

TURKEY AND LGBT RIGHTS: A HISTORICAL AND GLOBAL PERSPECTIVE

During the last decade, LGBT rights has transformed into an international issue, making it more urgent for Ankara to address issues of its own LGBT community. When placed in the domestic context, the LGBT struggle has followed the path of other communities demanding freedoms. However, on the international front, the issue becomes much more complex. Further, if checked in a historical context, the promotion of LGBT rights by international organizations and the U.S. State Department can be seen as an extension of European intervention in Ottoman affairs in the mid-19th-century, and the early years of the Turkish Republic. This fact could lead some to perceive their agenda as a type of Western exclusivism or cultural imperialism. Due to these reasons, it seems that if change is to come in Turkey, it will be a result of domestic activism and Turkey's choice to continue with EU reforms.

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The attention Turkey's lesbian, gay, bisexual, and transgender (LGBT) community has received during the last decade coincides with both local and international trends. Domestically, the LGBT community's efforts to implement change for their community parallels other struggles for freedoms playing out in the Turkish political and social sphere, whose found impetus parallels the rise of the Justice and Development Party (AK Party). However, when placing the topic into an international context, the picture becomes much more complex.

This paper will contextualize the politicization of LGBT rights, and after offering a glimpse of the domestic front, it will argue that, historically, the international promotion of gay rights in Muslim countries can actually be perceived as an extension of 19th-century Europe's intervention in Ottoman affairs on behalf of non-Muslim communities, while working within an Orientalist lens. Furthermore, the fact that the promotion of LGBT rights in the Middle East by international human rights groups and the U.S. have occurred simultaneously, and during wars, has led to claims that the promotion of LGBT rights is actually a wing of American cultural hegemony. Lastly, this paper will focus how this relates to the current struggle for LGBT rights in Turkey, arguing for continued domestic activism instead of lobbying for (or accepting) international pressure.

Turkey's LGBT Struggle: From Domestic to International

With the rise of the conservative AK Party since 2002, led by Prime Minister Recep Tayyip Erdoğan, Turkey entered one of its most dynamic periods in decades. Even though the party's echelons were religiously conservative Muslims, its support base included liberals who saw eye-to-eye with the party's goal of breaking the military-secular bureaucratic hold over the state's institutions. Within a short period of their coming to power, previous regulations barring women from wearing the headscarf in universities were loosened, Kurds gradually gained the right to use their language in the public sphere, and average citizens started to challenge the official state narratives of history. In addition to these examples, Turkey's LGBT communities became more active in promoting universal ideas of anti-discrimination and highlighting challenges particular to their community. With every passing year the annual Gay Pride March in Istanbul has grown in numbers, resembling a political rally held within a wide coalition of allied groups.

Parallel to these developments on the domestic front, Turkey has been subjected to growing scrutiny on the international front. Both Amnesty International and Human

Rights Watch have conducted major reports on Turkey's LGBT community.¹ Most recently, during the week-long events marking the 2011 Istanbul Pride March, Amnesty International, in conjunction with Turkish activists, held a special panel on LGBT rights in Turkey. The human rights watchdog also released a major report on the state of affairs for Lesbian, Gay, Bisexual, and Transgender People in Turkey titled "Not an Illness nor a Crime" (hereafter: the Amnesty Report).² Published both in Turkish and English, this 50-page report marked a major turning point in the

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documentation of human rights violations committed against the Turkish LGBT community, and was the culmination of a joint effort between Amnesty International and local NGOs. Undoubtedly, under the pretext of the Amnesty report, Turkish activists opened a major front in order to pressure the Turkish government in the international arena to adopt numerous policies, such as a principle of nondiscrimination based on sexual orientation and gender identity.

From Rights of Non-Muslims to LGBT Rights

The West's intrigue with human rights in the Middle East is not new, and needs to be placed in the larger context of Western intervention in the internal affairs of both the Ottoman, and later, the modern Turkish state – a fact engraved in the minds of many people in Turkey, and the Middle East writ large. In fact, some scholars characterize the emergence of human rights on the international political stage during the post-World War II era as an extension of 19th-century European intervention in the affairs of the Ottoman Empire and other countries of the East.³ Ironically, it was during the *Tanzimat* period (1839-76) – an era when the Empire was opening up to the West – that Europe's conservative values led to a stigmatization of homosexuality.⁴ Further, the fact that Turkey was never colonized, most likely saved it from the

1 Human Rights Watch, "We Need a Law for Liberation," *Gender, Sexuality, and Human Rights in a Changing Turkey* (New York: Human Rights Watch, 2006).

