



## Turkish media structure in judicial and political context

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# 1 Turkish media structure in judicial and political context

## An illustration of values and status negotiation

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Turkey's media sector is vast (indeed, the largest in the region), with over 6,265 newspapers and magazines published in 2016, 45 (6.6%) being national with a combined circulation of over four million, the balance being regional and local, according to the Turkish Statistical Institute. The country has 635 television and 1,059 radio stations, the majority of these privately owned within corporate conglomerates, which legally may hold several publishing and broadcasting entities under a single umbrella structure, as well as advertising, distribution and other linked media entities. At one point, before the current AKP (*Adalet ve Kalkınma Partisi*/Justice and Development Party) took moves against it to divest many of its holdings, the Doğan Group owned 70% of the market (*Hürriyet Daily News* 2016a).

This chapter sets out to examine not only how media structures have developed and what they actually mean but also why the structures themselves reflect sociocultural assemblages, in Turkey's case, favouring a media that serves to protect dominant values—the family, the state, the nation and Islam—that is, a privileging of media as an expression of community collaboration over individual rights and freedom of expression. To do so, we utilize the idea of status as it relates to values in the framework of Values and Status Negotiation theory, VSN, discussed in the section below (for a fuller elaboration, see Introduction in this volume). This is followed by a brief history of the media's regulatory and legal frameworks not only as they project Turkish state values but also as they have redefined the range of accepted journalistic coverage as those values have been resignified through contestation and ideological repositioning. The final section looks at the role of the courts in the context of structuring media status, offering a case study of the triangular relationship between the executive, the judiciary and the communication sector.

### **Turkey's media structure as explained through values and status negotiation**

As a structural phenomenon, media as a collective entity occupies a unique field of negotiation between community and authority, a location of autonomy

and power that has developed its own terms of professionalization—thereby called the Fourth Estate. In Turkey, this means the media reflects social values defined by a public that broadly associates and indeed admires the media as an information resource suited to promoting community and confessional culture, historical identities and national ideological discourses in contrast to the more typically Western journalistic values such as watchdog activity, or investigative reporting. In 2012, for example, the Radio and Television Supreme Council (RTÜK), the broadcasting regulatory body, sanctioned Show TV on the grounds that it allegedly ‘broadcasted a programme that was contrary to the national and moral values of the society,’ noting ‘Article 4’s ‘broadcasting standards’ were violated as stipulated in Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts’ (Önderoğlu 2011). According to the online news site Bianet (not known as a pro-government voice), it did so in response to 75,000 public complaints sent over three weeks to the RTÜK offices, expressing outrage about the programme’s handling of moral and national values. Drawing on Values and Status Negotiation theory (VSN), values are understood as fluid, reflecting social norms and ideological imperatives in a framework that includes the idea of choice. In defining status, we adopt Willem Doise’s view that it represents ‘the specific belonging of individuals [or institutions] to groups and to their shared social relations and experiences,’ and likewise, represents ‘their position within the group or society based on reputation, access to resources, and ability credibly to reflect society’s values.’ (Doise 1992 in Spini and Doise 1998: 604–605).

Values and status are both understood as political, that is, relating to power. Negotiation is the balancing act between the two as a key aspect of the media’s circulation of ideas and discourses, and includes risk containment, bargaining, clientelism and ethics (Miladi 2016: 45). Since the beginning of the Republic, a tradition not only of state control but also of state instrumentalization of mass media has existed in Turkey (Öncü 2004). As the country underwent a shift in values from secular Kemalism to Islamist neo-liberalism, the media’s role and character have changed, with implications for how it negotiates status. Atatürk’s projection of Western, secular values through the media, imposed behaviours and concepts of appropriateness not only significantly different than those of the predecessor Ottomans but also generally foreign to the practices of Islamic appropriateness internalized by the majority of Turkey’s pious population. Today, although the media’s remit is still to project the values of the state, the field in which it operates now includes communicating meanings around Islamism, a more recognizable value set to the majority of Turks. The result has been a rise in Islamist news and entertainment outlets, filling a gap in both the private and public markets, one of the biggest changes to the sector in recent years (Kocamaner 2017).

