in urban places. On the other hand, there are also some Armenians who think that the experiences of social exclusion are diminishing in the last ten years. The reason of that can either be the replacement of the Kemalist ideology in the state with the more liberal but Islamic one, or because of the changing conjuncture of Turkey with the impact of the spread of ideas and its integration to other cultures through the EU process. However, in each case the influence of the state on the society is not underestimated by Armenian interviewees. The state is always seen as the power that can influence how the society thinks and behaves.

Armenians interviewees regard social exclusion as something that every non-Turkish, non-Sunni citizen suffers from. Again like in the procedural injustice, Alawites, gays, lesbians, bisexuals and transsexuals are seen as the main targets of social exclusion according to the perception of Armenian interviewees. Most of the Armenian interviewees state that since these identities are regarded as outside of the normativity of the dominant majority, they are exposed to such social exclusion. Armenian interviewees can be aware of this fact, because they know how the dominant majority marginalizes people with different identities.

When it comes to social exclusion that people are experiencing because of their Armenian identity, Armenian interviewees raise more or less the same issues. The first thing has to do with their language. Although most Armenians talk Armenian at their homes, they do not prefer to speak Armenian outside of their homes. Parents warn their children not to speak Armenian among strangers. Some Armenian interviewees say that although it is not the case any more, in the past they had some bad experiences, such as some reactions from other people not to speak a non-Turkish language. However, it is worth mentioning here that when people on the street hear someone is talking in, for instance, English, German or French they do not react in the same manner as they

behave towards people speaking Armenian.

Besides, regarding the language, the accent of Armenians causes strangers to ask where they are from or any further questions that imply that they are foreigners. This, combined with the Armenian names, leads those Armenians to feel like others do not see them to belong to this land but only stay as guests. Katia (age 22) brings about the issue that she always needs to hide her identity to feel secure and prevent questions like mentioned above. This, in itself, creates the idea for her that she is not embraced by the society or she is not sharing the same sense of belonging with them:

*"In general outside of my group, while walking on the street, I have to hide myself. I have to take the risk, when I do not hide my identity. This means that the society did not accept me, does not recognize me, ignore me, or wants to destroy me. The scariest feeling is the feeling that I do not belong to here."*⁷⁰

Revealing the identity is regarded as a risk because of what Armenians are experiencing in their daily lives. Some people do not want to maintain their relationship with Armenians or parents of some Armenians want their children to stay within the community and do not want to interact with Muslims. However, the most striking and hurtful experiences of social exclusion are those which are embedded within the discourses of people. Ari (age 25) and Roy (age 43) give the examples of social exclusion with respect to discourse below in different contexts. Whereas Ari shares an event taking place when he was sitting at the stands of a football stadium and watching the match, Roy narrates a dialogue between his commander and him during his military service. In each case, the hurtful and exclusionary thing was the expressions of people and the logic behind these expressions:

*"One day, there was a football match between the teams of Elazığ and Malatya. And the people who were sitting at the stands of Elazığ were cheering to their teams by saying 'Armenian Malatya'. Think of that; the swear in their mind, the Armenian, is me."*⁷¹ (Ari, 25)

⁷⁰ Original:"Genel baktığım zaman sokakta yürürken yine gizlenmek zorundayım, yine gizlenmediğimde başıma gelecekleri göz almak zorundayım. Bu demek oluyor ki; beni genel toplum kabul etmemiş, saymıyor, yok sayılıyor veya yok etmek istiyor. Ben buraya ait değilim hissiyatı bence en büyük yani en korkutucu hissiyat zaten."

⁷¹ Original:"Bir gün Elazığ-Malatya maç yapıyor. Elazığ tribünü Malatya'ya şöyle bir tezahürat yapıyor. 'Ermeli Malatya' diye

“When I was at the military service, he [the commander] said 'stand up' to me, among two thousand people. ‘The non-Muslim’, said he. He made me stand up and said to me 'You cut us off'. Think of this, imagine. I came to do my military service, did not escape, went there with joy, and the great officer stands and says that 'in the past, you the non-Muslim, you cut us off'. Among two thousand people, I am the only non-Muslim, the only Armenian. I said 'there is no such thing my commander; I cannot say anything about a subject that I know nothing about'. Plus, 'I am a Turkish citizen, and a soldier here. So do not ask me this”⁷². (Roy, 43)

Armenians may also experience social exclusion through their religion. Since religion, Christianity, is seen as an indispensable part of the Armenian identity most of the time, as mentioned above, the unpleasant experiences linked to their religion are also shared in this context. Although there is no limitation against visiting churches as religious institutions, sometimes there can be hate speeches against Christians or members of any other non-Muslim religion. This often occurs by saying *gavur*⁷³. These kinds of confrontations either lead the person to be highly offended or cause them to leave the country permanently. What happened to Victoria (age 53)'s brother perhaps is the best example to this situation. Since he could not take hostile attitudes of other people against his religion any more, he left Turkey and move into another country:

“I have a brother. 30-40 years ago he said that he would leave. They [a soldier and he] had a fight during their military service, and they [other soldiers] said gavur to him [to my brother]. He could not stand it, they punched each other, they beat each other. My brother got a punishment. Then, when his service was done, he came and said that he would not stay here [in Turkey]. He said that he did not want to be called as gavur and left. There have been emigrations like this. It is [only] an example from my family.”⁷⁴ (Victoria, 53)

tezahürat yapıyor. Düşün; oradaki adamların düşüncesindeki küfür olarak kullandığı Ermeni aslında benim.”

⁷² Original:”Askerde, 2 bin kişinin arasında 'sen' dedi, 'kalk ayağa' dedi, 'gayrimüslim' dedi. Kaldırdı, 'sen bizi kestin' dedi. Düşün yani, kafanda canlandır. Askere gitmişim, hiç kaçmamışım, severek gitmişim ve koca assubay çıkyor diyor ki, sen, diyor, zamanında, diyor, gayrimüslimsin bizi kesmişsin, diyor. 2 bin kişinin arasında bir tek gayrimüslim benim, Ermeni benim. Komutanım, dedim, yok öyle bir şey ben bilmediğim bir konu hakkında sizle bunu paylaşamam, dedim. Artı, ben, dedim, Türk vatandaşım burada askerim. Yani, dedim, bana bunu sormayın.”

⁷³ It means unbeliever in a pejorative way. However, it is used for those who are non-Muslim to state that if someone is not a Muslim, this means that that person does not believe in God either.

⁷⁴ Original:”Abim var. Abim 30-40 sene önce ben, dedi, gidicem, dedi. Askerde kavga yapmış, gavur demişler. Bu da içine sindirememiş yumruk yumruğa girişmişler, birbirlerini güzel dövmüşler. Ceza almış abim. Ondan sonra askerden kalktı geldi. Ben, dedi, burada kalmayacağım, dedi. Ben bana gavur denilmesini istemiyorum, dedi, gitti. Buna benzer göçler oldu yani. Abim kendi ailemden bir örnek.”

Most of the Armenian youth also have this wish to leave the country. However, their will is not directly linked to their experiences related to their Armenian identity. Even if they are experiencing such things, their desire is stemming from the hopelessness towards the future of the country and the opportunities it can give. There is no denial that there are some cases which the Armenians in Turkey are socially excluded; however, these examples should be regarded in a broader framework, which implies that the nature of the society is not very inclusive towards the differences and not very tolerant to the demands of the youth.

4.2.5. Justice as (re)distribution

When justice is considered in terms of economic equality, there is no clear link between the Armenian identity and what interviewees understand by redistributive justice. Comments on redistributive justice vary among the Armenians living in Istanbul. Instead of thinking a connection between an ethnic identity and perceptions on economic inequality, in this context it makes more sense to connect thoughts on redistributive justice to the class. Mostly, Armenian interviewees who run their own businesses state that those who work more should earn more money; therefore, the distribution of income should be based on merit or labor. Those people further their argument with that; if the state does not discriminate against its citizens based on their identities, there will be no problem with respect to justice. The state should be refrained from any interference to its citizens.

On the other hand, the majority of Armenian interviewees thinks that the state has to be a welfare state; it is supposed to take care of its citizens. This is the primary duty of a state. However, still we are not talking about redistribution as equality. Rather, those people think that redistribution should be implemented according to a need principle; those who are in need should be taken care of. These Armenians who are for the welfare state are not talking about a system where everyone has equal resources or equal amount of income; rather, redistribution is seen more like a charity work. Victoria

(age 53), like most of the interviewees, underlines the importance of taking care of the poor. The state is obliged to provide the basic needs of its citizens:

“A person is supposed to get some support from the country she is living in. The state will either offer a job or will give 500 liras and say 'in return you are going to fix this'. If you [as the state] cannot find a job for them [those who are in need] or create something [for them to sustain their lives], then again your citizen will not be hungry”⁷⁵.

Although interviewees claim that the economic inequality in Turkey makes them uncomfortable and creates a sense of injustice for them, they do not state that it is discriminatory against some group of people on the basis of their identities. However, what is seen as unjust is the way the state works when it comes to collecting taxes and redistributing them back to the society. People do not trust the state institutions in terms of managing money and other resources. Selin (age 23) and Arman (age 38) while having different sexes, having different backgrounds and being at different ages share the same concern, that the state is not reliable. Therefore, Armenian interviewees do not want to give their money into the state or its institutions. The state cannot assure them by its acts that the taxes will be used for the well-being of the society:

“People have concerns about to whom this money goes, to where; therefore, this is where all these create a problem. You are giving high taxes, but people have the doubt whether this money goes where it is supposed to go. If there is no such doubt, then this logic of redistribution makes sense.”⁷⁶(Selin, 23)

“When there is so much theft, for sure there will be high taxes. I said this before, again we are coming to the same thing; the state is a thief. It is not only what we experience, everyone, it is doing to its own [citizens]...It [the state] is stealing.”⁷⁷ (Arman, 38)

⁷⁵ Original: “Hangi ülkenin sınırları içindeyse onun yardım olması lazım ya da iş sunulacak. Al kardeşim ben sana 500 lira veriyorum bunun karşılığında buraya bunun tamirini yapacaksın denilecek. Üş bulamıyorsan öyle bir rant sağlayamıyorsan da o zaman senin vatandaşın aç kalmayacak.”

⁷⁶ Original: ”Kime gidiyor, neye gidiyor kaygısı var o yüzden zaten bence asıl olay burada patlıyor. Şimdi yani sen devlete vergiyi çok daha fazla veriyorsun ama bu gerçekten gerekene gidiyor mu, bunun şüphesi var insanlarda. Onun şüphesi olmasa bence teoride çok doğru bir mantık.”

⁷⁷ Original: ”Zaten bu kadar hırsızlık varken vergi nasıl yüksek olmasın ki yani. İşte demin söyledim ya yani demin dediğime geliyoruz yani devlet zaten hırsız. Sadece bize yapılmış bir şey yok ki herkes, kendi şeyine de yapıyor aynı şeyi...Hırsızlık yapıyor yani.”

4.2.6. Justice as retribution and restoration

Last but not the least, Armenian interviewees were asked how it could be possible to achieve justice after a violation of a right or a crime; which mechanism they would prefer; retributive or restorative. When the crime or violation is an individual case, when the wrongdoing is directly related to an individual or the victim is an individual, then the ways of retributive justice seem more just to Armenian interviewees. In these cases, Armenian interviewees do not seek for restorative justice, because they think that it is not possible to restore the feeling of injustice. Restorative justice, on the other hand, is preferred in case of past atrocities where it is not possible to find the perpetrators any more or the perpetrator is not an individual.

Retributive justice is seen a way to hinder future wrongdoings or crimes. In that sense, it is regarded as a way of dissuasion and a way to prevent future crimes. However, the feeling of injustice is prevailing among Armenian interviewees because of the lack of punishment in Turkey. Especially, the cases of women murders, rapes, and the assassination of Hrant Dink are given as examples. Since the state or the judiciary in particular is expected to protect the security, impunity shakes the legitimacy of the state from the ground.

When it comes to restorative justice, for the 1915 *Meds Yeghern* in particular, apology, truth-telling, remembering are desired for the healing of the society in general and for Armenians in particular. For example, Roy (age 43) considers apology as a way of showing some respect to those people related to those events in one way or another and acknowledging their sufferings:

“Apologizing means to show respect to that particular people. When the head of a country apologizes to a minority, to a race, it feels like putting a scarf onto the shoulders [of those people] in the cold.”⁷⁸

From the above perspective, Armenian interviewees do not seek for a material

⁷⁸ Original: “Özür dilemek; o halka saygı göstermek demek. Bu ülkenin başı, bir ırktan, bir azınlığa özür diliyorum dediği zaman, o halkın üzerine soğukta bir şal atmış gibi olur.”

compensation, money or land. On the contrary, their main expectation by restorative justice is to lead the state to create trust within the society and to embrace Armenians as a people that have experienced wrongdoings. In that sense, in addition to an apology and remembering of the past events, the state should also name public places after victims and remove any signs or names which praise the perpetrators. Also, it is highly crucial that the authorities not to politicize the whole process or use it as a tool to acquire some interest. All acts should be implemented for the sake of the people whose rights were violated.

4.3. Injustice as a source of conflict

Considering the understanding of justice in different forms, among the Armenians in Turkey the experiences of injustice create the feeling of fear and uneasiness. Most of the time, the Armenians in Turkey share a fear that leads them to refrain from actively taking part in societal issues. However, this does not necessarily mean that every single Armenian thinks that she or he is discriminated against, exposed to some form of injustice. It is inevitable to see different cases among Armenians, because Armenians in Istanbul is not a homogenous population.

Although the feeling of injustice among Armenian interviewees is influenced by their ethnic identity, in general they do not perceive injustice directly on the basis of their ethnic identity. Rather, it is a feeling that the Armenians interviewees think that they share with the rest of the society. Also those Armenians who claim that they are discriminated against based on their ethnic identity think that there is no justice in Turkey in general. Armenian interviewees who see injustice in Turkey also predict that these forms of injustice will not be eliminated, because Turkey will never change for good when the topic comes to justice, equality and so on.

The discussion on justice explained above shows the fact that the feeling of injustice among Armenian interviewees is predominantly based on values instead of material things. What Armenian interviewees are looking for is not materially-based. In

that sense, it can be said that what they understand by justice is mostly based on social inclusion and procedural justice. The experiences that Armenian interviewees share with respect to injustice are mostly linked to these forms of justice. They are more sensible to the issues of social exclusion and procedural injustice in general in the discussion of justice.

4.4. Discussion

To sum up, when we look at the Armenians living in Istanbul, it can be seen that what they understand by justice is mostly influenced by their group identities. Although as the self-defined members of an ethnic group they do not link injustice directly to their ethnic identity, their identity leads them to share corresponding examples to their experiences. Since they were exposed to exclusion and extermination in the past, what they understand by justice is shaped accordingly. They are picking examples from these spheres of injustice.

The Armenian interviewees are more prone to see the forms of injustice stemming from social exclusion and procedural injustice. What they express as injustice or their examples of injustice can be categorized under these forms of injustice. It is very crucial to see the dynamics within this understanding. In other words, in addition to their experiences of injustice stemming from social exclusion and procedural injustice, we have to consider the fact that the lack of implementation of recognition reinforces the perceptions of these forms of injustice. Since the lack of implementation of recognition penetrates into the society and state institutions, social exclusion and procedural injustice become unavoidable for the Armenians in Istanbul or maybe Turkey. Therefore, when patterns of social exclusion and procedural injustice are taken into account, it is crucial to consider the fact that the lack of implementation of recognition is one of the reasons why these forms of injustice are this much strong.

On the other hand, Armenian interviewees do not necessarily see issues they are experiencing, they also see other group identities facing with similar things. Armenian

interviewees can extend the forms of injustice that they are experiencing to other identities who are also suffering from those. In other words, Armenian interviewees are more prone to see the forms of injustice stemming from social exclusion and procedural injustice, because their perspective is shaped accordingly. They are sensible when it comes to social exclusion and procedural injustice. However, this does mean that they only identify these forms of injustice with them.

The reason behind how and why the Armenian interviewees could extend their perspective to other identities -be ethnic, religious, sexual orientation, sex and the like- is the notion that the state is not welcoming to its citizens if they do not fit into the ideal citizen definition of the state. That is why for the Armenian interviewees, it is easier to sympathize with those who might be suffering as they do.

In conclusion, in order to understand the way the Armenians in Istanbul think, it is not necessary to look at the individual cases or statements. Rather, a holistic view is crucial to understand the societal dynamics within the Armenians in Istanbul and within the society in Turkey in general. Otherwise, it would not be possible to see what the Armenians in Istanbul understand by justice as a whole.

CHAPTER V | ANALYSIS: KURDS IN ISTANBUL

As in the earlier chapter, before starting to talk about what the Kurds living in Istanbul understand by justice through their current predicament, how they constructed their identity was asked to them. Although the results show that the ways through which the identity is constructed are not completely different from the Armenians' way of identity construction, there are some differences. Among other factors, also the population rate of the Kurdish people in Turkey, their religion, the intensity of the political mobilization and the concentration in a region have an impact on this identity construction.

5.1. Identity

The first element that has an indispensable impact on identity can be family. For all identity constructions this argument can be valid. However, for most of my Kurdish interviewees, the influence of family on the children is more powerful. Since family values have a huge impact on the individual in the Kurdish culture, cultural values practiced at home lead the children to embrace their Kurdish culture strongly. If the family members are relatively more traditional and emphasize their cultural values along with their religious values, then the attachment to the ethnic identity becomes more crucial for those members. The members of those families define their ethnic identity by Kurdish national values instead of seeing that ethnic identity as composed of cultural differences constructed over time.