2 Amnesty International, *Not an Illness nor a Crime: Lesbian, Gay, Bisexual, and Transgender People in Turkey Demand Equality* (London: Amnesty International Ltd, 2011).

3 Jack Donnelly, "Human Rights, A New Standard of Civilization?," *International Affairs*, Vol.74, No.1, (January 1998), pp. 1-23.

4 Şükri M. Hanioglu, *A Brief History of Late Ottoman Empire* (Princeton: Princeton University Press, 2008), p. 105.

For a more detailed account of how "westernization" of the 19th century led to decline of same-sex practices (in realm

fate of other lands of the Middle East and the Indian Subcontinent, where European powers imported anti-sodomy laws, criminalizing homosexuality.⁵

“Most recently, Israel has recognized the power of using LGBT rights as a tool to rally support in the West against ‘Middle East regimes.’”

During the mid-19th century, at the height of the “Eastern Question”, European powers increasingly intervened on behalf of the Ottoman Empire’s non-Muslim populations, who under the system of the “capitulations” were often entitled to extra-territoriality rights. Following the First World War, after the fall of the Ottoman Empire, and the establishment of the modern Turkish state, European intervention did not cease and Turkey was required to ensure the protection of its non-Muslim communities, as spelled out in the Treaty of Lausanne in 1923.⁶ For the purpose of this article, it is important to indicate that Turkey’s attempt at building a nation-state did not veer far from its European counterparts, the latter of whom systematically cleansed their ethnic minorities through policies of transfer, discriminative acts, and genocides. Indeed, many European states campaigning for the protection of non-Muslim rights within the Turkish state treated their own minorities with total disregard.

After the Second World War, Turkey joined the new world order, and signed the United Nations’ Universal Declaration of Human Rights in 1945. Less than a decade later, Ankara signed the European Convention on Human Rights and Fundamental Freedoms.⁷ While it is impossible to cover the entire history of human rights in Turkey, it is important to mention that especially following the 1980s, Turkey committed numerous human rights violations against its Kurdish population, drawing criticism from both international NGOs such as Amnesty International and Human Rights Watch, as well as Western governments – in this case, mostly European states, as the U.S. continued to see Turkey as a staunch ally. While these were met with a chorus of Turkish criticisms, claiming that they were a Western ploy to divide up the lands of the Turkish state, there were also instances when they produced positive results, such as the formation of government agencies to oversee human rights.⁸

of sexuality), see: Dror Zeevi, “Hiding Sexuality: The Disappearance of Sexual Discourse in the Late Ottoman Middle East,” *Social Analysis*, Vol.49, No.2, pp. 34-53.

5 See: Douglas E. Sanders, “377 and the Unnatural Afterlife of British,” *Asian Journal of Comparative Law*, Vol.4, No.1 (2009), pp. 1-49; http://www.sxpolitics.org/wp-content/uploads/2009/04/new-version_377_sander.pdf

6 Donnelly (1998), p. 9.

7 Zehra F. Kabasakal Arat, “Collisions and Crossroads, Introducing Human Rights in Turkey,” *Human Rights in Turkey* (Philadelphia: University of Pennsylvania Press, 2007), p. 1.

8 Arat (2007), p. 7.

The previously discussed Amnesty Report on LGBT rights is important at this juncture as it demonstrates how the topics of human rights have transformed, closely following the trends in American society. For example, it was only in the 1980s, subsequent to the feminist movement's emergence in the 1970s, that human rights organizations

