

Bachelor in Political Science, major in Politics Philosophy and  
Economics

**The “world journalists’ top jailer”:  
governmental control of the media in  
Turkey**

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*A Zia Terri,*

*sempre nel mio cuore e nella mia testa,*

*perché sei stata parte di questo mio percorso,*

*dall'inizio alla fine.*

*E lo sarai sempre.*

*To Auntie Terri,*

*always in my heart and in my head,*

*because you have been part of this journey,*

*from the beginning till the end.*

*And you will always be.*

## Abstract

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L'articolo 19 della Dichiarazione Universale dei Diritti Umani del 1948 appura le libertà di opinione e di espressione e le sancisce inderogabilmente a livello globale. Tuttavia, ogni giorno continue violazioni vengono perpetrate in diverse regioni del mondo, in modo più o meno manifesto. Nonostante nell'immaginario culturale occidentale, tale libertà sia spesso data per scontata come diritto fondamentale dell'uomo, in realtà questo non è sempre il caso. In Turchia, ad esempio, proprio alle porte dell'Unione Europea, il diritto di espressione è sovente violato dal governo stesso. La mancanza di pluralismo di fonti di informazioni e canali mediatici rappresenta uno dei principali ostacoli allo sviluppo di una democrazia turca prospera e solida. Il rapporto conflittuale, tra la necessaria libertà di espressione all'interno dei media da un lato e l'inesorabile tentativo del governo turco di controllare qualsiasi opinione contrastante dall'altro, rappresenta il filo conduttore della mia breve dissertazione.

Nel primo capitolo, partendo dalla definizione minima di democrazia proposta da Robert Dahl nel 1971, nel suo libro *Poliarchy: participation and opposition*, ho analizzato come dei media liberi di esprimersi abbiano una funzione vitale all'interno di un regime democratico. In concomitanza ad altre tre condizioni necessarie secondo Dahl, quali suffragio universale, elezioni libere, giuste, competitive e ricorrenti e pluralismo di partiti, la facoltà di scelta tra una varietà di fonti di informazione costituisce uno degli elementi principali di un sistema democratico e trasparente. La Turchia sta sperimentando un deficit democratico dovuto giustappunto al deterioramento della libertà di espressione. Secondo il report del 2014 di *Press of the Freedom*, lo status della Turchia è passato da "Parzialmente Libero" a "Non Libero" a causa

delle persistenti restrizioni imposte dal governo su questioni delicate dal punto di vista politico, generalmente quelle che potrebbero incattivire l'opinione pubblica nei confronti di questo. L'esecutivo intraprende delle strategie coercitive e intimidatorie indirizzate a restringere la principale funzione di controllo sul potere che un sistema di media indipendente dovrebbe svolgere. L'obiettivo primario è quello di confinare, se non censurare del tutto, le voci indipendenti dell'opinione turca così che il dibattito pubblico si uniformi e rispecchi per lo più l'ideologia dei pubblici poteri. Mentre i giornalisti, sebbene sottoposti a svariate minacce, riescano in qualche modo ad esprimere dei giudizi velati, il giornalismo d'inchiesta e investigativo è invece in sostanza annientato, perdendo così la sua funzione di garante della trasparenza e guardiano della democrazia. Pertanto, ciò che viene messo più a rischio non è solamente la mera libertà di manifestare la propria opinione ma, ancor prima, la vera essenza del giornalismo, ossia riportare fedelmente gli avvenimenti.

Le limitazioni alla libertà di espressione hanno più volte caratterizzato la storia dello stato turco: nel 1997, lo stesso attuale presidente Recep Tayyip Erdoğan, allora sindaco di Istanbul, fu incarcerato per quattro mesi a causa di un discorso di matrice Islamico-nazionalista e non poté accedere al servizio pubblico nemmeno quando il suo partito, il Partito per la Giustizia e lo Sviluppo (Adalet ve Kalkınma Partisi – AKP), vinse le elezioni politiche per la prima volta nel 2002. Riuscì poi ad assumere la carica di primo ministro nel 2003 grazie ad un emendamento costituzionale. Avendo vissuto questa esperienza in prima persona, Erdoğan focalizzò gran parte della sua campagna elettorale innegabilmente sui valori democratici, quale la libertà di espressione, differenziandosi, ad esempio, dal Partito della Prosperità (Refah Partisi – Welfare Party). Effettivamente, durante il primo mandato, dal 2002 al

2007, per la prima volta tematiche come i diritti delle minoranze, l'uso del copricapo per le donne in luoghi pubblici o il genocidio armeno, cominciarono a poter essere discusse in pubblico. Rispetto ai rigidi governi militari che lo avevano preceduto, le politiche tolleranti di Erdogan costituirono un' importante conquista e un lancio decisivo verso i Criteri di Copenaghen imposti dall'Unione Europea per l'adesione. Eppure, non appena il partito consolidò e assicurò la propria autorità con la seconda vittoria elettorale nel 2007, abbandonò, immediatamente dopo le elezioni, le politiche di consenso che lo avevano portato al potere per avviare un sistema di maniere forti per reprimere i media. Secondo delle ricerche di *Human Rights Watch*, nel 2005 nessun individuo fu incarcerato per aver espresso non violentemente la propria opinione; dal 2009 al 2012, invece, il numero di giornalisti incarcerati si è progressivamente moltiplicato da 15 a 95. Da una parte, capi redattori ed editori furono costretti ad allontanare preventivamente numerosi giornalisti così da evitare la pressione o le minacce del governo, che spesso arrivano direttamente nelle redazioni dei giornali sotto forma di liste dei reporter da licenziare; dall'altra, l'auto censura è divenuta pratica comune tra i corrispondenti, che in questo modo cercano di preservare il loro posto di lavoro. Sono sempre più frequenti gli obblighi di non pubblicazione e gli interventi diretti del governo, a livello legale, giudiziario e di anti-corrruzione. Particolarmente distintivi dei mezzi usati dal governo per fare pressione sui media sono la risolutezza, la frequenza e il raggio di estensione: un'incessante censura su larga scala è implementata su ogni tipo di contenuto, dalle testate nazionali più diffuse ai 'tweet' di qualsiasi utente.

Fondamentale è comprendere come Erdogan sia stato capace di costruire un intero sistema legale e giudiziario che giustificasse e, soprattutto, legittimasse i suoi provvedimenti. La costituzione stessa si presenta

come primo impedimento alla libertà: l'articolo 26 consente restrizioni alla libertà di espressione ogni qual volta sia necessario per salvaguardare la sicurezza della nazione, l'ordine pubblico o la sicurezza pubblica. La maggior parte delle violazioni dell'articolo 10 della Convenzione Europea sui Diritti Umani è dovuta al margine di apprezzamento eccessivamente ampio e la mancata proporzionalità nell'interpretazione e implementazione delle sentenze a riguardo. Inoltre il Codice Penale, nonostante le riforme a cui è stato sottoposto durante il processo di riforma europeo nel 2005, ammette ancora delle disposizioni di legge che favoriscono le suddette limitazioni; l'articolo 125, per esempio, criminalizza la diffamazione e la punisce o con la prigione, a partire da un periodo di tre mesi fino a due anni, o con un provvedimento disciplinare pecuniario. Spesse volte, in combinazione con il Codice Penale, viene applicata anche la Legge Anti-Terrorismo che possiede la prerogativa di sopprimere anche le manifestazioni non violente, qualora compiute nel contesto di un'organizzazione terrorista. Solo nel 2012 *Carnegie Endowment* ha segnalato 71 giornalisti condannati secondo la Legge Anti-Terrorismo; questo numero elevato è comprensibile se relazionato alla definizione ambigua e decisamente vaga del termine 'organizzazione terrorista'. Infine, la Legge Internet fornisce ulteriori strumenti di sorveglianza che danno vita ad un dettagliato sistema di oscurantismo adito a bloccare, senza necessario preavviso agli Internet Service Providers (ISP), una vasta gamma di contenuti che il governo non ritiene opportuni. La cosiddetta 'guerra a Twitter', che ha poi incluso diversi altri social networks quali You Tube o Facebook, ha causato solo da Marzo a Dicembre 2014 la censura di quasi 2000 profili e la chiusura forzata di altri 100.

Nel secondo capitolo, un approfondimento degli assetti proprietari dei media turchi rivela come la pressione economica e politica che i

principali magnati del settore avvertono sulla base dei propri interessi finanziari renda il sistema dei media oligopolista e iper-commercializzato. Dopo il colpo di stato del 1980 e le politiche economiche liberali dell'allora primo ministro Turgut Ozal, infatti, le principali compagnie di media passarono da un'amministrazione familiare ad una aziendale e scoprirono come l'industria mediatica potesse fruttare cospicui guadagni. Molte aziende con interessi ben lontani dai media, come la costruzione, la finanza, i servizi o l'energia, cominciarono a mirare a possedere una compagnia di media più per poter sfruttare i benefici derivanti da uno stretto rapporto con il governo che per la pura ambizione di sviluppare un sistema di informazione legittimo ed imparziale. La strategia solitamente è quella di sostenere il costo di gestione di un gruppo mediatico pro-governativo per un periodo di tempo limitato, arrivare a firmare dei contratti favorevoli con l'esecutivo e infine passare il testimone ad un'altra azienda che adotterà la stessa tattica. L'ufficio del primo ministro, infatti, supervisiona direttamente contratti da miliardi di dollari che l'Alto Consiglio di Privatizzazione (OIB), ad esempio, assegna alle aziende turche, incentivando così queste ultime a non creare frizioni con il governo tramite le loro compagnie mediatiche.

Le amministrazioni successive furono incapaci di sopprimere la dicotomia tra potere e media: la tendenza è sempre stata quella di una commercializzazione di massa e della conglomerazione delle principali aziende mediatiche. Due sono stati i maggiori tentativi del governo Erdogan mirati a dominare l'opinione pubblica attraverso il controllo delle proprietà: l'affare Sabah-ATV e Calik Holding e quello del gruppo Dogan Media. Nel primo caso, nel 2007, non appena Sabah-ATV, un famoso giornale liberale di orientamento democratico-occidentale, cominciò a guadagnare sempre più approvazioni e diventò la seconda

testata nazionale per numero di lettori, fu improvvisamente rilevato dal Fondo di Deposito e Assicurazione Statale (TMSF) per risanare i debiti che presumibilmente il giornale doveva allo stato. Il TMSF mise all'asta il gruppo Sabah e lo assegnò al gruppo Calik Holding, l'unico partecipante all'asta dal momento che il presidente Erdogan in persona sarebbe intervenuto negli accordi, scoraggiando qualsiasi altro imprenditore interessato a partecipare. Dacché Sabah-ATV era sempre stato sollecito alle critiche all'amministrazione del Partito per la Giustizia e lo Sviluppo, le élite del partito decisero di affidarne la direzione a mani fidate: l'amministratore delegato del gruppo Calik Holding, Berat Albayrak, è infatti il genero del Presidente Erdogan. Non a caso, l'ideologia editoriale variò repentinamente da una posizione di centro-sinistra ad una nettamente pro-governativa. Nel secondo caso, i rapporti con il gruppo Dogan Media, sostenitore di principi neo liberali e secolari, cominciarono a deteriorarsi nel 2009, quando il governo Erdogan approvò l'emendamento costituzionale che abrogava il divieto di indossare il copricapo all'interno delle università turche. Il gruppo Dogan, insieme ad altri membri del TUSIAD, l'Associazione di Industriali e Imprenditori Turchi, cominciò ad essere sempre più scettico nei confronti del governo e non si astenne dal pubblicare notizie, come quella dello scandalo Deniz Feneri, che mettevano in cattiva luce Erdogan e il suo partito. Le tensioni aumentarono successivamente quando Erdogan, allora primo ministro, si rifiutò di dare l'autorizzazione al gruppo Dogan per la costruzione di una raffineria, la stessa che invece commissionò al gruppo Calik Holding. Non ci fu da sorprendersi, dunque, quando degli ispettori pubblici, espressamente addestrati dal primo ministro, diedero una serie di sanzioni al gruppo Dogan per un ammontare totale di circa 3.7 miliardi di dollari, cifra eccedente il valore di mercato del gruppo. L'azienda fu quindi obbligata a ridimensionarsi e adattarsi alle preferenze del governo, vendendo due dei suoi principali



giornali, *Milliyet* e *Vatan*, ad un'altra compagnia mediatica pro-governativa.