In the process of identity construction religion plays an important role for most of the Kurdish interviewees. Families who hold the Sunni sect of Islam are most of the

time more nationalist than families who are Alawite, or who are not religious at all. In that sense, there is a relation between the religiosity of the family and how they see their ethnic identity. Among the interviewees, the Sunni sect of Islam leads the family to be more conservative and nationalist. These elements are strengthening each other, if the family does not give up on one. On the other hand, it is also possible to find some cases where religion is used to cover up the Kurdish identity. Especially, families who want to refrain from any conflict with the state prefer to embrace their religious identity. In this way, they think that they can prevent their children from involving any form of political activism. Since children who are not religious at all might end up in a socialist organization, religious commitment can be used to handle with this situation for some Kurdish families.

On the other hand, if the impact of Sunni Islam is weak on the child or the child does not maintain her or his traditional values, then Kurdishness is defined as culture, daily practices or language in particular among the interviewees. These people do not see Kurdishness as a race. They think that ethnicity *par excellence* does not mean anything at all. However, they prefer to use the concept of ethnic identity as a tool to understand the suppressive nation state phenomenon. Therefore, they embrace it to fight against that suppression without a nationalist tendency. For example; Ali⁷⁹ (age 25), who is defining his identity as socialist, states that Kurdishness is important to him in the sense that it is an area where he can criticize nation-state ideology and its ideal citizen:

*"My Kurdishness is a Kurdishness as being suppressed [by the state]. In other words, if I am Kurdish, I see myself as a part of a suppressed people [whose ethnic identity is ignored by the state] and in the category of the suppressed, ideologically. Therefore, for me embracing Kurdishness, in fact, is like embracing my [socialist] ideas."*⁸⁰

In that sense, the Kurdish identity can be regarded as a mean to comprehend the dynamics of the struggle between the state and its citizens. It is considered a part of their leftist ideology against the Turkish nation state which emphasizes its national

⁷⁹ All names in this chapter are pseudonyms.

⁸⁰ Original: "Benim Kürtlüğüm bir ezilmişlik olarak Kürtlük. Yani Kurtsem eğer kendimi bir ezilmiş olarak görüyorum ve ezilenler sınıfında görüyorum ideolojik anlamda. Dolayısıyla benim Kürtlüğe sahip çıkmam aslında kendi fikirlerime sahip çıkmak gibi geliyor bana."

values through its apparatuses. That is why this kind of approach is seen in people who detach themselves from traditional-conservative values, because this detachment can create a space for them where they can understand these dynamics and express themselves.

However, seeing the Kurdish identity as a cultural construction, is not only a part of an ideology whose struggle is against the dominant state *par excellence*. Those interviewees who are not followers of a leftist ideology claim that although they prefer to be seen solely as human, free from all identities, at some point they are forced to embrace that identity as a result of the reactions against them. Murat (age 22) who is a university student states that although he does not need to define himself as Kurdish in his daily life in Istanbul, the attitude of the state against Kurds puts him in a position to defend his Kurdishness. Consequently, this need to defend one's identity strengthens the attachment to that identity:

*"For instance, when someone does not respect your identity or start to exclude you [from the society, from themselves], like you are different, you have to do it, you need [to embrace that particular identity]...After that point [defining your identity] becomes necessary."*⁸¹

In that sense, the state policies produce a need for some people to embrace their ethnicity. Otherwise, they feel that they are going to lose their basic essentials, the language in particular. These people are not defining themselves as Kurdish because their ethnic identity means a lot to them but because they are marginalized by the state. For Dilan (age 21) who is also a university student, the assimilation and denial policies of the state create a need for her to define her ethnic identity:

"[The identity construction] proceeds like this in the psychology of the suppressed peoples; you are marginalized [by the state]. It is shown who you are by the super ego of the society, by their common understanding. You do not individually differentiate yourself. On the contrary, the "powerful" system is introducing your identity by marginalizing you. [The state] shows who you are, it shows the point that you should stop. That is why we learn

⁸¹ Original: "Birileri mesela kimliğinize saygı duymadığı zaman veya sizi farklı bir şeymiş gibi yani kendilerinden ayırt etmeye başladıkları anda..buna bazen mecburiyet duyabiliyorsun, gerek duyabiliyorsun, o noktadan sonra bana önemli gelir."

that we are different, we are separate. ”⁸²

In addition to the above feeling which is produced by the state apparatuses, the construction of the identity can also be based on an intellectual ground for some educated Kurdish interviewees. Students who are moving into Istanbul to study or those entering into new circles of friends develop awareness, a group consciousness by reading some new materials about history and the dynamics of nation-building. In these cases, the discussion based on identity is not limited to their Kurdishness but a general view about politics in Turkey. That is why they are able to see from a broader framework and come with different examples from the history of Turkish Republic, in addition to talking about the violations against the Kurdish people.

For Kurdish interviewees, it is also possible to develop group awareness by confronting identity-based differences within the society. Mehmet Ali (age 36) who came to Istanbul from Mardin to study law developed an awareness about his Kurdishness by entering into new circles different from his.

“Coming to Istanbul, starting university [changed my perspective]... Since everyone in your hometown is like you, you are not aware [of the fact that you are Kurdish]. Or even if you are aware of it, it does not come into prominence inside you. But after you come to Istanbul, you meet groups different from you. Unavoidably, yours becomes explicit. You realize some things, you question some things better. You are starting to question why it is like this, why this is not like that.”⁸³

Whereas universities are the places where the identity is rediscovered or the places where the questioning starts through intellectual means, in high schools or elementary schools Kurdish children discover their identity through the discrimination that they are facing in their daily lives. In that discrimination, the national oath plays a

⁸² Original: “Bu ezilen halkların psikolojisinde şu şekilde ilerliyor; sen ötekileştiriliyorsun. Toplumun süper egosu tarafından, genelgeçerlilikleri tarafından sana kim olduğun gösteriliyor aslında. Sen bireysel anlamda bir anlaşmaya girmiyorsun. Aksine “güçlü” sistem seni ötekileştirek sana kimliğini aslında “tanıtıyor”. Sana kim olduğunu aslında gösteriyor, durman gereği noktayı gösteriyor. Onun için biz öğreniyoruz tabii ki; biz farklıyız, ayriyız.”

⁸³ Original: “İstanbul'a gelişim, üniversiteye başlamam. Memlekette zaten herkes senin gibi olduğu için çok onun farkında değilsin. Ya da farkındaysan bile senin içinde çok önplana çıkmıyor. Ama İstanbul'a geldikten sonra senin dışında başka gruplarla tanışıyorsun. İster istemez seninki sende biraz daha belirgin hale geliyor, bir şeylerin farkında varıyorsun, bir şeylerin daha iyi sorguluyorsun. Neden bu böyle, neden bu böyle değil sorgulamaya başlıyorsun.”

crucial role⁸⁴. The non-Turkish students feel uncomfortable with reading the oath, if they could develop a sense of identity in their early school years. It can hurt their feeling of belonging from the very beginning of their school years. Murat (age 22) is only one example of those who feel uneasy by taking an oath every day because they are forced to claim that they are Turkish by this oath:

*"I could read [the oath] very comfortably during my elementary school years. Then slowly, when I started the middle school, for example on the 6th grade I remember, we were making fun of it because you were expected to be proud of an identity which was not yours and this seemed so ridiculous. We were mocking when reading it. For sure, while we were reading it, our teachers and principal who were also Kurdish were reprimanding us, if we made fun of it. And sometimes this reprimand might even go to beating."*⁸⁵

The oath is not the only thing which creates uneasiness for the non-Turkish students. Also, their experiences in the classrooms and their relationships with their teachers create the same impact on the students. Some Kurdish students may feel excluded and discriminated against. Sometimes the tension may even go further and take a more visible form. Salih (age 35) who spent his high school years in Konya suffered from an obvious discrimination against Kurdish students in his classroom: *"When I was going to high school, I studied in a small Anatolian township. Kurdish children sat on the side of the wall and Turkish children on the side of the windows."*⁸⁶ We cannot know how many teachers are separating their students in one classroom like that or what the motivation behind it is. It is also hard to say whether this is a policy of the school or the preference of the teacher. Some might say that these are individual cases and cannot be generalized to the whole system. However, it is obvious that there are some people who hold and implement this idea. Eventually, this kind of experiences that the students are faced with influence how they see Turkishness, Kurdishness or any ethnic identity related topic and shape their identity constructions.

⁸⁴ The national oath emphasizes Turkishness and the Turkish identity. It starts like this; "I am Turk, I am right, I am hardworking.." and continues; "Let my existence be a gift to the Turkish existence."

⁸⁵ Original: "İlkokulda rahatça okuyabiliyordum. Sonra ortaokula gelince yavaş yavaş, mesela 6. sınıfta, hatırlıyorum biz andımızla dalga geçerdik çünkü senin olmayan bir kimliğin üzerinden senin gurur duyman bekleniyor ve bu çok saçma geliyor. Biz tiye alıyoruz okurken. Tabii okurken aynı zamanda Kürt olan öğretmenlerimiz ve müdürlere tarafından tiye aldığımızda azarlanıyoruz. Bu bazen dayağı kadar gidebiliyordu."

⁸⁶ Original: "Mesela ben liseye giderken küçük bir Anadolu ilçesinde lise okudum. Kürt çocuklar duvar tarafında oturur, Türk çocuklar pencere tarafında otururdu."

The teaching materials in public schools which are the outcomes of the national education policy have no space for the history of the Kurdish people or other peoples in general. If not during their elementary school years, during their high school years most of the Kurdish students start questioning the official history-telling in their curriculum. Bejna Elif (age 24) who clearly states her desire to study her own nation's history has been highly offended by the fact that there was no mention of Kurds in the history books when she was going to high school. Therefore, she said she needed to express herself one day in one of the history classes:

"There is no mention about Kurds when they are talking about the lands of Kurdistan⁸⁷ which they name it as East Anatolia, South Anatolia. As if there have always been Turks to be talked about. As if there was no human being before 1071 Malazgirt, as if there were no people up to Erzurum, only mountains. Alparslan came and discovered that place. As if there was no society, no civilization, no nothing [before]."⁸⁸

It is worth to mention here that the Turkish national history is criticized from two different perspectives by my interviewees. Whereas some of them criticize all national history policies and regard them as part of the history-writing of nation states, some of them only criticize it because it is only focusing on the Turkish history and not mentioning Kurdish. In that sense, the latter is not against national history-telling, they would just prefer to study theirs. The above quotation exemplifies it. However, it is also possible to hear from Kurds that history-telling from the perspectives of the states would always be problematic. States always manipulate history like in the case of the Turkish nation-state.

The construction of the Kurdish identity does not only occur through the tension between the student and the teacher or the student and the education system. The identity can also be produced by the attitudes of other students. The child who is not aware that his identity can be problematic for some parts of the society starts to face

⁸⁷ Throughout the text, Kurdistan refers to an unrecognized region where the population of the cities are highly Kurdish.

⁸⁸ Original: "Doğu Anadolu, Güney Anadolu diye adlandırdıkları Kürtistan topraklarında hiç Kürtlerden bahsedilmıyor. Sanki sürekli orada Türkler konuşmuş. Malazgirt 1071'den önce sanki orada hiç insan yokmuş, sanki Erzurum'a kadar orada hiç insan yokmuş orası sürekli dağılmış. Alparslan gelmiş orayı keşfetmiş gibi. Hiç orada bir toplum, bir medeniyet, hiçbir şey yokmuş gibi."

with this fact, when other students remind it. Thereby, those Kurdish students are forced to find ways to maintain their existence in that particular context; it becomes a survival mechanism to fit into the surrounding. For instance; Ayhan (age 35), who studied in a city where the rate of the Turkish population was high and the city was known with its nationalist tendency, had some hardships in the school regarding to his Kurdish identity. In order to safeguard himself, he tried to cover his ethnic identity by highlighting his appreciated qualities:

“Erzurum started to be claimed as one of the nationalist-fascist centers and I studied my elementary school in such a place. It created a huge trauma on me. I was at the village till I was 5-year-old. After you are 5, you are going to the city center and you are the only Kurd in a school where there are at least one thousand students. Then, when I passed to second grade, my uncle came, who was one year younger than me. We are two [Kurdish] people, at that school we are two. You need to define a strategy, in order to bring yourself into existence among these children, you need a strategy. My uncle was very quarrelsome, in that way he called into being, protected himself. For me, I was one of the hardworking students at school. This was how I created myself. In some way, you have to find a way to protect yourself; otherwise, they crush you very hard.”⁸⁹

Even if a person does not emphasize his ethnicity or he is not well-aware of it, the identity can be taught by external sources through conflicts. Whereas on the one hand the teaching process brings about the production of the identity, it can also cause the strengthening of the attachment to that identity. The person who rediscovers his identity in a different context can get politicized and involve into some form of political activism. The daily conflicts result in that individual to be politically active, since the pressure coming from outside, from a different ethnicity, can constitute a need to create an in-group based on the ethnic identity. Mehmet Ali (age 36) who mentioned above that he got awareness through encountering with other people stated here that the exclusion by other students led him to form his own group based on the characteristic they were excluded for:

⁸⁹ Original: “Erzurum, milliyetçi-faşist merkezlerden biri olarak anılmaya başlandı ve ben böyle bir yerde ilkokulu okudum. Bu bende çok büyük bir travma yarattı. 5 yaşına kadar köydeydim. 5 yaşından sonra şehir merkezine gidiyorsun ve en az bin tane öğrencinin olduğu okulda tek Kürt sensin. Daha sonra ben 2. sınıfı geçince benden bir yaşı küçük amcam vardı, o geldi. 2 kişiyiz, okulda 2 kişiyiz. Bir strateji belirlemen gerekiyor, bu çocukların arasında kendini var edebilmenin bir stratejisini belirlemen gerekiyor. Amcam çok kavgacıydı, o şekilde kendini var etti, korudu. Ben de okulun en çalışkan öğrencilerinden biriydim, ben de o şekilde kendimi var ettim. Bir şekilde orada kendini korumaya alman gerekiyor, yoksa çok kötü ezecekler seni.”

*"I felt when I was a freshman, at the dorm in particular, that my classmates stayed away from me. Although I had nothing to be afraid of, although I was not involved into a political group, they stayed away from me and were sincere to each other... I clearly felt that there was a de facto discrimination going on. That is why we as Kurds came together and did stuff among us. It was not something planned but was happening spontaneously."*⁹⁰

As mentioned earlier once again, even if the person does not want to define himself through his ethnic identity, the experiences like the above example can force him to do so. This process can be explained through different examples and experiences. Since each person has a different story, the ways that they develop a group consciousness based on their ethnic identity vary. However, in each case experiencing such things leads Kurds to create group consciousness, if not involving into a political organization to express themselves clearly.

On the other hand, since some families feel uneasy about the politicization and active involvement in politics, they try to hide their ethnic identity and prevent their children's attachment to it. Undoubtedly, the preference to hide one's identity is influenced by many factors; the region that one dwells in, the city dynamics one is exposed to or the circles which the family interacts with. If the family lives in a city where the rate of the Kurdish population is high, they do not need to hide their Kurdish identity, simply because either they do not feel insecure or it is impossible to do so. However, in cities where the population is mixed or Turks is dominating the city with a hostile attitude, then the families try to protect their children by lessening their visibility. Şoreş (age 27), who was born in Istanbul and whose family did not teach their children Kurdish cultural codes to prevent any possible exclusion or hardship that their children would possibly experience, is one such case:

"Especially my grandmother and family elders raised us away from our Kurdish identity. Since my aunt's husband was in the organization, they scared us of that identity. My aunt tried to raise her children more liberal, more apolitical. In some way, our Kurdish identity was hidden from us. In

⁹⁰ Original: "Ben üniversite birinci sınıfta, yurta özellikle, benim sınıf arkadaşımın benden uzak durduğunu yani bir şeyimin olmamasına rağmen ki ben o zaman siyasi bir grubun içerisinde de değildim, uzak durduğunu kendi aralarında samimi olduğunu.. Yani fiili bir dışlanma olduğunu çok net hissediyordum. Öyle olunca biz de benim gibi başka Kürtlerle bir araya gelip birlikte sosyal bir şeyler yapıyorduk. Bu planlı bir şey değildi, kendiliğinden oluyordu."

this way, slowly we entered into an assimilation process. First they quit speaking the language; the language was forgotten in our generation. But now, this is the moment when I feel completely Kurdish [because now I can understand the whole assimilation process and so on]. ”⁹¹

Although this can be the case for the families who live in Istanbul or cities without a dominant Kurdish population, for families who live in the Kurdish cities, it is almost impossible not to use the language or hide the cultural codes of that identity from their children. The parents may try to lessen the feeling of being Kurdish or try to replace it with something else, such as religion. However, again when the child grows up, it is very possible for that child to connect to that identity.

Apart from the family or their attitude towards the ethnic identity, the child can develop another understanding towards his or her ethnic identity. It is likely that a person in his childhood may choose to hide the identity from his friends, because he feels uncomfortable or insecure with that identity. This result can be stemming both from peer pressure and systematic denial at schools against Kurds. The desire to conceal one's identity sometimes can even go further and lead the child to deny it completely. However, in either case where the child embraces the identity due to his daily life experiences, or he tries to deny it first, but at the end he acknowledges that ethnic identity and establishes a bond. The process of acceptance or denial ends up with the embracement of that particular identity. However, the degree of this embracement can be different from context to context.