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adopted the slogan “women’s rights are human rights,”⁹ eventually culminating in the recognition in 1993 that systematic rape is a war crime.¹⁰ More recently, human rights struggles have been extended to include the issue of LGBT rights. In March 2007, human rights experts launched the Yogyakarta Principles,¹¹ which led to numerous attempts to have LGBT rights recognized in the United Nations General Assembly, and finally in June 2011 prompted the United Nations Human Rights Council to pass a resolution supporting equal rights for all, regardless of sexual orientation. Nevertheless, by no means is there a consensus in the UN on LGBT rights, with states from all corners of the globe raising objections.¹² As for Amnesty International and Human Rights Watch, they started to adopt LGBT rights as human rights in the early part of the 1990s, but only a decade later did that effort gather momentum.¹³ Nevertheless, and most significantly, within America the LGBT community has pursued its struggle as “civil rights” and not “human rights”, since on the home front “policymakers, the general public, and even many social change advocates still view human rights as something that applies not at home, but in some distant land.”¹⁴

The Politicization of LGBT Rights in War and Foreign Policy

While Amnesty International and other human rights organizations do not focus solely on Muslim countries and the Middle East, the plight of LGBT communities in these regions have undoubtedly received special emphasis, especially following 11 September 2001.¹⁵ For example, some groups, such as the gay Republican lobby, the

9 Arat (2007), p. 18.

10 Arat (2007), p. 25.

11 Michael O’Flaherty and John Fisher, “Sexual Orientation, Gender Identity and International Human Rights Law: Contextualising the Yogyakarta Principles,” *Human Rights Law Review*, Vol.8, No.2 (2008), pp. 207-248.

12 Frank Jordans, “U.N. Gay Rights Protection Resolution Passes, ‘Hailed as Historic Moment’,” *Huff Post World*, 17 June 2011, http://english.pnn.ps/index.php/nonviolence/3564-palestinian-international-activists-storm-e1-zone-new-palestinian-village-to-be-build#.UO_odTJV52E.facebook

13 Julie, Mertus, “The Rejection of Human Rights framing: The Case of LGBT Advocacy in the United States,” *Human Rights Quarterly*, Vol.29, No.4, November 2007, pp. 1036-1064; p. 1045-6.

14 Mertus (2007), p. 1050; see also, p. 1063.

15 For a critical survey, see: Joseph Massad, “Re-Orienting Desire: The Gay International and the Arab World,” *Desir-*

“Under the pretext of following the norm in Europe, Turkish politicians could implement an anti-discrimination law based on sexual orientation on their own, and completely bypass a public debate on the issue.”

shrouded in misinformation and tainted with Islamophobia.¹⁹ In fact, Iranian President Mahmoud Ahmadinejad’s most memorable moment for many Americans was during his speech at Columbia University in New York, when he claimed homosexuality did not exist in his country. As absurd as this claim was, it should only have attracted minimal attention if placed in the greater scope of world events.

Within the above context, Turkey, as a Muslim country is subjected to similar prejudices and Western interests in how it treats its LGBT community. Noteworthy, much in the same way as the 19th-century Europeans examined the “Islamic societies” often paying particular attention to issues of sexuality, Western media outlets continue to discuss Middle Eastern LGBT issues through the lens of a similar “Orientalist paradigm”, which examines the uniqueness of homoerotic medieval Islamic societies in light of the oppression of gays in today’s Middle East.²⁰

ing Arabs (Chicago: University of Chicago Press, 2007), Chapter 3.

16 Scott Long, “Unbearable witness, how Western Activists (Mis)Recognize Sexuality in Iran,” *Contemporary Politics*, Vol.15, No.1 (March 2009), pp. 119-136; p. 126; and Kelly Kollman and Matthew Waites, “The Global Politics of Lesbian, Gay, Bisexual, and Transgender Human Rights: an Introduction,” *Contemporary Politics*, Vol.15, No.1 (March 2009), pp. 1-17; p. 7.

17 Matthew Waites, “Analysing Sexualities in the Shadow of War: Islam in Iran, the West and the Work of Reimagining Human Rights,” *Sexualities*, Vol.11 No.64 (2008), pp. 64-73; p. 65.

