Hate Crime in Turkey

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Implications of Collective Action, Media Representations and Policy Making

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Cambridge
Scholars
Publishing

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This book first published 2017

Cambridge Scholars Publishing

Lady Stephenson Library, Newcastle upon Tyne, NE6 2PA, UK

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

ISBN (10): 1-4438-9120-7
ISBN (13): 978-1-4438-9120-2

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PREFACE

Since the 1980s, hate crime has emerged as a key nomenclature in the description and explanation of violent acts towards vulnerable groups. In Turkey the term has been in use for the last decade. This book, which is derived from my doctoral thesis, aims to demonstrate how hate crime, as a contemporary legal concept, is introduced to and represented in the public discourse. I examine: how hate crime incidents against ethnic/religious minorities and the LGBT population are represented in the media; the role of those human rights based social organizations which contribute to the process through direct campaigns for hate crime law; and parliamentary debates on hate crimes and prospective hate crime law.

This study therefore addresses questions of how effective the hate crime debate in Turkey has been in identifying bias motivated violent incidents and how social institutions perceive hate crimes and influence the hate crime debates instigated by social movement actors. Through the book I first explore the movement against hate crime in Turkey and argue that hate crime has operated as an umbrella term, diverting distinct identity movements into dialogue and collaboration, but also that it has created a partial collective identity. Next, to grasp the repercussions of the emerging anti-hate crime movement in the public discourse, I focus on the media and parliament. Both media representations of hate crime and parliamentary debates on the policy making process uncover challenges to the hate crime debate in Turkey. Recognizing the bias factor within criminal offences and making hate a legal category is a process.

My research tackles the emergence and the developmental period of a new social movement related to identity politics and this movement's struggle to establish ground in public discourse. Subsequently, it addresses the fact that the media and the governing body, in both direct and indirect ways, constitute an impediment to the recognition of bias and prejudice.

ACKNOWLEDGEMENTS

This research would not have been possible without the support of many people. First of all, I would like to express my gratitude to my family: Special thanks to my dear father and mother, Samim and Mehtap, for their continuous help, support and encouragement and to my deceased grannie and granddads Selahattin and Ümran, and Sahir Dağcıoğlu. I would like to thank Sevtap Dağcıoğlu, Irmak, Sertaç Ergin, Gülgün Kızıltan, Halit Dağcıoğlu and Ayhan Büyükünal. I am lucky to feel their love and support far away from home.

I would like to express warm thanks to my supervisor, Prof. Sean Nixon, for his patience and guidance. I would also like to thank Prof. Pete Fussey, Prof. Yasemin Soysal, Dr Robin West, John Jacobs, Dr Michael Bailey and Prof. Nermin Abadan-Unat for their support and feedback.

Furthermore, I would like to thank very much the friends with whom I shared this experience, for their encouragement, joy and company: Sait Bayrakdar, Falko Ernst, Anna Sergi, Richard Davis, Lina Maria Sanchez Cespedes and Ayşegül Akdemir. Sadiye, Faruk, Nazlıcan and Bedirhan Bozkaya provided me with a second home during the time I spent in the UK. I am very grateful for meeting them.

My thanks and best wishes to the administrative staff of our sociology department at the University of Essex and the Albert Sloman Library; and to the staff in Zest, the Lakeside Café and the Canteen for their support and geniality. And lastly, special thanks to dear Mehmet Gökhan Göktan for listening to my endless complaints, and showing the sincerest support and love. Thanks to him I gained the strength to develop and complete this research.

List of Abbreviations

ASC: Association for Social Change
CDA: Critical Discourse Analysis
DP: Democracy Party (Demokrasi Partisi/DEP)
DRP: Democratic Regions Party (Demokratik Bölgeler Partisi/DBP)
DSP: Democratic Society Party (Demokratik Toplum Partisi/DTP)
EU: European Union
FBI: Federal Bureau of Investigation
HRA: Human Rights Association
NAP: Nationalist Action Party
NGO: Non-Governmental Organization
NSM: New Social Movement
MAZLUMDER: Association for Human Rights and Solidarity with the Oppressed
JDP: Justice and Development Party
OSCE: Organization for Security and Cooperation in Europe
PDP: Peace and Democracy Party (Barış ve Demokrasi Partisi/BDP)
PDP: People's Democracy Party (Halkın Demokrasi Partisi/HADEP)
PDP: People's Democratic Party (Halkların Demokratik Partisi/HDP)
PKK: Kurdistan Workers' Party (Partiya Karkeren Kurdistan)
RPP: Republican People's Party
SDT: Social Dominance Theory
SIT: Social Identity Theory

INTRODUCTION

Violent offences that are committed on the grounds of bias and prejudices are as old as history. Nevertheless, starting during the 1970s, hate crime has emerged as a key term to define them. These offences target particular identity characteristics and affect the entire group sharing those characteristics. They are message crimes, which harm a group via a chosen victim or property. Openly condemning bias motivation and establishing stricter sentencing measures for perpetrators are considered effective ways to reverse the negative message sent to a targeted group.

Catalysts for social change and innovation are usually symbolic events that have a triggering effect. In a similar vein, hate crimes are often brought to the agenda following sensational hate crime incidents that create a public backlash. The murders of Stephen Lawrence or Matthew Shepard can be considered monumental events that paved the way for public debates on hate crimes in the UK and US respectively.