Even if the identity construction results in claiming one's Kurdish identity publicly, problems attached to it may emerge. Due to external pressures or the lack of recognition, the person may lose the cultural codes, language or any value that helps him to define himself as Kurdish. For example Şoreş (age 27) claims that he is suffering from a lack of belonging because he does not find a place for himself in any identity. Since he was born in Istanbul and does not speak Kurdish, he is not acknowledged as Kurdish by his townsmen back in the village. Since he defined himself as Kurdish, he is

⁹¹ Original: “Özellikle babaannem ve aile büyükleri bizi Kürt kimliğimizden uzak yetiştirdiler. Eniștem örgütün içinde olduğu için bizi o kimlikten korkuttular. Halam çocukların daha liberal daha apolitik yetiştirmeye çalıştı. Bizden sürekli Kürt kimliğimiz bir şekilde gizlendi. Böylece yavaş yavaş bir asimilasyon sürecinin içine girdik. Önce dil konuşulmadı, bizim kuşağımızda dil unutuldu. Ama aslında tam da şimdi kendimi bir Kurt olarak hissediyorum”

not welcomed by the dominant majority of the society. “*Today when I go to my hometown, I cannot speak Kurdish at my own village with my relatives. We are “the other” on both sides. When we go to Kurdistan, we are those who do not know the language. A general state of “otherness”, like refugees*”⁹². Since language is an indispensable part of the ethnic identity, it plays a crucial role in self-definition and belonging. Therefore, the lack of it creates an irreparable harm and trauma on that particular person with respect to his feeling of belonging.

In other words, the policies of the state; the education system; the pressure within the society; the efforts to hide or deny the identity are not successful in destroying the identity construction of Kurds. On the contrary, these strengthen the intensity of the process of identity construction. It does not matter if identity construction starts with nationalist tendencies or with a struggle against the suppression. In either case, it creates its own reasons to develop a group consciousness. These reasons create its own context where the understanding of justice is shaped. That is why the identity construction is important to comprehend how this understanding is formed.

5.2. Justice

When justice is taken from a broader perspective, the Kurdish interviewees claim that justice means to be treated equally. The equality means here being free from any pressure, any form of power or any hierarchy among groups. It is a space where all identities or preferences can be practiced freely, where people can actualize or fulfill their needs and desires. Additionally, they also raise the equality of outcome with respect to resources. In that sense, for the Kurdish interviewees justice is not only an implicit phenomenon, it is also the equal distribution of resources. Whereas in this understanding it seems like that they are asking for a mechanism to adjust the processes, they argue that the state is supposed to be refrained from any interference, except granting funds for the implementation of services. The reason behind this argumentation is that because most of the time the Turkish State is seen as illegitimate and not capable

⁹² Original: “Bugün memlekete gitsem, kendi köyümde Kürtçe konuşamam kendi öz akrabalarımla. İki tarafta da öteki olduk. Kurdistan'a gittiğimizde dil bilmeyen adamız. Genel ötekilik, mülteci gibiyiz.”

of distributing justice. That is why their understanding of justice broadly is conflicting with the idea of the state. However, there are still some services for Kurdish interviewees that the state is supposed to provide. By looking at the sub-categories of justice, it is possible to see this deliberation.

5.2.1. Justice as recognition

Starting the detailed discussion of justice as recognition reveals the fact that for Kurdish interviewees, except for the official national identity based on the synthesis of Turkishness and the Sunni sect of Islam, no identity is recognized. Kurdish interviewees regard the attitude of the state in terms of recognition as the consequence of the nation-state model. Nation states work in this way; creating a national identity and ignoring the others. It is the way how states sustain their entity and power.

Although the power changed hands in the Turkish state governance with the AKP elected office in 2002, the situation with respect to legal recognition did not seem to have changed at all. It is commonly believed that each government is promoting its own ideology by using the state apparatuses; however, what they understand by the national identity is not altered so far. Murat (age 22) perfectly reflects here the prevailing idea of Kurdish interviewees. According to him, each government creates its own cadres to ensure its sustainability. However, they sacrifice the well-being of its citizens at the expense of their supporters. This eventually damages the functioning of the democracy:

*"I honestly [think] that the anti-democratic countries, like Turkey, position themselves away from almost all classes [referring to identities]; the government is changing in every 10-15 years and with the new government these power holders are creating their own class and they are flattering, favoring this class. We see that [the government] is favoring this class."*⁹³

According to Kurdish interviewees, the state or the government is not neutral to

⁹³ Original: "Ben aslında yani Türkiye gibi gerçekten demokratik ülkelerin hemen hemen bütün sınıflara uzak olduğunu ve her neredeyse 10-15 yılda bir iktidarın el değiştirdiğini ve her yeni iktidarla birlikte bu iktidarın kendi sınıfını yarattığını ve bu sınıfı pohpohladığını kayırdığını düşünüyorum. Bu grubu kayırdığını görüyoruz."

the identities in the country. On the contrary, whenever the power holders are altered, they are producing their own ideology by giving the unofficial definition of the desirable citizen. Therefore, the recognition does not go further beyond the domination of one identity over the others.

Power struggle may determine who is dominating in that particular period of time. However, the national identity based on the Turkish-Sunni synthesis stays solid despite of the changing dynamics within the country. Most obvious proof of that is the citizenship definition in the current constitution. The Turkish constitution is not seen as legitimate by Kurdish interviewees, because it is ignoring the existence of ethnic identities or other identities such as LGBTIs⁹⁴. Although it is possible to encounter indications of other peoples in the discourse of political authorities, they can barely be counted as recognition. Ethnic identities are accepted as folkloric richness rather than a recognized legal status.

Being deprived of a legal status harms the feeling of belonging and creates some ontological problems for that particular person or identity group. That person or group does not only feel that the state does not embrace them, but they also feel ignored and pushed to the margins. The statement of Şoreş (age 27) is a good example of this argument. He states that the lack of recognition means ignoring one's existence. Therefore, the acknowledgment by others is necessary for one to come into existence:

“[Recognition] is the ground for a human or an individual to come into existence, to exist as an individual. It is important to recognize the identity which one defines herself through. If I do not recognize your identity, the identity you define for yourself, it means you do not exist. It means I do not recognize you. If I am the state, it means I do not count your existence, I deny it.”⁹⁵

The lack of recognition does not only constitute psychological handicaps, it also leads some practical deficiency for Kurds. Kurdish interviewees argue that the

⁹⁴ Abbreviation for lesbian, gay, bisexual, trans and intersex.

⁹⁵ Original: “İnsanın kişisel varlığının, birey olarak var olmasının nedeni. İnsanın kendini var ettiği kimlik üzerinden tanınması önemli zaten. Eğer ben senin kimliğini, senin kendini tanımladığın kimliği tanıtmazsam sen yoksun demektir. Ben seni tanıtmıyorum demektir. Eğer ben devletsem senin varlığını saymıyorum, senin varlığını inkar ediyorum demektir.”

sustainability of their culture is impeded as a result of the lack of recognition and the deprivation of the opportunities stemming from this recognition. Deniz (age 18), who is a high school student and living in Bağcılar where the rate of the Kurdish population is relatively higher, states that since there is no recognition of Kurds, there is no mention about them in the school books either. For her, the lack of recognition deprives her of learning the Kurdish history and of speaking her mother tongue:

“A Turkish child can speak her own language, express herself, and study her own conception of history. This is highly important. They can listen to their own music, but we cannot. Maybe in books they tell something about our folk dance, but why isn't my history there? Why is there no mention about the Kurdish history, while they are telling that of the Turks?”⁹⁶

The interviewees do not demand the opportunities stemming from recognition only for Kurds. They claim that each identity, be an ethnic identity or not, should be granted the bases on which it can maintain its norms. Otherwise, this situation inclines to the violation of some rights. In the case of Kurds, the issue of language is raised as the most prominent one. Every time they hit the barrier of language either within the society or within the state institutions because of the denial of their identity.

Kurdish interviewees further the discussion by saying that although for some identities that have the minority status the situation seems different, they are also suffering from the same problems. Minority schools where some particular ethnic identities are allowed to learn their own language are not what Kurds are asking for. These schools are considered as the mechanisms where the state produces its own desirable citizens, where it disciplines them. That is why Kurdish interviewees are expecting the opportunities stemming from recognition are managed according to the will of that particular identity group. The state is supposed to grant the basis, the fund for the services but the decisions of how these services are organized and run should be left to whom they concern.

When the discussion comes to whether Kurds are recognized or how they are

⁹⁶ Original: “Türk çocuğu kendi dilinde konuşabiliyor, kendini ifade edebiliyor, kendi tarihini görebiliyor. Ne kadar önemli bir şey. Kendi müziğini görüyor mesela. Ama ben kendim göremiyorum işte kitaplarda belki halay şuydu buydu anlatılıyor ama benim tarihim neden yok. Neden Türk tarihi anlatılırken bir de Kürt tarihi yok.”

recognized in Turkey, interviewees argue that even if the state always acknowledges the existence of Kurds in its internal correspondence, they are acting the other way around when it comes to public recognition. Until very recently, the political authorities were denying the Kurdish history and culture, if not their existence. Nurcan (age 19) who came to Istanbul to study reflects that political authorities do not hesitate to deny the existence of Kurds and their history:

*"There are some people who think that we, Kurds, do not exist. An AKP member of the parliament, or a MHP member of the parliament says that Kurds do not exist; they say that we [Kurds] make [Kurdishness] up. There is no such thing as Kurds, Kurdish history. We are lying [according to them]. They are defending that even some books written on this [subject] are also a lie."*⁹⁷

The argument that Kurds do not exist is not valid any more in Turkish politics as a common understanding. Starting with the democratization process and continuing with the so-called peace process, it is almost impossible to deny the existence of Kurds in Turkey. However, the problem starts here again. For Kurdish interviewees, verbal recognition is not a legitimate recognition. It does not mean anything to Kurdish interviewees as long as Kurds do not have a legal status through which rights stemming from their group identity are ensured. Servet (age 41) who puts his socialist point of view into prominence shares his discomfort about this subject. He argues that in order to talk about equality in practice, legal status of identities and their acknowledgment before the law have to be provided first.

*"There is no tangible correspondence [to that recognition]. I mean saying 'in this country, yes, there are Kurds' is a different thing; saying 'the existence of Kurds should be ensured through their rights or what they own' is a different thing. It is not a satisfactory answer to superficially say that we are all brothers and sisters, as tight as a tick, Kurds do exist. Or this approach is not a satisfactory situation. In that way, in an abstract sense, Kurds are recognized, but when it comes to freedom and rights, there is a total denial or even a Turkification of them."*⁹⁸

⁹⁷ Original: "Bizim, Kürtlerin var olmadığını düşünen insanlar var. Bir AKP milletvekili, bir MHP milletvekili Kürtlerin var olmadığını söylüyor. Yani diyor ki siz kendi kafanızdan uydurdunuz. Kürtler, Kurt tarihi diye hiçbir şey yok. Tamamen yalan söylüyorsunuz. Bu konuda yazılmış kitapların bir kısmının bile yalan olduğunu savunan insanlar var."

⁹⁸ Original: "Somut ifadesi karşılığını bulmuyor. Yani bu ülkede evet Kürtler var demek başka bir şey, evet bu ülkede Kürtlerin varlığı haklarıyla ya da sahip olacakları şeylerle olmalıdır demek farklı bir şey. Üstünkörü evet bu ülkede hepimiz kardeşiz, etle tırmak gibiyiz, Kürtler de vardır demek çok tatmin edici bir cevap değil bence. Ya da böyle bir yaklaşım da çok tatmin edici bir

Also the role of the PKK⁹⁹ with respect to recognition of the Kurdish people is not underestimated in changing the attitude of the state towards this issue. The PKK is seen as an important figure in forcing the state to settle or at least to initiate the discussion of some things with respect to the Kurdish existence. On the other hand, before the democratization process or resolution process, it would not be wrong to say that there was, and maybe still is, an “exclusive recognition”¹⁰⁰ towards Kurds. The recognition of Kurds is derived from the prohibitions, or the rights that they cannot enjoy, such as the ban on the Kurdish language. Salih (age 35) who is LGBTI activist compares two identities without a legal status; Kurds and LGBTIs. He explains that although it is possible to see indications of the existence of Kurds by looking at the restrictions put against them, there is no way that one can find any sign showing the existence of LGBTIs in state institutions or laws. The state behaves like there is no such thing:

“In fact, Kurds are recognized legally, on some points. You can talk of their existence. At least the prohibitions are set against their existence. They are recognized reversely. For instance, the LGBTIs are not, they do not exist, they have no rights.”¹⁰¹

In addition to the aforementioned discussion, another hot topic that can always find a place within the recognition deliberation is the recognition of LGBTIs. Although the recognition of the LGBTIs are denied and they are deprived of any opportunity by alleging that they are against the societal values, my interviewees either be conservative or democrat acknowledge the injustice in this situation. They are uneasy with the fact that the state acts like some groups do not exist at all. In that sense, their lack of recognition helps them to understand other identities who are suffering from the lack of

durum değildir. O anlamda soyut anlamda evet, Kürtler tanınıyor ama haklar ve özgürlükler meselesine geldiğinde tamamen bir reddedilir var. Hatta işte bir Türkleştirme var.”

⁹⁹ Abbreviation for Partiya Karkerê Kurdistan (Kurdistan Workers' Party).

¹⁰⁰ Saracoglu, C. (2009). ‘Exclusive recognition’: the new dimensions of the question of ethnicity and nationalism in Turkey. *Ethnic and Racial Studies*, 32(4), 640-658. By exclusive recognition, he means that Kurds are recognized through exclusion and discrimination that they are experiencing. However, unlike Saracoglu who looks at the societal dynamics, here I argue that the state sets some prohibitions against the Kurdish identity; thereby, it in a way recognizes them.

¹⁰¹ Original: “Kürtler yasal olarak tanınırlar aslında, belli noktalarda tanınırlar. Varlıklarından söz edilir. En azından yasaklar zaten onların varlığına karşı konmuştur, tersinden tanınırlar. Mesela LGBTİler tanınmaz, yokturlar. Hiçbir hakları yoktur.”

recognition.

As mentioned earlier, Kurdish interviewees are complaining of the fact that the preferences of people are not the concern of the state. Also, whenever the state interferes into this kind of an issue, they think that injustice is inevitable, because the state always pursues its own interests. The only thing the state is expected to do, according to Kurdish interviewees, is to acknowledge the existence of each particular identity and provide the basis it to be flourished.

5.2.2. Justice as rights

It is obvious that within the discussion of justice it is very difficult to separate the spheres of recognition and rights. They are tightly connected to each other and they give birth to one another. Although injustice as rights were touched upon above slightly when we were talking about the results of recognition, it is still worth reviewing here how justice is regarded from the perspective of rights in Turkey and what Kurdish interviewees raise as prominent issues with respect to this topic.

When rights are regarded as what is given in exchange of duties and responsibilities, Kurdish interviewees emphasize the gap between what is given and what is taken in response. Although all citizens in Turkey have the same obligations towards the state, they do not have the same rights. The rights are defined according to needs of one dominant group or identity. Salih (age 35) discusses the tendency of the state to deprive the rights of those citizens who stay outside of the dominant norms of the state and society. In that sense, LGBTIs are deprived of some rights by being alleged that they do not fit into the social norms. However, as Salih states, law is not something that should go in accordance with the moral norms of a group. It has to be free from such things simply because those who are stigmatized are not exempt from the obligations or duties towards the state:

“The responsibilities of the state towards its subjects should be equal to their obligations towards the state. I am not paying less tax because I am

immoral; I am paying as much as others do. However, I am enjoying the opportunities which the state creates less than others.”¹⁰²

It is worth here to reconsider the citizenship definition in the constitution once again. In addition to the fact that this definition creates a problem with respect to recognition, it also problematizes the legal status of ethnic minorities, even though some of them are recognized by a treaty. In that sense, the constitution is the first point which implies that the rights are defined according to one ethnic identity. Therefore, some groups are going to be deprived of some rights based on their identities. A history master student, Ayhan (age 35) attracts attention to historical facts. It is not only the problem of the constitution *per se*, but also the grounds which the Turkish State leans on imply a domination of Turkishness. This, from the very start, creates an inequality and impartiality:

*“You are going to arrange the definition [of citizenship] in a way that no one can understand that a Turk, a Muslim is the dominant one. The status of an Alawite will be equal to the status of a Muslim. The status of a Kurd will be equal to the status of a Turk. The status of an Armenian will be equal to the status of a Turk. You have to find a definition in law, in the constitution where everyone is equal. This is very difficult in Turkey. Even the name of the country is Turkey.”*¹⁰³

The problem in the domain of recognition is carried into more solid grounds here. Since there is no acknowledgment towards other needs, the opportunities which the state can offer stay limited and are enjoyed only by the ideal citizen that the state creates as a concept. Even the crimes and offenses are defined according to this conception. Since those who are outside of this ideal citizen concept are regarded as threats to the integrity of the state, the acts which criticize or try to change this conception are counted as crime or offense. The rule-of-law is constituted with the aim of protecting and promoting the status of the ideal citizen of the state.

