

if you *do* like it, and thereby lump it, in your affection, with things of the current age, that I have heard you express admiration for and that I would sooner descend to a dishonored grave than have written."⁵

The brothers knew how to take each other better than their biographers do: "your last was your delightful reply to my remarks about your 'third manner', wherein you said you would consider your bald head dishonored if you ever came to pleasing *me* by what you wrote, so shocking was my taste. Well! write only *for me*, and leave the question of pleasing open!" And William reiterates his clear perception of Henry's achievement: "I have to admit that in *The Golden Bowl* and *The Wings of the Dove* you have *succeeded in getting there* after a fashion, in spite of the perversity of the method and its *longness*." And after the critiques comes a due disclaimer of their authority: "For God's sake don't *answer* these remarks, which (as Uncle Howard used to say of Father's writings) are but the peristaltic belchings of my own crabbed organism."

THESE BROTHERLY EXCHANGES are exemplary. It is remarkable that literary artists—for William is, in his own genre, a literary master too—possessed of radically different aims should so far sympathise with each other's productions.

William James saw his own task as discerning, transfixing, and reproducing in concrete language the multiplicities of experience, in order to have it seen as the fundamental reality that we take in endless ways for as many purposes. Henry James, out to slay the *very same* conventions of life and thought, wanted to go beneath them into the ramifications of feeling, fantasy, and will concealed from ordinary sight. So his exhibiting could not be done through direct exposition like William's, but only through the presentation of the stuff itself: he must not tell, but show—and hence their divergent methods.

That both writers acquired from their father and the James home circle a comparable gift of language, a genius for imagery and similitudes, and the power to disentangle and describe the motions of the human mind, is what inspired the anonymous epigram that Henry wrote novels like a psychologist and William wrote psychology like a novelist. But the range of their tastes was not the same, as we just saw, and the "contemporary productions" that William admired and Henry dismissed show William—the sampling above is proof enough—as the more inclusive appreciator.

There is no need to set the two geniuses up against each other, like prizefighters to be rooted for by hostile groups of fans. Each perfectly fulfilled his creative destiny in literature. Each was also a literary critic, Henry in the full-fledged way as author of many superb essays and prefaces; William reflectively, as reader, and also casually, in talk and correspondence. Both had extraordinary scope. But the one had the advantage of sorting out his views in formal exposition; the other had the advantage of being himself a creator of fiction, and produced only for his own art the theory of its making. We know where to find Henry James's critical thought. William James's is scattered, abundantly, throughout his writings, which is but one more good reason for going back to them.

International Commentary

The Turks, between Law & Disorder

By Andrew Mango



I HAPPEDED TO BE at a so-called working breakfast with the Prime Minister of Turkey some ten years ago. His name was Dr Nihat Erim, and he had been chosen a few months earlier by the high command of the armed forces in order to reform the country's government and remove the political and social causes of

terrorist activity, which the generals were at that time suppressing by military means. An invitation to breakfast, let alone a working one, was not customary in Turkey; but then Dr Erim's government was modern and technocratic, and included two distinguished Turks brought in urgently from the United States (one from the World Bank and another from a university) as part of a team called, of course, the "Brains Trust." The Prime Minister received me in his temporary study in the official guest-house on Çankaya hill, overlooking the

⁵ *Letter of Henry James* (1920), vol. II, p.43.

sprawl of Ankara, where Atatürk's neat little capital lay sunk somewhere between the ring of new shanty-towns and equally new office blocks at the centre. But we were shielded from outside reality by northern conifers, as we bent our heads over boiled eggs and foreign constitutional textbooks (they lay open all over the room, with clauses and sentences underlined by the Prime Minister). The items that interested him all seemed to begin with the words "*provided that*" or "*except in so far as.*" Dr Erim reached out to these Western democratic models as he drafted his amendments to the social and political rights, the checks-and-balances, written into the Constitution of 1961. That was the work of yet another set of Westward-looking intellectuals for another set of military rulers.