Inoltre, quando questo sistema di favoritismi e interessi economici, si coniuga ad un pressoché inesistente sindacalismo, espressamente ostacolato dalla legislatura, e dei bassi standard giornalistici, il risultato è quello di un apparato mediatico corrotto e, più di tutto, inefficace per la democrazia.

Nel terzo capitolo, ho voluto approfondire il conflitto religioso-secolare che caratterizza da sempre la storia dello stato turco e, in particolare, come questo si rifletta nell'ambito dei media. La religione è sempre stata correlata con l'ambiguità in Turchia: 99.8% della popolazione è musulmana sunnita, tuttavia dalla nascita della repubblica nel 1923 l'apparato amministrativo e legislativo statale sono stati caratterizzati da un orientamento secolare kemalista, incline a tracciare una linea netta tra religione e politica. Eppure, dalla seconda metà degli anni novanta, le forze religiose hanno cominciato a battersi contro il secolarismo e sono riuscite ad ottenere sempre più consensi, con il primo partito conservatore religioso, a salire al potere nella storia, il Partito per la Giustizia e lo Sviluppo. Il Partito sembra aver vinto l'incessabile battaglia tra religione e politica, ignorando il secolarismo kemalista e alleandosi con il movimento Gulen, un'organizzazione islamica multi-miliardaria divulgata in tutto il mondo che possiede il giornale più diffuso in Turchia, lo *Zaman*, e la sua famosa versione inglese, *Today's Zaman*. Si traspare dunque anche nei media la spaccatura tra i media tradizionali, principalmente preoccupati ad accrescere il proprio valore commerciale attraverso un'alta circolazione e i media islamisti conservatori pro-governativi che, invece, hanno l'obiettivo di diffondere il loro ideale. Secondo la Nuova Teoria dei Movimenti Sociali (Jean Cohen e Jurgen Habermas), infatti, la mobilitazione islamica punta alla

trasformazione quotidiana delle identità ed ha una dimensione cosiddetta ‘molecolare’, nel senso che non si concentra sulla politica istituzionale o sull’economia ma piuttosto sulla società civile. Il risultato più prevedibile è quello della polarizzazione, tuttavia il sempre maggior controllo della libertà di espressione scoraggia qualsiasi opposizione al governo, omogenizzando le possibili voci anti-governative con quelle pro-governative e religiose. In questa battaglia contro il dissenso, il più grande dei nemici è certamente l’esercito, il tradizionale guardiano della tradizione secolare. Memore dei tre colpi di stato, rispettivamente del 1960, 1980 e 1997, il Partito per la Giustizia ha evitato in ogni modo che l’esercito si avvicinasse al potere politico. Ho approfondito due circostanze, in particolare il caso Ergenekon e il caso Balyoz, che esemplificano la tattica impiegata dal governo: il potenziamento da una parte delle investigazioni nei confronti dei militari e dall’altra delle occasioni per i media islamici di influenzare il pubblico, normalizzando il discorso religioso all’interno dello scenario politico.

Infine, nel quarto capitolo, l’analisi dei sistemi mediatici proposta da Daniel C. Hallin e Paola Mancini, ci permette di includere i media turchi nel ‘Modello Polarista Pluralizzato’. Selezionando quattro dimensioni del settore, quali il livello dell’interferenza dello stato nel sistema, lo sviluppo storico del mercato, gli standard giornalistici e il grado di parallelismo politico, è possibile delineare un profilo dei media turchi. Caratteristici di questo modello sono un’industria mediatica strettamente collegata alle élite politiche, un tardo sviluppo dei cosiddetti media commerciali e una forte influenza dello stato. Solitamente il grado di interferenza statale e del parallelismo politico è considerevole, mentre quello della circolazione dei giornali e del professionismo piuttosto carenti.

Dopo tre vittorie elettorali consecutive del Partito per la Giustizia e lo Sviluppo, rispettivamente nel 2002, 2007 e 2011, la Turchia ha inevitabilmente intrapreso la strada verso una democrazia esecutiva fortemente centralizzata, nella quale lo stato domina la società. Come il Presidente Erdogan in persona ha detto durante un'intervista a *Milliyet*, “La democrazia è come un tram. Ci sali finché non arrivi alla tua destinazione, poi scendi”. Oggi possiamo dire che, con il potere eccezionale che ha ottenuto, il Presidente ha da lungo abbandonato quel tram e governa prepotentemente, mettendo a tacere l'opposizione. Forse, solo il risultato delle elezioni del 7 Giugno 2015, che vede il partito perdere la maggioranza dopo tredici anni ininterrotti, può far sperare che il popolo turco stia tentando, tramite lo strumento più democratico di cui è in possesso, il voto, di far tornare indietro quel tram chiamato democrazia.

## Table of contents

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<b>Introduction</b>	<b>12</b>
<b>Chapter one: The media system</b>	<b>15</b>
1.1 The media in a democracy	15
1.2 The AK Party and media freedom	17
1.3 The legal framework	22
1.3.1 Constitutional provisions	23
1.3.2 The Penal Code	24
1.3.3 The Anti-Terrorism Law	25
1.3.4 The Internet Law	26
<b>Chapter two: Media Ownership and Journalists' Unionism</b>	<b>31</b>
2.1 The Turkish Media Goliaths	31
2.2 The Sabah-ATV and Calik Holding affair	33
2.3 Dogan Media Group	35
2.4 Low journalists' standards	39
<b>Chapter three: Religious-secular conflict in the media</b>	<b>41</b>
3.1 Islamist mobilization: the Gulen movement	41
3.2 Mainstream media and Islamist media	43
3.3 The army: guardian of the secular tradition	46
3.3.1 Case study: Ergenekon case	47
3.3.2 Case study: Balyoz case	49
<b>Chapter four: Polarized Pluralist media system</b>	<b>51</b>
4.1 Degree of state intervention	51
4.2 Historical development of media markets	52

4.3 Journalistic professionalism	54
4.4 Political parallelism	55
<b>Conclusions</b>	<b>59</b>
<b>Bibliography</b>	<b>62</b>

## Introduction

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"Democracy and freedom of speech should not be sacrificed to the election frenzy and the hatred it generates."

Orhan Pamuk, Turkish Nobel prize for Literature

These words were pronounced by the eminent writer on June 3<sup>rd</sup> 2015, immediately after Turkish President Recep Tayyip Erdogan threatened legal action against the director of the opposition newspaper *Cumhuriyet*, Can Dunder. The editor had published few days before a video footage showing the MIT state intelligence agency backing Syria with weapons in late 2013 and early 2014, which the Turkish government had always denied doing. During an interview with the state broadcaster TRT, president Erdogan said that the editor would have paid "a high price" for his "crimes against the government" (The Guardian, 2015).

Orhan Pamuk's cutting edge remarks, pronounced precisely when I was finalizing my work, enclose the backbone of what I had in mind while writing these pages. The clashing relationship between freedom of expression within the media on the one side and the relentless effort of the Turkish government to control any opposing voice on the other; this is the main focus of my brief dissertation.

In the Western culture, freedom of expression and of speech are oftentimes given for granted as fundamental human rights; nevertheless, this is not always the case. In Turkey, the lack of plurality of information sources and media outlets represents one of the main stumbling blocks to the development of democracy. The AK Party, President Erdogan's political party, has been in charge without interruption since 2002 and has increasingly adopted an authoritarian stance towards freedom of expression and debate. It has preferred opting

for almost absolute power instead of widening its perspectives and allowing diversity of opinion, turning Turkey into a hybrid regime.

Distinctly appealing to the European Union enlargement discourse few years ago, this subject matter is now more than ever fascinating as Turkey is the so-called “melting-pot of the world cultures”, those same cultures that are now fighting against each other. Through history, Turkey has always played a crucial role in the crossroads between Europe and Asia, gaining an extraordinary cultural and commercial wealth. Understanding its political and social panorama, including the level of political and civil liberties citizens have and most of all accept or ignore having, is crucial to grasp Turkey’s *raison d’être* in that region.

Furthermore, having lived nearly five months in Istanbul last year has made me realize how, right at the borders of the European Union, gross violations of freedom of expression, one of the fundamental human rights according to the Universal Declaration of Human Rights of 1948, are continuously being perpetrated in front of everyone’s eyes, those of Turkish citizens as well as those of the world. This is the reason why I decided to go beyond the mere newspapers articles about Turkey’s violations and cases against the European Court of Human Rights and to go more in depth in the legal, judiciary and police frameworks that allow them. My intention is that of disclosing how the Turkish executive is practically able, by means of legal loopholes and prevarication, to silence multitudinous opinions.

In the first chapter, a minimal definition of democracy by Robert Dahl is foremost spelled out. Keeping in mind the vital role that free media has on a democratic regime, I have then concisely described the AK Party’s ruling from its establishment in 2002. Two are the main spotlights: the party’s conception of power and the legal framework that allows such

curbs on freedom, from the Constitutional provisions to the Penal Code, and from the Antiterrorism Law to the Internet Law.

In the second chapter, I have considered the ownership structure of the media in Turkey, where media and power create a solid dichotomy. The result is often that of conglomeration and few media goliaths owning most of the outlets, mainly for economic interests. Media companies, such as the Calik Holding, are inevitably inclined to gain the favour of the government and those that, on the contrary, strive to keep a non-partisan stance, such as the Dogan Media Group, are regularly boycotted by the executive itself. I have also touched upon the issue of low journalistic standards and unionism, that further aggravate the scenario.

The third chapter investigates the everlasting struggle between religion and politics, which has always characterized Turkey. The AK Party, joining forces with the Gulen movement, seems to have been winning this conflict by normalizing the religious discourse in every-day life routine, creating what Antonio Gramsci would have called an ‘hegemony’ by means of the media. Thereupon, I suggest the analysis of two case studies, the Ergenekon and Balyoz proceedings, which serve as an example of the government determination to annihilate the army, the traditional guardian of secularism.

To conclude, in the fourth chapter, the classification of media systems by Daniel Hallin and Paola Mancini provides four dimensions that distinguish the Turkish media system as a Polarized Pluralist structure. By examining the four dimensions, namely the degree of state intervention, the historical development of media markets, the standard of journalistic professionalism and the degree of political parallelism, it is possible to sketch a well-defined profile of the Turkish media.