18 For a critical perspective of Amnesty’s support for NATO, see: Tim Anderson, “Afghanistan: Amnesty International Lauds War and Occupation as ‘Progress’ for Women,” *LINKS, International Journal of Socialist Renewal*, 20 May 2012, <http://links.org.au/node/2876>; also see Amnesty’s blog, and photo billboard of its campaign to support NATO: Jungwon Kim, “Afghan Women to NATO, Don’t Bargain our Rights away,” *Amnesty International Human Rights Now Blog*, 15 May 2012, <http://blog.amnestyusa.org/asia/afghan-women-to-nato-dont-bargain-our-rights-away/>

19 For a fascinating look how activists completely misread events in Iran, which describe a model case of Islamophobia, see: Scott Long, “Unbearable witness, how Western Activists (Mis)Recognize Sexuality in Iran,” *Contemporary Politics*, Vol.15, No.1 (March 2009), pp. 119-136.

20 “Islam and Homosexuality, Straight but Narrow,” *The Economist*, 4 February 2012, <http://www.economist.com/node/21546002>; For critical analysis of the article see: Louis Fishman, “A Critique of ‘Islam and Homosexuality, Straight but Narrow’: Teaching Homophobia or Spreading Islamophobia,” 5 February 2012, <http://louisfishman.blogspot.com/2012/02/critique-of-islam-and-homosexuality.html>

Parallel to the adoption of gay rights by international NGOs, the United Nations, and the member states of the EU, the U.S. State Department started actively pursuing a policy of promoting “gay rights as human rights.” As a result, LGBT rights are included in country reports, which closely mirror the Amnesty Report when dealing with LGBT issues.²¹ In an official promotional video supporting LGBT rights, U.S. Secretary of State Hillary Clinton argued “Some seem

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to believe it is a Western phenomenon, and, therefore, people outside the West have grounds to reject it (...) Being gay is not a Western invention (...) Now we must go further, and work here and in every region of the world to galvanize more support for the human rights of the LGBT community.”²² Not surprisingly, a clip of Turkey’s annual Pride March is included in this video; as the only Muslim country able to host such a huge and festive gay pride parade, Turkey also must be seen as of special importance to the U.S. promotion of LGBT rights in the region, serving as somewhat of an enigma to both Western and Middle Eastern countries alike.

Clinton’s statement that LGBT rights is not a Western import is crucial here, since in societies where struggles against the West are being played out through channels of Islamist political groups and governments, –such as in Pakistan, Afghanistan, and Iran, just to name a few– U.S. policies to bolster women and LGBT rights runs the risk of actually placing greater constraints on these communities. In short, women and LGBT communities could face repressive measures in periods of war and violence,²³ and such repression also could lead to further tensions like those witnessed in Pakistan when the U.S. Embassy in Islamabad held a local LGBT pride event in 2011,²⁴ with Islamic groups calling the event “cultural terrorism”, comparing it to civilians who were killed by U.S. drones.²⁵

21 Hillary Rodham Clinton, “Country Reports on Human Rights Practices for 2011, Secretary’s Preface,” *U.S. State Department*, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

22 “Secretary Clinton: ‘Gay Rights Are Human Rights’,” *IIP Digital, U.S. Department of State*, <http://iipdigital.usembassy.gov/st/english/video/2011/12/20111219142526aerdna0.5667492.html#axzz1j4Fzif0>

23 Waites (2008) p. 65.

24 “Daily Press Briefing,” *U.S. Department of State*, 8 July 2011, <http://www.state.gov/r/pa/prs/ps/2011/07/167864.htm>

25 “Pakistan: Religious groups condemn US embassy gay event,” *BBC News*, 4 July 2011, <http://www.bbc.co.uk/news/world-south-asia-14010106>; Nathaniel Sheppard Jr., “US gay pride event in Pakistan is ‘cultural terrorism.’,” *Al Arabiya News*, 5 July 2011, <http://english.alarabiya.net/articles/2011/07/05/156134.html>

Most recently, Israel has recognized the power of using LGBT rights as a tool to rally support in the West against “Middle East regimes,” with its Foreign Ministry promoting ties with international LGBT organizations, while highlighting ill-treatment of gays in Iran, and even within the Palestinian territories.²⁶ This policy was reiterated by Israeli Prime Minister Benjamin Netanyahu who, in a speech to the U.S. Congress, stated that “in a region where women are stoned, gays are hanged, Christians are persecuted, Israel stands out. It is different.”²⁷ Israel’s policy of focusing on human rights violations within Muslim and Arab states, while concealing homophobia, discrimination, and inequalities prevalent in its own society, has recently been challenged by LGBT and human rights activists who coin the double standard as “pinkwashing.”²⁸ Furthermore, this rhetoric paints Israel as a gay haven, while obscuring the fact that in other Middle Eastern cities, such as Istanbul and Beirut, gays, even though they are facing legal (and sometimes social) discrimination, can live a life of somewhat normalcy.