In 1961, the Turkish intellectual establishment had been solidly in favour of the new Constitution, designed to bar the way to "the dictatorship of the [backward] majority", a crime for which Prime Minister Adnan Menderes was expelled from power by the "first military intervention" of 1960 (and for which he paid with his life). But at the time of "the second military intervention", otherwise known as "the coup by memorandum" of 12 March 1971, the intellectuals were divided. The Brains Trust resigned after only a few months in power. Then Dr Erim was dismissed by Parliament, which had been briefly curbed by the military. However, it had to swallow his amendments. Then the military returned to their barracks and the country returned to full parliamentary democracy—and a revival of the strife, which the military intervention seemed in retrospect only to have exacerbated.

The amended Constitution proclaimed (in Article 11) that

"none of the rights and liberties specified in this constitution may be used in order to eliminate human rights or liberties, or the indivisible integrity of the Turkish state, as a country or a nation, or the republic described in this constitution, by exploiting differences of language, race, class, religion or sect."

Nevertheless differences of language (mainly between Turks and Kurds), presumed race, class, religion and sect (between Sunnis and Shiah) came to the fore, as never before, as political life resumed in Turkey. The terrorism which magnified these differences assumed the scale of a civil war. This was ended on 12 September 1980, by "the third military intervention." But not before some 5,000 citizens—including Dr Nihat Erim—had been assassinated.

IN THE TWO YEARS which have followed the coup of 1979-80 the military have brought order to the affairs of the country by the usual means. The ter-

rorists have been hunted down, real and presumed enemies of the established order have been arrested and put on trial, while the country and its citizens have been allowed to earn their livelihood and enjoy a standard of living which does not exceed as greatly as before the resources needed to sustain it. The generals have now, as they promised, had a Constitution drafted for them. It has been submitted to a referendum, and approved by a surprising 91% of the electorate. In 1983, politicians will be able to organise in political parties, under the terms of the new Constitution; and parliamentary elections will follow, not later than the spring of 1984. This the generals have also promised (and their record of keeping the letter of their promises is good, even although it does not give comfort to their opponents).

THE CONSTITUTION, in particular, has found little favour with the Turkish intellectuals who had welcomed its predecessor of 1961, and had put up, however unhappily, with the amendments of 1971. The generals can (and do) say: "If the Constitution of 1961 was so fine, why had the country become unmanageable by the civil power?" But this polemical retort does not stop criticism, because criticism is to a large degree based on a sound calculation of self-interest. It is, of course, natural that contenders for power should object to provisions which will allow the Chief of the General Staff, General Kenan Evren, to remain at the helm as constitutional President of the Republic (and the present chiefs of the armed services to remain in place as his assistants). It is equally natural for politicians to balk at the provision which debars some of them for ten years, and others for five, from participating in active political life. But these objections refer to "transitional" provisions, and not to the Constitution proper. Nor do these transitional arrangements differ substantially from the measures put into effect in 1961 to the plaudits of most intellectuals.

Then too, the titular head of the junta, General Gürsel, became constitutional president, while ordinary members of the junta were made life senators. Politicians of the Democrat Party, whom the military had swept from power, were removed from the political field. Three were hanged, and most of the others imprisoned. But the opposition to the Democrats (the old Republican People's Party) benefited from the coup; and since it was traditionally the party of the intellectual establishment, the latter was entirely satisfied with the arrangement.

This time, the generals intend that none of the old politicians should benefit, at least in the short run. In the long run, survivors will re-emerge (just as the most skilful and the luckier of the old

Democrats returned to power in the 1970s, and took their place alongside the new men to whom the generals had given a break). In the short run, the generals will not, of course, have to "import parliamentarians", to quote the joke of former Prime Minister Süleyman Demirel. There are more than enough Turks with political ambitions and an eye as open to the main chance, as had been Mr Demirel's, who owed his meteoric rise to the elimination of the Democrats in the 1960 coup. Mr Demirel's team had then been dubbed "the second eleven." Will "the third eleven" be more successful?