¹⁰² Original: “Kişilerin devlete olan yükümlülükleri ne kadar eşitse, devletin de onlara olan yükümlülükleri o kadar eşit olmalı. Ben ahılsız biri olduğum için daha az vergi ödemiyorum, herkesle eşit oranda ödüyorum. Ama o devletin yarattığı olanaklardan eksil yararlanıyorum diğer bireylere göre.”

¹⁰³ Original: “Vatandaşlık tanımını sen öyle bir yapacaksın ki oradan bir Türk’ün bir Müslüman’ın mutlak hakim olduğu anlayışı çıkmayacak hiçbir şekilde. Bir Alevi neyse, bir Müslüman da o olacak. Bir Kurt neyse, bir Türk o olacak. Bir Ermeni neyse, bir Türk o olacak. Böyle herkesin eşit olabileceği bir tanım bulman gerekiyor senin hukukta, anayasada. Bu da Türkiye’de çok zor hani devletin ismi bir kere Türkiye.”

According to Kurdish interviewees, it is not possible to talk about freedom of expression in Turkey. Whereas there is no implementation concerning hate speeches against ethnic identities, religious identities, sexual orientations, women and likewise, even a critique to Turkishness or Islam¹⁰⁴ is regarded as a criminal act and prosecuted by the penal courts. However, when there is a critique to the dominant ideology of the state, the same logic does not apply. The state favors its ideology by the means of rule-of-law.

Besides that, a couple of important examples can be mentioned here. Gay marriages are not legal. *Cemeveleri*, Alawite religious institutions, are not able to use the rights that other religious institutions can enjoy. They do not have the status to be a religious institution. Until very recently, it was not possible for the covered women to enter into public institutions, universities included. It is possible to multiply the examples; however, those are the most salient ones that come up during the conversations simply because they are the burning issues.

In particular, what the interviewees are passionately talking about when the discussion comes to the sphere of rights is obviously the use of language. Although the right to speak one's mother tongue is one of the basic rights, there have been serious problems for the use of Kurdish language¹⁰⁵ in Turkey. The use of Kurdish language is not prohibited in public any more. However, the use of it is still not possible in the state institutions in general and schools in particular. Ali (age 25) who learned Turkish only after he started elementary school states that it is a huge handicap for non-Turkish speakers to be treated as if Turkish is their mother tongue. Since non-Turkish speakers spend a couple of years to learn Turkish, they start to study educational materials provided for public schools later than Turkish speakers. While the non-Turkish speakers are struggling to learn Turkish so they can follow the classes, Turkish speakers get the upper hand meanwhile:

¹⁰⁴ The court cases regarding the article 301 and 216 of the penal code can be seen. Whereas the former article prohibits any form of humiliation against Turkishness, Ataturk and the like, the latter concerns religious values held by some part of the society. However, these religious values mean only Islam or Sunnism, in practice.

¹⁰⁵ By Kurdish language, I refer to Zazaki and Kurmanji, those are commonly spoken in Turkey by the Kurdish population.

*"I want to study in my own mother tongue. I am completely deprived of this, but Turks are not. This creates an enormous equality [between Kurds and Turks]. I start elementary school by knowing no Turkish at all; at least I started like that. I spent 5-6 years to learn Turkish. When I consider a Turkish child who is starting elementary school at the same time with me, he has a head start on it, 6-0. First of all, this is a total injustice."*¹⁰⁶ (Ali, 25)

With the peace process, some things start to change. One of these changes is that the students will be able to choose Kurdish as an elective course henceforward. Although it is not exactly what they are asking for, it can be regarded at least as a step forward. However, this time attitude of the state and the society are highly criticized by Kurds. The right to education in Kurdish is introduced in the mass media as a favor to Kurds. They, on the other hand, see this as a reclaim of a right which was extorted before. That is why there are some discursive issues related to this topic that should be solved through a dialogue. It is a long process to solve the problem because it touches upon so many issues at the same time.

5.2.3. Justice as procedure

Maybe more than the 'haves and have-nots' issue, the issue of how or to what extent these rights are enjoyed among the society is crucial. Procedural injustice is one of the forms that the injustice claims of Kurdish interviewees are heavily based on. Kurdish interviewees state that favoritism, nepotism, the government's setting up its own cadre into the public offices are very common in Turkey. Therefore, how much a citizen can use those resources, how much a person enjoys the rights depend on that person's relationship with the political authorities. Şoreş (age 27), who defines himself as a socialist, draws attention to the relationship between the state and bourgeoisie in terms of procedural justice. Although he is only one of those who think that the rights in Turkey are enjoyed depending one's close ties with the state or government, he also adds that the group of people who are favored in terms of procedures are holding the capital

¹⁰⁶ Original: "Ben Kurt'üm, ben anadilimde eğitim görmek istiyorum. Bundan tamamen mahrumum ama Türkler bundan mahrum değil. Bu acayip bir eşitsizlik doğuruyor. Ben okula başlıyorum Türkçeyi hiç bilmiyorum, en azından ben öyle başladım. Benim 5-6 sene Türkçeyi öğrenmekle geçti. Benimle aynı ilkokula başlayan bir Türk çocuğuyla ben bakıyorum, adam 6-0 onde başlıyor. Bir kere bu tamamen büyük bir adaletsizlik."

in their hands. The capital opens the path for them to enjoy their rights without any obstacle:

“Considering the fact that I cannot cruise¹⁰⁷, someone took advantage of the government more than I did. The conditions in Turkey are determined by your closeness to the government. While the bourgeoisie constitutes its own government, the government also constitutes its own capital. If you are close to the government authorities, you can trade, you can study at the best schools, all doors open to you, the state institutions clean the path for you, you can pass your project to wherever you want. The state provides its all opportunities to its entourage.”¹⁰⁸

The above quotation does not only exemplify the favoritism taking place in the state institutions, it does also say that power always brings injustice or unlawfulness to the mass. Kurdish interviewees in general complain of the arbitrariness of the state institutions and their procedures. According to them, in addition to the lack of a social policy to manage the state institutions, there is also no legitimacy of the rule of law in Turkey. The procedures of the jurisdiction or the state institutions in general are regarded as arbitrary and lacking of integrity or impartiality. One of the striking examples of that situation is “yolsuzluk operasyonu”¹⁰⁹ the case in which four members of the parliament are accused of corruption. As a response to these charges, the positions of the prosecutors and judges responsible for this case were replaced by the government. The prosecutors and judges are also accused of the misuse of their positions. These acts and attempts are seen as the run-away-exits of the government by the public.

Kurdish interviewees regard the law as something that can be easily violated and under the pressure of the power elites. In addition to the discussion of the impartiality of

¹⁰⁷ Bilal Erdoğan, the son of the prime minister Tayyip Erdoğan, bought merchantile vessels during his father's prime ministry. This received widespread media attention and caused a huge public discussion on how the prime minister could increase his wealth this much in a short period of time.

¹⁰⁸ Original: “Ben gemiyle gezemediğime göre birileri benden daha çok yararlanmış o iktidarın perspektifinden. Türkiye'de şartlar iktidara yakınlığınla belirlenir. Sermaye sınıfı hem kendi iktidarı oluştururken, her iktidar da kendi sermayesini oluşturur. Eğer sen iktidara yakınsan, sen ticaret yapabilirsin, sen iyi okullarda okuyabilirsin, sana bütün kapılar açılır, devlet kurumları sana yol verir, istedigin yere proje sokabilirsin. Devlet kendi olanaklarının hepsini kendi çevresindekilere tanıyor.”

¹⁰⁹ Starting on 17 December 2013, a group of people included businessmen, Mps, ministers were charged of misuse of the duty and corruption. It had a broad repercussion in press. Following these charges, the prime minister Tayyip Erdoğan appointed new prosecutors and judges to the places where he thought that the positions were being misused to undermine the power of the government. The series of incidents were framed in the press that there was a conflict between the AKP government and the Hizmet movement, and that it was a power struggle of these two fractions.

the rule of law, they also raise some additional points. The process of a lawsuit is most of the time longer than it is supposed to be. The defendant can be put in a position to prove her/his inculpability by violating the presumption of innocence. Also impunity is very common with the excuse of the period of limitation or of the lack of a ground for legal action. These are accepted as the procedures that everyone in Turkey suffers from, if they do not have close ties with the government authorities. In that sense, Kurdish interviewees consider that they are not the only sufferers of procedures.

In addition to those, Kurdish interviewees also mention about the double standards that only Kurds are facing in Turkey with respect to the rule of law. Whereas on the one hand they are arguing the existence of state security courts¹¹⁰ or specially authorized criminal courts¹¹¹ to prosecute the cases related to the Kurdish conflict, on the other hand they raise the KCK cases where people are arrested with the claim of being a member of an illegal organization. Kurdish interviewees assert that Kurds are exposed to a different kind of the rule of law by being judged by the courts separate from a regular procedure. According to the statements of Kurdish interviewees, there are many cases for which Kurds are prosecuted and accused of the crimes they are not even intending to commit. Ali (age 25) who is a Kurdish language teacher in one of the non-governmental institutions shares a story to show how jurisdiction works arbitrarily towards Kurds and exemplifies the above argument. He says that one of his friends was prosecuted and found guilty of being member of KCK, although there was no legal basis of such a claim. The reason why he was found guilty was a phone call that the court claimed to be encoded:

“One of our friends got arrested. He spoke on the phone. In the accusation, the proof of guilt is that he said ‘makul’ [in the phone call]. When he was talking on the phone, he said he was going to the council of makuls. Makul means eligible; he used it for the intellectuals as a joke. He was going to meet his friends. In the accusation, they claimed that this was the password. He stayed in the prison for 10 months.”¹¹²

¹¹⁰ Devlet Güvenlik Mahkemeleri; established in 1973 to prosecute the court cases with respect to internal and external threats of the Turkish Republic. Then they were abolished in 2004 and replaced by the specially authorized courts.

¹¹¹ Özel Yetkili Mahkemeler; emerged by the replacement of state security courts in 2004. They are working within the framework of the penal courts.

¹¹² Original: “Bizim bir arkadaşımız tutuklandı. Telefonda konuşmuş. İddianamesinde suç olarak suç delili şu; makul demiş.

For Ayhan (age 35) who also personally suffered from these procedures states that Kurds are seen as outside of the domain of the regular procedures. They are subjected to a different kind of logic when it comes to the rule of law in particular. That is why Kurds can never track down the violations they are subjected to:

“You are both outside of the rule of law and beyond the rule of law; both above it and below it. In other words, you do not have a connection with the law; you are kept outside of it. By being kept outside of it, you are also kept outside of the system, you are not accepted. Therefore, almost every violation you are exposed to becomes visible, because you are not able to do something.”¹¹³

In consideration of the above example, for Kurdish interviewees, the injustice stemming from the procedures with respect to the rule of law does not only occur because Kurds are regarded as perpetrators of a crime, but also because the crime committed against them becomes invisible. They cannot find any ground to reclaim the remedy of the crime that they are subjected to. The bombing on Roboski¹¹⁴ is one of the issues in this context due to the lack of punishment. Nurcan (age 19) argues that Kurds in particular are experiencing many violations. Although she has not experienced a violation as an individual, her observations regarding this issue create awareness. She states that the rights of Kurds have always been violated and they still are. The case of Roboski is only one of the examples of this attitude:

“Everything, every form of oppression against Kurds till now was covered up. Even the Roboski case was covered up. It was said that the soldiers were

Telefonda bir arkadaşıyla konuşmuş demiş ki ben makullerin meclisine gidiyorum. Makuller dedığımız şey Türkçe'de buna makbul deniyor işte. Entel dantel kimselerim şeyne şaka olarak söylemiş. Arkadaşlarının yanına gidiyor işte oraya gidiyorum diyor. İddianamede diyor ki bu tamamen şifre diyor. Bunun için adam 10 ay hapis yattı.”

¹¹³ Original: “Hem hukuk dışındasın, hem hukukun ötesindesin; hem hukukun üstündesin, hem hukukun altındasın. Yani hukukla bir bağın olmuyor hukuk dışında tutuluyorsun. Hukuk dışında tutularak da var olan sistemin içine alınmıyorsun, kabul edilmiyorsun. Öyle olunca hemen hemen sana karşı uygulanan her türlü haksızlık bir görünmezlik duvarına çarpıp geri dönüyor çünkü sen bir şey yapamıyorsun.”

¹¹⁴ On 28th of December, 2011 Turkish Air Force bombed 34 civilian crossing the Turkish-Iraqi border. They claimed that they were acting on the information that PKK militants were crossing the border. In fact, 34 civilians, most of them were children, were crossing the border to smuggle cigarettes. The court decided that there was no ground for a legal action.
<http://www.bianet.org/bianet/insan-haklari/152632-roboski-katliamina-takipsizlik>

not guilty of killing people. This shows that the state is not just. It was like this before, it was like this 50 years ago, and it still is.”¹¹⁵

According to Kurdish interviewees, the state sees that the right to life, the right to communication, the right to immunity of domicile and similar rights of Kurds can be violable. Therefore, the state does not hesitate to infringe these rights for its own interest. This approach is not only specific to one period of time or to one single event. Historically, it is possible to find other cases and examples that can support this argument. As an excuse to that situation, the special conditions of the region or physical violence within the area were shown by the political authorities. Extraordinary measures in the region were taken by the rule of the state of emergency from 1987 to 2002. This period was violent. Some people were forced to leave their homes and villages for the security reasons as the state claimed so. Süleyman (age 56) is one of those who left his village as a result of the forced migration. He is a direct witness and victim of those conditions. He states that it is huge violation committed against Kurds who was living there:

“Thousands of villages were burnt to the ground, destroyed. [The state's military power and the village safeguards] burnt, destroyed 3.800-4000 villages in this way. What is the crime of these people [Kurds living there]? They did not become village guards¹¹⁶. They did not want to, they did not become. You do not have a right to burn down these villages, to make them emigrate, to kill them. They got some of them killed. There are 17548 unsolved murders. Did they deserve to be killed? What for did they get killed? Because they were Kurdish intellectuals, because they were aware of who they were, because they refused to be a village guard. These village guards raped hundreds of women, got them pregnant”¹¹⁷

¹¹⁵ Original: “Şu ana kadar yapılmış birçok şeyin üstü kapatıldı. Kürtlere yapılan her şeyin, zulmün. Bir Roboski davasının bile şu anda üstü kapatıldı. İnsanların ölümünden askerlerin suçları olmadığı söylendi. Bu da zaten devletin adaletsiz olduğunu gösterir. Eskiden de böyle, 50 yıl öncesinde de böyledi, şimdi de böyle.”

¹¹⁶ Kurds living in that region were given two options by the state. They were either going to be a village safeguard and help the state to fight against the political activism in the region, or they were going to leave their villages and migrate somewhere else.

¹¹⁷ Original: “Binlerce köy yakılmış, yıkılmış. 3800-4000'e yakın köy yaktılar, yıktılar bu şekilde. Bu insanların suçu nedir? Korucu olmadılar. Olmadılar, olmadılar. Senin hakkın yok ki bu köyleri yaktırmaya, bu insanları göçertmeye, bu insanları öldürmeye. Bu insanların bir kısmını da öldürdüler. 17548 tane faili meçhul var ortada. Bunlar öldürülmemeyi hak ettiler mi acaba? Ne için öldürdüler? Bunlar Kürt aydınları olduğu için, kendini bildikleri için, koruculuğu yapmadıkları için. Yüzlerce kızlara bu korucular tecavüz ettiler, hamile bıraktılar.”

The experiences in the cities with higher Kurdish population, the areas of state of emergency are different from the experiences in Istanbul, obviously. Süleyman is one of those who were born in somewhere else and then moved to Istanbul. The perceptions of Kurdish interviewees change depending on where they were born or where they grew up. For the families who were forced to migrate or whose villages were evacuated or burnt, the issues related to procedural injustice are more severe. They are expressing more violent side of the issue. However, the experiences of the Kurdish residents of Istanbul and Kurds who were born in Istanbul diverge from those. They are experiencing discrimination through more daily practices, if they are not exposed to any legal accusation.

In the metropolitan cities, in Istanbul in particular, Kurds are often subjected to identity checks. Servet (age 41), who works at Taksim, says that he is very uncomfortable with the fact that the police is treating him as if he is a criminal. Asking the identity cards of persons by looking at their appearance reflects the idea that the state or its officers hold against Kurds¹¹⁸:

“One day when I decided to walk from Mecidiyeköy to Taksim, I passed 6 check points. I think this is a huge number; it is incredibly high. The reason of this can be... [that the policemen] say this is for our security. However, it is an issue in itself to search people by looking at their color, disappearance, or even their outfit and so on, to pick them according to a criterion they set in their minds and call them to the check point. Here you do not know how to express yourself. If you are passing 6 check points in a day, or the like, there can be no situation to make you feel that you are living in equal conditions.”¹¹⁹

Those who did not experience severe physical violence in their past raise problems related to the state institutions instead. They do not accept the state institutions

¹¹⁸ This is interesting actually, because there are also Kurdish policemen or police officers. Their attitudes can be different. However, again this subject is related to how these people constructed their identity.