However, an important consequence of the media’s symbolic social positioning has been corporate silo-ing, with conglomerate ownership

concentrating mass media into the hands of elites ideationally close to the government and who broadly benefit from the status this brings. Over time, as power has become increasingly concentrated in the hands of the AKP, it has been ‘willing to utilize bureaucratic measures in a political way to bring the media on-side,’ according to Galip Dalay of the Istanbul-based al-Sharq Institute, a pattern similar to the 1990s, but which, he suggests, Tayyip Erdoğan is able to utilize better than his predecessors due to the AKP’s domination of the major power centres (interview Dalay 2017).

Because media leaders depend on state contracts not just for business but for status, their negotiation of values not only has gradually reduced media pluralism but also encouraged government moves to ensure the judiciary supports a structure that legalizes the media’s operation in such a configuration. This has manifested itself in two ways. First, it has impacted internal pluralism, with each media institution becoming increasingly homogenous in outlook as the previously wide variety of columnists and editors (even at pro-government newspapers such as *Yeni Şafak*) has been winnowed. Second, in a trend hastened after the Gülen clampdown, the variety of media perspectives in the market has shrunk as the ones still in existence increasingly resemble each other. ‘On paper, there is some level of plurality,’ Dalay observed, ‘but in reality, no’ (ibid.).

Yet even when the range of expressive independence is narrowed, as has been the case in Turkey since the attempted coup of 2016, the media reflects a dynamism in values as social relations absorb and respond to shifts in political practice, modern technologies, current events and generational outlook, engaging its symbolic power in the service of norm entrepreneurship within the public sphere (Finnemore and Sikkink 1998). VSN can be understood therefore as a framework for analysing a perpetually changing field of value interpretation—with certain values being more constant than others, and leading to more diversity of views and media outlets at times, at others to less. VSN makes no claim as to how healthy, or ‘good’ a climate is for media; it looks instead at the media’s processes of negotiation in balancing values and status positions whatever the environment, in order to better understand the media’s roles and their implications for politics and society.

### **Emergence of institutional and legal frameworks**

Politically, the media in Turkey has been constituted as a main variable of government success. Positioned as a negotiation platform, its credibility and economic vitality have reflected over time the degree to which secular, Kemalist, nationalist, leftist, Islamist, Kurdish, neo-liberal or other value sets are legitimized or compromised through print and broadcast. At the same time the media has been employed as a strategic instrument wielded by the state, most recently in the production of Islamic attributes as conveyors of universalism, class and social hierarchy. A set of historically evolved legal

texts and institutions have hence structured the Turkish media environment, reflecting the changing nature of central authority. As explained by Kurban and Sözeri,

The politically nationalist and culturally conservative values endorsed in the constitutional and legal framework have diffused into the media policy-making process. Relevant ministries, agencies and institutions responsible for media regulation strictly adhere to these principles, while at the same time paying lip-service to freedom of expression, freedom of the press and the right to privacy. Where the inherent tension between these goals comes to the surface, policy makers make a clear choice on the side of the protection of the family, nation and the state over the individual.

(Kurban and Sözeri 2012: 17)

The 1980 military coup reconfigured the state-society-economy under the imperative of the market. This had a formative impact on the media's structural framework and content. Many newspapers were shut and journalists arrested. In 1983, Turgut Özal's Motherland Party launched a liberalization process to restructure the economy by increasing commodification, commercialization and conglomeration (Buğra and Savaşkan 2014). Extending a process begun in the 1970s, newspaper owners invested in other economic sectors to increase revenue, while non-media investors started to purchase newspapers in order to be politically relevant and leverage further investments (Yesil 2016: 32).

This process did not occur in the audio-visual sector, which remained under the control of the state-run Turkish Radio and Television Corporation (TRT), established in 1960. Yet, in the context of the new liberal economic policies, the establishment of private radio and television stations became a subject of fierce public debate, as newspaper companies such as *Hürriyet* and *Sabah* started to pressure TRT despite the constitutional ban on private broadcasting (Cankaya and Pekman 2012: 198). These demands were ignored until the situation suddenly changed with the advent of satellite, which enabled the first private Turkish television station, Magic Box, to beam content into Turkey from Germany. Overnight, the state lost control over the audiovisual area (see chapter by Saka, and likewise Sonay's, 'Local media in Turkey: the growth of Islamic networks in Konya's radio landscape', in this volume).