From 2006 onwards, Turkey has experienced a similar debate as sensational incidents have followed one after another. These attacks bore commonalities as they targeted ethnic/religious minority members and were committed by youngsters. The murder of Armenian journalist and human rights activist Hrant Dink in 2007 has especially become a catalyst for the hate crime debate in Turkey. Civil society actors perceived hate crimes as an issue which is in need of urgent attention. An initiative against hate crime was established following the Dink murder. It aimed to bring together diverse identity groups that have become targets of bias, and to enable collaboration towards launching a campaign for hate crime law in Turkey. Diverse identity groups, including LGBT organizations and the Amnesty International Turkey branch, with the collaboration of numerous human rights-based social organizations, have prepared a draft hate crime law. As a result of the ongoing protests and lobbying activities, a legal amendment on hate crimes was made by the Turkish Parliament in 2014. Nevertheless, this new legal regulation remains far from providing well-defined legal protection to victims of hate crime.

As seen above, as a legal term hate crime is a novel issue when viewed in the Turkish context. Perhaps the amendment will remain null and void, or perhaps it will pave the way for further public discussions and policies. In this study, I aim to demonstrate how hate crime has been introduced to and represented in Turkish public discourse. The research tackles a period of time in which an anti-hate movement emerged and hate crime became a term that is articulated in the public realm. The aim of demonstrating a social construction and representation process led me towards selecting the media and parliament as specific areas by which to emphasize the hate crime case. Accordingly, in this research, collective action against hate crime and its main features are first explored. Following this, the research moves to analyse how substantial realms of the public sphere, the media and parliament approach the hate crime issue. It overviews a process in which hate crime is raised as an urgent issue, is covered by the media and prompts parliamentary discussion of repercussions and legal regulations. Subsequently, it is shown that as a consequence of this process in the Turkish context both media and parliament, in direct and indirect ways, constitute an impediment to the recognition of bias in Turkey.

My study on hate crimes in Turkey briefly addresses the following questions:

1. How do particular social organizations in Turkey introduce hate crime to the public discourse?
2. What is the media's role in the hate crime debate and how are high profile incidents, which shape the movement against hate crime, represented in the press?
3. How do political actors, who are capable of and responsible for policy-making processes, perceive hate crimes?
4. In general, how is the concept of hate crime introduced to and represented in public discourse?

Therefore, this book, which is based on my PhD thesis (Ünan 2015), aims to contribute to the field of academic research conducted on hate crimes in Turkey and to fill an evident gap. Academic studies on racism, homophobia, related criminal offences and their discursive representations usually emphasize how structural inequalities and stereotypes are reproduced on a daily basis. A potential contribution of this research is that it demonstrates not only how dominant discourses are reproduced, but also how alternative, counter-discourses are shaped, encounter one another and interact. I aim to address such encounters through analysis of mainstream and alternative media coverage, collective action against hate

crime, and manifestations of implicit political resistance. Another potential contribution of this research is the fact that it does not focus on a single identity group but emphasizes how diverse communities which have become targets of hate crimes interact with each other regarding a particular issue. Looking to the way these groups encounter and collaborate with each other makes it possible to depict their positions in a wider social/protest movement environment.

Ideally a broad range of hate crime topics would provide a broad understanding of the phenomenon. Nevertheless, in order to avoid overgeneralization, I focus on hate crimes against ethnic/religious groups and the LGBT population. I particularly emphasize ethnically/religiously aggravated crimes and crimes against sexual orientation/gender identity as a research domain. This limitation is due to the fact that the movement against hate crime in Turkey has emerged from within these two groups. Sensational hate crime incidents that target these groups shape and steer the hate crime debate. My main intention is to address the social construction process of hate crimes. On the other hand, several types of violent offences involve structural inequalities, discrimination or hatred to a certain extent: offences such as honour crimes, femicides and domestic violence. Even though it is possible to refer to the bias factor within these, they had already been considered under diverse categorizations before the concept of hate crime entered the agenda. Therefore, they are not analysed in this research.

Content of the Study

This book consists of eight chapters. Chapter one defines hate crime and identifies its basic characteristics. Across the chapter, I provide a theoretical framework for "bias" and violence based on empirically evidenced instances of bias, and on prevailing theories regarding hate crime, social dominance and identity.

Chapter two introduces the setting of the study. Accordingly, it frames the Turkish context by explaining the main socio-historical elements that have caused some identity groups to be counted as disadvantaged or vulnerable today. The socio-historical context is also influential in the shaping of a social movement discourse. The chapter frames the ideological foundations of the Turkish state and citizenship, and introduces and identifies main characteristics of ethnic/religious groups and the LGBT community who have become targets of hate crime. It then discusses the particular ways in which diverse identity groups become targets of bias and prejudices on a daily basis.

Chapter three explains the research methods, the data used in the research analysis and the analysis process. This study utilises qualitative research based on interviews and textual data. Through the analysis, I adopt a Critical Discourse Analysis approach. Research on the emerging social movements against hate crime is carried out by semi-structured in-depth interviews with activists, lawyers and academics who participate in the Campaign for Hate Crime Law in Turkey. For the media research, I draw on the archives of four prominent Turkish newspapers. Research on the implications of government policy-making is conducted through analysis of the current criminal code, parliamentary questions, statements and parliamentary debates on hate crime as textual data.

Chapter four includes a discussion of collective action against hate crime and its roots. Hence, this section provides a theoretical frame of social movements, civil society and the Habermasian public sphere. It then defines the main features of Turkish civil society and its new social movements. These new social movements, which emphasize human rights and identity, constitute the basis of this collective action against hate crime.