# Chapter one:

## The Media system in Turkey

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### *1.1 The media in a democracy*

We are easily inclined to think of the media as a key factor in everyday social life. Correspondingly, however, we often struggle to realize how the media is a defining component part of politics in many of its facets. The functioning of the media as a public watchdog and as an unbiased interchange of society's different perspectives is of fundamental importance not only for its own right and as a vehicle to all other rights but also as a core element of a democracy. When dealing with a representative democratic system, indeed, freedom of expression is one of the chief constituents of a full accountability process and is provided through different mechanisms, which should guarantee a good quality of democratic public life.

While analyzing a political system and assessing its full-democratic, near-democratic or non-democratic nature, a minimal definition of democracy should first be taken into consideration. Mentioning the minimalist definition inspired by Robert Dahl (Dahl, 1971), it is possible to state that a regime should be considered democratic if it meets, at the same time, at least the following conditions:

- a) Universal male and female suffrage;
- b) Free, competitive, periodic and fair elections;
- c) More than one political party;
- d) Different and alternative sources of information.

The subsistence of these four factors should automatically infer the actual respect of civil and political rights: first of all, the ultimate of all political rights, that is universal suffrage, lays the foundations for any

other political right; secondly, free and fair elections are the concrete manifestation of freedom of thought and speech; thirdly, the plurality of political parties constitutes the expression of a perceptible right of association; eventually, the presence of more than one source of information shows clearly the subsistence of the just mentioned rights and freedoms. If the regime concerned fails or ceases to fulfill one of the requirements, it cannot or can no longer be assessed as a full-democracy but, on the contrary, takes on other political and institutional set-ups depending on the degree of uncertainty and dubiousness of the conditions. In a nutshell, these four elements constitute a threshold below which a full-democratic regime is not achievable.

Shifting the focus from the definition above to the actual case study, Turkey is experiencing a significant democracy deficit quite due to a sharp deterioration in the press freedom environment, given the shortfall in the diversity and alternatives of sources of information. Standing as a hybrid regime, Turkey embodies the features of a limited democracy, where freedom of expression and belief, freedom of association and organization, individual autonomy and personal freedoms are restrained by the government. Since 2005, the process of consolidation of the democracy has considerably stagnated: there are compelling points at issue in several areas such as fundamental freedoms (freedom of expression in particular), human and minority rights and the judicial apparatus. According to *Freedom of the Press 2014 Report*, Turkey's status has declined from Partly Free to Not Free as a result of a worsening of conditions for media freedom and press coverage of politically sensitive issues, in 2013. Significant enough is the *Press Freedom Score* in 2014, which stands at 62 on a scale ranging from 0 to 100 (with 0 being the best score), and the *Freedom of expression and belief rate* in 2015, scoring 9 out of a maximum of 16. In point of fact,

in 2013, reaching the peak in May during Gezi Park protests, and continuously throughout 2014 and 2015, journalists have been harassed and assaulted when attempting to cover critical political affairs, such as negotiations between the government and the separatist Kurdistan Worker's Party (PKK) or corruption scandals involving Prime Minister Recep Tayyip Erdogan and his cadre, as those emerged in December 2013. After two consecutive electoral victories, in 2007 and 2011, the Justice and Development Party (AKP), founded by the current Prime Minister Erdogan, has struggled resisting the temptations of an authoritarian state, moving the Turkish state towards a highly centralized executive democracy in which the state dominates society. The government's increasing pressure on the media over the last eight years has repealed all the steps previously moved within the scope of the democratic reform program related to the accession negotiations with the European Union.

In Turkey, where there is a weak opposition and a corrupted or dependent judiciary, an unrestricted press is vital to democratization. However, the government has increasingly engaged in a range of intimidating and coercing tactics aimed at suppressing the media's main function as a check on power. The government's effort is that of confining, if not censoring, almost all independent voices of the Turkish media, which provide authentic accountability and foster public debate and opinion. Any critic is usually cracked down and, as a consequence, the relationship between citizens and their government grows ill-natured and disapproving, often culminating in general discontent and protests.

### *1.2 The AK Party and media freedom*

The issue of media freedom does not come out as recent or unfamiliar to the Turkish tradition: intolerance towards dissent has characterized

Turkish society since the second world war. During nearly fifty years of military rule from the 1950s to the late 1990s, marked by three coupes d'état respectively in 1960, 1971 and 1980, Turkish military forces had substantially put curbs and limitations on any discussion related to religion, ethnic identity and any historical reality beyond the perimeter of secular nationalism. The AK Party made its appearance in this exact context of restricted freedom of speech and expression: it emerged after the banning, in 1997, of the Islamist Welfare Party and of its successor, the Virtue Party. The same current president Recep Tayyip Erdogan, then-mayor of Istanbul, was imprisoned for four months because of an Islamic-nationalist speech he gave in 1997 and was still banned from public office when his AK Party won the general elections for the first time in 2002; he was given the permission to assume the premiership only in 2003, by reason of a constitutional amendment. Almost five years later, the AK Party was further provoked, in as much as the Constitutional Court, falling short of only one vote, would have banned the party for violating the constitution's commitment to secularism. Despite the leverage it already wielded on citizens' skepticism about the former political establishment, which was arguably considered as culpable of the 2001 economic crisis, the AK Party catalyzed most of its electoral campaign undeniably on democratic values, differentiating itself from the Welfare Party. During its first term, from 2002 to 2007, it is beyond question that some important areas of free expression went through a considerable transformation: for the first time, notwithstanding the existing legal restrictions on discussion, issues such as those regarding minority rights, headscarves for women or the Armenian genocide, were discussed and no longer censored. By comparison with the previous severe restraints imposed by the military, these policies constituted a successful kickoff and got very close to the Copenhagen criteria. Yet, as soon as the party stabilized and secured its authority with

the second electoral victory, it replaced the old stumbling blocks to freedom with new intimidating tactics and curbs to criticisms. Therefore the government, which came to power as the promoter of a more liberal government, abandoned immediately after the elections its consensus-building policies and engaged in strong-arm tactics to suppress the media's proper role as a check on power. Long before Gezi Park protests, many reporters and journalists along with activists, mainly of Kurdish ethnicity, were arrested or threatened by the prime minister in person, who phone called many editorial boards dictating which reporters to fire. On the one hand, editors and owners have been compelled to preemptively fire journalist in order to stay away from governmental pressures or confinement; on the other hand, self-censorship has become a common practice between reporters who try to ensure their employment in this manner. Right before 2011 elections, the AK Party opportunely engaged in the same strategy of the previous elections: in 2010 it campaigned to pass a referendum authorizing the parliament to amend illiberal aspects of the 1982 constitution (such as individual rights, separation of powers and independence of the judiciary) and right after the electoral victory, although there was a parliamentary majority and a winning referendum, the AK Party refused to leave behind its arbitrary powers and obstructed the building of a checks and balances system through the amendments. The ability the government retains to apply broad antiterrorism or criminal defamation laws and invasive state security mechanisms, allows it to punish dissent and unjustifiably spy on or harass news correspondents.

As reported by the Freedom House's annual ratings, respectively by the 2015 *Freedom of the World* report, Turkey is not a dictatorship. It is a political regime in which freedom of expression is constitutionally

guaranteed and few media outlets are critical but where commenting upon the government can determine serious consequences: from losing one's job or respectability to risking sometimes life and more frequently surrendering freedom. What is more at risk is not only the sheer freedom to opinion dissemination but, rather, the very core of journalism, fact reporting. Indeed, while columnists, albeit being under the threat of legal harassment, are often allowed to give their impressions, reporting news and investigative journalism have been almost always cut down to nullification. The country is certainly receiving a steady downward trend due to continuous enforcement of gag orders and marked political intervention mainly in the media environment, as well as in the judicial apparatus and anticorruption system. Gag orders concern mainly topics such as government corruption, ISIS hostage crisis, Turkish intel agency providing arms to Syria, civilian deaths in army operations and mining disasters. These issues are obviously silenced because the government wants to keep a positive public opinion by censoring the negative contents.

The tools that the AK Party has been using to push on the media outlets and reporters are the same with which previous governments had availed themselves: the striking difference lays in the single-mindedness, frequency and blatancy of the party's authority. What is impressively new about AK Party's curbs on freedom of expression is their scope: a wholesale censorship is being implemented in the sense that any inconvenient content, from the most popular national headlines to uninfluential people's tweets, is withheld by the government. The 2013 Gezi Park protest stands as the resounding proof: as news of the occupation of Gezi Park by the early small group of environmentalist spread on social media, more and more people got in on the act, motivated by a common resentment against the government's autocracy

and lack of accountability. When, for the first time during the manifestation, on May 29 and 30, images of the police reacting with violence, pointing tear gas and water cannons directly towards the crowd, started circulating rapidly on social media, the effects were contagious: 80 of the country's 81 provinces embraced the protests and more than 3.5 million people joined the protest in Taksim Square. Several Turkish media outlets were caught unprepared and were behind other international networks at covering those events, other pro-government stations, like NTV, promoted the government's partisan talking points while only some papers and television stations, such as CNNTurk, kept pace with the news. This inadequacy at reporting what was happening in their own country demonstrated the silent acquiescence and conflict aversion of the state-dominated media and entailed the governmental strong-arm tactics moving behind that media system. As a matter of fact, numerous journalists were fired or forced out: the Turkish Journalists' Union declared that the total number of firings amounts to 59 while the opposition Republican People's Party (CHP) has published a list of 79 journalists being discharged (Freedom House, 2014).

The firings did not stop with Gezi Park Protest but continued throughout 2013 fall: in early November, three journalists were sentenced to life in prison and another to seven and a half years, on the grounds that they were senior members of the Marxist-Leninist Communist Party (MLKP), which is banned under anti-terrorism law. All through 2014, the government kept on jailing and bringing to trial individuals suspected of being involved in any kind of relationship with the Union of Communities in Kurdistan (KCK), the alleged civilian branch of the Kurdistan Workers' Party (PKK), designated by the anti-terrorism law as an illegal organization (Freedomhouse.org, 2015). In addition to these punitive measures provided by the law, political pressure has been

consistently imposed by the ruling elite ending in several firings of journalists and media workers, who had unflatteringly thrown light upon aspects of Erdogan government. Not least, on March 24, 2015, Turkish cartoonists Bahadır Baruter and Ozer Aydogan, from the Turkish satirical magazine *Penguen* have been condemned to more than 11 months in prison for drawing a vignette on last August magazine cover, which was allegedly claimed to be offensive towards Prime Minister Erdogan. In this regard, the Council of Europe Commissioner for Human Rights, Nils Muižnieks, condemned the sentencing and affirmed that there is a growing number of criminal cases on the base of assumed insults to the Prime Minister.

### *1.3 The legal framework*

Within the field of freedom of expression, the years between 1999 and 2005 represented a dynamic and reformist time period. Nevertheless, most reforms have considerably been annulled and concerns over the current state of Turkish democracy affect both the domestic and the international community. The EU-pushed reform in the mid-2000s produced both a legislative revision and a practical substantial decline in the number of criminal cases for people who had expressed their opinion. According to *Human Rights Watch 2006*, in 2005 no individual was imprisoned due to non-violent expression of thoughts. From 2009 to 2012, though, the number of journalists being imprisoned, especially for reporting on the Kurdish question, progressively increased from 15 to 95 and from 2008 to 2015 the number of websites being censored has grown from 1.310 to 77.521 (@EngelliWeb). An interesting trend, in 2013 and 2014, is that of a declining number of journalists' imprisonments and a steady increase in mass firings. The government has indeed understood that being denominated as the “top jailer of the world” was not convenient for its public opinion both at a domestic and international



level and decided to engage in a different tactic: cutting off journalism as a whole rather than journalists as individuals. Systematic mass firings cause a substantial lack of human resources in the field of journalism and weaken it far more than imprisoning single reporters, notably because fired journalists are hardly ever hired again by other media outlets.