What followed was chaos, as new unofficial and de facto radio and television stations were launched in flagrant disregard of the constitution, and in a field ungoverned by any regulation. This set the stage for a sector since plagued by inconsistency and disarray, as competing political, economic and legal interests have produced regulations requiring frequent amendments, a situation that has led to successive political interventions. In 1993, Article 133 of the constitution was amended, making it legal to establish

private radio and television stations (Constitution of the Republic of Turkey 1982: 67). Many new stations were Islamic, extending media reach to the urban poor and rural bourgeoisie, paving the way for the rising power of Islamist parties. In 1994, while keeping TRT under state monopoly, Law No. 3984 (amended in 2011), established an audio-visual licensing and regulating body, RTÜK, to issue permits, supervise content and respond to audience complaints (Cankaya and Pekman 2012: 200; Government of Turkey 2011, Law No. 6112).

Newly established TV and radio stations rapidly were absorbed by already existing media companies or folded into larger holding companies. This opened the door to increased politicization and private-interest instrumentalization of the media, as to this day, no legal barriers exist to mergers, cross-sectoral acquisitions (husbanding advertising and publishing, for example, under the same roof), or competition for government tenders. It also meant the beginning of media concentration and the ascendance of media tycoons, such as Doğan Media Group's Aydın Doğan, who substantially increased advertising income while acquiring status in Ankara (Yesil 2016: 32; see also Tunç in this volume; Akser 2018; Akser and McCollum 2019). In the process, what union power had existed was eroded as corporations refused to honour either work protection or salary scale demands for journalists (Kaya and Çakmur 2010: 528–529). The conglomeration of companies including their media branches resulted in the growing influence of these holdings in balancing the military and political parties playing off the government, giving them access to additional resources (investment opportunities and advertisement revenues). The forced resignation in 1997 of the coalition government of the Islamist Welfare Party led by Necmettin Erbakan—the 28 February Process—highlighted the collaboration of the military, mainstream media, judiciary and bureaucracy in a 'secular' elite network guaranteeing crony opportunities for media owners (Yesil 2016: 62–69).

### **Legal frameworks structuring the media**

The Constitution, the Press Law, Broadcasting Law and the increasingly important Internet Law structure the Turkish media (Kaya and Çakmur 2010: 528–529). Also directly affecting the sector are the Fight against Terror Law, the powerful Penal Code and the Right to Information Act of 2004. The 1982 Constitution, adopted after the 1980 coup, and still largely in effect, is structured on a framework of supreme values that are clearly articulated and which define the family as 'the foundation of the Turkish state' (Article 41), while entrusting the state to raise young people in accordance 'with the principles and revolution of Atatürk' (Article 58). Articles 22 to 32 regulate the media (Constitution of the Republic of Turkey: 10–16). Importantly, according to Article 26, 'Freedom of expression and dissemination of thought' is guaranteed and '...includes the liberty of receiving or imparting

information or ideas without interference by official authorities.’ Article 28 adds: ‘The press is free and shall not be censored. The establishment of a printing house shall not be subject to prior permission or the deposit of a financial guarantee’ (ibid.: 13–14) However, consonant with the social values, general morality and practices projected by the government, the law was amended on October 3, 2001, restricting the exercise of these freedoms for purposes of protecting national security, public order and safety, ‘the reputation or rights of privacy and family life’ and institutions including the judiciary (ibid.: 12–13).

The Press Law and Broadcasting Law are based on these regulations. The 2004 Press Law (successor of the 1950 Press Law; Basın Kanunu No. 5187 [Press Law No. 5187]: Article 3), the Broadcasting Law (Law on the Establishment of Radio and Television Enterprises and their Media Services, Law No. 6112: Article 8) and the 2007 Internet Law’s Articles 7–9, pertaining to site blockages via court order (Government of Turkey Law for Regulation of Internet: 10104-6), all acknowledge basic publishing and dissemination rights, delimited, however, by a broad set of nationalist-religious and security constraints.

These legal frameworks are generally conservative in the values they endorse, restricting content on grounds of ‘the national and moral values of society, general morality, and the protections of the family’; they offer the right to freedom of expression but likewise the right of response to defamatory or untruthful news (Kuban and Sözeri 2012: 36). A definition of ‘morals’ is not offered and constitutes the source of ongoing negotiation over the media’s exercise of symbolic power. Yet specific restrictions apply. A gag order (Article 3 of the Press Law) prevents reporting from crime scenes where the AKP government might be seen as weak. For example, sites of ISIS attacks on Turkish soil in cities where hundreds of people died may be cordoned off by the police on court orders to prevent journalists from reporting from the scene. Similarly, the Soma mining disaster in 2013 received a gag order; in the ruling, CMK (the Criminal Law) Article 157, Article 3 of the Press law and Article 26/2 of the Turkish Constitution, all were cited (Yildiz 2014).