¹¹⁹ Original: “Mecidiyeköy'den Taksim'e yürümeye karar verdiğim bir gün 6 kez arama noktasından geçtim. Bu bence muazzam bir rakam, bu inanılmaz fazla bir rakam. Bunun gereklisi şu olabilir, güvenliğiniz için deniyor zaten genelde. Ancak sokakta yürüyen insanların rengine, görünüşüne belki de giyim tarzına bilmem neyine göre kendi kafalarında oluşturdukları kriterlere göre ayıplanarak arama noktasına çağrılması zaten bir olaydır. Burada kendinizi nasıl ifade edeceğinizi bilemezsiniz. Siz eğer 6 kere bir arama noktasından geçiyorsanız, ya da farklı noktalardan 6 kez geçiyorsanız bir gün içerisinde sizi burada eşit bir şekilde yaşadığınızı hissettirecek herhangi bir durum yoktur ortada.”

as impartial. The procedures within the state institutions are discriminating people according to their ethnicity, sex or sexual orientation. People are not welcomed on the basis of their identities.

Discriminatory attitudes are more common when the physical appearance of that person talks for itself. That is why women or LGBTIs go through this discrimination most of the time. In particular, LGBTIs are refused to be employed with the claim that they are against the moral values of the society. This means that the rules or the laws are actually based on some kind of morality which is supposed to find no place within this domain because of its claim to be impartial and neutral.

5.2.4. Justice as social inclusion

Examples taking place in the state institutions can also be observed within the society. For Kurdish interviewees, the patterns of social exclusion resemble to the patterns of procedural injustice. Although the ways these patterns are working are distinct, the state of mind behind processes of social exclusion and procedural injustice is mostly similar. Kurdish interviewees state that those who position themselves outside of the state's official ideology are also excluded from society. The unrecognized identities of the state are reflected upon the society. Those citizens who are not welcomed by the state also become unwanted for the broader society. The ideal citizen definition of the state, through its constitution or ideological state apparatuses¹²⁰, produces the idea among the Turkish-Sunnis that they are the primary, rightful members of the society. Lezgin (age 23) who defines his identity as a Sunni-Kurdish states that it is very uncomfortable when a part of the society thinks that they are better than you, and when they are treating you in this way. For him, before the AKP government, the group who thought that they were better was the seculars, it was slightly changed now. However, there are still people who maintain this idea:

¹²⁰ Althusser, L. (1971). Ideology and ideological state apparatuses (notes towards an investigation). *Lenin and philosophy and other essays*, 1971-127. Althusser states that, other than the repressive state apparatuses, there are ideological state apparatuses through which the ideology of the state is transmitted. These apparatuses are the religious ISA, the educational ISA, the family ISA, the legal ISA, the political ISA, the trade-union ISA, the communications ISA, and the cultural ISA.

“[People who think that they are superior are] Turkish-Hanefi for now, before that they were the seculars. They are always the primary citizens. There is no one who does not know [that there are more preferable citizens for the state]. Since [Turkish-Hanefi citizens] think they are [better than the rest of the society], are they not trying to [suppress you?]. [They have the power to ask] what is on your head that you have; why you are speaking Kurdish; [you have to] dress in this way, come to that way. These expressions are all reflections of the idea that I am superior, I am the essential one.”¹²¹

According to Kurdish interviewees, the patterns of social exclusion within society are directly constructed by the state ideology. This is a top-down process intertwined by all ideological apparatuses of the state. That is why without changing the ideology within these mechanisms, in schools in particular, it is not likely to break the chains of exclusion and discrimination within the society.

Although Kurdish interviewees have all individual experiences with respect to social exclusion, most of them claim that they do not have a trauma resulting from these social exclusion experiences. Since every person prefers to stay at her or his own safety networks, they feel safe and comfortable as long as they are not entering into new social circles. The problem mostly has to do with the general attitude that the rest of the society has. For example, Bejna Elif (age 24) who studied university in Hatay states that she does not have discriminatory experiences when she is with her friends. However, her college years were challenging for her because her Kurdish identity was undesirable for some students at her school. Bejna Elif stated that these people were clearly expressing their discomfort stemming from her existence. Below you can see one of the examples she shared with me. It is possible to hear more of these stories from her when you ask more about her social exclusion experiences in the past.

“My phone was ringing, and I had one of these popular songs [as the ring tone] at that time. One of students came and told me 'turn it off, you cannot listen to it here'. I asked why [I should have turned it off]. She said that music was prohibited [on the campus]. This was happening on the campus. I said if this music had belonged to France, England, Spain or Latin America,

¹²¹ Original: “Türk-Hanefi şu an için dediğim oydu. Öncesinde işte laikti. Onlar her zaman birincil vatandaştır. Bunu bilmeyen yok. Zaten öyle olduklarını düşündükleri için birilerini şey yapmaya çalışmıyorlar mı.. O başındaki ne; sen niye Kürtçe konuşuyorsun; böyle giyin; bu şekilde gel..Bunların hepsi ben üstünüm,aslolan benimin yansımazı.”

*she would not have bullied like this. Is the whole problem this being Kurdish? I asked whether the problem was stemming from the fact that this song was Kurdish. She answered 'Do not respond to me. If I say turn it off, you will turn it off.'"*¹²²

Social exclusion in daily life is experienced mostly through the usage of the Kurdish language in public spaces. People may look at those who are speaking Kurdish with discomfort. Stigmatization or labeling is also one of the means through which the social exclusion takes place. Kurds can be stigmatized as backward, inferior or incapable by some people, by showing the reason that cities with higher Kurdish population are relatively rural. Therefore, disdain, humiliation, scorning can be the motives of the attitudes of these people against Kurds. If a person holds hostile tendencies against Kurds, that person may even also imply that they are terrorists. Since stereotyping is very common in Turkey and in the Westerns cities against Kurds, a Kurdish citizen can easily be marginalized or stigmatized as being a terrorist, even if he or she has nothing to do with any form of physical violence. Most of the time, Kurds are regarded as subversive by the earlier residents of the city which they moved into. After waves of migration, these cases started to be seen more. Because of the lack of integration among people, social polarization between groups is very likely in these contexts.

More severe confrontations are mostly between earlier dwellers of a city and Kurdish migrants who had to leave their villages due to evacuations or the forced migration. Because of the high rates of social polarization, the tension between groups in the same neighborhood leads the level of discrimination to be harsh. The early dwellers show their discomfort by not renting their homes, not giving jobs to the Kurdish immigrants and by accusing them of stealing their job opportunities.

The psychology of being marginalized by the broader society leads some Kurds to feel that they should hide their identity. Especially, during their childhood these kinds of confrontations create insecurity for Kurdish children. Particularly in the cities where

¹²² Original: "Benim telefonumda o zaman çok moda olan bir müziği vardı. Bir tanesi geldi o müziği burada dinleyemezsin dedi. Niye dedim. O müzik dedi burada yasak. Okulun behçesinde oluyor. Ben de dedim ki, şimdi bu müzik Fransa'ya, İngiltere'ye, İspanya'ya ya da Latin Amerika'ya ait olsaydı sen gelip bana böyle daylanmayacaktın. Bu Kürt diye mi bütün problem. Yani bütün problem bu şarkının Kürtçe olması mı, dedim. Bana dedi, akıl verme, bunu kapat diyorsam kapat."

Kurds are treated as strangers, the intensity of the need to hide their ethnic identity escalates. Even sometimes the need to be hidden goes further to the denial of some elements of their ethnic identity and even the embracement of Turkishness. As the child grows, as Kurdish children increase their self-confidence, they start to reveal their identity and even start to connect to that identity more tightly. The exogenous pressures cause some Kurds to embrace their identity powerfully during their adulthood years.

Since the size of the Kurdish population is relatively higher than other populations that are named as minority, Kurds can build areas to be comfortable more easily. Kurds are able to create their own secure spaces in big cities, because there are enough Kurdish residents in Istanbul in particular to build their own neighborhoods. This situation may lessen their experiences of social exclusion. However, sometimes building Kurdish neighborhoods leads to ghettoization. Staying in the Kurdish neighborhoods may cause Kurds to be isolated from the rest of the society. However, the economic well-being of the families also has an influence on this ghettoization process. There can also be some other elements that should be taken into consideration in this discussion

Towards other identities based on ethnicity, religion, sexual orientation, the society in Turkey again is not very welcoming. For some groups, this process might be even more painful considering their social status and financial capabilities on the other hand. Ardit (age 19) who does not want to be categorized as woman or man states that the way people look at her/him and their attitudes make her/him feel like s/he is not welcomed: *“With my LGBTI identity, whenever I enter into a store, if I act a little bit feminine, I can see that people laugh at me.”*¹²³ For sex workers or transgenders, the experiences could be more severe. They are regarded as marginal, deviant by the dominant majority. Also this dominant majority do not hesitate to humiliate these people who are regarded as marginals publicly.

It is important to regard the impact of the resolution/peace process and whether this process has changed some perceptions within the society. Whereas for some Kurds,

¹²³ Original: “Ben LGBTİ kimliğimle bir mağazaya bile gittiğimde eğer birazcık feminen davranışsam insanların bana güldüğünü görebiliyorum.”

this process creates awareness about those who are marginalized within the society and Kurds in particular, for some other Kurds the attitude of people became even more exclusive, because the “unwanted” part of the society becomes more visible and consequently obtrusive. The dominant majority start to feel more uncomfortable when the identity of Kurds is acknowledged, even if it is not a proper recognition.

5.2.5. Justice as (re)distribution

There is no doubt that the dynamics of aforementioned forms of justice are also influenced by the socio-economic conditions. This is one of the reasons why redistributive justice is crucial. The inadequate socio-economic conditions of some people with particular group identities can deepen their experiences of injustice related to recognition, rights, procedural injustice or social exclusion. In these cases, class emerges as one of the components that have an impact on these forms of injustice, as mentioned above.

Additionally, distributive justice also plays a role in social justice in itself by reproducing or preventing economic inequality within the society. If the distribution mechanisms of the state do not work well, then this situation eventually creates injustice within the society. The reason of it is not only because there will be some people who are deprived of their basic needs, but also because there will be some people who are enjoying the resources which others cannot.

Kurdish interviewees argue that the mechanisms of redistribution should not work like a charity system. The mechanisms of redistribution are not supposed to be designed simply to help the poor or take care of them. Kurdish interviewees regard charity systems as tools which sustain the economic structure that creates this inequality in the first place. Maintaining the charity works can only prolong income inequalities and deprivations stemming from this inequality.

Kurdish interviewees state that the system of redistribution needs a change to

adjust the inequality, to provide relatively equal incomes, and to raise the life standards in Turkey as high as possible. Mehmet Ali (age 36) while criticizing the charity system, asserts that the state is supposed to solve the root causes of inequality not to redress these problems:

“It is the charity thing and also [giving] zekat¹²⁴ in Islam which sustain this [capitalist] system. This [charity work] is one of the tools of the capitalist system to preserve itself, because as long as you do it, everybody will be satisfied with their conditions and obey the structure. Let's say that a person does not have shoes, then the state has to solve the shoe problem. It is not the business of the state to donate shoes.”¹²⁵

In other words, the state should not be run like a charity organization. Rather, the state is supposed to develop a system that can eliminate economic deprivations and inequalities attached to them. On the other hand, Kurdish interviewees do not expect the state to withdraw from providing the needs of its citizens. On the contrary, the state is regarded as a mechanism to provide the needs of people. However, instead of doing a charity work the state should be run in a way that it can help people to flourish, to fulfill their potentials. Ardit (age 19), who is a university student argues that the obligation of the state is to provide opportunities for its citizens to maximize their potentials. The state has the resources to support its citizens in the best way it can. Only in that way, we, as the society, can be better off:

“I know that [the state authorities] have the power, the budget to provide [opportunities] for everyone, because they are charging high taxes. I know that by using these taxes, [the state institutions] can make the education, transportation, health insurance or everything free of charge. The state is obliged to meet the needs of its citizens after all. Therefore, I think that we would be better off, if they smooth the things for people.”¹²⁶

¹²⁴ Meaning alm, in Islam.

¹²⁵ Original: “Sistemi ayakta tutan şey yardım olayı, hatta dindeki zekat olayı da. Yani kapitalist sistemin gelir adaletsizliğini ayakta tutan sac ayaklarından biri çünkü hanı sen onu yaptığın sürece herkes durumuna razi olacak herkes bu gidişata boyun eğecek. Bence o kişinin diyelim ayakkabı yoksa onun ayakkabısızlığını çözmek gerekiyor yoksa ona bir ayakkabı bağışlamak devletin işi değil.

¹²⁶ Original: “Baktığımızda aslında her insana [fırsat] sağlayacak güçlerinin olduğunu biliyorum, bütçelerinin olduğunu biliyorum. Çünkü alındıkları çok fazla vergi var ve vergiler üzerinden bile sadece eğitimi, ulaşımı ya da sağlık sigortasını her şeyi ücretsiz yapabileceklerini biliyorum. Devlet zaten kendi ülkesindeki vatandaşlara bakmakla yükümlüdür. Dolayısıyla halkın işini ne kadar kolaylaştırırsa aslında o kadar doğru yola gideceğimizi düşünüyorum.”

Although the expectation is in this way, the interviewees argue that the resources that a person can reach are determined by the relationship that person can set with the power authorities. In that sense, the redistribution mechanism of the state does not position itself equally towards all citizens. Practices of favoritism and nepotism determine who gets what and how the redistribution system works. Dilan (age 21) is only one of the many who assert that the state is for the benefit of the powerful. Since the state favors those who are powerful, its mechanisms and institutions are working in favor of the power holders: “*The state is a space for interests where the powerful gets more power.*”¹²⁷ In other words, the state is not regarded as a mechanism which can adjust the inequalities and eliminate them. On the contrary, the state is accepted as a mean which deepens the gap among the classes or groups by favoring power elites.

Another salient point in the discussion of redistribution is the fact that Kurdish interviewees consider the redistribution mechanisms of the state from a macro perspective. That is why they are focusing on the regional inequalities or making a comparison between western and eastern cities of Turkey. Comparison between regions or cities is important to grasp their understanding of justice based on ethnic identity, because on the east side of Turkey there are cities with higher Kurdish population, unofficially known as the Kurdish cities. Therefore, when Kurdish interviewees are comparing the resources of eastern and western cities have, they are actually comparing the resources that Turks and Kurds can enjoy. By making this kind of a comparison, Kurdish interviewees argue that the opportunities or the resources of the state are not spread equally across the cities. Additionally, Murat (age 22) adds another point to this argument. He asserts that this is a systematic policy of the state and it is driven by an obvious purpose; to assimilate the Kurds in Turkey by economic means:

“*[I think that] the East is set back on purpose. [The state officials were claiming that] they were always sending to the East construction equipments, tools to run a factory, but the members of the PKK attacked on them, they looted them. These are lies that even children would not believe. I honestly think that from the beginning of the Republic, the state has been*

¹²⁷ Original: “Devlet zaten bir rant alanı, güçlünün ensesini kalınlaştırdığı bir rant alanı yani.”

depriving the east and southeast side of the country in particular in an economic sense. There are some varied theories about this subject, like making Kurds migrate to the West and assimilate them culturally.”¹²⁸

Most of the interviewees believe that the inequality between the regions or the cities is the result of the state's systematic and voluntary actions. It is a state policy to deprive some of its citizens based on their ethnic identity of some resources. In that sense, Kurdish interviewees are seeing a huge redistributive injustice in relation to their ethnic identities.

In relation to this topic, the subjects of the forced migration who were evacuated from their homes, villages are also brought up as an issue. The subjects of the forced migration were separated from their households and their livelihoods. However, for Kurdish interviewees the state did not provide a sufficient remedy to them¹²⁹. They state that in order to ensure redistributive justice, the state, at least, is expected to recover the financial damage it caused and take care of the needs of these citizens stemming from the harm which the state created itself. Ayhan (age 35) emphasizes the fact that after the subjects of the forced migration came to the big cities, they could not able to find jobs and houses. Unfortunately, the state did not provide housing or any source of living for them to sustain their lives:

“[After the forced migration, there are] too many people [in the big cities] without a job or housing. These people migrated to the closest city centers when their villages in Kurdistan were burnt down with [the policies of] the forced migration. It is estimated that 4 thousand villages were burnt down. Then, 2-3 million of these people migrated to the West; however, most of them piled up at the centers in Kurdistan like Diyarbakır, Antep, Van. Most

¹²⁸ Original: “Doğunun bilingli bir şekilde geri bırakıldığını yani şu zamana kadar mesela biz Doğuya iş makinesi gönderiyorduk, fabrika açmak için şu aletleri gönderiyorduk, PKK tarafından yağmalandı, söyle saldırı oldu. Bu tür şeyler yani çocukların bile inanmayacağı türde yalanlar. Ve ben gerçekten devletin, cumhuriyetin başından beri özellikle doğu ve güneydoğu coğrafyasının ekonomik açıdan geride bıraktığını düşünüyorum. Hatta yani çeşitli teoriler var bu konuda. Kürtleri doğudan batıya göç ettirip çeşitli kültürel asimilasyona tabi tutmak gibi.”

¹²⁹ On 27.07.2004, the law no 5233 on compensation of the harms stemming from the state of emergency between 1987 and 2004 was passed. However, the compensations that the state provides do not properly recover the expenses of harms and losses. Therefore, the implementation of this law is not accepted by the Kurdish population as driven by good intentions. It is alleged that the state is convinced to give some kind of restitution in order to prevent the victims of the forced migrations from applying to the European Court of Human Rights and from getting reparations. In order to be able to apply to the European Court of Human Rights, the litigator has to exhaust domestic remedies. In other words, by giving low remedies, the state actually is eliminating to be put on trial at the European Court of Human Rights.

of them still do not have housing.”¹³⁰

With the impact of the forced migration, it is also crucial to discuss the issues of the marginalization of these people in the economy. The subjects of the forced migration are not only exposed to social exclusion in the cities they are moved into, they are also marginalized within the economy by not being recruited. They have to work either for low, unwanted, unqualified jobs to get involved into the undocumented economy, or they are forced to smuggle because of the lack of sources of income.