Changing Turkey: Accepting LGBT Rights as Human Rights

Now to the question of how, if placed in a global context, Turkey, or more specifically, the AK Party, will deal with the question of LGBT issues. During its decade in power, the AK Party has remained almost completely silent on LGBT issues. One of the few exceptions was in 2010, when Selma Aliye Kavaf, then Turkish Minister of State responsible for Women and Family Affairs, stated that “homosexuality was a biological disorder, an illness and should be treated.”²⁹ Kavaf’s words caused a great stir in the media, and she was faced with numerous protests by LGBT organizations in Turkey. At the time, a year ahead of elections, it seems that Erdoğan believed that it was best not to touch upon the matter, especially since this could risk losing some of the liberal vote. Unsurprisingly, following the elections, Kavaf was one of the few ministers who lost her position. She was replaced by Fatma Şahin, who met with members of the LGBT community within months of her appointment.³⁰ This fact is important since, despite the discrimination the LGBT community faces, it is an example of occasions when the government has quietly recognized the needs of the community.

26 Barak Ravid, “Israel Recruits Gay Community in PR Campaign against Iran,” *Haaretz*, 20 April 2009, <http://www.haaretz.com/news/israel-recruits-gay-community-in-pr-campaign-against-iran-1.274422>

27 “US Congress Gives Netanyahu Speech an Enthusiastic Response,” *Voice of America News*, 23 May 2011, <http://www.voanews.com/content/us-congress-gives-netanyahu-speech-an-enthusiastic-response-122522854/139865.html>

28 For more on Pinkwashing, see: Sarah Schulman, “Israel and Pinkwashing,” *New York Times*, 22 November 2011; or her recently published book: Sarah Schulman, *Israel/Palestine and the Queer International* (Durham: Duke University Press, 2012).

29 Amnesty International, *Not an Illness nor a Crime: Lesbian, Gay, Bisexual, and Transgender People in Turkey Demand Equality*, (London: Amnesty International Ltd, 2011), p. 5.

30 “LGBT head meets with Minister,” *Kaos GL*, 21 September 2011, <http://www.kaosgl.com/page.php?id=9689>

The AK Party's silence on the issue is arguably because many of its leading echelon see it as a topic too taboo to address. Therefore, it seems likely a major factor which will lead to introducing new anti-discrimination laws in Turkey will be a result of the country's bid to join the EU, together with the work of local organizations; and it seem equally clear that the new U.S. policy to promote LGBT rights, along with the international human rights organizations, will have little impact on Turkish policy.

Even if Turkey-EU relations are at an impasse, with some speculating that Ankara has turned its back on Brussels, preferring to become a Middle Eastern power in the post-Arab Spring, I would disagree. Historically, including the late Ottoman period, Turkey has been greatly tied to Europe, and there is actually little evidence for a major shift in this outlook. Under the pretext of following the norm in Europe, Turkish politicians could implement an anti-discrimination law based on sexual orientation on their own, and by doing so completely bypass a public debate on the issue. Otherwise, the only remaining viable pressure that could nudge Turkey in this direction would be a ruling by the European Court of Human Rights on behalf of a Turkish citizen claiming discrimination based on his/her homosexuality.³¹ As for laws protecting transgender citizens, Europe itself lags behind on this issue, and has made little progress. Thus, if such a law in Turkey includes passages of anti-discrimination not just for sexual orientation, but also for gender identity, it could actually serve as a model for a considerable part of the Western world.³²

There is no doubt that the local NGOs and activists have played the greatest role in changing how LGBT issues are perceived in the public sphere, which continues to be their greatest challenge.³³ This work, together with Turkey's adoption of EU reforms, has also significantly mattered in preparing the groundwork for an honest debate in the political sphere, with both the Republican People's Party (CHP), and the mostly Kurdish Peace and Democracy Party (BDP), along with the smaller Greens Party, addressing issues which pertain to human rights in general, and the LGBT community in particular. It can be argued that real change needs to happen from within, and pressure to implement reforms from outside organizations and the U.S. can actually hamper efforts by reigniting historical fears of Western intervention, or as American cultural imperialism.