The oft-revised Penal Code is part of a net of laws and regulations protecting Turkey’s state, nation and society, including as presented in the media. The offenses enumerated in its controversial Article 301 constitute the basis of the majority of cases against media organs and journalists, and include defamation, discouraging military service and insulting the state, parliament, courts or the Turkish nation. It is this law that constitutes one of the greatest risks in value-status negotiation, in that it is unclear in its wording whether reporting on issues of national security (terrorist-related, or ethnic, such as the Kurdish question) is in a different domain, or the same, as supporting them as causes (see Yuksel in this volume). Similarly, the offence of humiliating state representatives and/or the Turkish nation can be broadly interpreted to include, for example, any reporting on military incompetence or brutality (*Türk Ceza Kanunu* [Turkish Penal Law] 2004). The wording is

vague by design. Article 312 (previously 216) became infamous for its citation in the condemnation of Tayyip Erdoğan when he was mayor of Istanbul in 1999 on grounds of creating hatred among the people of Turkey.

The Penal Code was amended in 2008 in the course of EU accession talks, after public figures, such as Nobel laureate Orhan Pamuk, were indicted for criticizing the government. Article 299 still protects against insulting the Turkish president, and Erdoğan has used this to sue journalists, cartoonists, academics, artists and other citizens for making critical comments about his policies and/or engaging in defamation. Dozens of cases took place during 2015, as Erdoğan exercised value manipulation to strengthen his position against perceived threats from the Gülenists, the Kurds and the spill-over from the Syrian war, a utilization of social capital for ideological purpose that necessitated the repositioning of media's symbolic power as politics animated the dangers inherent in values and status negotiation. Many were caught out in the process, such as Hasan Cemal, a journalist convicted for insulting the president by calling him a 'dictator' in articles he wrote in 2016 for the T24 news portal. The convictions were suspended (Evrensel 2017).

The Internet Law is the legal instrument for regulating all internet service providers (content, domain, access and collective usage). Its Article 8 is the best known, as it authorizes the banning of websites for a host of crimes (see Saka in this volume) including those enumerated in the 1951 Law on Crimes Committed against Atatürk (*Atatürk aleyhine işlenen suçlar hakkında kanun*). The AKP used the Internet Law in the courts temporarily to shut down Twitter, YouTube and Facebook during the Gezi protests in 2013, and frequently has drawn on it since to reduce the impact of social media use. It often is utilized in conjunction with the Anti-Terror Law, which sanctions blocking orders against websites and other internet content that is deemed dangerous, immoral or against national values. In 2016, over 8,000 websites were blocked, including news, minority sites and political analysis (Sözeri and Khazraee 2017: 5–6).

### **Regulatory bodies and state media**

Two main regulatory institutions under the control of the state are crucial in structuring the media landscape and operationalizing the legal framework. These are the broadcast licencing body, RTÜK, and the Information and Communication Technologies Authority, BTK. Policymaking is held separately in the Ministry of Transportation, Maritime Affairs and Communications, established in 2015. This is distinct from what was until 2016 the powerful Telecommunication and Communication Presidency (TİB), previously tasked to implement the Internet Law's website-blocking and monitoring activities. After the attempted coup, TİB was shut down by emergency decree on the premise it had been taken over by the Gülenists as a headquarters for conducting illegal wiretapping – and its powers passed to the BTK (*Hürriyet Daily News* 2016b).



A Deputy Prime Minister is responsible for policies on RTÜK and on both TRT and the state-owned news agency Anadolu Ajansı (AA). RTÜK is composed of nine members approved by parliament according to parliamentary proportionality. In 2015, the governing AKP had four members, the Nationalist Action Party (MHP) and the Republican People's Party (CHP) each two, and the Peoples' Democratic Party (HDP) one (*Hürriyet Daily News* 2015). To reach a decision, the council must secure a simple majority (Law No. 6112, Article 40). RTÜK has the authority to award media licences and supervise broadcasting policies, and it can use sanctioning instruments that range from fines to temporary broadcasting blackouts and shutdowns (Law No. 6112, Articles 32, 33). The founding Law, No. 6112, Article 34) and later, the statutory incorporation of RTÜK into the constitution (Constitution of the Republic of Turkey 1982, Article 133: 67), conceived of it operating as an autonomous body, but today its authority reflects the interaction of its political party membership and lobby groups paid by media conglomerates, professional associations and advertisers. As noted obliquely by an expert at RTÜK 'the advantage of RTÜK is its function to have control over society, particularly during elections' (Interview, RTÜK, 2015).