Unfortunately, Kurds are not the only sufferers of this problem. Also transsexuals, refugees, persons with disabilities are pushed to the margins of the economy. Kurdish interviewees can extend this issue to the people with other identities and discuss it under the broader category of exclusion in the economy. The marginalization in the economy can find a place on the agenda of Kurdish interviewees, because as they state that it is an unavoidable result when a particular part of the society holds the power. When there is one dominant national identity, the problems of the lack of recognition or social exclusion penetrate into the domain of economics and how resources are distributed among the members of the society.

5.2.6. Justice as retribution and restoration

When injustice is taken as a crime or a violation of a right, a discussion on retributive and restorative justice gains significance. The interviewees were asked which mechanism of retribution or restoration in order to recover their sense of justice were needed after a violation. It is not possible to say that Kurdish interviewees prefer one over the other. Rather, they acknowledge the fact that both are crucial and should be implemented in combination. According to Kurdish interviewees, whereas retributive justice is needed to deter future violations, restorative justice is needed for the healing of the society in general.

¹³⁰ Original: “Çok fazla insan yoksul, çok fazla insan konutsuz. Çünkü zorunlu göçle Kürdistan'daki köyler yakılınca, 4 bin köyün yakılmasından bahsediliyor, bu insanlar en yakındaki kent ilçe merkezlerine geldiler. Daha sonra 2-3 milyon batiya göç etti ama büyük bir kısmı da Kürdistan'daki Diyarbakır, Antep, Van gibi merkezlerde birikti. Bu insanların çoğunu evleri bile yok yani.”

Kurdish interviewees assert that retributive justice is an essential pillar to renew the feeling of injustice by ensuring the punishment in response to violations or crimes. They regard it as a necessity, even though they claim that reducing the pain stemming from the violation of a right is not very likely. In that sense, it does not matter whether the criminal is old or not eligible to be imprisoned. For justice to be served, the criminal or anyone who gets involved into the crime or violation has to be punished. Punishment is very crucial in repairing justice for Kurdish interviewees, since it is expected to deter the future crimes and violations. Only in this way, they claim, the state can acknowledge the fact that there is a wrongdoing committed towards its citizens.

Another important fact is that the state *par excellence* is considered as the criminal who committed most of the past crimes and violations of rights against Kurds. Even if the state is not the perpetrator, it is accepted as the instigator by Kurdish interviewees. Therefore, since the acts of the state are not accepted as legitimate, Kurdish interviewees do not expect much from the retributive justice of the state or do not believe that the state brings justice for its past violations. They do not have a belief that the perpetrators are going to get the punishment they deserve, if they get a punishment at all. While asserting the state is the real perpetrator, Şoreş (age 27) also expresses the fact that the instigators in the state are not put on trial. Rather, these instigators are picking triggermen to get rid off the responsibilities and let them do their dirty works:

*"We know that the perpetrators are [the authorities] in the state, in the government [institutions]. [Those who are guilty] are not only the children who pull the trigger; but also those who lead them, give directions to them. [the chain of command] will go to the top. Today, who is guilty is always the state."*¹³¹

Since the state is considered as the primary actor of the crimes, by retributive justice they are ideally expecting the elimination, discharge and retribution of those who are holding offices and who are involved into the perpetration of the crimes in one way

¹³¹ Original: "Suçlular biliyoruz ki devletin, iktidarın içinde. Sadece tetiği çeken çocuklar değil, onları yönlendirenler, onlara emir verenler de. Ta tepeye kadar uzanacak zaten. Bugün suçlu olan her zaman devlet kurumudur."

or another. As long as the state continues to be a mechanism to protect these people who are responsible for the crimes, it would not be possible to talk about any form of retribution. In that sense, Kurdish interviewees are expecting the law to protect citizens against any form of injustice not to protect the state. However, today it works other way around as Kurdish interviewees claim; the law is positioning itself to sustain the power of the state.

Although sometimes retributive and restorative justice are taken as the two opposite polars, Kurdish interviewees raise the fact they should be working in a way to support each other. As in Dilan's (age 21) statement, if retributive justice does not work well, if would-be perpetrators do not see any constraint against their acts, then there can be no feeling of safety within the society either. The healing of the society is strongly dependent on the feeling of security which can be ensured through retribution:

*"The violation of rights, massacres, genocides cannot be compensated. There can be no remedy for the trauma they caused. If an Armenian does not say her own name in the public, [if that person] does not sit at her home in peace, [if] still today old women, Armenian women are killed by getting their throat cut...Although you punish the criminals, you cannot wipe out the trauma of these people or you cannot wipe out the [traumatic] psychology of Alawites whose door were crossed and who got killed."*¹³²

Although retributive justice is necessary, it is not sufficient. The role of restorative justice is not underestimated by Kurdish interviewees. For the healing of the society in general and of the Kurdish people in particular, restoration is regarded as an indispensable part to acquire harmony and peace within the society. That is why shaming, confrontation, healing, dialogue, exposure of the earlier crimes and violations, rehabilitation or apology are a must, as Kurdish interviewees claim. These are the only mechanisms that can help to build peace within the society. Although most of the time justice is not regarded as something that can be easily restored or fixed, these means should be used to share the pain of the victim at least. Since it is very unlikely to restore the feeling of injustice among Kurds, the state and the society should focus on bringing

¹³² Original: "Yapılan hak ihlallerinin, katliamların, soykırımların telefisi asla olamaz. O insanlarda yarattıkları travmanın tefafisi asla olamaz. Ermeni kendi adını söyleyemiyorsa, bugün hala evinde rahat oturamıyorrsa, bugün hala boynu kesilerek öldürülebiliyorsa yaşlı başlı kadınlar, Ermeni kadınlar...Sen nasıl suçları cezalandırırsan cezalandır bu insanların travmasını silip atamazsun bir kerede. Ya da sen kapısı çizilip öldürülen Alevilerin psikolojisini silip atamazsun."

peace to the people. Mehmet Ali (age 36) draws attention to the means of restoration and how much they are important to move forward. However, at the same time he mentions the consequences of the forced migration. For these cases, although the state provides some sort of restitution, it causes more harm psychologically on the subjects in particular, Kurds in general. Since the amount of money that is compensated does not reimburse the losses of these people, their feeling of injustice accelerates:

“Apology, exposure, revealing, and confrontation are crucial. You [the state] would displace tens of thousands of people from their land, from their villages, homes, livestock and also burn, destroy [their homes as a result of the forced migration]. After 10 years, you [the government] would pass a law and say you [as the state] are giving restitution. You would give 3-5 thousand liras¹³³. You would neither investigate these incidents, nor reveal them, or expose those who did these. In this way, justice cannot be served. People applied for his compensation because they needed this money. However, are they satisfied; do they make peace with the state? No, they even hate it more.”¹³⁴

As much as using mechanisms to restore justice or peace, the state or the authorities also have to ensure the satisfaction of people and take care of their needs stemming from these crimes and violations. Restorative justice has to gratify victims, to take their consent about the ways in which this restoration will take place. Otherwise, it is not likely to restore justice or take a step towards peace.

Considering the so-called peace process/the resolution process in Turkey, more than the agreement between the power authorities, reconciliation between peoples is crucial. That is why the resolution process needs socialization of the problems and aims. People should have the power to lead the ways through which mechanisms of retributive and restorative justice can work in this resolution process. In order to achieve this, public opinion needs to be constituted through the involvement of non-

¹³³ The worth appraised for the harms and losses is found significantly low by the public. The compensated money does not only inadequate to cover the damages of their homes or to buy new livestocks as a source of income, it does also not recover the rent that these people have to pay when they are away from their houses.

¹³⁴ Original: “Özür dilenmesi, bunların teşhir edilmesi, bunların çıkarılması, bunlarla yüzleşilmesi bunlar çok önemli şeyleler. Sen on binlerce kişiyi yerinden yurdundan edeceksin, evinden köyünden, barkından edeceksin, hayvanlarından edeceksin hem de yakacaksın, yıkacaksın, talan edeceksin. Aradan 10 yıl geçtikten sonra bir yasa çıkaracaksın diyeceksin ki ben bunu tazmin ediyorum. Vereceksin insanların eline 3-5 bin lira. Ne bu olayları araştıracaksın, ne bu olayları gün yüzüne çıkaracaksın, ne bunları yapanları teşhir edeceksin. Bu şekilde adalet sağlanmaz. İnsanların ihtiyacı var, elbette başvurdular. Ama tatmin oldular mı, devletle barıştılar mı? Hayır, yani belki daha çok nefret ettiler.”

governmental organizations or other public organizations which can reveal the thoughts and experiences of people in general and of the victims of the perpetrated crimes in particular. Salih (age 35) as an LGBTI activist, and as a person who thinks that the grassroots movements are crucial to solve the problems draws attention to the fact that a resolution process is not something one can start and end between power elites. It has to involve the subjects of this particular issue. Otherwise, it can only come into a deadlock:

“A resolution process is not something you [the state] can do by sitting at the table with a rebellious group [the PKK], and ignoring the rest of the society. A mass resolution process requires this; you, as the state, shape your media, discourses to build the peace process and ensure the equality [among the parties]. If the government today with its media and so on recognizes the Kurdish struggle and acknowledges its own mistake, if it mentions about the all deprivations, unjust treatments that we are talking in this half an hour, this could be what we call resolution. If [the state] explains that they are sitting at the table with “terrorists”, because they are living with us and they cannot enjoy [what the rest of the society can enjoy], another public opinion is possible.”¹³⁵

During the discussion with respect to retributive and restorative justice, the Roboski bombing was the case that Kurdish interviewees frequently talked about and gave examples from. Undoubtedly, the whole process in the Roboski bombings hurt the feeling of justice of Kurds and of the society in general. Kurdish interviewees expect both means of retributive justice to punish those who are responsible even if these people are in the state or military offices, and justice to be restored through an apology by the state and through compensation of the needs of the victims. As examples, below Murat (age 22) and Servet (age 41) share their thoughts and feelings about the Roboski bombings and what could have been done to lessen the pain for those families in particular, and for the wounded justice of the society in Turkey in general:

“Let's take Roboski, Uludere massacre as an example. Who are responsible

¹³⁵ Original: “Çözüm süreci senin orada isyan etmiş örgütle masaya oturup da toplumun geri kalanını hiçbir şekilde beslemeden yapabileceğin bir şey değil. Yani kitlesel bir çözüm süreci şunu gerektirir; sen devlet olarak bütün medya organlarını, söylemini bu barış sürecini inşa eder ve eşitliği böyle kurarsın. Gerçekten bugün iktidar medyasıyla, şuyuyla buyuya Kürt mücadeleşini kabul etse, devletin hata yaptığı söylene, bugün şurada yarım saatte bahsettiğimiz mağduriyet ve mahrumiyetlerden bahsetse, çözüm dediğimiz şeydir. “Teröristle” şu yüzden masaya oturuyorum çünkü bu insanlar bizimle birlikte yaşıyorlar ama şunlardan faydalananmıyorlar dese, başka bir toplumsal vizyon gelişebilir.”

for this? Are a couple of commanders, soldiers [responsible for this incident?] Or is there really a bigger power, or the whole military behind it? If it is the whole military, then the whole military has to be put on trial. In short, no matter what the punishment is, it must be implemented and justice has to be served. This is what [the families of the victims] are expecting from the very beginning, and an assurance that [incidents like this] is not going to happen again.”¹³⁶ (Murat, 22)

“I think [apology is] important. It is not going to lessen the pain of those families and beyond the families -even ours- who are affected by it. [Apology] is not going to be enough. However, it will show that this crime is systematic and it cannot be avoided by seeing them as only bombings. It will be revealed that there is a targeted ethnic group. So we will know that this apology means the acknowledgment of this [that the state is targeting an ethnic group]. This may relieve people.”¹³⁷ (Servet, 41)

The Roboski incident is the most salient one of the recent incidents. In order to recover the injustice and pain stemming from it, the state needs to act as soon as possible and repair its past mistakes. The state is both expected to reveal and punish the responsible people and try to heal the harm emerged as a result of this dreadful loss. Otherwise, the feeling of injustice among Kurds will stay tremendous and cause future handicaps to reconcile with the state.

5.3. Injustice as a source of conflict

The feeling of injustice among Kurdish interviewees results in losing their trust towards the state. The state loses its legitimacy, because it is regarded as an entity which is not interested in the well-being of its citizens in general and Kurds in particular. Rather, the acts of the state are considered as the moves only to maintain its existence under any circumstances. Not only for Kurds also maybe for the broader society, the experiences of injustice produce a will to leave the country and settle down somewhere

¹³⁶ Original: “Roboski’yi ele alalım, Uludere katliamını. Bunların sorumlusu birkaç komutan mı, birkaç asker mi yoksa gerçekten arkasında daha büyük bir güç mü var, tüm ordu mu var? Tüm ordu varsa tüm ordu yargılanmalı. Yani cezasi neyse de kesilmeli ve bu konuda adalet sağlanmalıdır. En başta bekledikleri bu zaten ve bir daha olmayacağına dair herhangi bir güvence.”

¹³⁷ Original: “Bence [özür] önemli. O ailelerin acılarını hafifletmeyecek hatta biz o ailelerin dışında olan insanlar ciddi etkilenen kesimler olarak bu yeterli olmayacaktır. Ama bu suçun sistematik olduğunu gösterecektir ve aslında bu suçun sadece basit bir bombalama olayıyla geçiştirilemeyeceğini ortaya koyacaktır. Bir etnik grubun hedef alındığına dair bir durum ortaya çıkacaktır ve bu özürün de bunun kabulu anlamına geleceğini bileyeciz biz. Bu belki rahatlatacaktır.”

else where their concerns on justice are taken into consideration.

Kurdish interviewees think that if people or a group of people are deprived of something and if they cannot receive any response to their legal claims, then a violent reaction is inevitable. If legal claims are not satisfied, people lean towards more violent means to raise their voices against the suppression of the authorities. All rebellions and other forms of violent reactions in the history are considered as a result of a state of outburst. In other words, the political authorities create their own enemies by not giving them the adequate space which people can flourish as they wish or maintain their existence.

The PKK is one of the examples of the above argument. The emergence of the PKK is regarded as a consequence of the lack of response of the state to the demands of the Kurdish people. The result of being ignored is to react violently, for some Kurdish interviewees. For some others, the injustice towards Kurds causes them to feel missing, deficient. Since they are not welcomed by the state and some parts of the society, their feeling of belonging gets hurt. Also the repression that Kurds are exposed to leads Kurdish children to grow up with a trauma and end up being aggressive towards the society.

On the other hand, Kurdish interviewees also argue that they cannot understand why and how a system which ignores the claims of its citizens and does not respond to them can possibly sustain its existence. They assert that such a system is expected to be faced with so much violent reaction from the public, if not fall apart or be replaced by something else. According to Kurdish interviewees, it is a mystery that in spite of the dissatisfaction with the political structure, people in Turkey in general do not raise their voices against or take some reaction. Since Kurdish interviewees think that Kurds are not the only ones who are suffering from injustice, they are expecting every part of the society to take some form of action to change the political structure in Turkey.

5.4. Discussion

Social exclusion and procedural injustice play a very important role in Kurdish interviewees' understanding of injustice. Maybe even more importantly, Kurdish interviewees raise the lack of recognition and the lack of access to resources as the crucial issues to ensure justice¹³⁸. When we look at the dynamics among these forms of injustices, a relationship can be seen among them.

The reason why the weak redistribution mechanisms of the state are regarded as that much important from the perspective of Kurdish interviewees is the possibility to talk of a region where Kurds are congregated. Therefore, any unequal economic distribution between the cities is read by Kurdish interviewees as a discrimination policy of the state. Besides that, it is also crucial to remember how Kurds in particular are marginalized within the economy and forced to work for unqualified, low-paid jobs. Therefore, distributive justice rises as an important issue to enjoy the resources of the state and of the country in general for Kurdish interviewees.

On the other hand, the lack of a legal recognition by the state produces so many tangible handicaps for Kurds in the domains of social inclusion and procedural justice. The problems experienced within the society and within the state institutions are seen as the inevitable results of the lack of recognition. Kurdish interviewees see their unacknowledged identity and language as the bases of their problems. In that sense, the lack of legal recognition is the source of injustice Kurds are facing with. That is why Kurdish interviewees are frequently talking in the “we” form. Even their discourses are shaped by the understanding of not being acknowledged as a group.

Talking in the “we” form is also crucial from the point of justice as restoration. Kurds are holding a collective trauma; or a “chosen trauma”¹³⁹ transformed from generation to generation. In that way, even those who did not experience such things

¹³⁸ Although for Kurds the language right is one of the predominant issues in discussing justice, rights are not fully on the focus as the source of injustice. In that sense, the language right is linked to non-recognition and considered in that context.

¹³⁹ See Volkan, V. D. (2001). Transgenerational transmissions and chosen traumas: An aspect of large-group identity. *Group Analysis*, 34(1), 79-97.

narrate stories regarding past injustices against Kurds. Since those Kurds who did not experience any violation towards themselves are also embracing all past violations, the restoration of the past violations and crimes becomes more crucial. Restoration mechanisms during the resolution process have to take into consideration the fact that every Kurdish individual feels discriminated against because of the past violations Kurds suffered from. That is why resolution process is required to be inclusive and integrative towards every part of the society.