Based on the theoretical framework introduced in chapter four, chapter five explores and analyses the movement against hate crime in Turkey. The chapter defines the main features of collective action and the movement's relationship to the outer world: namely global civil society, political actors and the media. This section defines the anti-hate crime movement as a new social movement. It focuses on the interaction between diverse identity groups in regard to the hate crime debate, and argues that hate crime operates as an umbrella term that creates a partial collective identity. After this substantial analysis chapter, I move on to discuss how hate crime, which is introduced to the public mainly via collective action, is perceived in the media and parliament.

Chapter six provides a theoretical framework addressing ideology, discourse and the media. This chapter defines the essential features and ownership structure of the Turkish media industry, highlighting the historical relationship between the press and governing bodies.

Chapter seven analyses press coverage of hate crime. It focuses on two separate yet connected domains. First, I emphasize the representation of hate crime as a legal term and the coverage of the movement against hate crime. Thereafter, the chapter moves on to an analysis of ten significant hate crimes against ethnic/religious minorities and the LGBT population.

These sensational incidents have significantly influenced the movement against hate crime. Press representations of hate crime demonstrate the fact that small scale and mainstream newspapers differ dramatically in their approach to hate crimes. It can be seen that particular themes are brought to the fore through hate crime reporting by what I define as "representation patterns". The chapter addresses the fact that mainstream and alternative discourses operate and interact on a daily basis, both in several ways failing to cover bias and prejudices.

The last substantial chapter of the research is chapter eight, which focuses on legal regulations regarding hate crimes, aiming to reveal how diverse political actors perceive hate crimes. To this end, this chapter provides an analysis of parliamentary debates concerning hate crimes and the prospective hate crime law. It further aims to explore the implications of this policy-making process.

In my final conclusions, I outline the main findings of this research, establish the connections between the varied aspects of the research, and suggest potential further areas for research on hate crimes.

CHAPTER ONE

THEORIZING HATE CRIME

1.1. What is Hate Crime?

Hate crimes, also referred to as bias crimes, are crimes that target identities. Since the 1980s "hate crime" has become a key term in the explaining of violent acts towards individuals, groups or properties attacked on the grounds of bias and prejudices. Although it is often associated with violence against individuals, hate crime refers to a broader area including "destruction of property, harassment or trespassing" (Green, McFalls, Smith 2001, p.28). Crime, in a general sense, is a socially constructed phenomenon (Hall 2005). Therefore, an act considered to be an offence in a particular setting may not be considered as such in another. Introducing a global definition for hate crime and providing an effective operationalization is subsequently a challenging process. A victim-centred approach considering hate crimes would offer an enhanced understanding of the issue, as hate crimes are more hurtful than non-biased crimes (Iganski 2008). Before moving on to scholarly debates on hate crime, an institutional definition would be helpful to set the core formula of the term. The Organisation for Security and Cooperation in Europe (OSCE) has been one of the effective international institutions in collecting data on hate crime at a macro level, introducing policy regulations and providing legal assistance to governments in order to meet international standards on human rights issues. The OSCE describes hate crime as "any criminal offence against persons or property, where the victim, premises or target of the offence are selected because of their real or perceived connection, attachment, affiliation, support or membership of a group" (2008, p.11). Similarly, the Federal Bureau of Investigation (FBI) describes hate crime as "a traditional offence like murder, arson, or vandalism with an added element of bias" (2014). Targets of hate crimes are actually groups and group identities rather than the victim him/herself. A member of a social group might be targeted due to his/her ethnic identity, race, religious beliefs, sexual orientation and gender identity, disability, age or other relevant identity characteristics. Factors associated with hate crime, victim groups and the policies on hate crimes are likely to expand. Early legal

regulations relating to hate crime required extra sentencing for attacks against religious, racial and ethnic groups in a population. The 1969 Federal Hate Crimes Law in the United States was the first federal law to highlight offences motivated by the victim's race, religion and national origin. Crimes against an individual's perceived gender, sexual orientation and disability were included in the 2009 amendment of the 1969 federal law. The new act was named after Matthew Shepard, a college student targeted on the grounds of his sexual orientation, and James Byrd Jr., victim of a racial attack in 1998 (Korte 2010). In a similar vein, the hate crime debate in the UK gained momentum with sensational hate crime incidents, such as the Stephen Lawrence murder in 1993, and following the Macpherson Report in 1999, which revealed institutional level neglect with regard to bias motivation (Chakraborti and Garland 2009, p.2).

The OSCE and the FBI provide basic explanations of hate crime. Still, hate crime is a "fluid social construct" (Chakraborti and Garland 2009, p.141). Relevant evidence for such argument is the fact that the contents of hate crimes alter according to diverse cultural settings. The OSCE annual report on hate crime for 2009 (2010) states that the referendum on banning the construction of minarets in Switzerland in 2009 could trigger religious discrimination. Non-governmental organizations contributing to the report share their concerns as the banning could raise intolerance against Muslim populations within Europe (2010, p.39). On the other hand, the OSCE includes that in some participating states, such as Turkey, several anti-Christian hate crime incidents were reported (2010, p.20). Another relevant case is the rise of Islamophobia following the 9/11 attacks in the US (McDevitt et al. 2007, p.102). Regulations regarding hate crime are subject to change and are updated. Nevertheless, in a very basic sense, hate crime is a result of the combination of two factors: the bias-prejudices of the offender and the presence of an offence (OSCE 2009, p.16).