As such, RTÜK, despite several attempts, has failed to develop a licensing tender for new radio and television stations due to the opposition of current owners fearing a new round of media concentration (see Sonay, 'Local media in Turkey: the growth of Islamic networks in Konya's radio landscape', in the volume). RTÜK likewise has found it difficult to take a stand in the ongoing debate on whether to ban television marriage shows, which exemplifies the dilemma of addressing moral concerns raised by profitable programmes in an environment where values and status are being competitively negotiated (see Introduction, and Burul and Eslen-Ziya, in this volume).

Regulation of the internet is organized through the BTK founded in 2000. It is known for its filtering technology add-ons, which are mandatory for families with children, internet cafes and other social access points. It is also the government tool that enables blockage of YouTube and Twitter, both of which have been targeted repeatedly over the past decade. In 2014, reacting to this pressure, Twitter announced it would employ the 'Country Withheld Content tool ... the first time we've used it in Turkey [...]' (Twitter Transparency Report 2017; see also Saka in this volume). This tool allows content to be withheld in a specific jurisdiction while remaining visible to the rest of the world (Gadde 2014; Yesil, Sözeri and Khazraee 2017).

The state also exercises significant control over media content in the form of its own radio and broadcasting arm, TRT, established in 1964, and the state news agency, Anadolu Ajansı. Until the 1990s, TRT broadcast official content focused on the government and to a lesser degree on opposition party activities (Bek 2004: 376–380). After the Özal government's deregulation, however, TRT came under pressure due to the rapid commercialization and tabloidization of private broadcasting, which negatively impacted its rating

and revenues. Although TRT has been reorganized several times to produce greater autonomy from government influence, it nonetheless remains highly politicized (Yesil 2016: 39). Under the AKP, it has been awarded a larger budget, and huge investments have been poured into popular, historical culture productions such as the early Ottomans series, ‘Dirilis Ertugrul’ (Irak 2016: 342). The AKP has also broadened the number of channels broadcast through TRT to include a Kurdish language offering (launched during the thaw of the Kurdish process), and an English-language channel designed to include Turkey in the ranks of international state broadcasters of clout, such as Al Jazeera, and Russia Today (RT).

Anadolu Ajansı (AA) is the state’s news agency and the most important source for ‘print, broadcast, and Internet media’ in the country (ibid.). Among the oldest media instruments, it was established in 1920 by Atatürk. The agency’s legal framework, however, is obscure, as it is a private corporation, with almost half its shares owned by the Prime Minister’s Treasury Directorate (ibid.: 345–346). AA’s personnel policies, recent funding allocations and close relations to the AKP suggest it is a critical agenda-setting resource for the government in the latter’s efforts to increase its status as a producer in a difficult media environment (ibid.: 342–345).

### **The media and judiciary control**

The AKP era has witnessed an intensifying struggle played out through the judicial system between different actors, including large and small media. Accompanying this struggle has been a well-publicized, centralized state discourse (‘New Turkey’) designed to protect national and security values, which has both politicized and polarized Turkish society (see Burul and Eslen-Ziya in this volume). The process reflects a merging of traditional government fears of the media’s effect on the public and the new effects of social media as a mechanism of autonomous mass communication through media messaging outside central control (Valkenburg, Jochen and Walther 2016). This points to a conflict between value systems (government control vs. media’s digitized individualized communication), and an example of *kulturkampf*, which Erdoğan’s frequently expressed suspicions about social media has only confirmed (and which made his appearance on Facetime during the attempted coup in 2016 so noteworthy) (see chapters by Tunç and Guida in this volume).

The multi-modal challenge presented by modern media therefore contributes to the Turkish government’s ongoing fears surrounding its own legitimacy and hence status—and goes some way to explain why the AKP establishment treats media as a site to constitute hegemony, in the Gramscian sense (Gramsci 2007: 230), using it as a source of symbolic power that can be instrumentalized as a form of disguised domination (see Introduction in this volume). The government’s turn towards celebrating the nation’s Ottoman heritage, for instance, is a method of claiming status, as nostalgia

for the past evokes images of Islamic struggle and national triumph, signifying strength and patriotism. For journalists who see the role of media as an information provider trumping values-and-status negotiation, this is a setback and source of tension in the structure of the sector (Çölaşan 2007; Sahin 2011; Sazak 2014; Dundar 2016). Other journalists utilize the media as a form of political capital and instrument of strategy, the negotiation of which, if successful, redounds to their status.