For the first time in 2011, the issue was discussed during a European Council summit declaration on enlargement, when both the recently retired President of the Turkish Court of Cassation, Ali Alkan, and the European Court of Human Rights (ECtHR) judge, Isil Karakas, expressed their concernment over the huge number of ECtHR sentences on Turkey's violations of freedom of expression. From 1959 to 2011 Turkey has indeed received 43% of the total amount of cases on freedom of expression at the ECtHR (Çali, 2015), and in 2014 Turkey's violations of this right have single-handedly surpassed the remaining 46 states in the Council of Europe (CoE) (Today Zaman, 2015). Since 1959, the European Court has sentenced Turkey for 248 violations of the freedom of expression, however, unsatisfactorily, the government reactions to these rulings are reluctant. Responding to the Court's decision to overturn the ban on the social media platform Twitter in March 2014, Prime Minister Erdogan affirmed: "We have to obey the Court's decision, but we don't have to respect it. While the court sided with an American company in this decision, it denigrated our national values" (Today Zaman, 2015).

### *1.3.1 Constitutional provisions*

The dilemma in Turkey lies mainly within the legal instruments and the mindset of the judiciary. To the greatest extent, the constitution itself contains the principal obstructions to freedom of expression. Article 26, as amended on October 3, 2001 by Act No. 4709, declares that the

exercise of the freedom of expression and dissemination of thought may be at any time restricted “for the purpose of national security, public order, public safety”. The majority of Turkey’s violations of Article 10 of the European Convention on Human Rights (ECHR) derive from the exceedingly wide “margin of appreciation” and lack of proportionality in the interpretation and implementation in delivering judgements. For instance, the “defense of public interest” is generally given an all-inclusive interpretation and understanding. Furthermore, Article 28, which affirmed the freedom of the press and prohibition to censorship, was repealed by the same Act No. 4709 on October 3, 2001, and replaced by a provision that states that “anyone who writes any news or articles which threaten the internal or external security of the State or the indivisible integrity of the State with its territory and nation, which tend to incite offence, riot or insurrection, or which refer to classified state secrets or has them printed, and anyone who prints or transmits such news or articles to others for the purposes above, shall be held responsible under the law relevant to these offences”. Article 28 also ensures that distribution of information may be at any time prevented by a judge, who can put some bans on reporting of events in order to ensure the proper functioning of the judiciary. A reform of the current constitutional arrangements is necessary in order to, at least, guarantee the right to freedom of press and of expression without censorship.

### *1.3.2 The Penal Code*

Built within the legislative system, the Penal Code combines a series of restrictive provisions which overshadow positive reforms that have been implemented, such as the 2004 Press Law (Basin Kanunu) which replaced prison sentences with fines for some media violations. Although the Penal Code went through a EU reform process in 2005, it still admits core provisions of the old code, purposely directed at restricting freedom.

Strikingly enough, Art. 125 of the Penal Code criminalizes defamation and condemns it with prison, from a period of three months to two years, or with a punitive fine. Additionally, Art. 215 and 216, which punish people either praising a crime or a criminal or people inciting the population to enmity, hatred and denigration, continue to be used against reporters and journalists. Expressions assumed to insult Islam are increasingly prosecuted: for instance, in April 2013, the famous pianist Fazil Say was initially to ten months in prison for retweeting some lines of a poem by the Persian poet, Omar Khayyam, that caricatured the Islamic vision of heaven. He was found guilty under Art. 216/3 for “publicly insulting religious values that are adopted by a part of the nation”, with the aggravating factor that the offense was committed via press or broadcast media (Art. 218). According to international human rights law, though, curtailments to freedom of speech are by no means justified for the sake of protection of religious or other belief nor for the sensibilities of believers. Despite this, numerous journalists are exposed to punishments every time they mention that genocide against the Armenians in 1915 was actually committed, or they deal with Cyprus division or denounce security forces’ reactions; under Art. 301 of the Penal Code, indeed, “denigrating the Turkish nation” is considered to be a criminal offence.

### *1.3.3 Anti-Terrorism Law*

Very often, in combination with the Penal Code, the Anti-Terrorism Law (officially called the Law on the Fight against Terrorism) is applied to curb even non-violent manifestations, when they come about within the context of a terrorist organization. Only in 2012 the Carnegie Endowment reported that 71 journalists were sentenced under the antiterrorism law. This is better explained by the dangerously vague and ambiguous definition given to the term “terrorist organization”, which

has misguidedly allowed the prosecution of many journalists, who according to *Human Rights Watch*, were engaging in “nonviolent political association”. Throughout 2013, the executive has detained and later prosecuted individuals suspected of being involved either in the Union of Communities in Kurdistan (KCK) or in the Marxist-Leninist Communist Party (MLKP), whose membership is outlawed under the antiterrorism law. Again on March 31<sup>st</sup> 2015, the government blocked access to social platforms such as YouTube, Facebook and Twitter and 116 URLs on Google, including national newspapers such as *Hürriyet* and *Milliyet*, as they were “spreading terrorist propaganda” by promulgating images of Mehmet Selim Kiraz, a prosecutor held by gunpoint and later killed by militants of the outlawed Revolutionary People’s Liberation Front (DHKP-C), a Marxist-Leninist Party. Supposedly You Tube, Facebook and Twitter have complied with the government’s request of specific content removal within few hours, however, the government was not satisfied with the result because information was spreading very fast and gave a second order, banning the whole domains. Both You Tube and Twitter have confirmed to ‘@reported.ly’ that they will file appeal with Turkey (Turkey's war on Twitter, 2015).

#### *1.3.4 The Internet Law*

At the same time, especially since Gezi Park Protest, the government has accentuated controls and punishments, through legislative measures, over the Internet. In the last few years, in Turkey, social media and online news have become widely accepted sources of information: according to face-to-face interviews conducted by KONDA Research and Consultancy on June 6-8, 2013, 69% of protesters in Gezi Park argued that they first got in touch with the event through social media; only 7% heard it from television (Freedom House, 2014). Turkey is characterized

by a dynamic online community, with nearly 36.5 million Internet users over a population of 77 million. This partly symbolizes the failure of the traditional media as an independent provider of information, censored by the punitive measures of the government or often self-censored by journalists' fears. This vibrant internet community, by opening new channels through which information can rapidly spread, therefore, constitutes a huge threat to the government, which has always tried to silence any opposition or scandal in the offline press. The Turkish government has thus consistently expanded its surveillance competences and came to be able to hack into individual user devices and conduct targeted surveillance, by means of the Trojan Horse technology (Wagner, 2014).

Despite various national blockages of YouTube, decided by Turkish Courts' rulings on grounds of "insulting Turkishness", the Internet was up to 2011 fairly unrestricted. From 2011 on, perhaps suspecting the uncertain outcomes of the so-called "Arab Spring", the government has changed substantially its regulatory measures and filtering levels. At a global Internet governance level, Turkey's policies on freedom of speech make it a so-called "swing state", that is, a mixed-oriented country. On the one side, in 2012, it showed support for a new set of International Telecommunication Regulations (ITRs), that, deepening state's powers over the Internet governance, were only upheld by Russia and China within OECD countries. On the other side, in June 2014, Turkey was one of the few United Nations (UN) countries who voted for a resolution, at the UN Human Rights Council, which would have granted the same rights people have offline to the online community as well. At a domestic Internet governance level the situation is much clearer: Turkey has implemented an extensive and obscured system in order to block websites. According to the Turkish Internet Law, certain contents, such

as gambling, prostitution, drugs and crimes against Mustafa Kemal (Ataturk, the father founding of Turkey) are penalized and access to them can be directly blocked by any government body. Since 2007, when Law No. 5651 was passed, the Turkish government through the Telecommunications Communication Presidency (TIB) has been able to block websites without even being required to notify content or hosting providers that the measure was being taken. Notwithstanding the binding ruling of the ECtHR in 2012, stating that Law No. 5651 was violating Article 10 of the European Convention on Human Rights, the government has still not amended the law. On the contrary, on January and February 2014, right after the 2013 corruption scandal that involved many figures close to the government, the head of the state bank Halkbank, several construction magnates and the sons of three government ministers, the Turkish parliament passed some amendments aimed at delegating even more powers to the TIB. Furthermore from 15 April 2015, in the context of the impending general elections of June, a new amendment to the Internet Law allows Prime Minister and Ministers to request the removal of content and to restrain access to Internet, directly without a court's decision, for: protection of the right to live and security of life and property, protection of general health, prevention of crime and protection of national security and public order. At this time, blocking orders without prior notification by the TIB have to be implemented within four hours from a court's decision and Internet Service Providers (ISPs) are obliged to join a providers' association and to take responsibility for implementing orders; finally, social platforms, like Facebook or Twitter, are required to receive a special certificate in order to be working in Turkey. Furthermore, amendments to the National Intelligence Organization (MIT) law, taken in April 2013, legitimize the entity to get access to any kind of network, report, evidence or archive from public or financial institutions and from all entities with or without

legal entity. No national or international obligation can set aside MIT's demands and punishments for not complying with the request can correspond up to five years in prison.

Most notably, in March 2014, in order to move past a corruption scandal that would have threatened AK Party's results at local elections, Mr. Erdogan shut down Twitter and YouTube. Some anonymous accounts had first published on Twitter documents that would have linked the then-Prime Minister Erdogan to a grab investigation and subsequently uploaded on YouTube an audio recording of Turkey's Foreign Minister plotting to create a pretext for a viable Turkish attack to Syria. Since these scandals and the social media repercussion would have presumably compromised its candidacy to the local elections ten days later and to the first direct presidential elections in July 2014 and since the social platform did not comply perfectly with the Turkish Court's orders to close certain accounts, access to both sites was completely blocked. For the first time Twitter introduced its "country-withheld content", which restrains access in a specific country to content which is normally visible in the rest of the world. Regardless this nationwide ban was later reversed by the Upper Court and declared unconstitutional by the Supreme Court, as a serious breach of the right to alternative information, it continued for two further weeks (Wagner, 2014).

This so-called 'war on Twitter' caused , from March to December 2014, the forced closing of more than 100 accounts and the censorship of more than 2000 accounts. Notwithstanding these bans, the video and audio recording managed to be the most shared videos in Turkey, each being visited more than 225,000 times. The desperate need of reliable news and the harsh desire for freedom of expression have pushed Internet users to circumvent the government's restrictions on websites through VPNs, Virtual Private Networks that operate on nonpublic channels. Citizen

journalism and live-stream broadcasts have turned into substitutes of the traditional media, which is often unable to share valuable information about current affairs and is gradually losing its public watchdog function. Despite unavoidable misinformation, hate speech and defamation or lack of proofs, civic journalism has created public consciousness and constitutes the main mobilizing factor. There are several examples of Turkish citizens' initiatives of civic journalism, aimed at providing uncensored information. '140journos', for instance, is the first so-called 'countermedia' that developed in Turkey in 2011 from a young student, Engin Onder, who decided to create a platform where its 20 volunteers can upload any news at any time with their cellphone. It mainly covers issues that are ignored by civic society, such as LGBT rights, student trials, terrorism and protests, while only recently it has extended its scope to crowdsource vote-counting. Engaging in independent journalism obviously consists in skating on thin ice: 'VagusTV' is the concrete example of this risk. In late 2013 – early 2014, it erupted with releasing details of the corruption scandal and integrated both professional and citizen journalism; immediately in January 2014, however, it was blocked under uncertain circumstances and the website was forced to close, because of this turmoil and the resultant audience drop (Turkey's war on Twitter, 2015).