Defining hate crimes brings with it the necessity to determine vulnerable groups in the population, declare them as "protected" groups according to their characteristics, and protect them within a legal framework. So far, five major hate crime factors are defined in the FBI Hate Crime Statistics Report. Accordingly, hate crime victims in the US are targeted as a result of bias against race, religion, sexual orientation, ethnicity/national origin and disability. Race is the most important determinant since nearly half of the reported incidents are related to bias against race (FBI 2013).

1.2. Theoretical Framework

Hate crimes are actually bias crimes in which the "prejudices" of the offender constitute the motivational basis of the offence. Prejudice is used to explain a negative feeling towards a person or group. The Cambridge Dictionary defines the term as "an unfair and unreasonable opinion or feeling, especially when formed without enough thought or knowledge".[1] Hall describes prejudice as an attitude of developing negative thoughts and beliefs about a particular individual or group which could turn into actions such as stereotyping, discrimination and, consequently, criminal behaviours (2005, p.25). In addition to OSCE and FBI definitions, Craig (2002) describes hate crime as "an illegal act involving intentional selection of a victim based on a perpetrator's bias or prejudice against the actual or perceived status of the victim" (2002, p.86). Hate offences are highly related to group relations and group memberships, as (perceived) group membership becomes a factor in the offence (Levin 1999, p.8). Although hate crimes encapsulate the feeling of hatred they go well beyond personal hostility. They do, however, relate to extensive social conflicts and dilemmas within a particular population with the victim not randomly selected even though the offender may not personally know the victim (Cogan 2002, p.173). The interchangeability of the victim – as long as he/she is, or is perceived to be a member of the target group – is an indicator of the structural conflicts within the population. Hate crime was earlier framed in relation to "stranger danger" (Mason 2005). On the other hand, as Mason (2005) demonstrates, perpetrators could also be from the victim's neighbourhood, and offender and target could be acquaintances. Nevertheless, the real target is actually the particular identity group to which the victim belongs; and offenders, by committing a crime, send a negative message and reflect their hostility towards that group via the victim.

The earliest sociological approach addressing hate crime, though indirectly, is considered to be the Strain Theory of Robert Merton (1938; Perry 2001, p.35; Hall 2005, p.74). According to Merton, a deviant behaviour occurs in the case of an imbalance between the individual's culture and social structure. Here culture refers to goals, values and norms; and social structure is used to define economic potential for success. We might consider that although capitalist society is committed to providing success for everyone, this is not the case in practice. Individuals attempt to achieve their institutionalized goals by adopting accepted cultural norms; however,

[1] Online at http://dictionary.cambridge.org/dictionary/english/prejudice accessed 30.12.2016.

as in the case of innovators, some may seek success by socially rejected or illegal means (Carrabine, Cox, Lee, Plummer, South 2009, p.79). Eventually, a desire for success in combination with an inability to achieve this goal raise negative emotions, frustration, depression, strain or anger (Hall 2005, p.75).

Merton's Strain Theory is highly influenced by Durkheim's evaluation of crime and his notion of "anomie". Accordingly, criminal behaviour is viewed as a natural phenomenon and it is not seen as possible to eliminate deviance from society. Therefore criminal acts in the society are considered as functional to some degree since they provide a form of solidarity. Individuals who do not adopt any criminal behaviours may characterize themselves as not being criminal; this eventually helps in creating a form of unification (Williams 2004, p.305). An unhealthy level of criminality, on the other hand, is the result of "incomplete integration" into society. A healthy society is "one in which the upper and lower limits of the acceptable and reasonable expectations of workers or members of each social class are carefully defined and enforced" (Williams 2004, p.305). A slow shift in economic standards leads to a slow change of social rules and norms. However, unexpected financial crises or industrial conflicts weaken the social order as they cause unpredictable "lawlessness", "normlessness" and "anomie". Although Durkheim argued that social norms are required and are functional, as they control individuals' desires and keep them at a "normal" level, Merton focused on how these norms would influence a person's decision to adopt or eschew illegal means of achieving his/her goals (Williams 2004, p.306).

Strain Theory is functional as it points to a clear motivational basis for deviant behaviour, yet it is not illustrative of the conception of hate crime as a whole. Perry (2001), referring to systems of classification such as race and sexuality, highlights the impermeable characteristic of different social groups. Therefore, individuals who are not able to succeed in society as outlined in Merton's theory are both victims and perpetrators of hate crimes. Besides, the idea of the "other" is associated with inferiority. Society is often perceived through a set of dualisms, such as good–bad, strong–weak or dominant–subordinate (Perry 2001, p.48). It is often impossible to escape these labels which operate in forms of "socio-cultural arrangements". Perry demonstrates that the "different ones" (others) are those who are victimized when they try to challenge their positioning.

According to Green et al. (2001), theories which seek a detailed explanation of the categories of victimization and offenders are to be

evaluated from two different perspectives: individual and social. Whereas individual level analysis emphasizes the psychological causes, social explanations focus on the social, economic and political conditions related to hate crime (2001, p.31). As Green et al. demonstrate, theoretical explanations of hate crime can be classified into psychological, social-psychological, historical-cultural, sociological, economic and political approaches (2001, p.32). Psychological approaches explain individuals' hostility by referring to disorders such as guilt avoidance, paranoia or frustration. This point of view seeks to explore the individualistic motivations for acts of discrimination and hatred. Socio-psychological approaches include not only modelling of small group dynamics, but also consideration of "the interplay between psychological orientations and broader societal influences", discussing, in particular, the media's role in hate crime (2001, p.32). The media plays a characteristic role as it provides a way to introduce, promote and reproduce a particular discourse. Being able to control the discourse can lead on to the controlling of the mental model of people and, ultimately, ideologies (Van Dijk 2010, p.27).