The pull/push mechanism of less/more media freedom, versus less/more power over the media as a conveyor of government values is endemic in Turkish republican history and has translated into a number of different courts being set up over the decades as the governments' way of ensuring their values are socially and legally legitimized. In the wake of the 1980 military coup, Special Courts (*Sıkıyönetim Mahkemeleri*) were established that charged dissidents, including journalists, with sedition, and shut down numerous newspapers (Adaklı 2006). In the 1990s, a new State Security Court (*Devlet Güvenlik Mahkemesi*) was created to respond to cases put forward under the anti-terror law. These courts sentenced Kurdish, leftist intellectuals and Islamists, closing down, for example, Erdoğan's Refah party in the 1990s and indicting the future president for trying to overthrow the Republic.

Another trial against the AKP took place in 2008, the party's closure averted by one vote in the Constitutional Court. Thereafter, the party intensified its cooperation with the Gülen movement, which enjoyed a significant presence in both the judiciary and the police. This had important implications for the power equilibrium in the judiciary, and the Turkish polity as a whole, to the detriment of Kemalist forces and the media (Yılmaz 2016). Major changes in the judiciary again occurred in 2010, allowing the government to appoint higher-level judges who in turn could appoint and remove any judge in the country. This was seen as an attempt to break the monopoly of secular judges in the High Council of Judges and Prosecutors (HSYK). Before 2010, the judiciary exercised strong control over the AKP government. However, the constitutional changes in 2010, followed by those in 2017, which established a presidential system effective in 2019, significantly increased the AKP's political power over the judiciary (Venice Commission 2017). The HSYK was subsequently reduced in size and renamed the Council of Judges and Prosecutors (HSK), with six members appointed by the president, and seven by parliament. The livelihood and careers of judges and prosecutors now depended on those in power.

These changes played a major role during the Ergenekon trials (2008–2016). The AKP and the Gülen movement's press both framed the military and Kemalist soldiers, journalists and intellectuals as having acted wrongfully and against the values and safety of the nation (Yanardagöglu 2017: 195–199). In a further twist, during the 2013 corruption scandals and the coup attempt of 2016, the cooperation between the Gülen movement and the AKP unravelled, and the same prosecutors, judges and even witnesses

responsible for meting out the life sentences given to Ergenekon suspects, were arrested, while the previous convictions were overturned by new judges.

After the coup attempt, the AKP moved to establish hegemony by relying heavily on the State of Emergency law to carry out what many viewed as a witch-hunt in the name of protecting democracy and Turkish values (Sazak 2017). The law does not allow for appeal and can be used to compromise even government-friendly judges, as illustrated when several judges who gave release orders for journalists in detention, were themselves arrested soon after. Two judges who sit on the Istanbul 25 Criminal Court, for example, ruled to release 21 journalists who had been arrested for being Gülenists. This prompted a pro-government journalist, Cem Kucuk, to target them on Twitter, which was supported by AKP MP Bulent Turan, who then accused the judges of similar affiliation. Re-arrest of the journalists followed, and seizure of the members of the court (both judges and prosecutor), who subsequently were removed from office for aiding and abetting terror.<sup>1</sup>

Justification for judicial control draws on the symbolic power of protecting the nation from chaos and disorder (Bursada 2016). As the underlying values this implies are highly politicized, this places restrictions on some, though not all, of the media in projecting understandings of independence. For those interpreting it as constraining free expression, they must exercise self-censorship, or otherwise negotiate around legal formulae blocking coverage of government incompetence, corruption, general disorder, Kurdish activism or any other subject that, if mis-positioned, will affect their status and even, perhaps, their ability to continue operation. In the year leading to the coup attempt, shutdowns of news media outlets on both the left and right of the political spectrum took place, including Kurdish newspapers and women's magazines. Self-censorship by national news journalists and media corporations reached a peak, illustrating how the negotiation of risk affected media outlets not ideologically synched to the values dominating the Turkish public sphere (see Tunç in this volume).