## Chapter two: Media Ownership and Journalists' Unionism

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### *2.1 The Turkish Media Goliaths*

Beyond doubt, other than the legal framework, what endangers and compromises freedom of speech and plurality of sources of information in Turkey is the political and economic pressure that media proprietors face on the base of their financial interests. Even though ownership has shifted several times in the historical development of the media in Turkey, in the majority of cases the inclination towards gaining the favor of the government has prevailed. After the 1980 coup d'état and the development of liberal economic policies under then-Prime Minister Turgut Ozal, media ownership changed radically: corporate holding companies, notwithstanding the still present strong family component, took the place of family ownership in the media market. In point of fact, Ozal neoliberal revolution throughout the 1980s, on the one hand had thrown light on the numerous opportunities, both at an economic and at a political level, that a for-profit media industry could offer and on the other hand did not provide any effective regulation to the increasingly hyper-commercialized and oligopolistic media system (Catalbas, 2000). As shown in Table 1 below, these holding companies usually have business interests that are far-removed from the media itself such as industry, services, construction, finance or energy, and they earn only a limited fraction of their overall revenue from their media outlets. Nevertheless, they benefit enormously from the tight relationships they have with the government and use the media outlet as a “lobby” for their company, promoting their ownership group's financial interests. In a country such as Turkey, where there is a strong state-centered economy, privatization of government assets and contracts with the government itself make up the backbone of many holding companies' income.

Therefore, corporate connection to the media has been more related to the monetary benefits of ownership rather than to the ambition to advance a democratic media apparatus. Owning a media company is frequently considered as a burden, rather than an opportunity, to be carried in order to get hands on government contracts and the strategy usually adopted is that of “pass the can”, that is to say when holding companies accept to sustain the expense of managing a pro-government media group for a limited time and then rapidly seek to hand it over to another recipient.

Ownership Group	Newspapers	TV	Other Business Interests
Doğan Group	<i>Hürriyet, Radikal, Posta</i>	CNNTürk, Kanal D	Energy, retail, industry, tourism
Doğuş Group	–	NTV, Star	Finance, Automotive, Construction, Energy, Retail
Feza Media Group	<i>Zaman, Today's Zaman</i>		Not available
Ethem Sancak	<i>Akşam</i>	SkyTurk 360	Pharmaceuticals
Star Media Group	<i>Star</i>	Kanal 24	Energy (50 percent owned by the State Oil Company of Azerbaijan)
Kalyon Group	<i>Sabah, Takvim</i>	ATV	Construction
Ciner Group	<i>Habertürk</i>	Show TV, Habertürk TV	Energy, Mining, Services
Demirören Group	<i>Milliyet, Vatan</i>	–	Energy, Mining, Industry, Construction, Tourism
İhlas Holding	<i>Türkiye</i>	TGRT Haber	Construction, Industry, Tourism, Mining
Albayrak Group	<i>Yeni Şafak</i>	TVNET	Construction, Industry, Logistics, Energy, Services
Koza İpek Holding	<i>Bugün</i>	Kanaltürk	Mining

*Table 1: main ownership groups in Turkey's media, January 2014 (Freedom House, 2014)*

From the 1980s, thus, the ownership pattern has evolved: new entrepreneurs, who had their business in completely different fields, engaged into the press or broadcasting business while the “traditional owners” started investing in other areas away from the media industry. Newspapers and television channels or broadcasts have been appealing to entrepreneurs and financiers not as businesses in their own right but as “loss leaders” for their other profit-making enterprises. Not only these “new owners” had little experience in the media world, but they also

had no interest or commitment to foster genuine real debate or to enforce the public watchdog function of the media. This ownership structure has produced mass commercialism, with a preference to sports, scandals and popular entertainment, and has directly influenced individual journalists and the whole editorial staff. Emblematic of the media blindness, or to better say of self-censorship and sometimes of cowardice, is the icon of a penguin, as on June 2013, when Gezi protests were erupting, the Dogan-owned CNNTurk was broadcasting a documentary about penguins.

Ostensibly, subsequent administrations were unable to curb the dichotomy between media and power and, per contra, started imposing legal restrictions, as those mentioned in the chapter above, on any critical report. The 1990s and early 2000s confirmed the growing trend towards commercialization and conglomeration, with buyouts by very few groups being the main instruments of acquisition. Not last, since its electoral victory in 2002, the AK Party has used legal loopholes to transfer large media companies to pro-government businessmen. While, in its fight against the old guard, the party left discussion and opinions open to a deeper breadth, as soon as it built up its political power, it started taking aim of the largest media owners in order to dominate public opinion.

### *2.1 The Sabah-ATV and Calik Holding affair*

The first test of value for the AK Party government's attempts at creating a partisan media and the blatant proof of a departure from liberal principles came in 2007. Interference between government and the media started in early 2007, when Sabah-ATV, a liberal newspaper with a manifest democratic and Western mindset, gained popularity and approvals, turning into the country's second-largest media group. All at once, the State Deposit and Insurance Fund (TMSF) took control of the group in order to recover the debts it owed to the government. Once

taken, the TMSF sold the Sabah group and other companies to Turgay Ciner's Merkez Group but took the assets back again soon after because a purported collusion arrangement between Ciner and Bilgin, the former group owner, became known. The fund then set an auction process and allocated the media group to Calik Holding, the sole participant to the auction. Allegedly, then-Prime Minister Erdogan would have stepped in both at the beginning and at the end of the bidding by discouraging several businessmen who wanted to join the sale process and by paving the way for Calik Holding victory. As critical media coverage about AK Party was spreading throughout the country, the party cadres decided to award the holding to friendly hands: Erdogan's son-in-law Berat Albayrak was the company's CEO and Albayrak's brother led Turkuvaz, the media subsidiary of Calik Holding. It was also claimed that since Calik Holding could not pay the price, namely \$ 1.1 billion, two state banks, HalkBank and Vakifbank, got involved in financing almost \$750 million of the total purchase. Furthermore, voices such as Mehmet Yilmaz, a prominent columnist for the nationalist and secularist *Hurriyet*, have blamed Erdogan and then-President Abdullah Gul for lobbying with a Qatar-based company, which at last took a 25% stake in the acquisition, the legally imposed limit on foreign investments. Sabah's editorial ideology swiftly deviated from a center-left position towards an openly pro-government line: its managing editor, Baris Soydan, had promptly counterstruck that the newspaper would not become the AK Party spokesperson, however he soon after confirmed that almost the entirety of its readers are party's voters. Further similar insinuations came later, when in May 2008 Kanal Turk, an anti-government national TV channel, was sold for \$ 25 million to a greeting cards manufacturer, Koza Davetiye, a close collaborator of Erdogan.

### 2.3 The Dogan Media group

The Sabah episode did not come as an exceptional case: the executive through the time has adopted a ‘complain-at-your-own-risk environment’ tactic (Aydintasbas, 2009) by directly influencing the media Goliaths by means of economic leverage. The AK Party, indeed, besides favoring the expansion of a conservative and pro-government capital right from the outset, explicitly made concessions to big capital, especially to members of the Turkish Industrialists’ and Businessmen’s Association (TUSIAD). TUSIAD, indeed, upholding neoliberal principles, secularism and political stability in order to lay the foundations for a big export-oriented business, initially was not enthusiastic about AK Party’s conservative attitude. Nevertheless, the AK Party seemed to be the only political alternative with sufficient public favor to start undertaking the road to the “Copenhagen Criteria” and the proceedings for EU membership; therefore, they decided to vote for Erdogan’s party, which subsequently had to try to keep these voters loyal somehow. Ever since the 1990s, the Dogan Media Group, characterized by a pro-business approach, had been Turkey’s preeminent media player, accounting for nearly 45 per cent of all daily newspapers in the country. Following AK Party’s consequent electoral victories, Dogan, a prominent TUSIAD member, strove for an equilibrium between making authentic journalism and gladdening the incumbent: in 2007, for instance, he made *Gozcu*, a pungent opposition paper he controlled come to an end and immediately after Erdogan second electoral victory he fired Emin Colasan, a famous anti-government commentator, from *Hurriyet*, a popular Dogan newspaper, causing the loss of eighty thousands resentful readers. Yet, relations between the AK Party and TUSIAD started deteriorating as soon as Turkish proportion of pious capital owners expanded and inevitably clashes of interests emerged. By 2009, political tension had grown rapidly: the AK Party had passed a

constitutional amendment that lifted the headscarf ban in Turkish universities, fostering TUSIAD skepticism. Dogan, composed of liberal and secularist advocates, started being alarmed from the excessively Islamist character of the government in charge and subsequently did not refrain from covering inconvenient topics. Notwithstanding Erdogan's order to "boycott any paper that reports on the Lighthouse story", Dogan's newspapers reported the exact German court case that judged Deniz Feneri (The Lighthouse), a Turkish-German charity association with close ties with the AK Party, for illegal transfer of funds to numerous Islamist groups in Turkey. The first explicit dispute came in 2008, when then-Prime Minister Erdogan in person refused to give his approval for the building of a refinery in Ceyhan, a town at the intersection of petroleum pipelines, to Aydin Dogan, the owner of the Dogan group. Instead, the prime minister gave the authorization to 'our Calik', that is Calik Holding, the same corporate holding led by his son-in-law he favored in 2007. Few months later, again, the AK Party Istanbul municipality withheld a similar demand of the Dogan Group for a development project of luxury residences and a shopping mall in an area close to the Hilton Hotel on the Bosphorus. This last event symbolized, on the one hand, the beginning of the public condemnation of the Dogan Group and, on the other, the golden age of religious and/or pro-government entrepreneurs.

It came as no surprise then, in February 2009, when public inspectors, expressly instructed by then-Prime Minister, fined the Dogan Media Group with a \$500 million tax fine over the sale of the television company's shares to Axel Springer, a German media company. Before the group could get back to feet after the pecuniary damage, it was hit again by another huge tax fine of approximately \$ 2.5 billion and all the companies in the Dogan Group were excluded from any state auction for

a period of one year. In the same spirit, Dogan received a list of all the reporters that the government considered inimical, suggesting that they should be fired in order to improve relations with the government. The tax fines, reaching almost \$3.7 billion shortly exceeded the Group's total market value. Thereupon, the magnitude of the damages forced Dogan to ultimately moderate its assertive stance within the Turkish Press: in 2011, he had to sell two major newspapers, *Milliyet* and *Vatan*, to a joint corporate holding, DK (Demirören-Karacan) Gazetecilik & Yayıncılık (Journalism & Publication), which is strongly aligned with the government and whose main interests are distribution and retail sale of Liquefied Petroleum Gas (LPG), real estate and construction. As stated by Erdogan himself, after the buyout, the new newspapers' owner, Erdogan Demiroren, would have asked him for recommendation of the editor in chief of *Milliyet*. Symbolizing the end of media freedom, Dogan media group went through a deep reexamination: several managing editors were replaced and television programs, notwithstanding their audience and success, were covered up. The huge fine taxes served as a clear suggestion to all other media conglomerates of the cost of challenging the government: Dogan fundamentally had to adapt to the media environment and disclose information custom-made for then-Prime Minister Erdogan's preferences.