The new Constitution, which takes full account of yesterday's problems, is devised to give government a better chance. The problem was twofold: At the centre, Parliament was unable to sustain political stability and unwilling to dissolve itself before the end of its full term; and all round, society was progressively politicised and consequently polarised. Public agencies, including the police, were filled with the political supporters of transient ministers. There were religious ministries and liberal ministries, socialist and Kurdish nationalist municipalities, Right-wing and Left-wing universities and professional associations; and, towards the end, Right-wing and Left-wing provinces. In Trabzon on the Black Sea, students at a university considered Left-wing were unable to cross a poor Right-wing neighbourhood outside the campus gates; and a new road was projected to take them through safe territory. In factories, as soon as Right-wing unions signed agreements with employers, Left-wing unions came along tempting workers with more militant demands; sometimes workers would transfer their membership, while at other times their original union would renege on its agreement in order to outbid its rivals. An impotent President of the Republic presided over the drift to disintegration.

TODAY MARXISTS quite naturally object to the provisions in the new Constitution which restrict unions and professional associations to their primary purpose; ban political activities, affiliations and alliances; ban also more than one collective agreement in a given work-place at a given time. The Constitution goes further. Strikes and lock-outs are not to destroy national wealth; unions are to be responsible for damage caused during strikes; political and general strikes, solidarity strikes, occupations and protest actions reducing output are banned; strikes can be deferred and in some cases referred to compulsory arbitration.

What really upset all union leaders was the brief provision that "a member is [himself] to pay his subscription direct to his union." The effect of the change would have been dramatic, but at the last moment the generals decided to placate the

unions, and the ban on the check-off was deleted. The unions knew that their income would drop catastrophically the moment the check-off of subscriptions at source was stopped. Indirect forms of pressure will become difficult under the provision that "no one may be forced to become a member, remain a member or resign from membership of a union". The Constitution deals with problems which are not unknown in more developed European countries; and it adopts solutions which are conservative, but not illiberal.

THE CONSTITUTION would have been less controversial if it had confined itself to generalities and left more of the detail, and particularly the limitations and exceptions, to specific legislation: a labour law, a press law, etc. After all, British legislation on official secrets, contempt of court, suppression of terrorism and the rest would not look good in a written constitution, however necessary it may be in practice. The new Turkish Constitution is prolix. Where the 1961 Constitution proclaimed (Article 35) "The family is the foundation of the Turkish nation. The state . . . takes the necessary measures . . . to protect the family, mothers and children . . .", the new Constitution also remembers family planning. But not all additions are due to fussy attempts at comprehensiveness. A constitutional amendment initially requires a majority of three-quarters, and later of two-thirds of the entire membership of the assembly, while a law can be passed or repealed by a simple majority. The generals have clearly felt safer putting as many of their ideas as possible into the text of the Constitution.

It is when Parliament is elected that the open problems will start. The President, it is true, will have greater powers, but he will be able to exercise the most important of them—the power to order new elections—only on the advice of the outgoing Chairman of the Assembly, and if a new cabinet cannot be formed within 45 days. Otherwise, Parliament will be free to legislate, to approve or reject a government, to impeach Ministers, and, after the first term, to elect the President of the Republic himself. And the new Parliament will be subject to exactly the same pressures as applied to its predecessors. The Turkish electorate—with its eyes on the living standards of Western Europe, its heart torn between utopian scientific hopes and nostalgia for an Islamic past, and its feet in a middle-ranking developing country—will not be slow to clamour for the immediate satisfaction of its general and sectional demands or to give vent to its internal and external resentments and jealousies. It will claim the personal, political, social and economic rights which the new Constitution has, in theory, augmented, disregarding the provision

repeated from the old Constitution that "the state shall implement its social and economic duties under the constitution . . . only to the extent to which its financial resources permit." Constitutions are a weak defence against the crises created by popular dissatisfaction, particularly when there are no remedies to it.