31 A possible upcoming case, if not resolved in the Turkish courts, concerns the Turkish football referee, who was fired from his position after his sexual orientation was revealed. "Turkish Football Federation and Homosexual Referee Meet in Court," *Kaos GL*, 1 June 2011, <http://www.kaosgl.com/page.php?id=8994>

32 "What has the European Parliament done for LGBT Rights," *Equality for Lesbian, Gay, Bisexual, Trans and Inter-sex people, ILGA-Europe*, http://www.ilga-europe.org/home/guide/eu/lgbt_rights/european_parliament

33 For a short history and detailed account of some of the issues the LGBT has dealt with, see: Kerim Oktem, "Another Struggle: Sexual Identity Politics in Unsettled Turkey," *Merip Report*, 15 September, 2008, <http://www.merip.org/mero/mero091508>

Nevertheless, looking forward, it appears highly unlikely that international organizations lobbying in accordance with Turkey's LGBT community are in a position to apply viable pressure on the Turkish government. Above all, this is due to the fact that even though the LGBT community in Turkey faces discrimination and is subjected to violence, if placed on the international scale, the situation in many other countries is much graver. Homophobia and violence against transgender individuals are considerably more rampant in many Eastern European, African, Middle Eastern, and Asian countries, often condoned or perpetrated by state governments. Furthermore, with Ankara's continued strong ties with the U.S., it seems safe to say that no real pressure will be applied by Washington D.C. on this issue, even though there will be a constant reminder to Ankara that change will eventually have to come.

Second, if the Amnesty Report is any example of how international human rights organizations conduct research and present the problems of the LGBT community, it also highlights a particular problem of defending LGBT rights as a lone category, which can actually cover up greater problems. Understanding the injustices in Turkish institutions and government through such a narrow lens can blur the greater picture. For example, many of the cases presented in the report have to do with violence, and recommends the state "take urgent steps to ensure that lesbian, gay, bisexual, and transgender individuals, as well as members of other 'at-risk groups', are protected from violence." The problem is that no mention is made of rampant violence against women or other marginalized groups in Turkey, all of whom remain vulnerable and face daily struggles. A more serious attempt is needed in order to understand the core of violence. While this is merely one example, it highlights that, when speaking of human rights in Turkey, a comprehensive overview is needed to place matters into context.

Concluding Remarks

In conclusion, by placing Turkey at the center of the historical and global debate over LGBT rights, it becomes clear that while politics of LGBT rights is a new phenomenon, it can be perceived as an extension of 19th-century European intervention in Ottoman affairs. In the post-World War II period, international organizations based in the U.S. and Europe became the main source of political pressure on states, including on Turkey regarding the Kurdish issue in the 1990s.

While in the post-2001 Middle East, it would be preposterous to claim that human rights organizations are only an arm of U.S. foreign policy, there is precedence of some human rights groups supporting U.S. and European military campaigns, and others even receiving funding from national resources. As a result, the convergence

of human rights organizations' agenda with Western foreign policy needs to be scrutinized. One can argue that only when government and international organization join forces, do they receive the needed coverage in the media to build a consensus among the American public (to go to war, or forcefully to implement change). Of course, this does not solely pertain to LGBT rights, but rather to human rights in general. In any case, such policies emerging in unison can lead to a claim that the promotion of LGBT rights in the Middle East and beyond is just a type of Western exclusivism. Further, the case of Israel demonstrates how the promotion of LGBT rights can be manipulated and used on any particular country's behalf to garner support in a local Middle Eastern conflict.

Lastly, it is clear that LGBT rights has turned into a major foreign policy issue and that it is not likely to go away in the future. While Turkey should accept change and lead the way for other Muslim societies, with LGBT issues being such a divisive topic among numerous world communities, this does not seem viable in the near future. Positive change in this area will likely happen as a result of EU-related reforms and domestic activism.