What is more, the prime minister's office directly supervises billions of dollars every year acting as the chair of the Privatization High Council (OIB), the Housing Development Administration (TOK) and the Defense Industry Executive Committee. Given the economic leverage it has over privatization approvals, it is clear how the executive can create plentiful incentives for holding companies to abstain from any kind of friction with the government while rewarding loyal associates. Just to mention some significant examples from 2013: in May, Dogus Holding, the third

major media company owning NTV and StarTV, won a \$ 702 million bid to develop in the area of Galataport in Istanbul and in November, Ihlas Holding (*Turkiye*, Ihlas News Agency, TGRT TV) set its hands on a \$1.86 billion deal to rebuild Istanbul's Gaziosmanpasa neighborhood.

The government has even more bargaining chip over public procurement and patronage, through the Housing Development Administration (TOKI) and the Defense Industry Executive Committee, which respectively issue almost \$50 billion worth contracts to key holding companies. Changes to procurement law in the last few years have allowed these proceedings to become more and more vague and unclear, by placing tenders in further sectors such as defense, intelligence, infrastructure and technology. The ruling AK Party, which built its political campaign on the Turkish acronym AK meaning “white” or “clear”, has amended the procurement law 11 times since 2011, mainly limiting the watchdog function of the Public Procurement Authority (KIK), which should be accountable of monitoring public tenders and contracts. In 2012, likewise, the fourth amendment to the Turkish Penal Code lowered the prison sentences for bid rigging in public tenders. In addition, the Court of Accounts, which should monitor the government spending on behalf of the Turkish Grand National Assembly, is not able to audit public institutions because, as of an already overturned amendment of 2012, state institutions will not be obliged to provide their accounts for inspection until 2016. Eventually, the Savings Deposit and Insurance Fund (TMSF), the prime minister office's branch responsible for reclaiming debts owed to banks and failed financial institutions, provides another instrument to exert pressure on the media. As a matter of fact, it has recurrently managed to dominate media companies whose partner associates were struggling. This was the corrupted mechanism behind the already mentioned selling of Sabah-ATV to Calik Holding in



2007 but as well as behind the 2013 “coincidence” of Cukurova’s media group being traded to Ethem Sancak , a fierce defender of AK Party’s pillars. Not only the TMFS dealt very closely with the purchase agreement, but it had already appointed a former AK Party deputy to be the editor in chief of the newspaper.

#### *2.4 Low journalists’ standards*

When combined with low journalists’ standards and a nearly nonexistent unionism, this willingness of holding companies to pursue their wider economic interests through exploitation of media reporting and the authority the government has on media, makes the Turkish media system even more ill-founded. Since the 1990s commercial media boom, many employers, most notably *Milliyet* and *Hurriyet*’s owner Aydin Dogan, started putting pressure on columnists and reporter to resign from unions. This pressure meant that a number of workplaces, such as *Tercüman*, *Günes*, and the privately owned UBA news agency ,where union organization was available, were proscribed and union organizations were outlawed from numerous newspapers, radio and television companies. Different anti-union strategies have been adopted: from threats of job termination to all journalists willing to join unions to sub-contraction, namely fragmenting the whole media company in smaller units with few employees. Moreover, since the employment structure is continuously altered overnight, workers had not even a clear picture of who their owner or chief was. There are also two legal loopholes that holding companies use in order to undermine unionism. Very often, they make journalists sign contracts which, according to clause No. 1475 of the Labor Code, classify them as “ordinary laborers” instead of granting them the special legal protection and minimum salary as provided by clause No. 212. Given that the Journalists’ Union of Turkey (TGS) can only recruit workers employed under clause No. 212, a great portion of

journalists are automatically excluded from its assistance. Other times employers hire journalists only for a limited time or for a three months training period, precluding them from any legal protection. Therefore, the Journalists' Union of Turkey, which looks after their rights and bargains agreements with the Turkish Newspaper Owners Trade Union, registered a sharp decline in membership down to almost zero. According to specific statistics run by the Organization for Economic Co-Operation and Development, Turkey is the OECD nation with the lowest overall trade union density, at 5.9%, and the Turkish unionization rate fell by 38% between 2002 and 2011. In particular, journalists' unions in Turkey are a non-entity in the Turkish media market, where according to Mustafa Kuleli, General Secretary of TGS, the affiliation rate to trade unions, updated to March 2015, is around 1.5%. As a matter of fact, the only newspaper, semi publicly-owned, which accepts columnists who join unions is the Anadolu News Agency.

The result is that in Turkey there is basically only one media boss at the moment and it is the current President Erdogan: the resulting atmosphere is that of restrictions, self-censorship, collusion and oftentimes manipulation. The government and its followers are aware of the degree of political parallelism and general government flattering by the media owners, however they do not accept to hold the bear of this intimidating atmosphere. Per contra, several government ministers have repeatedly asserted that if owners and editors are "real journalist, they should be able to withstand the pressure against them" (Freedom House, 2014).

## Chapter three:

### Religious-secular conflict in the media

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As widely pointed out above, the main function of the media is that of providing an apparatus through which society's layers should be able to meet and be provided with a nonpartisan watchdog, granting them critical information about the country's leaders. However, more than often the fulfilment of this role is prevented by the sociopolitical struggles that characterize each and every society. In Turkey, such struggle, distinctive of several other countries in the region, concerns the contention for political power between secular and religious forces. Religion has always been correlated to ambiguity in Turkey: according to the latest 2014 *Indexmundi* demographic profile, 99.8% of the Turkish population is Muslim, mainly Sunni. Yet, from the founding of the republic in 1923, administrative and legislative approaches have been consistent with the secularist Kemalist ideology, always aiming at drawing the line of religion away from that of politics, judiciary and military affairs or any other governmental institution. From the 1990s, the religious forces have started making a stand against secularism and have succeeded at gaining power, with the first conservative religious party being democratically elected in the history of the Turkish republic.

#### *3.1 Islamist mobilization: the Gulen movement*

The AK Party seems to have been winning the everlasting struggle in the Turkish history, that between religion and politics, by firmly turning a blind eye on secular Turkey. Be as it may be, the AK Party was not alone: one of its main allies in the police, judiciary and the media, is the Gulen movement, a multi-billion dollar Islamic movement (Stakelbeck, 2011). Notwithstanding the recent clashes between these two groups, due to the belonging to different political orientations and different branches

of Islam, the AK Party government has been violating the boundary between religion and politics it had formerly preached. The movement has a world-wide grass-root extent, counting a network of hundreds of colleges and schools and a variety of economic and financial interests. Moreover, in Turkey, it is consistent at a media level: the Gulen-affiliated Feza Media Group owns Turkey's most widespread newspaper, *Zaman*, and the famous English version, *Today's Zaman*. During the above mentioned Dogan Media Group crisis, the Gulenist followers tenaciously stood up against the group's owner Aydin Dogan while safeguarding every move of then-prime minister Erdogan (Freedom House, 2014). Likewise, during the Ergenekon case, the Gulen movement played a significant role in providing leaks and stories against the military and accommodating reports on sympathetic journalists on the contrary. The relationship between the Gulen movement and the AK Party begun to deteriorate when the government developed a much more authoritarian regime within both the public Turkish agenda and the international arena, adopting an harmonizing stance on the Kurdish question and an adversarial attitude towards Israel, which Gulen had always disapproved. The tensions have ultimately escalated due to the corruption scandal of December 17, 2014, as many Gulen followers were accused of providing leaks to sympathetic journalists.

The Islamist movement in Turkey lays the foundations of its mobilization theory on the reorganization of everyday practices, mainly targeting people's daily routine and creating an alternative. The Islamist movement has thoroughly tried to establish an alternative "hegemony", which, recalling Antonio Gramsci's (1971) conceptualization, means : "the organization of power in society and state through the constitution and naturalization of an everyday routine" (Tuğal, 2009). The New Social Movement Theory (Jean Cohen, Jurgen Habermas, Mulucci and

Alain Touraine) focuses exactly on this transformation of identities and can be useful in order to understand the case of Turkish Islamism; from the end of the twentieth century, the movement has no longer aimed its attention towards the economy and institutional politics, but on civil society instead. Thus, there is a “molecular” dimension of the movement (Tuğal, 2009) that is very often disregarded because usually other aspects, such as street action, are more appealing. It is in this dimension that the Islamist movement reaches the media; indeed, through repetitive conversations, oral debates and newspapers containing rituals and educative readings, media outlets give a significant contribution to the formation of a collectivity. The use of social media, in particular, has not only allowed this movement to spread its values and beliefs more rapidly but also to widen its target public, by widening the scope of access to its information to almost every user. Digital social networks installed on internet and wireless networks are determinant on mobilization, organization, idea generation, coordination and decision-making (Tuğal, 2009).

### *3.2 Mainstream media and Islamist media*

This social cleavage along the religious-secular conflict is transposed into a salient divide in the media as well: indeed, today there is a clear-cut distinction between the “mainstream media, primarily concerned with increasing...[their] commercial value through higher circulations/ratings” and the “conservative/Islamist/pro-government media, chiefly involved in the dissemination of their viewpoints” (Kaya and Çakmur, 2010). An accelerated expansion of the conservative/Islamist media has characterized the Turkish media scenario in the last two decades, as emphasized by Sencer Ayata, who claims that “the area where the rise of religiosity as well as Islamic fundamentalism is most visible in the world of communication”. Every

day almost five thousand Islamist newspapers are distributed throughout the country and more than 700 000 each month. Even though the majority is privately owned, only a few number is commercial while the rest is sponsored by religious orders (Kaya and Çakmur, 2010). For instance, *Zaman* has been defined as an ‘Islamic mainstreamer’ which, with an overtly pro-AK Party and capitalistic leaning, takes part in the process of Islamization of the society. Other religious newspaper to mention are *Yeni Safak*, more radical than *Zaman*, *Yeni Akit*, openly denouncing secular institutions and *Milli Gazete*, the semi-official journal for the Virtue Party, speaking for the more traditional wing of political Islam from which the AKP’s leaders stemmed (Dursun, 2006).

What distinguishes religious and pro-government newspapers from more secular newspapers is mainly the preference and arrangement among news item, either favoring or inhibiting the dissemination of Islamic symbols such as pictures of mosques, the Islamic calendar or the updated prayer times. Polarization in framing is thus the most obvious outcome: one significant example occurred in 2004, when the parliament evaluated a proposal for a constitutional amendment advocating for gender quotas. On the one hand religious outlets mostly neglected or overlooked the matter, on the other secular columnists threw light on the feminist requests. Most ostensibly, even during Gezi uprising the media became a battleground: the pro-government media outlets condemned any form of protest as part of a collusive scheme aimed at overthrowing the legitimate democratic government, whereas the opposition papers framed the revolt within a context of democratic values held against the authoritarian administration.

In spite of this demarcation lines, there is frequently an overlapping of viewpoints as a number of media outlets offer reports from correspondents lining up with the opposite faction. Since its

establishment, the AK Party has struggled to normalize religion within the political panorama and has turned the former clear-cut secular-Islamic divide in a more heterogeneous cleavage, usually dissimulated by a pro-government or anti-government judgments on issues such as foreign affairs, environment or economy. Moreover, the increasing repression of freedom of expression through coercive measures has discouraged opposition to the government, leading the mainstream secular media to censor inconvenient subject matters, aligning with the pro-government religious voices. The country's political conflicts are consequently echoed in the media, with each side depicting the other as a real menace to their survival or status quo: "media outlets of opposed camps contend not only for the right to express their own interests and causes but also to suppress the other views ... The first priority tends to relay interpretative frameworks consonant only with a certain life style or a particular sacred cause" (Kaya and Çakmur, 2010). The media's public watchdog role is thus bounded to have a bias towards the most powerful community, leaving the weaker aside.