To sum up, what Kurdish interviewees understand by justice is influenced by their relationship with the Turkish State. However, while healing the problems of Kurds with respect to justice, it is not sufficient to focus solely on the experiences of Kurds in relation to the Turkish State. Justice is not something that you can fix the part which you think is damaged. Rather, it is a totality. That is why every form of justice should be evaluated in accordance with the others.

CHAPTER VI | DISCUSSION AND CONCLUSION

Armenians and Kurds in Turkey are two ethnic identities, which have similarities and differences at the same time. On the one hand, both of them are theoretically ethnic minorities in the Turkish Republic since the formulation of the Turkish State is based on Turkishness. In that sense, Armenians and Kurds are left outside of the dominant majority, which directly or indirectly is entitled to the state institutions or mechanisms. On the other hand, the Armenians and Kurds in Turkey have a major difference beyond other factors mentioned above; legal recognition by the state. Whereas the Armenians in Turkey are legally recognized by the state and have some rights stemming from this recognition, the Kurds in Turkey are not legally acknowledged as an ethnic identity. That is why the policies and procedures that these two ethnic identity groups are facing with can be different from time to time depending on the situation and context. Throughout this chapter, while I am comparing their understandings of justice, at the same time I try to link these understandings with their experiences based on their ethnic identities and conclude my study with a brief summary part.

Although justice as recognition is only one of the sub-categories of justice, the impact of the lack of it is more extensive than that. The problems stemming from recognition penetrates into other spheres of justice. That is why the dynamics of recognition and the lack of it are important components to see the broader framework. Therefore, the understanding of justice as recognition should be the first step in order to comprehend how both the Armenians and the Kurds in Istanbul shape their ideas with respect to justice. I will be talking about how justice as recognition has an impact on other forms of justice. However, first it is crucial to discuss what the differentiating points are in Armenians' and Kurds' understandings of justice as recognition and how these two ethnic identity groups problematize recognition in the context of Turkey.

Armenian interviewees consider problems deriving from recognition as a result of the lack of implementation of that recognition. Although they are recognized as an ethnic identity and provided with some cultural rights stemming from this recognition, these cultural rights are not implemented as expected. The Armenians in Turkey have Armenian schools, where they can study in Armenian, or churches where they can practice their religion. However, the curriculums or functioning of these schools show that Armenians are having some problems with respect to the sustainability of Armenian culture. Education materials are not prepared in a way to include the Armenian history, culture or other components of that particular ethnic identity to the curriculums. Schools and churches are not funded by the state because of their special status different from the state institutions. Although the functioning of schools and churches is strictly controlled by the state authorities, they cannot enjoy the opportunities that the state is supposed to assign. In that sense, the legal recognition fails to ensure the opportunities and needs based on that recognition.

On the other hand, for the Kurds in Turkey, the situation is completely different. Since it is not possible to talk about the existence of a legal recognition, Kurds do not have any ground to claim the means to sustain their culture, history or anything that can be associated particularly to their ethnic identity. In that sense, the use of the Kurdish language can be counted as the most prominent issue among Kurdish interviewees. Since the Kurdish language is regarded as one of the indispensable parts of the ethnic identity, the legal impossibility to use it in the state institutions creates a sense of injustice among Kurdish interviewees.

The interviewees are using the term “legal recognition” by emphasizing legal, because Kurdish interviewees in general are well-aware of the fact that the state and its institutions only unofficially acknowledge the existence of the Kurds in Turkey. We can track this argument in the discourses of the political authorities, in the practices against Kurds, or the prohibitions against the Kurdish language and identity. However, it is far from being a legal recognition as a result of which the state is obliged to fulfill the needs of that recognition. This also can be seen as one of the reasons why for Kurdish

interviewees recognition and rights are inseparable. Kurds cannot enjoy any cultural rights because of the lack of a legal recognition.

Another important point is the fact that being deprived of a legal recognition causes Kurdish interviewees to talk in the form of a community ("we") when they are expressing their experiences of injustice. The interviewees are not sharing their experiences from a singular perspective. Rather, they are group-specific and narrating stories that sometimes they themselves did not experience directly. The injustice experienced in the past by other members of the ethnic identity is embraced and narrated by those who did not experience them. In that sense, the lack of recognition leads Kurds to produce a collective memory. It is important to consider the fact that the lack of recognition drives Kurds to produce a sense of togetherness and to talk in the 'we' form, instead of using 'I' as the subject.

On the other hand, Armenian interviewees evaluate the issue of recognition with respect to their individual experiences. This does not mean that they do not have group awareness or do not raise events and issues that can be directly linked to the Armenian identity. However, their attachment to the past incidents is not as tight as Kurds. They discuss past issues and events from a rather detached perspective. The 1915 *Meds Yeghern* can be an exception to this argument considering the fact that Armenians in Turkey have a collective trauma. However, even in that case instead of sharing a collective story, Armenian interviewees try to give examples from their families.

The main differentiating factor between the Armenians and Kurds living in Istanbul with respect to recognition is the fact that whereas Armenian interviewees consider injustice as the lack of implementation, Kurdish interviewees are focusing on the lack of legal recognition. That is why Kurdish interviewees' sense of injustice with respect to recognition is considerably stronger than that of the Armenian interviewees.

There are also some common points that these two ethnic identity groups share with respect to recognition. Either because of the lack of recognition or because of the lack of implementation, Armenians and Kurdish interviewees' sense of belonging to the

Turkish State is hurt. Not being recognized by the state or not being acknowledged as an indispensable part of the society creates a psychological handicap for both Armenian and Kurdish interviewees. The discriminatory discourses of the political authorities strengthen this feeling and imply that they are not welcomed by the state. However, approaching justice solely from the point of recognition would not be sufficient to comprehend this sense of injustice. The impact of non-recognition should only be seen as one side of the issue.

Since the needs of the society in Turkey are defined according to the dominant national identity, this situation creates a form of injustice for those who are not taken into account and consequently are marginalized. Consequently, Armenian and Kurdish interviewees can extend their understanding to other unacknowledged identities and see the broader framework. Armenian and Kurdish interviewees state that those who are outside of the national ideology of the state are suffering from the non-recognition of their identities. In that sense, being an “outsider” helps them to understand dynamics of recognition and the experiences of injustice that other identity groups are going through.

On the other hand, extending the understanding of injustice to other identities is highly correlated with other elements, such as the education level, or financial well-being of that particular individual. Regardless of the ethnic identity, those who are well-educated or financially better-off are more prone to see the injustice that other identity groups, especially LGBTI's, are subjected to. Also the city or the town where that particular person was born and raised is another important element. Living in ethnically or religiously diverse surroundings helps the person to be more tolerant and sympathetic towards differences.

When justice is taken from the perspective of rights, there is a very clear distinction between the understandings of the Armenian and Kurdish interviewees. Although regardless of their ethnic identity some of them raise the same issues in the context of rights as mentioned in the results chapters, Kurdish and Armenian interviewees do not see injustice as rights from the same perspective. Whereas Armenian interviewees claim that rights are not discriminatory, but the problem is how

these rights are implemented, Kurdish interviewees argue that there are some rights that some parts of the society are deprived of based on their identity.

For Kurdish interviewees, there is inequality in rights, because first of all they, as Kurds, lack their language rights. Considering language as the crucial component of the Kurdish identity, it makes sense that their understanding of justice as rights is shaped according to this criterion. Kurdish interviewees raise the issue of rights as a very crucial form of injustice. That is why the spheres of recognition and rights are highly connected according to Kurdish interviewees. They state that since the Kurdish identity is not acknowledged by the state, they lack some rights based on their identity. On the other hand, since they do not have these rights, it is not possible to state that there is recognition towards Kurds. Without one of them, it is not likely to talk about the existence of the other. These two spheres are working in relation.

Whereas Kurdish interviewees consider recognition and rights inseparable and influencing one another, Armenian interviewees evaluate justice as recognition and as rights separately, because they problematize the implementation of recognition, not holding that status. At this point, the understanding of justice as recognition infiltrates into justice as rights for both Armenian and Kurdish interviewees. Since Armenian interviewees see the problem of recognition as implementation, they do not see any form of injustice regarding rights. Their sense of injustice is highly associated with procedures that I will be discussing in advance. On the other hand, since Kurdish interviewees consider a problem with respect to recognition by the state, they draw attention to how rights are written and what is unequal about them.

Although Armenian and Kurdish interviewees understand different things by justice as rights, their understandings of procedural justice are nearly similar. Whereas both Armenian and Kurdish interviewees raise issues of procedural injustice in relation to their ethnic identities on the one hand, they all state the impossibility of talking the existence of procedural justice in Turkey in general on the other hand. In that sense, neither Armenian nor Kurdish interviewees regard the state or its institutions as impartial, neutral or non-arbitrary. The acts of the state and its institutions are not seen

as legitimate. They are all complaining of the fact that favoritism and nepotism are embedded within the state institutions and judiciary cannot be kept apart from this understanding.

Armenian and Kurdish interviewees argue that the rule-of-law in Turkey does not function properly and is under the suppression of power elites. The main points that undermine the sense of procedural justice of all are impunity and partiality. As an example, whereas Kurdish interviewees review the due processes of KCK¹⁴⁰ court cases, Armenian interviewees raise the assassination of Hrant Dink and the process following the assassination.

In addition to the functioning of judiciary, the sense of justice of both Armenian and Kurdish interviewees are also undermined as a result of discriminatory daily life experiences. For Armenian interviewees, the treatment during the military service, the attitude of the officers in the state institutions, and the impossibility to be employed in those institutions constitute the main part of the injustice stemming from procedures. In that sense, the visible features of the Armenian identity, like their names or religious preferences, play an important role in their experiences of injustice. On the other hand, Kurdish interviewees assert that the arbitrary identity controls, the violations of right to life, right to communication, right to immunity of domicile are the prevailing issues with respect to procedural injustice.

Although the examples of procedural injustice can vary across Armenian and Kurdish interviewees, they all think that the state *par excellence*, its institutions and jurisdiction in particular are corrupted. This understanding is not associated solely with any particular identity. Rather, procedural injustice is regarded as something that everyone in Turkey suffers from, if they do not have close ties with the power holders. However, Kurdish interviewees additionally mention about some practices that only Kurds are subjected to. In this statement, Kurds' strong group awareness is highly influential. Since most of the Kurds are strongly attached to their group identity, the

¹⁴⁰ People who are politically active or in some way support the Kurdish movement are taken into custody and arrested by the accuse of being member of KCK (Koma Civakên Kurdistan/ Group of Communities in Kurdistan) which is defined as an illegal organization by the Turkish state.

experiences of injustice are regarded from this perspective.

Moving from the domain of procedural injustice to social exclusion gives more or less the same picture. Both Armenian and Kurdish interviewees are subjected to social exclusion and they all state that the social polarization within the society is highly drastic. The dominant majority in particular is not very welcoming towards different preferences. The dominant majority tends to exclude and stigmatize identities different than theirs.

In order to explain the root causes of the social polarization and social exclusion, the interviewees draw attention to the fact that the society is the reflection of the state ideology. The state through its institutions and other means produces the social exclusion within the society. That is why those who are excluded from the society are those who do not fit into the definition of the national identity of the state.

When we look at the patterns of social exclusion specific to a particular ethnic identity, Armenian interviewees assert that religion is the basis on which they are discriminated against most of the time. People who try to insult them pick words that can be related to religious preferences. In addition to that, Armenians are also facing some questions and comments implying that they are foreigners and do not belong to Turkey. In that sense, discourses and hate speeches play a crucial role to understand the dynamics of social exclusion.

In addition to the discriminatory discourses that Armenians are exposed to, Kurds also encounter some cases in which their identity or existence is denied by the society. Recently, with the peace process, these examples start to diminish. However, it can still be possible to see the impacts of the denial policies of the state lasted for years on the society. On the other hand, for Armenians it is not very likely to hear that there is no such thing as Armenians. Considering the legal recognition by the state, it does not seem possible to deny the existence of Armenians in Turkey.

The difference between the understandings of Armenian and Kurdish interviewees

with respect to social exclusion is the fact that since for Kurds it is possible to talk about the existence of a region with a high Kurdish population intensity and since the rate of Kurdish population is higher in comparison to the other ethnic minorities, their rate of social mobilization is higher. They can build their own surroundings more easily or be comfortable in the surroundings that they are entering into. On the other hand, Armenians prefer to stay in their own surroundings and try to prevent any risk factor coming from outside.

When justice is taken as redistribution, what Armenian and Kurdish interviewees understand by justice is not similar. Although most of them think that the duty of the state is to provide services and resources, the way or the aim of this redistribution varies across Armenian and Kurdish interviewees. Therefore, also the expectation from the state in terms of redistribution differs between them.

On the one hand, those Armenian interviewees who run their own businesses do not expect the state to take care of the needs of its citizens. They state that redistribution mechanisms should follow the rules of the free market and people acquire money according to their merits or labor force. However, the rest and the most of the Armenian interviewees raise the need for a welfare state. They argue that the basic needs of the citizens have to be provided by the state. The state is obliged to take care of its citizens who are in need. In that sense, these people draw attention to the necessity of a charity system that can ensure the minimum needs of the citizens. However, while ensuring the needs, equality cannot be the aim of the redistribution mechanisms, because it is not fair to those who work for their income as opposed to those who get help from the state.

However, for Kurdish interviewees the expectation from the redistribution mechanisms is pretty much different. Kurdish interviewees focus on the equality of outcome. That is why instead of ensuring the basic needs, they argue that the state is obliged to provide the opportunities for people to fulfill their potential and flourish within the society. They argue that a charity system does not only inhibit the fulfillment of potentials, but it also sustains the system that creates this inequality at the first place. Therefore, redistribution mechanisms should not be run like a charity system.

Another main difference between Armenian and Kurdish interviewees with respect to redistributive justice is their level of analysis. Unlike Armenian interviewees, Kurdish interviewees consider redistribution from a macro perspective. They discuss the inequality between cities and regions. In this understanding, again the regional concentration of Kurds in a specific area plays an important role. They argue that in the cities where the rate of Kurdish population is higher, citizens cannot enjoy the resources of the state as much as the other cities do. For Kurdish interviewees, the state is systematically creating this inequality through its policies. In this context, as examples Kurdish interviewees give the victims of the forced migration or those who are pushed to undocumented economy and marginalized. That is why they are relating economic deprivations to the ethnic identity, if not to the other disadvantaged identities.

Also, both Armenian and Kurdish interviewees have concerns about the functioning of the redistribution mechanisms of the state. For Kurdish interviewees, the state is adjusting its redistribution policies according to the interests of power holders. Those who can enjoy the resources or opportunities of the state are those who are in good relations with the state cadres. Again, favoritism and nepotism emerge as the motives of redistributive injustice. For Armenian interviewees, the patterns of redistributive injustice are also similar. They also do not hold trust towards the state institutions in terms of redistribution or resources. Because of the corruption within the state institutions, they do not opt for high taxes for those who are in need. Armenian interviewees claim that the taxes or money granted for charity works do not reach to the right destinations to help the poor.

Last but not the least, justice as restoration and retribution do not vary much across Armenian and Kurdish interviewees. They have similar ways of understanding to ensure the justice after a violation of a right or a crime. Both state that retribution and restoration mechanisms should be implemented in cooperation. While retributive justice can deter future crimes, restorative justice can help the healing of the society or of a particular group.

In terms of retributive justice, Armenian interviewees raise the issues related to impunity. They state that if the rule-of-law in Turkey ensures the proper functioning of the jurisdiction, then their sense of justice is not undermined this much. On the other hand, for Kurdish interviewees, the crucial point to ensure the retributive justice is to reveal and eliminate those who are involved into the wrongdoings, but still are working in the state institutions and offices.

Besides, Armenian interviewees see retributive justice mechanisms as means to punish the individual crimes in which the perpetrator and the victim are persons whose identity can be specified. Otherwise, for other cases retribution is not regarded as sufficient to rehabilitate the conditions after a wrongdoing or violation. However, Kurdish interviewees state that regardless of the crime or the violation, retribution is a must. The reason why retribution is regarded as this much important by Kurdish interviewees is the idea that whereas retribution leads the perpetrator to be revealed in the public, it also introduces an acknowledgment of the violations committed against one person, or a group of people by making the perpetrator responsible of his or her crimes. Considering the Kurds' powerful attachment to their ethnic identity, the acknowledgment of the wrongdoing towards Kurds also means the recognition of the Kurdish ethnic identity.

On the other hand, Armenian and Kurdish interviewees are expecting more or less the same things from restorative justice. Apology, the confrontation of the parties, the acknowledgment of the pain and wrongdoing and the revealing of the crimes and perpetrators are the main pillars of restorative justice for Armenian and Kurdish interviewees. Armenian interviewees understand restorative justice as ensuring the mutual trust environments. Thereby the healing of the society can be provided and peace can become possible. Similarly, Kurdish interviewees are emphasizing information dissemination, socialization of the issues, dialogue and the like. Additionally, Kurdish interviewees also discuss the issues of how the trauma can be overcome and how the victims can be satisfied psychologically.