EXPLAINING HIS DECISION to dissolve the first Ottoman Parliament in 1878, Sultan Abdul Hamid wrote:

"Seriously, for faithful supporters of the state and the country, there are two truths, two supreme purposes and duties, which are the pinnacle of their hopes. The first is to attend always to the territorial integrity of the state and to oppose all harmful actions and attempts upon it. The second is to make full use of the country's resources for progress, prosperity and happiness, and thus ensure that the state survives in growing strength and wealth and the people live in happiness, security and order. The Chamber of Deputies must guarantee these two supreme needs. If it does, then it should be summoned and the deputies should convene. If not, its opening is fatal for the state and damaging to the interests of the country . . ."¹

Today many Turks, and their foreign friends, criticise the new Constitution. Some argue that it cannot be called democratic if it outlaws "Communism", "fascism", and the political expression of religious fundamentalism. Many others see the damage which it will do to their personal prospects. But among the 91% of the electorate who voted for the Constitution there must be many who would agree with Abdul Hamid's view of the matter. In the meantime, they are keeping their fingers crossed.

I was travelling in Spain when on 11 September, the Catalan "national day", a large procession wound its way through the Gothic quarter of Barcelona, shouting "No to LOAPA!" (LOAPA is the Spanish acronym for the Organic Law on the Harmonisation of the Process of Autonomy.)

"What do they object to in LOAPA?" I asked a Catalan journalist.

"Object?" he replied. "They are delighted with it. It's a heaven-sent stick to use against the Socialists, who supported the law and who can now be called traitors to Catalonia. It might lose them a

few thousand votes in the general elections." As for LOAPA, no one has bothered to read it."

How many Turks shouting "*No to the Junta's Constitution!*" have bothered to read the new Turkish organic law? If they did, they would find a perfectly orthodox, respectable document; defining the rights of the citizens and the duties of the state; separating powers—legislative, executive, and judiciary—and describing their competence. They would find old and new immunities: a specific prohibition of torture (Article 17) as well as *habeas corpus* and the right to compensation for wrongful arrest (Article 19). They would find modish features: the duty of the state to protect Consumers (Article 172) and the Environment (Article 56). They would see that some of the provisions singled out for criticism have respectable Western precedents. The Turkish President will appoint some judges of the Constitutional Court (like the US President in the case of the Supreme Court). There will be state security courts (as in Giscard's France). There will be decrees having the force of law, subject to subsequent Parliamentary approval (as in most Western European countries). The President was to have appointed the Director-General of Radio & Television. In the past this functionary was in effect appointed by the Prime Minister—and promptly dismissed by his successor. However, General Evren decided that he did not need this particular right, and deleted it from the final draft. The President will, however, appoint the rectors of universities, whose academic freedom the Constitution guarantees.

The clear intention is to place as large a part of public life as possible outside the field of Party politics. It is, admittedly, a conservative intention. To the revolutionary everything is, or should be, the subject of politics; and every right conceded should be usable for the sake of the Cause. The revolutionary had little enough to like in the 1961 Constitution (particularly as amended after 1971). The 1982 Constitution gives him even less comfort. But opposition to it brings also an opportunity—the opportunity of "the broad front." More people are likely to shout "*No to the Junta's Constitution!*" than "*One solution—Revolution!*"

So outside observers should be wary. They should not expect the Constitution to change the facts of life and of power in Turkey. But one thing is certain. When, in the middle of the last century, Young Ottoman intellectuals began agitating for constitutional government, they coined a new word for a novel concept. They called it *mesrutiyyet*, "conditionality"—because the Constitution would set conditions to the exercise of the Sultan's absolute power. Today, by proposing their new Constitution, Turkish generals have accepted conditions to the exercise of the power which they hold in the country.