A difference needs to be born in mind: given that pluralism has always been a value upheld by the secular tradition, the secular media is more prone to mirror further fields of vision rather than the religious counterpart, which is usually more arbitrary and unequivocal. Nevertheless, each side inevitably accomplishes its own interests, acting as the only just alternative in the political discourse, only interested at signaling the other side's crying shames (Evans and Kaynak, 2014). Although there are various compelling questions perturbing the Turkish government, such as the Syrian war, a weak economic system and the imperative reconciliation measures to be taken with the Kurdistan Workers' Party (PKK), what dichotomizes most of the society is this sharp divide, with the media contributing to its deepening. The effects of

political parallelism are therefore taken to the extreme level by the religious-secular conflict.

### *3.3 The army: guardian of the secular tradition*

In its battle against dissent, the AK Party has attempted to fight to the greatest extent any pro-secular critic, in specie any army spokespeople, who are the traditional champions of the secular tradition. Mindful of the experience of three coups d'état from 1960 to 1980 and the 1997 military intervention that overturned the coalition in power, one of the party's cornerstone since its first electoral campaign has been that of preventing the military from earning political power. Nestling this reform program within the broader scope of the Copenhagen criteria, indispensable to join the European Union, the party has succeeded at gaining the confidence of the public opinion over this matter: already in 2009, according to a Freedom House poll, 65 % of Turkish people conformed that the military had to steer clear of the political institutions. People were so sensible to the memories of the coups and so afraid of the possibility of a new one, that were ready to accept or disregard clearly distorted trials just to close off the military from the political sphere. It is claimed that this was one of the AK Party's considerable tactics intended to expand its powers by simply subjugating opposition.

Here follow, I will briefly analyze two meaningful case studies that elucidate how the AK Party has on the one hand widened any type of investigation or supervision with respect to the military and on the other how it has generated further occasions for the Islamist media to exert a significant clout on the public. It will be clear how the AK Party has exploited these two cases to catalyze public opinion against the secular military.



### *3.3.1 Case study: Ergenekon case*

When analyzing the governmental escalating crush on the media freedom, it is crucial to take into account the five-decades military ‘guardianship’ (Freedom House, 2014) that preceded the AK Party and the unduly close relationship between the military and the media. In April 2007, when the Turkish military deliberately stated that “playing on religion and manipulating the faith into a political discourse can cause disasters” (BBC NEWS, 2007) , the government ward off any possible secularist turmoil by launching the raids that would have caused several indictments against army generals and officials, together with teachers and journalists, allegedly accused of threatening the executive with an interwoven conspiracy of homicides, bomb attacks and covert operations, turning into perhaps the paramount civilian-military case in the history of Turkey. It was not the first time that such organization existed in Turkey, since the 1970s several secret nationalist organizations emerged as a response to the developing communist system, often aided by Central Intelligence Agency (CIA). The vaguely defined collusive group drew its name from “Ergenekon”, a mythical valley in Central Asia where it is believed that a wolf saved the Turks from extermination by the enemies. Supposedly, it has close links with the “deep state”, which is an organization of militant secularists who are well built-in the bureaucratic and administrative apparatus in Turkey; ultranationalist in nature, it is said to be composed of both military and policemen, however the military has denied any interconnection with it. Several terrorist organizations, non-governmental organizations, organized crime, politicians, journalists, judges and government officials were involved as well (Freedom House, 2012).

It all started in June 2007, when a stash of explosives associated to two former officers, who were later found interrelated with Ergenekon

organization, was discovered by the police, acting under an anonymous recommendation. More investigations followed: in 2008, 86 persons were trialed, including many military officials, giving rise to the triumph of civic democracy. The year 2009 represents the turning point in the whole case: four coup plots were revealed upon witness of high-ranking officers and well outlined plans of assassinations of public personality, including the Nobel-prize winner Orhan Pamuk, got unfolded. Aggressive police raids were not only allowed by government's orders but urged by the AK Party and some provisions of the Penal Code – such as Article 285 on privacy and Article 288 on attempts to influence a trial – were exploited in order to imprison any critic on the media against the Ergenekon investigations carried out by the executive. By the end of 2010, thousands of open inspections were being implemented against journalists and 43 columnists were held in pretrial detention. What is more, inquiries expanded in scope through time: for instance, only in December 2011, 38 journalists were arrested, with charge of making propaganda for the Kurdish terrorist group, which was not involved in the case. Straight after rumors spread, Minister of the Interior İdris Naim Şahin said there were “a great number of people who support terrorist organizations through their works, paintings, articles, poems and other art forms” (Freedom House, 2012). The speech clearly symbolized the AK Party's intent to deal with any opposition to the way the Ergenekon case was being deal with and that any member of the Kurdistan Workers' Party (PKK) would have been considered as part of the conspiracy group. This turned out in the flattening and homogenization of the media landscape, with journalists either siding with the government or availing themselves of self-censorship to avoid repercussions. Not surprisingly, in March 2011, two prominent journalists, Nedim Şener and Ahmet Şık, got arrested because of their alleged involvement in the Ergenekon conspiracy; no evidence of this collusion was given nor requested by the

national courts while on the contrary it was deemed necessary by the Council of Europe's commissioner for human rights. The two columnists were held in pretrial for more than one year and continued receiving accusations till the end of 2013. It is worth mentioning that, in 2009 , Sener had written an investigative report book about the likely connection between the government and the homicide of the Armenian journalist Hrant Dink; by the same token, when arrested, Sik was writing a book regarding the Gulen movement's infiltration of the police force. Both the chief prosecutor and the government itself had openly declared that the imprisonment of the journalists was not directly linked to their reports or articles but, rather, to them being interrelated to the criminal organization. Nevertheless, it is no stroke of luck if the targets of the whole investigation were either journalists or members of the military, the two most serious threats to the unfolding of the AK Party's ideology and power.

There is no doubt that, initially, the government had a more than legitimate commitment to annihilate a criminal organization, which was menacing the status quo; yet, it soon turned this attempt into a mechanism to show off and increase its power, eliminating anyone who spoke against Ergenekon case or the Gulen community. As exemplified by Henri Barkey, a Turkey expert at Lehigh University in Pennsylvania, 'the Ergenekon trial was meant to bury the military once and for all, to make sure the military never thinks about intervening again' (Vela, 2013).

### *3.3.2 Case study: Balyoz case*

This case was mainly brought about by *Taraf*, the Turkish newspaper which, since the early 2000s, has been representing the liberal wing, criticizing the national military guardianship and, on the contrary, counting on the AK Party's promises of new liberal democracy for

Turkey. On the 20<sup>th</sup> of January, 2010, an article by the Turkish journalist Mehmet Baransu was published on the front page of *Taraf* and disclosed what would have later been called the Balyoz, or Sledgehammer, case. Allegedly, the military, in 2003, had started conspiring false-flag operations with the intent of bringing disorder to the *status quo*, overthrow the government in charge and install a military guardianship similar to that of the three coupes d'état. These planned measures would have implicated two bombings in major mosques in Istanbul, an incursion inside the military museum in Istanbul simulated by an extremist religious group and a terrorist attack to a Turkish Airplane to be blamed on Greece, in order to raise the tension between the neighboring countries. In September 2012, 331 out of the 365 accused military officers were convicted as part of the plot however in March 2013, 236 of the accused were acquitted after the chief prosecutor declared that most of the proofs submitted as evidence were not reliable sources and there was no relation between these data and the conjecture. After a deep analysis of all documents, in 2014, experts stated that the proofs that had been considered as the main testimonies were mostly all constructed. Notwithstanding this, the army suffered from a major accident: it was subjected to a political trial aimed at reducing its power and influence. Not to mention how the country itself was damaged, as columnist Semih Idiz stated, “it will be Turkey that loses out in the end because this case has merely contributed to deepening the divisions in society and adding to the polarization between Kemalists and Islamists.... It has also damaged confidence among Turks in their legal system, even though this confidence was never very high to begin with” (Tisdall, 2012).

## Chapter four:

### A Polarized Pluralist media system

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In an attempt to classify media systems present in “developed capitalist democracies of Western Europe and North America” (Hallin and Mancini, 2004), Daniel C. Hallin and Paola Mancini have selected four dimension according to which three typologies of media system can be detected:

- 1) the degree and nature of state intervention in the media system;
- 2) the historical development of media markets;
- 3) the standard of journalistic professionalism;
- 4) the degree of political parallelism.

According to these criteria, the Turkish media system falls within the Polarized Pluralist Model, prevalent in the countries in Mediterranean Europe. This model is characteristic of those countries where the media is closely intertwined with the political elites, the commercial media has developed very late and the state has a strong influence over it. Usually the degree of state intervention and political parallelism is significant, while that of newspaper circulation and journalistic professionalism is deficient.

From the analysis carried out in the previous chapters and the case studies’ exemplifications, it is now possible to contextualize Hallin and Mancini four dimensions within the Turkish media system.

#### *4.1 Degree of state intervention*

The first dimension, namely the leverage of the state, is beyond question the most perceptible aspect of the media system in Turkey. In most Mediterranean countries, state paternalism has persisted as the main hallmark of the media system: radio, television and press have been used

by governments for their own interests. There are mainly three ways in which state intervention discloses: censorship, ownership, direct state subsidies (i.e. sizable financial aid) and indirect state subsidies (i.e. tax breaks, reduced utility rates) to media companies, which would not otherwise be able to cover their productions costs. In point of fact, in Turkey, the state has been the funder over and above the main regulator of the media, exercising a pronounced authority on it, and, correspondingly, the mainstream media has always embodied the state ideology. Since its first developmental stage, the state was overwhelmingly engaged in subsidizing newsprint and standardizing journalists' status as ambassadors of state republicanism and modernity. Moreover, the state had a determining impact on the “discursive opportunity structure”, that is, the construction of social problems and burdens and the framing of certain political conditions under which particular questions come out and other don't. The uneven upper hand the state has is closely associated with the underdevelopment of capitalism and a weak civil society, which is less self-regulatory than that of a developed capitalist system. Eventually, the Turkish government has always been basically able to chart the media's course across the public sphere, turning it more into a political institution rather than a market.