Economic accounts emphasize the competitive nature of the materialized world, scarce economic resources and violence occurring on this basis. Even though grievances and concerns about acquiring material resources are major determinants of daily life, the relationship between hate crimes and economic conditions is not certain. Accordingly, Realistic Group Conflict Theory (Sherif, Harvey, White, Hood, Sherif 1961; Levine and Campbell 1972), which considers changing economic power relations and competition for a resource as the causal factors of hostility among group members, does not elaborate which kinds of economic competition (such as for housing, jobs or education) are more deterministic (2001, p.34). Nevertheless, as Sherif et al. (1961) demonstrate, assumptions based on intense competition for scarce resources have an effect on the development of aggressive behaviour and hostility among rivals. On the other hand, working to achieve mutual goals and pursuing common interests help to break barriers and divert individuals towards developing positive relations. Accordingly, holding economic circumstances and their socio-psychological implications responsible for all bias motivated attacks may not work in all conditions. However, it is clear that over emphasis on scarce resources and the encouragement of people to compete for these resources do create inter-group tension and foster bias.

Political explanations for hate crimes point to particular opportunities for publically expressing hatred and perceived legitimization of the associated deviant behaviour. Historical-cultural accounts refer to traditions and

patterns of behaviour that may differ from region to region. Sociological explanations, influenced by Durkheim and Modernization Theory, focus on "disintegration" as an inner factor of hate crime and categorize hate crime as the "work of collective or individual losers of modernization" (2001, p.33).

Turner and Tajfel's Social Identity Theory (SIT, 1986) introduces a way to elaborate the inner dynamics of hate crimes. SIT focuses on how individuals tend to internalize their group membership and develop a strong group identity. Individuals develop in-group favouritism from the moment they consider themselves as a part of a particular social group, which eventually causes the "us–them" dichotomy. People seek different ways to legitimize their member position if the group is not respectable; they are also likely to develop stereotypes to label outsiders, which ultimately causes ethnocentrism. A stereotype is defined as "a set idea that people have about what someone or something is like, especially an idea that is wrong".[2] However, stereotypes may also derive from the partially real characteristics of a group that can have an extra, legitimizing effect on discriminative behaviour towards that group (Hall 2005, p.28). According to Allport, who emphasizes the psychological causes of criminal behaviour, stereotypes justify the categorizing or rejecting of a group (1954, p.191). Another relevant approach focusing on discrimination and ethnocentrism is Sidanius and Pratto's Social Dominance Theory (SDT, 1999). Whereas Tajfel and Turner stress "equal" or "arbitrarily" chosen social groups, Social Dominance Theory refers to a "model of social hierarchy" (1999 p.38). SDT states that individuals' attitudes towards members of out groups are influenced by their Dominance Orientation. Social Dominance Orientation, on the other hand, is defined as the person's will to consider his/her group "better than, superior to, and dominant over relevant out groups" (Sidanius, Pratto, Mitchell 2001, p.153). SDT evaluates the society as structures of group based hierarchies; therefore the society consists of dominant groups that hold positive social value and subordinate groups that hold negative social value.

SDT borrows three of Pierre L. Van Den Berghe's stratification systems: first, an age system in which adults and middle aged people are relatively disadvantaged; second, a gender system (also named as patriarchy) in which males are dominant and hold the positive social value within the society; and third, an arbitrary set system in which the inferior position of

[2] Online at http://dictionary.cambridge.org/dictionary/english/stereotype accessed 30.12.2016.

the group is socially constructed. According to the arbitrary set system ethnic background, religion, nationality, race and other characteristics of humankind can be counted as markers of superiority depending on the social construction process. Even though to some degree it is possible to distinguish between the old and young or male and female, the arbitrary set system does not include any stable characteristics and the instruments of individuals' oppression can be diverse (Sidanius and Pratto 1999, p.33). Accordingly, arbitrary set systems did not exist in hunter-gatherer societies; this was because such societies did not have any economic surplus. Since they did not accumulate any kind of economic surplus hunter-gatherer societies did not develop complicated social roles apart from a male–female distinction. Consequently, SDT links the development of skilled economic behaviour to the emergence of multi-dimensional social stratification and sets three main assumptions. First, they state that age- and gender-based hierarchies will be present in every cultural setting; however, hierarchies based on arbitrary set systems emerge in societies which produce economic surplus. Second, diverse forms of dominance and exclusion, such as racism, sexism, nationalism, and so on, are actually the result of the same human tendency to form group hierarchies. Lastly, individuals activate both hierarchy enhancing and hierarchy attenuating forces ubiquitously (1999, p.38).

Sidanius and Pratto (1999) discuss how the unequal distribution of social value is legitimized by the use of myths, religious doctrines, ideologies, and so on. They also argue that several attempts have been made to establish equal social systems, such as by social democratic discourse or human rights activist movements, which would be described as hierarchy attenuating forces. However, instead of inducing a total change these attempts rather "functioned to moderate the degree of inequality" (1999, p.39).