¹ Translated from İbnülemin Mahmud Kemal İnâl, *Osmanlı Devrinde Son Sadriazamlar (Last Grand Viziers of the Ottoman Period)*, (Istanbul, 1965), vol. V, pp. 679-80.

AS ELSEWHERE (and particularly in developing countries), the power of the Turkish armed forces derives primarily from their concentrated military might. But there is also a genuine "folk" identification of army and nation, an identification born of the historical experience of the Turks as the frontiersmen of Islam and expressed in the definition of the Turkish nation as "a people in arms." There is an ambivalence of feeling. If the army is part of the nation, it is a hard part—it is the nation's super-ego.

In social status and composition, the Turkish armed forces are not unique. The officer corps is a distinct, but not closed institution. Officers have their separate housing and shops, their clubs and investment funds. They tend to come from military families. New recruits to the officer corps come from the lower-middle class (particularly in the provinces), and eventually achieve middle-class status.

Historically, the Turkish army has not been the only power in the land. The military institution has always been balanced by the civil institution, "the men of the sword" by "the men of the pen." The rest of the populace was regarded in Ottoman times as an undifferentiated mass of subjects (or, more accurately, a mass differentiated by religion and trade, but not by political status). The Republic enfranchised this mass first theoretically and then, increasingly, in practice. Kemal Atatürk, the founder of the Republic, proclaimed rhetorically: "The peasant is our master." Legally, all republican constitutions have declared that sovereignty resided in the nation. While popular political participation is a new phenomenon, and became notable only after World War II, individuals were always regarded as possessing rights, which with the Republic became "citizens' rights." Today, therefore, the Turkish armed forces operate not in a vacuum (as in some developing countries), but as a power cognisant of citizens' rights and of the status of a growing number of civil institutions: the civil service, universities, the press, trade unions. They may confront these rights; but they do not deny them.

All this may help to explain why the exercise of the power of the Turkish armed forces cannot really be characterised as wilful. They have intervened three times, and each time it could be argued reasonably that intervention had been preceded by a signal failure of the civil power to discharge its essential duty of government. Nor have these interventions been primarily self-regarding (although they have been followed by some improvement in the material condition of the armed forces and by the advancement of individual retired officers). But the separation of the military and civil institutions, which had its roots in Ottoman times and on which Atatürk had always insisted (and which he symbolised by his

refusal to wear a military uniform after his election as President of the Republic), was always maintained. After each coup, the armed forces returned to their barracks, while some members of them retired and entered civil institutions. The same pattern is being followed now.

There have, of course, been politically ambitious military adventurers in the Turkish armed forces. They were prominent among the plotters of the 1960 coup. But they were quickly purged by the generals. Retired Colonel Alpaslan Türkeş who became the leader of the quasi-fascist Nationalist Action Party, was one such plotter. Today he is on trial for his life.

Just as recent Turkish military coups have not aimed at permanent military rule, so too they have not sought utopian settlements. In particular, they have always been hostile to any expression of Islamic fundamentalism. The officer corps has not wavered in its allegiance to Atatürk's secular republic, perhaps because this republican secularism was the consummation of the Ottoman tradition of regarding religion as "the servant" not "the master" of the state. In the eyes of the Turkish officer the main purpose of religion is to preach national unity and strengthen morale on the front line.

IS THIS TO SAY that Turkish coups have sought to make the country "safe for democracy"? Incidentally, yes; primarily they have sought to make the country safe *tout court*. "It is not easy to maintain our ownership of this land", said General Evren on the eve of the referendum:

"The vital arteries of three continents, from west to east and from north to south... pass through our country... We were the first ones to manage to make this land a country. Those before us failed. We managed, thanks to our national unity and solidarity. In this part of the world, the moment our national solidarity weakens a little, we not only receive wounds, but lose our entire national existence."