When we compare the understandings of justice of Armenian and Kurdish

interviewees, we can see differences and similarities depending on the sub-category of justice. There are points that they share and that they differ from each other. Similarly, when we look at justice from a broader perspective, the same pattern can be seen here. Whereas Armenian and Kurdish interviewees together share the sense of injustice in the areas of procedural justice and social inclusion, additionally Kurdish interviewees also raise issues related to recognition and redistribution. In that sense, while Armenian interviewees focuses on justice in terms of values, attitudes, and perceptions, Kurdish interviewees emphasize also more solid presentations of justice, such as rights, resources or policies.

For Armenian interviewees, what is very disturbing in relation to their ethnic identity are their experiences of social exclusion and procedural injustice. They state that since recognition is not properly implemented, the perceptions within the society and the state institutions are shaped accordingly. The values and discourses of the state in terms of recognition or the way it acts are internalized by the society and institutions. Consequently, through the transfer of the ideology of the state to the society the lack of implementation of recognition results in social exclusion and procedural injustice for Armenians.

However, Armenian interviewees share their experiences through their personal narratives. They refrain from generalizing their experiences to the Armenians in Turkey or from associating these experiences directly to their ethnic identity. The reason behind it can be the fact that they do not have strong group awareness, or they do not develop a collective memory with respect to their daily life experiences.

On the other hand, for Kurdish interviewees the situation is slightly different. In addition to the problems deriving from social exclusion and procedural injustice, in their understanding also the experiences of injustice stemming from non-recognition and inadequate redistribution are crucial¹⁴¹. Whereas the lack of legal recognition itself undermines the sense of justice for Kurdish interviewees, it also leads to experiences of

¹⁴¹ Justice as rights can also be added to this point. However, Kurds mention justice as rights only in relation to their language rights and in the context of recognition. That is why I did not prefer to say that their sense of injustice are predominantly stemming from the issue of rights. Rather, for them it is directly linked to the issue of recognition.

social exclusion and procedural injustice. They state that the lack of legal recognition by the state influences the attitudes of people and procedures functioning against themselves. The state ideology is transferred into the society, and produce different forms of justice that is generated in the domain of recognition at the first place. On the other hand redistributive injustice is regarded as the consequence of the direct acts of the state instead of the indirect impact of the state ideology. In other words, whereas social exclusion and procedural injustice are produced indirectly as a result of the lack of recognition, the state explicitly creates redistributive justice through its mechanisms.

There are three main points that can differentiate the understanding of justice of Kurdish interviewees from Armenian interviewees'. The first point has to do with the discourse of victimhood. Whereas Kurdish interviewees talk in the “we” form and share collective stories, most of the Armenian interviewees prefer to narrate stories that they directly experience. In that sense, unlike Armenian interviewees, Kurdish interviewees are holding a collective memory and transforming their stories among the members of the ethnic group¹⁴². That is why in their stories it is very likely to see the discourse of victimhood as a result of the collective memory that they are sustaining. Especially, the Kurdish youth is adapting and narrating the stories that they hear from their parents or older members of the family and in this way embracing their trauma.

Secondly, among Kurdish interviewees the experiences of injustice are sharpened as much as the income level decreases. Those who are financially worse-off suffer more harshly from discrimination in their daily lives and face with cases of social exclusion and procedural injustice more frequently and intensely. However, it is not possible to see this kind of a relationship among Armenian interviewees. It can either be because they take care of each other with the benefit of being a small community in Istanbul, or they do not have recent economic or political migration history that causes economic devastation.

As the third point; whereas Kurdish interviewees claim that the discriminative ideology against Kurds is embedded within the state institutions, Armenian interviewees

¹⁴² For Armenians, the 1915 massacres can be taken as an exception. Studies show that although the impact of the incidents varies across the generations, it is still possible to talk about a chosen trauma (Özdoğan *et al.*, 2009)

regard their experiences of injustice from a broader perspective and state that all people outside of the dominant ideology suffer from injustice in the same manner. It is possible to say that since Kurds have strong group awareness, they regard their experiences of injustice from their perspective, or they can be aware of the discriminatory policies functioning solely against them. In that, again the population size of the Kurds in Turkey and their regional concentration should be taken into account.

The last thing that is worth mentioning in this discussion then whether the sense of injustice among Armenian and Kurdish interviewees lead to conflicts within the society or between these identity groups and the state. Although answers to this question vary across Armenian and Kurdish interviewees, it is still possible to present patterns for Armenians and Kurds.

The experiences of injustice among Kurds lead them to develop forms of resistance and struggle tactics against the institutions and authorities that are producing or maintaining the root causes of this injustice. Both the reason and the result of this tendency among Kurds is the fact that Kurds are more organized in comparison to the other identity groups. However, Armenians are mostly passivized and prefer to remain silent towards the state of injustice embedded in their daily lives. Undoubtedly, it is possible to find reverse examples to this passivity. However, the picture seems roughly like that. Again in that, the relatively small size of the Armenian population, the lack of an Armenian region or their intense integration to the broader society have to be considered to understand the dynamics that lead Armenians to be more recessive.

To sum up, the comparison between the understandings of justice of Armenians and Kurds reveals the fact that the state through its institutions and policies has a huge impact how the injustice within the society or any other domain to be reproduced. That is why injustice in one category is transmitted to others. The injustice stemming from the state policies reflects upon other domains of justice. Therefore, as mentioned in the literature review chapter, justice is not something whose forms and categories can be discussed separately from each other. Rather, it has to be looked as a totality. The transitions and overlaps across the sub-categories of justice confirm this understanding.

That is why, without understanding the context, how the relations between the identity and the understanding of justice are constructed and the transition across these understandings, it is not possible to grasp the whole picture.

In conclusion, the aim of this study was to reveal the understandings of justice of the Armenians and Kurds living in Istanbul considering the historical background and their earlier experiences with respect to their ethnic identity. The reason why these two ethnic groups are chosen for this study is their difference in terms of legal recognition by the state. In that sense, by looking at their understandings of justice, also learning how the legal recognition by the state is affecting their conceptualizations is one of the concerns of this study.

In order to discuss justice from various perspectives empirically and make sense of the experiences of the interviewees in a particular context, justice is divided into six sub-themes driven from the literature as focus of attentions. Justice is considered as recognition, rights, social inclusion, procedures, distribution, and restoration and retribution.

In order to be able to explain the meaning of the statements of the interviewees, the social context and the main concepts to comprehend this context are presented. In addition to the nation-state phenomenon, also specifically the Turkish Nation-State, and the Armenians and the Kurds living within the borders of this nation-state are briefly discussed. The demographics of these ethnic groups and the prevailing events linked to the subject are introduced in the presentation of the social context that the research takes place in.

The participants are contacted through more than one gatekeeper to ensure the diversity among the sample groups. Thereby, the participants are from different backgrounds, ages, income levels, education levels, sexes, sexual orientations, or any other characteristics. The only common feature in each sample group is the ethnic identity of the participants and the city they are living in. However, although the

participants are chosen according to their ethnic group and discussions are held around this identity, also the agency of the participants is acknowledged. It is considered that whereas all these participants share some common characteristics or culture because of their ethnic identity, each one of them also has his or her own perspective and life experience to comprehend the events.

This present research unveils the facts that the experiences of injustice of the Armenians living in Istanbul are mostly stemming from social exclusion and procedural injustice, whereas the Kurds living in Istanbul raise injustice as the lack of recognition and redistribution in addition to their experiences deriving from social exclusion and procedural injustice. In other words, whereas both ethnic groups are suffering from social exclusion and procedural injustice, Kurds also add the practices of injustice based on non-recognition and inadequate redistribution.

What is more interesting in these findings is that the experiences of injustice stemming from social exclusion and procedural injustice are connected to recognition by the state. For Armenian interviewees, the lack of implementation of recognition penetrates into the society and the state institutions. Since there is no proper recognition in practice, Armenians are not acknowledged and treated equally. Therefore, these practices create the problems of social exclusion and procedural injustice. For Kurdish interviewees, whereas the lack of recognition itself is one of the origins of injustice, it also infiltrates into other domains of justice, and leads to social exclusion and procedural injustice. Since the state does not recognize Kurds on legal basis, within the society and the state institutions they are disregarded, if not recognized by exclusion¹⁴³.

Additionally, with the impact of the concentration of the Kurdish population in a region, the lack of legal recognition of Kurds leads them to consider redistributive injustice as functioning discriminatory towards themselves. In that sense, redistributive injustice is regarded from a macro perspective through which the socio-economic development of the region, where the Kurdish population is considerably higher, is interrupted by the official or unofficial policies of the state. Different from social

¹⁴³ See Saracoglu, C. (2009). 'Exclusive recognition': the new dimensions of the question of ethnicity and nationalism in Turkey. *Ethnic and Racial Studies*, 32(4), 640-658.

exclusion and procedural injustice, redistributive justice is perceived as a phenomenon that is influenced by the lack of recognition through the direct acts of the state. The link between recognition and redistribution is not explained through the internalization of the values or discourses that the state is producing, but through the explicit involvement of the state.

While comparing these two ethnic groups that differ from each other in terms of legal recognition, the research reveals the fact that the lack of recognition, either at the implementation level or at the legal level, is the root cause of the injustice that Armenians and Kurds suffer from. Although each sub-theme of justice cannot be considered separate from the others, and justice has to be regarded as a totality that the elements of it are intertwined to one another, justice as recognition should be addressed as the starting point to comprehend the broader framework.

If we set aside the cases, what we have learned from this research at the theoretical level is that the sub-categories of justice are connected to each other, and it is not possible to evaluate one of them without looking at the others. That is why discussing one sphere of justice requires the consideration of the others. In this sense, it can be said that justice is a holistic phenomenon. Without achieving justice in each sphere of it, it is not possible to talk about the existence of justice. That is why political, cultural and socio-economic factors are intertwined. Also, these spheres include both outcomes and processes of justice. In order to discuss the dynamics of justice, it is not sufficient to evaluate its outcomes solely; also the processes that prepare these outcomes are crucial.

On the other hand, considering the impact of recognition by the state to the other sub-categories of justice, the state rises as an important element in constructing justice as either outcomes or processes. If there is no justice at the level of recognition as a result of the state ideology, then it is not possible to produce justice at the societal level either. The state ideology infiltrates into its institutions and then into the society. Thereby it creates the sources of discrimination and inequality, if not reproducing them. Therefore, if the state *par excellence* is not just, then the state institutions and the

society as the bearers of this ideology cannot be expected to be just either.

This research also brings about some implications for future research. Considering the understandings of justice of Armenians and Kurds, the research can be furthered. The dynamics of how the Armenians and Kurds living in Istanbul are responding to their experiences of injustice in the context of Turkey, and which mechanisms, means and tools they are using to handle these forms of injustice can be explored. Also by including the understandings of justice of other ethnic groups, the picture can be enriched or the discussion can be deepened. In addition, by choosing different contexts than Istanbul, with the impact of diverse constructions of identity how the understandings of justice vary from context to context can be analyzed.

By understanding the justice claims of subjects, this research can also be helpful to the preparation of policies and regulations in order to eliminate the root causes of injustice within the society or the state institutions, to ensure the well-being of citizens and enhance the prosperity, or to eradicate discrimination and inequality embedded within the society.

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APPENDIX

PROTOCOL

Identity

Hepimizin bir çok kimliği var. Siz kendinizi anlatırken, kimliğinizi nasıl tanımlıyorsunuz?

Bu kimlik tanımlamasında sizin Kürt/Ermeni kimliğiniz ne derece önemli?

Türkiye'de Kürt/Ermeni olmak ne demek, bundan biraz bahsedebilir misiniz?

Kürt/Ermeni kimliğinizi baskın olarak hissettiğiniz durumlar oluyor mu?

Kimliksel farkındalığınız, Kürt/Ermeni olduğunuzu fark etmeniz, bakış açısından neleri değiştirdi, ya da bir şey değiştirdi mi?

Farklı etnik kimliğinizden dolayı zorlandığınız anlar oldu mu?

Justice

Recognition: Devlet farklılıklara nasıl yaklaşmalı? Bireysel ve grup farklılıklarını Kültürel haklarınız ve değerleriniz sizce devlet tarafından tanınıyor mu? Kültürel haklarınızın kullanılmasında herhangi bir baskı görüyorum musunuz?

Kurumlar kültürel değerlerinizi gerçekleştirmede nasıl bir tutum içerisinde deler?

Etnik kimliğinin tanınmadığı bir durum varsa: Böyle durumlarda nasıl hissediyorsunuz?

Kürt/Ermeni olarak tanınmak sizin için neden önemli?

Devletin bu konuda nasıl bir tutum içerisinde olmasını isterdiniz?

Rights: Türkiye'de herkesle eşit vatandaşlık haklarınız olduğunu düşünüyor musunuz?
Neden?

Eğer mahrum olduğunu söylediği haklar varsa: Sizin için vatandaşlık temelinde eşit olmamak ne ifade ediyor?

Türkiye'de bu haklara sahip olduğunu düşündüğünüz gruplar var mı?

Redistribution: Sizce devlet kaynaklarının paylaşımını hangi esasa göre yapılmalı?

Doğuştan eşit koşullara doğmayan insanların durumunu iyileştirmede devlet bir rol oynamalı mı?

Toplumdaki ekonomik farklılıkların sosyal adaletsizlik yarattığını düşünüyor musunuz?

Neden?

Adaletsizlik varsa: Devlet bunu gidermek için bir şey yapmalı mı? Ne yapmalı?

Kürt/Ermeni halkın ekonomik ve maddi kaynaklara erişmesinde, burada devlet kurumlarını da düşünebiliriz, adaletsizlik olduğunu düşünüyor musunuz?

Kürt/Ermeni halkın erişemediği kaynakların bu halkın etnik kimliklerinden kaynaklı olduğunu mu düşünüyorsunuz yoksa bu devletin bütün vatandaşları için geçerli olan genel politikası mı?

Social Inclusion: Kürt/Ermeni kimliğiniz yüzünden bireysel ya da grup olarak toplumda dışlandığınızı hissediyor musunuz?

Dişlanma varsa: Sizce bu dışlanmaya sebep olan toplumsal faktörler nelerdir?

Toplumda sizin de sosyal bir baskı hissediyor musunuz? (Farklı gruplarla aranızda hiyerarşik bir ilişki olduğunu düşünüyor musunuz?)

Böyle düşünmenize sebep olan deneyimleriniz nelerdir?

Sizce devlet bunu engellemek için neler yapmalı?

Procedure: Devleti ve kurumlarını işleyiş bakımından meşru görüyor musunuz?

Türkiye'deki kurumlardaki yöntemlerin ve süreçlerin adil olduğunu düşünüyor musunuz? Karar alma süreçlerinde ve size karşı olan tutumlarında devletlerin ve kurumların adil olduğunu düşünüyor musunuz?

Bu süreç ve yöntemlerde, tarafsızlık, etik, tutarlılık, baskı, doğruluk ve düzeltilebilirlik ilkelerinden hangisi ya da hangilerinin ihlal edildiğini düşünüyorsunuz?

Size karşı olan ve adil olmadığını düşündüğünüz tavır ve yöntemler hakkında ne

hissediyorsunuz? Neyle ilişkilendiriyorsunuz?

Restorative – Retributive: Tc.nin kuruluşundan itibaren olan süreçte vatandaş olarak yara aldığınız ve devlet kurumlarının adaleti tesis edemediğini düşündüğünüz bir durum ya da olaylar var mı? Neden?

Adalet duygunuzu yerine getirmek için devlet ne yapmalıydı? Şimdi ne yapmalı? Suçluları cezalandırmak adalet duygunuzu yerine getirmek için yeterli mi? Suçtan ya da hak ihlalinden etkilenen kişiler için devlet nasıl bir yol izlemeli?

Zarar görenler ve hak ihlallerine sebep olanlar bu adalet arama sürecinin neresinde bulunmahlar, ne kadar dahil olmalar?

Özellikle çözüm sürecinden bahsettiğimiz bir dönemde devlet Kürt halkının adalet duygusunu onarmak için neler yapmalı sizce? Siz bireysel olarak kendi deneyimlerinizi düşündüğünüzde, nelerin yapılması sizin devletin meşruiyetine olan inancınızı iyileştirebilirdi?

1915 olaylarını düşündüğümüzde, ya da Ermeni halkının el konulan mallarını, devlet bu süreçte nasıl bir yol izlerse size karşı yapılan hak ihlallerinin bir nebze de olsa adalete kavuştuğunu düşünürdünüz?

Conflict

Farklı alanlarda zarar gören adalet kavramından konuştuk. Değindiğimiz ve dephinmediğimiz birçok farklı şekli var. Her birey ve her grup için adaletin içeriği kavramların önem sırası değişebilir mutlaka. Sizin kimliğinizle ve tarihinizle bağdaştırdığınız ve diğerlerine oranla daha önemli olduğunu düşündüğünüz adaletin hangi yönü? Neden?

Adaletin sizin için daha önemli yönlerini de göz önünde bulundurarak, Türkiye'de adaletsizliğin toplum için nasıl bir tehlike oluşturduğunu düşünüyorsunuz, hangi anlaşmazlıklara sebep oluyor sizce?

Adalet duygunuzun incinmesi sizde nasıl bir psikoloji oluşturuyor? Devlete ve toplumun geri kalanına bakış açınızı nasıl etkiliyor?

Sum up

Eklemek istediğiniz ya da bu konuya ilgili dephinmediğimiz ve sizin için önem arz eden bir şey var mı?