Violent acts based on race, ethnicity, sexual orientation, disability, gender and other relevant characteristics have only recently been defined as hate crimes, but in fact have a longer history (Jenness and Grattet 2001). The "redefinition" based on an anti-hate crime movement has been highly influenced by numerous civil rights movements and victims' rights movements. Historical events such as the Holocaust, the discrimination against African Americans in the US in the post-civil war period, and ethnic cleansing in the former Yugoslavia in the early 1990s can all be listed as significant bias motivated violence incidents. Additionally, violence against women and gay people are again universal bias-based deviances (2001, pp.18-20). Jenness and Grattet argue that the rights based

movements of the 1960s have a characteristic role in the emergence of an anti-hate crime movement and consequently in the introduction of hate crime laws (2001, p.20). Jenness and Grattet also point out that the contribution of the victim movement to anti-hate crime organizations is highly significant as it revealed the problem of "secondary victimization", referring to the negligence of the judiciary, police or social care institutions towards victims, thus causing secondary psychological trauma (2001, p.27). Human rights based social movements that emerged in the twentieth century – civil rights, gay/lesbian and women's movements – have had a crucial role in the emergence of the anti-hate crime movement and a victim based understanding. These social movements have led to legal regulations on bias-motivated crimes and, ultimately, a new policy domain has been created (2001, p.41).

1.3. Potential Implications

An ongoing debate on hate crime categorization is based on concerns over the creation of a "crime hierarchy" (Jacobs and Potter 1998; Cogan 2002). If emphasizing particular offences and victim groups, creating a separate crime category will be problematic as it may create the effect that some offences are taken more seriously than others. Race, religion and ethnicity were the earliest target-group characteristics to be included in the legislation (Mason-Bish 2008). On the other hand, particular identity characteristics such as sexual orientation, gender identity and disability were not initially placed on the agenda. This fact invites the hierarchization of victimhood. Some bias-motivated offences are considered to be more serious than others, and this may cause inequality among different social groups that are already disadvantaged in society. Based on the information submitted by participating states, the annual OSCE report classifies hate crime cases under six main topics: racist and xenophobic crimes, crimes against Roma and Sinti, anti-Semitic crimes, crimes against Muslims, crimes against Christians and members of other religions, and crimes against members of other groups, this last topic specifically referring to crimes against LGBT and disabled individuals (2010). Here one may argue that sexual orientation and disabilities are not considered to be on top priority characteristics within hate crime categorization while religious and ethnic elements have priority. This is mainly due to the prevalence of particular categorizations in participating states' varied policies and reporting.

Including a gender identity factor in hate crime policies is considered problematic as well. Including the gender factor in hate crime legislation is

a complicated process since the discriminative/patriarchal discourse is prevalent and internalized by many (Mason-Bish 2008). Members of society committing offences in breach of gender clauses may actually form a majority. The main indicator for this could be the everyday language we use and well-known sexist swearwords. Individuals frequently use discriminative words almost unconsciously and this becomes integrated in their daily lives. Nevertheless, offences that target a person on the grounds of gender are indeed message crimes that target all members of that group. Gender groups in this respect require legal protection from hate crimes (Hodge 2011). The annual OSCE report of 2012 demonstrates that several countries have begun to protect sexual orientation and gender characteristics in addition to established categories (OSCE 2013).

The naming of particular types of crime as hate crimes and thus demanding new strategies to decrease them has led to various discussions on the concept of hate in the first place. Even if hatred is articulated, hate crimes are not always committed on the grounds of hatred. Rather, bias and prejudices that become the motivational basis of a criminal offence are in the foreground. As Sullivan (1999) states, the violence caused by prejudices and bias could be diminished; but it would not be possible to erase the fact of hate, and actually we should not be concerned about hate in itself. This is because the relation between our prejudices, opinions and the truth is indeed fragile and always tends towards change, and "our best hope is to achieve toleration of hatred, which is coexistence, despite its presence in society" (Hall 2005, p.238). A notable discussion on hate crime concerns legal enforcement against hate speech in the context of US First Amendment guarantees regarding freedom of speech (Iganski 2001). Iganski highlights the contradictory characteristic of such regulations; the logic of hate crime laws is to punish motivation but the law protects bias motivated speech as well (2001, p.627). Nevertheless, extra punishment is considered to be necessary because "hate crimes hurt more" (Iganski 2001) as they attack personal characteristics of individuals which cannot be changed.

In her substantial work on the cultural politics of hate crimes in the US, Clara S. Lewis (2014) points to a shift in the meaning we attribute to hate crimes. Lewis argues that hate crime in the US was considered a multi-dimensional phenomenon, and authorities tackled hate crime as an indicator of systematic social inequality, racism and/or official bias. "Hate crime", as an emerging category, soon gained mass popularity and became a political issue at a national level (2014, p.43). Bias and prejudices that we encounter on a daily basis eventually became outdated as hate crimes

were reduced to the results of individual's pathologies. Media representations of hate crimes represent this dramatic shift in meaning: Lewis demonstrates the fact that the media started to become interested in sensational homicides and symbolic incidents, and made such speculations as "hate crime epidemic". Rather than covering the everyday aspect of bias they dramatized the issue, which eventually caused the leaving aside of civil rights innovations (2014, p.47). Intolerance, and violence based on intolerance are labelled as "un-American" or as "not suitable for the nation". As Lewis states, such claims direct full attention to the perpetrator as a scapegoat and ignore the symbolic meaning that hate crimes encapsulate, namely the "shared culpability" aspect of hate crimes. In addition, it also prevents individuals from realising the fact that American life styles can in themselves carry discriminative characteristics, which have a hand in bias motivated offences (Lewis 2014, p.62). Accordingly, the political operation of hate crime as a legal term has dramatically shifted in the US context since the 1970s. Thus, "fluidity" of the hate crime category would constitute another potential implication to be accommodated in order for the category to achieve its goal. This would not be a defect of the hate crime category per se, but rather a result both of the systemic tendency to neglect civil rights innovations and of resistance to the idea of "shared culpability".