"The basic aim and duty of the state", declares the new Constitution, "is to defend the independence and integrity of the Turkish nation, the indivisibility of the country, the republic and democracy, and to ensure the prosperity, tranquility and happiness of individuals and of society..." One doubts whether General Evren has any intention of either imposing or even teaching democracy. He sees his job as helping to provide and defend an institutional and legal framework within which democracy can function without prejudice to the external security of the state or the security of life and property within it.

*How can they know our labour sore
Who pass light-burthened on the shore?*

asked the Persian poet Hafez (in Professor Arberry's Victorian rendering). What do we know of the frontiersman's concern for safety? Not much, even where our intentions are honourable.

And they have not always been so. When the first Ottoman Constitution was promulgated more than a century ago,

"the question of whether the Constitution was suited to the Empire and would prove . . . effective in eliminating injustice . . . was of little interest to Europeans. They angrily denounced

the Constitution not because they were convinced that it would fail but because they feared it might succeed."²

Had the first Constitution succeeded in 1876, Europe would have had no excuse to meddle in the affairs of the Ottoman Empire. The 1982 Constitution poses similar dangers. In the meantime, the decision of 91% of the Turkish electorate to vote for this Constitution (for a variety of reasons) calls for our understanding. And then perhaps a little care and concern for the perceived national interests of our friends the Turks might also help us to a greater understanding of the general purposes of politics and, incidentally, of democracy.

² Robert Devereux, *The First Ottoman Constitutional Period* (John Hopkins, 1963), p. 90.

Timerman's War

Some Critical Notes—By CONOR CRUISE O'BRIEN



JACOBO TIMERMAN is best known in the English-speaking world for the book *Prisoner Without a Name, Cell Without a Number* (1981) in which he tells of his experiences as an untried prisoner of an Argentinian Junta.¹ Mr Timerman is a notable writer, and *Prisoner Without a Name* is a modern prison classic, in the line of Dostoevsky's *House of the Dead*.

Mr Timerman was an Argentinian Jew; his Jewishness was relevant to his grim experiences, because the Argentine Right

and its brutal servants are strongly anti-Semitic. After his release from his clandestine prison, Mr Timerman went to Israel and became an Israeli. He has now been living in Israel for three years; his eldest son, Daniel, was called up for service in the Israel Defence Forces in Lebanon early last June.

The present book² is, in the main, an impassioned protest against the fact and course of Israel's war in Lebanon, and against Mr Menachem Begin's Government, and especially its Minister for Defence, General Ariel Sharon. I say "in the main", because Mr Timerman also offers some quite strong criticism of some modes of condemning Israel, and of supporting the Palestinians. Thus he writes:

"When certain critics accuse us of being Nazis, they do General Sharon a service. Truly, we are not Nazis, so the accusation serves Sharon by permitting him to discredit the accusers and to reclaim his innocence, yet we are not innocent."

And again:

"To speak of a Palestinian genocide, of a Palestinian Holocaust, to compare Beirut with Stalingrad or with the Warsaw Ghetto will move no one. Jews know what genocide is, and a Holocaust, and a Nazi. We don't need—nobody needs—to resort to truculent comparisons to arouse desperate feelings about the victims of

CONOR CRUISE O'BRIEN, Irish historian, literary critic, diplomat, and politician, is the author of a book on Camus (1968), and of works on the history of Ireland and on the United Nations, where he served under Dag Hammarskjöld. From 1962–65 he was Vice-Chancellor of the University of Ghana. He was a member of the Irish Parliament and then a Senator from 1969–79, serving for four years as a Minister in the Labour Cabinet of Liam Cosgrave. He was until recently Editor-in-Chief of "The Observer" in London, for which he still writes a regular weekly column. His article on "Liberty & Terror" appeared in the October 1977 ENCOUNTER.

¹ See, in ENCOUNTER (November 1981), James Neilson, "The Education of Jacobo Timerman."

² *The Longest War*. By JACOBO TIMERMAN. Chatto & Windus, £7.95, paper £2.50.