#### *4.2 Historical development of media markets*

Concerning the second dimension, that of the historical development of media markets, a chronological background of the Turkish media has to be taken into consideration. During the Ottoman Empire, the first newspapers were all published by foreigners, who were aiming at protecting their own affairs in the territory by promoting and disseminating innovative capitalistic theories. The first authentic Turkish newspapers originated only later by the same need of the state authorities

to resist the foreign sources of information. The early privately owned Turkish newspapers only appeared thirty years later the state owned ones, with a significant disadvantage and backwardness. During the last years of the empire, the Young Ottomans, being both the first generation journalists and the main thinkers of the time, eventually acted as “didactic intermediaries between an idealized West and a backward society” (Heper and Demirel, 1996). In spite of that, a thirty year-long period of censorship from 1876 till 1908 and the harsh restrictions during the First World War did not allow a proper development of any media. Not surprisingly, even after the establishment of the Young Republic, the advancement of the media market and of the mass press was relatively low and moderate, due to the very high percentage of illiteracy after the change of the alphabet from Arabic to Latin letters. Only in 1931 with the new Press Law, oppositional views were gradually accepted by the single party rule and for the first time the press was polarized between those upholding the Kemalist modernizing ideals and those defending traditional conservatism. Two were the turning points in the historic development of the Turkish media: the first one was that of 1946, the transition to a multiparty system, when political party press emerged for the first time in Turkey and fight for freedom of the press became unavoidable; the second one was in 1948, when the dailies *Hurriyet* and *Mulliyet* laid the foundations for a new kind of commercial press with the only aim of earning money rather than siding with a specific political cause. However, government-financed advertising and direct or indirect state subsidies were mainly the only resources newspapers were endowed with; thus, they were a long way from being independent and self-sustaining. On July 15, 1950, a new Press Law was legislated and for the first time it granted freedom of the press and journalists’ right to union. The other side of the coin, though, was that the just elected Democratic Party used both the ‘carrot and the stick measures’ in order

to quite any criticism down: the Press Law was, indeed, immediately amended and state authorities were legitimized to institute legal proceedings against journalists and newspapers' owners. Some progress was made by the military rule that, after the first coupe d'état in 1960, widened the horizons of the freedom of expression, by means of the new constitution fostering civil rights, while at the same time protected the discharge of undesired journalists. Encouraged by a substantial economic growth and an apparently more favorable environment, Turkey's commercial press flourished rapidly, as a result of higher quality printing technologies and communication infrastructures, and kept developing quickly till the late 1980s and early 1990s. These developments, unfortunately, brought about another sort of exploitation of the media that is not governmental but private. In Turkey, as a matter of fact, there seems to be no adequate system that prevents the concentration of media ownership: all the major media groups, such as Doğan, Çukurova, Merkez ,Doğuş and İhlas, are large conglomerates whose dominion extends to many other sectors of the economy. This suggests that they will use the media to protect their interests in the other networks they manage.

#### *4.3 Journalistic professionalism*

Reasoning on the third point, professionalization of the media, Hallin and Mancini assume some standards that, according to them, characterize a professional media environment: autonomy, distinct professional norms and public service orientation. Noticeably related to Polarized Pluralist Models, they remark that “journalism originated in the Southern European countries as an extension of the worlds of literature and politics” (Hallin and Mancini, 2004). Compared to many other southern European countries, Turkey has attempted to professionalize institutions and train experts with ethical codes quite early. The Turkish Journalists'

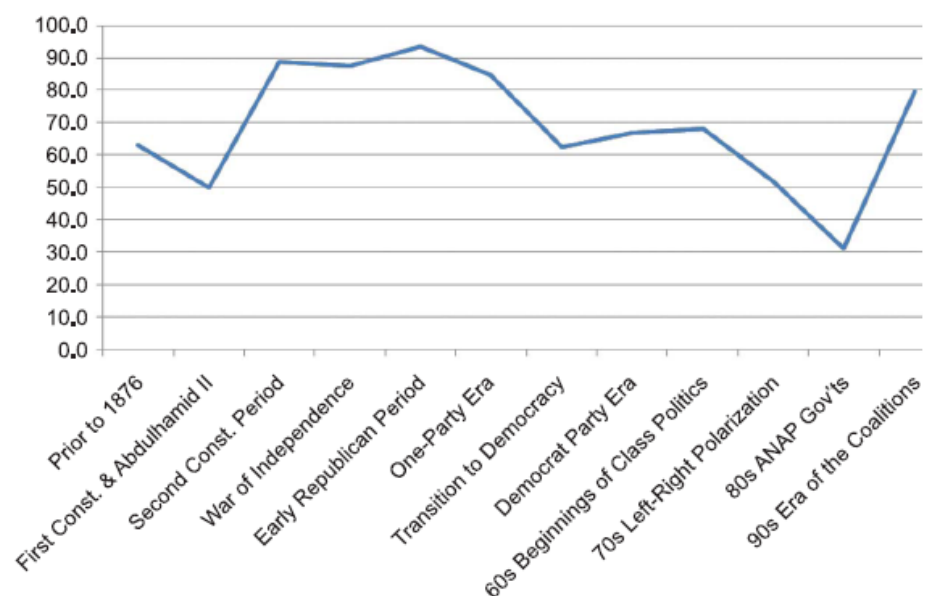


Association was the first to publish written guidelines on ethical standards: a part from being rarely implemented, they mirrored political and economic interests rather than bearing a proper social responsibility. In 1965, Ankara University collaborated with United Nations Educational, Scientific and Cultural Organization (UNESCO) and founded the first journalism department. Moreover, in 1988, 141 journalists founded the Turkish Press Council that receives complaints both about the press media and the TV and Radio media. It was firstly conceived as the main accountability system, however it now accounts only few members and has lost reliability due to its close links with the major media companies, such as the *Hurriyet*, owned by the Doğan group, where the Council's director works as a columnist. One positive development is that several newspapers have begun hiring ombudsmen, but still they are frequently ineffective, as they end up supporting their editors-in-chief and owner. More in general, journalistic autonomy is minimal: journalists hardly ever take part in unions or editorial councils or, if they do, they are often forced to opt out. Job safeties or protections are not envisaged and the overall picture is either that of journalists engaging in self-censorship or that of the so-called “media-aristocracy”, namely well paid columnist who are very loyal to their media owners. By all means, the most obvious outcome is that of a very low public trust in the media.

#### *4.4 Political parallelism*

The last criteria at issue is political parallelism which, according to the authors, “basically refers to media content – the extent to which the different media reflect distinct political orientations in their news and current affairs reporting, and sometimes also their entertainment content” (Hallin and Mancini, 2004). The concept itself points the finger at the notion of pluralism, namely the diversity and alternative of sources of

information ,which is an indispensable element for the survival of democracy. As Ben H. Bagdikian argues, “Diversity and richness in the media are not ornaments of a democracy but essential elements for its survival” (Bayram, 2010). There are two types of pluralism: external and internal pluralism. The former focuses on the individual-outlet level: it shows whether different cultural groups and political or ideological standpoints are represented and whether a fair share is given to all views. The latter, instead, focuses on the media-system level: it shows whether there is plurality of media owners, channels, titles, programs or editorial boards or whether there is a concentration of suppliers. In Turkey, external rather than internal pluralism has always prevailed. As shown in the graph below, throughout the 20<sup>th</sup> century till today, political parallelism in the Turkish press has never fall below the 50 per cent line, save during the 1980s, whit an overall average of 68.9 percent for all the century (Bayram, 2010) .



**Figure 1.** Political Parallelism in the Turkish Press.

*Table 2: Political parallelism in the Turkish Press (Bayram, 2010)*

This means that the media has increasingly emerged as the front line of the political parties with which it sides and acts as their mirror image, minimizing their malpractices while covertly discrediting the opposition, regardless their actions. The style of journalism acquires the features of advocacy and commentary journalism, in contrast with the Anglo-American model of journalism which is supposed to be more neutral and facts reporting. Moreover, taking into account the fact that certain media outlets are only trusted by a specific public they speak for, illicit and improper actions by political leaders are often ignored by their supporters who conceive that media as a mechanism of persecution. Accordingly, the media loses its “watchdog of democracy” role (Evans and Kaynak, 2014) and turns into a political actor, weakening pluralism by stimulating a more defined division of the media and news consumers by community, which ensures that the views expressed are primarily received by those who already endorse them.

Characteristic of this Polarized Pluralist Model, thus, is a late transition to democracy. It is quite clear that Turkey underwent an incomplete democratization process, stalling as a tutelary and illiberal democracy. It is tutelary because the military establishment, despite the restriction the AK Party has imposed to it, keeps having a say in the running of the government and has several prerogatives on some political spheres, as guaranteed by the 1982 Turkish constitution. Furthermore, as emphasized by the analysis above, it is illiberal in as much as several curbs and limitations to personal freedoms and fundamental human rights are imposed by the government (Rodríguez, 2013.). This deficient transition to democracy has given rise to a hybrid regime, a political regime containing both democratic and autocratic elements. Turkey is in need of what Schedler calls “democratic completion” process, where

those institutions, that carry on an illiberal tradition and prohibit a fully liberal democratic evolution, are gradually dismantled.

## Conclusions

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“If we are going to enjoy freedom of expression in Turkey, Article 301 should be reconsidered. This law and another law about ‘general national interests’ were put into the new penal code as secret guns. They were not displayed to the international community but nicely kept in a drawer, ready for action in case they decided to hit someone in the head. These laws should be changed, and changed fast, before the EU and the international community puts pressure on Turkey to do so. We have to learn to reform before others warn us”.

Orhan Pamuk, Turkish Nobel prize for Literature, (Freely, 2005)

Drawing the concluding remarks of this work, I have decided to close the circle recalling, as in the first pages, Pamuk’s inspiring words. This time they were pronounced after he himself had to flee Turkey due to repeated death threats; in point of fact, in 2005, during an interview with a Swiss newspaper, Pamuk used the virtually illegal word “genocide” referring to the Armenian massacre, whose occurrence the Turkish government denies and whose allusion it punishes, even with prison.

This and the initial statement are to symbolize the path of my brief dissertation: from the basic belief that there exist no reason for which freedom of expression should be sacrificed in a democratic regime I have come to recognize that there is a whole *modus operandi* behind the system hindering this freedom in Turkey. The AK Party, together with its predecessors, has succeeded at building a methodic process through which it is able to put curbs on free speech. First of all, it has exploited an already vague legal framework by single-mindedly allowing a very wide margin of appreciation to Article 26 of the Constitution, which authorizes restrictions to freedom of expression “for the purpose of national security, public order, public safety”. Accordingly, further several provisions of the Penal code, such as Article 125 which criminalizes defamation and condemns it with prison, are purposely

directed at confining liberty of thought, in particular expressions related to Islam or religion. In second place, the government has managed to turn the Turkish media market into a hyper commercialized and oligopolistic system: media outlets have developed into lobbies for their owner's companies, which benefit tremendously from having tight relationship with the government. Thus, they have lost their primordial democratic function and have assumed a monetary and economic value. Ultimately, in order to extend even more its authority and reinforce its absolute clout, the AK Party is trying to reorganize everyone's daily routine around religion at a "molecular" level. The media play a crucial role in this redefinition of identities: they create a collectivity, through idea generation and coordination, and thus foster mobilization around the specific issues that the party approves.

After three consecutive electoral victories by the Justice and Development Party (AKP), in 2002, 2007 and 2011, Turkey has inevitably undertaken the path towards a highly centralized executive democracy in which the state dominates society. As President Erdogan himself stated, during an interview to *Milliyet*, "Democracy is like a tram. You ride it until you arrive at your destination, then you step off". Today, the unparalleled power the President has gained makes us believe that he has long ago said goodbye to that tram. With the majority in parliament and an ample public consent, Erdogan keeps ruling with the upper hand on any opponent, be him peaceful or riotous (Cook, 2013).

As of the latest political elections, on June 7<sup>th</sup> 2015, after thirteen uninterrupted years, President Erdogan and his AK Party have lost the majority in parliament, collecting 40% of the votes against the 50% of the 2011 elections. For the first time in history, the Kurdish Party has exceeded the minimum threshold and will be represented in parliament. The AK Party will no longer be able to rule indiscriminately by itself but

it will somewhat need the opposition's consent: a coalition government seems to be the best alternative for Turkey.

Perhaps, Turkish people have realized how far the AK Party is about to go and are now trying to take that legendary tram back to them, with the most democratic tool they have, namely voting. Who will be the driver?

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