1.4. Conclusion

This chapter has provided an overall framework for the understanding of hate crime as a legal category and has briefly elaborated its main features and potential implications. As seen, hate crime may refer to a range of crimes against diverse identity groups in diverse cultural settings and activate interest accordingly. On the other hand, bias motivated offences are named with the aim of encapsulating multiple identity characteristics and protecting any identity groups that become targets of bias. Hate crimes are message crimes, and by legislating against hate crime governments "convey a message of solidarity to stigmatised communities" (Chakraborti and Garland 2009, p.155). Nevertheless, the enforcement of hate crime legislation is dependent upon multi-level organization which involves the efficient work of both governing bodies and the police at a local level.[3] Police discretion on hate crimes on the other hand refers to another

[3] An example of a civil campaign against racism would be Football against Racism in Europe (FARE). It is among initiatives that aim to highlight racist slogans and offences in relation to fanaticism.

problematic area for the implementation of hate crime laws (Bell 2003). At this point, it would be helpful to point out the fact that hate crimes are also crimes of everyday life, and perhaps this constitutes a further impediment to an effective response. Social dominance orientations, and the way identities are formed, often refer to latent hierarchies that make bias motives harder to pinpoint. As Perry (2003) states, today hate groups defending Christian supremacy, white race, xenophobia and/or male domination exist; and they build up arguments against the very presence of several identity groups. These deep-rooted and sensational representations of hatred also perpetuate the idea that hate crimes are only committed by extremist and marginal individuals. Furthermore, the word "hate" connotes a sharp feeling that is easy to condemn and be against. Nevertheless, hate crimes are bias motivated offences; bias and prejudices are reproduced and legitimized on a daily basis. Bias rarely becomes a core motivational basis for violent attacks but is often a peripheral factor that is triggered by an event (Iganski 2008). In this respect we can state that hate crimes are also crimes of everyday life as they involve "situational dynamics" (Iganski 2008, p.42). A significant contribution of the defining of hate crime as a legal term is the opportunities it provides for highlighting bias motivation – which often remains implicit – making it visible and condemning it openly. So far I have mainly emphasized US and UK literature on hate crimes as the notion of hate crime emerged and developed within these distinct social environments. White supremacism, Islamophobia, xenophobia and hate groups come to the fore in consideration of these settings. Nonetheless, bias motivated violence in distinct environments bears traces of those particular cultural environments. The following chapters aim to provide a re-evaluation of criminal offences in the light of bias and prejudices which occur in Turkey.

CHAPTER TWO

TURKISH CONTEXT

Hate crimes that take place in distinct environments share common features. At the same time they reflect conflicts which are encapsulated in those particular cultural settings. Hate crime debate in Turkey, its trajectory and extent can be grasped well by emphasizing Turkey's social and historical background. Accordingly, this chapter aims to set the socio-historical context addressed by this research: namely the setting of the research. Since early in the first decade of the twenty-first century, hate crime has been articulated as a legal category in Turkey. However, negative feelings about identity groups have a longer history. In this sense a discussion of the Turkish socio-historical context helps to highlight why particular identity characteristics are distinguishable in Turkey today.

The issue of hate crimes having ideological roots is widely articulated within theories of hate crime, as relevant ideologies directly or indirectly refer to group hierarchies, their legitimacy and the prejudices towards outer groups. Social movement actors that work against hate crime argue that bias motivated offences bear traces of ideological themes such as male domination, heterosexism and nationalism. In Turkey, core organizations that work on hate crime frame these ideologies as things to fight against: "Say Stop! To Racism and Nationalism Platform" articulated nationalism as harmful and as a root of hate crimes. At the same time, an influential LGBT organization, KaosGl, positions both homophobia and nationalism as against LGBT presence. Homophobia is considered to be "a reflection of nationalism" (6th Annual Meeting against Homophobia 2011, p.13).

In this chapter, I first review those mainstream ideologies which are articulated in relation to bias and prejudices, and then briefly set the socio-historical context with regards to these ideologies and introduce groups that have become targets of hate crime. Cumulatively, this chapter intends to locate the disadvantaged groups within the current social environment and provide an overview of the process through which they become targets of bias in Turkey.

2.1. Re-thinking Ideologies in Relation to Bias and Prejudices

The intention to analyse infamous hate crime incidents in Turkey leads to a critical assessment of collective attitudes towards distinct population groups and the ideological background of governance practices. It would be misleading to argue that mainstream ideologies directly cause hate crimes. Nevertheless, they are claimed to provide a motivational basis for bias and prejudices at a theoretical level. Below, I briefly elaborate these themes and discuss the extent of their influence on the biases and discrimination experienced today.