The judicial case of two of *Cumhuriyet's* star reporters, in 2015, is revealing. Can Dunder and Erdem Gul were arrested and accused of treason for reporting on alleged illegal arms shipments to Syria by the Turkish Intelligence Agency (MIT). This was a delicate issue for the AKP government, as the alleged arms were most likely for Islamist fighters even though Turkey was in coalition with the United States against ISIS (*Hürriyet Daily News* 2017b). Dunder's reporting revolved around footage of police stopping MIT officers travelling with the arms, and after drawing on further information, he published a sensational news story released on May 29, 2015. When confronted by the government, the paper's editors refused to reveal the source, noting the video was recorded over a year prior, in January 19, 2014, and that other dailies (*Aydınlık and Hürriyet*) had already reported on the footage without problem (*Hürriyet Daily News* 2014). Erdoğan publicly accused Dunder of being a traitor and the judiciary speedily brought the journalist

to court (*Hürriyet Daily News* 2015). The situation took a dramatic turn when Dunder was shot at outside the court before entering the building. After months in prison during which he appealed to the Constitutional Court, he was released on grounds of illegal confinement, rather than finding him innocent. Erdoğan declared he did not recognize the court's order, and Dunder fled the country, publishing his memoirs in Turkish and English in Germany (Dunder 2016). Subsequently, 12 editors and journalists were arrested, as was the opposition CHP MP Enis Berberoglu, who was taken to the Istanbul Heavy Crimes Court, accused of revealing the same information as the journalists had, and sentenced for treason. *Cumhuriyet* is still publishing with a smaller staff, its status—and access to resources—having been significantly reduced (*Hürriyet Daily News* 2017a).

## **Conclusion**

The structural relationship between Turkey's politics and media is a tightly entwined one. The media reflects the many ideological shifts and changes in signification that have marked Turkey's modern history, continuing to serve as an instrument of state, as well as a projector of values that consistently have defined Turkish identity: the family, the nation and the conservative moral framework of community. The laws that have been developed over time, starting with the Constitution, protect Turks' freedom of expression, but within a moral code of limitations guarding the security of the nation and society. As such, the media's ability to wield its social capital of ideas and information is contingent on how well it incorporates the values of power into the message it projects. For many media in Turkey that are the instruments of religious, provincial and business networks, exercising symbolic power in the public sphere equates closely with the values of the central authority, and the process of social positioning is natural and ongoing (see Sonay, 'Local media in Turkey: the growth of Islamic networks in Konya's radio landscape', in this volume). For others, the negotiation of values and status is challenging and riskier and can lead to corruption, clientelism, fear, self-censorship and indeed closure (as was the case with Gülen's media instruments).

Turkey's history since the founding of the Republic and including today under the AKP has been marked by high levels of journalist incarceration, periods of significant censorship and sweeping shutdowns; in Freedom House's report on Turkey, it notes that the year following the attempted coup in July 2016 saw an important increase in all these areas (Freedom House Country Report, Turkey 2017). The government justifies its actions as necessary, not just for security as war rages in Syria, but to protect against terrorism, there having been more than a dozen attacks on Turkish ground in the year between June 2016 and May 2017. Some in the media and academe have decried the values the government has promoted in shuttering news agencies, TV channels, periodicals and newspapers, the majority being Kurdish or part of the Gülen network (see Yuksel in this

volume). For the media that have remained, it has required a careful negotiation of values to reposition themselves as representing the attributes important to the state, in order to protect their ongoing status and viability.

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## Note

- 1 Ordinarily the law forbids release of the names of prosecutors and judges and criticism of the verdict. Yet government-friendly newspapers, in this case *Karar*, capitalizing on the sensationalism, published their names once they were no longer judges; see *Karar.com* (2017) *HSYK'dan 45 hakim ve savcıya ihraç | Medya yapılanmasını serbest bırakan 2 hakim açığa alındı* [HSYK excludes 45 judges and prosecutors | 2 judges suspended for releasing (Gülen's) media branch]. Available at: [www.karar.com/guncel-haberler/hsykdan-45-hakimve-savciya-ihrac-medya-yapilanmasini-serbest-birakan-2-hakim-aciga-alindi-437627#](http://www.karar.com/guncel-haberler/hsykdan-45-hakimve-savciya-ihrac-medya-yapilanmasini-serbest-birakan-2-hakim-aciga-alindi-437627#) (April 3), accessed December 17, 2017.

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