2.1.1. Male Domination, Heterosexism and Homophobia

Discrimination and violence against LGBT individuals and groups is often associated with heterosexism and homophobia. On the other hand, debates on gender inequalities and the realization of "patriarchy", "a system of social structures and practices in which men dominate, oppress and exploit women" (Walby 1990, p.20), emerged with first wave feminism. Even though male domination remains a valid issue, the forms of domination were transforming throughout the twentieth century: a private patriarchy gave way to a public one. First wave feminism, which took place between the 1850s and the 1930s, had a significant role in this social change. Starting with the struggles of the nineteenth century, women gained citizenship and educational and labour rights. Developments mobilized women and provided access from the private to the public sphere, officially including them in the capitalist market system. Nevertheless, although capitalism influenced social classes and class relations, there has not been a remarkable change in gender relations: masculinity-manhood remains the dominant gender (Walby 1990, p.200). After all, today women "are not barred from the public arenas, but are nonetheless subordinated within them" (1990, p.178).

As Walby argues, heterosexuality appears as a patriarchal structure and is transformed into a public form of social control (1990, p.127). Considering an ideological scale, homophobia represents an extreme and harmful idea, which leads to violence against the LGBT population. Homophobia is defined as "anti-homosexual prejudice" and mainly connotes individualistic fears and hatred. Conversely, heterosexism encapsulates the structural dimension of the hate crime problem (Tomsen 2009). In his detailed analysis of hate crimes against LGBT populations, Herek (1992) addresses

heterosexism in order to explain the social context of bias motivated offences. Heterosexism is recognised as "an ideological system that denies, denigrates and stigmatizes any non-heterosexual form of behavior, identity, relationship or community" (1992, p.89). Herek distinguishes between cultural and psychological heterosexism, arguing that current cultural ideologies perpetuate heterosexuality through social institutions such as the media, legal systems, religion and psychiatry/psychology. Religions exclude or overtly condemn same sex relationships and currently the legal system fails to protect against related victimizations. The invisibility or negative representation of LGBT issues and people in the media, and the psychological tendency to consider LGBT identities as pathologies, eventually escalate the hostility towards LGBT individuals (Herek 1992). Similarly, Richardson (1996) underlines the fact that heterosexuality is not only a brief category but also a "form of family structure, identity, practice and relationships" (1996, p.2). Homosexuality is therefore evaluated as a threat to the orthodox family. However, heterosexuality, especially the form of heterosexuality that emphasizes marriage and family, is embedded in the current codes of national identity as the family is seen as crucial for the nation's survival (Richardson 1996, p.17). Hence nationalism, orthodox family structure and gender roles are not isolated movements of thought but are interconnected and non-conflicting, and are maintained and reproduced within our daily lives.

2.1.2. Nationalism and National Identity

Along with gender relations and sexualities, nationalism is also socially and culturally constructed. And like them it enforces and reproduces forms of an "us versus them" dichotomy and resultant social exclusion (Mayer 1999). Through the construction process of nations, gendered identifications were made, such as naming national territory as "fatherland" or using the term "mother tongue" to define the spoken language (Blom 2000). Significantly, the family has been one of the core elements of national symbolism with the symbolization of women as "national mothers" central to both Western and Asian nationalism building processes (Blom 2000, p.8). In the authoritarian Japanese culture, the male emperor was the father of the nation wherein the altruistic mother figure raised the children of the emperor. The children and their father would sacrifice their lives to the survival of the Japanese nation (2000, p.9). A nation, therefore, is explained both by objective factors – a group of people sharing the common "language, religion, customs, territory and institutions" – and subjective factors such as having common "attitudes, perceptions and

sentiment" (Smith 2001, p.11). On the other hand, nationalism is a political principle that refers to the harmonization of the political and national units. It emerges as a theory of political legitimacy which operates beyond ethnic boundaries (Gellner 1983). Accordingly, we can suggest that nationalism represents an ideology that deals with how state power is exercised. Nations existed long before such ideology was created and put forward (Smith 2001, p.11). Nationalism is used to define the "process of formation, or growth, of nations", "a sentiment or consciousness of belonging to a nation", "a language and symbolism of the nation", "a social and political movement on behalf of the nation", or "a doctrine and/or ideology of the nation, both general and particular" (Smith 2001, pp.5-6). Smith cites nationalism as an ideology that aims to retain national interests as a primary concern and that underpins struggles for a nation's protection and sustainment. Although the two terms are used correspondingly, "nation" does not mean "state". "State" is identified with the institutional activities and exercise of a legitimate power within a given territory. Rather than a set of institutions, "nation" addresses a community and it can also survive without an assigned territory. National identity, on the other hand, points to the cultural aspect of being a member of a national group and requires the maintenance and reproduction of cultural values and myths (Smith 2001, p.18).

Montserrat Guibernau demonstrates five dimensions of national identity: cultural, psychological, historical, territorial and political (2007). First of all, Guibernau questions the origins of the cultural dimension. Nationalism is thought to be a mass phenomenon with national identity gaining importance after the industrial revolution and the proliferation of communication instruments. The increased mobility of information led to the expansion of vernacular languages, and language carries out an important role in the nation building process. National identity is first internalized by the elites and eventually embraced by the masses, becoming a mass phenomenon. The psychological dimension of national identity is related to feelings of unity and of being close, and is often created by the myth of "external enemies" within the nation building process. Historical and territorial dimensions point back to ancient times and the motives for having control of a particular land. However, as previously mentioned, territory is not an essential need in constituting a national identity. Similarly, having a deep-rooted history may facilitate the creation of a national sentiment but it is not a core determinant of national identity. As a final element, Guibernau mentions the political dimension. The political aspect of creating a national identity includes "creating a