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# Voiding of scrutiny and accountability in Turkey: Media and Journalism under the Justice and Development Party

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#### **Abstract**

A methodical transformation of the practice of journalism in Turkey began soon after the Justice and Development Party's (AK Party) sweeping 2002 federal election victory. This is not unusual. Frequently new governments tend to target the media – and journalists in particular – while attempting to establish their political, social and economic agenda. In this political environment, completely void of scrutiny and accountability, journalism and the media are divided into two opposing feudal factions: those that support the AK Party, and those that do not. The media organisations and journalists who support the ruling party are able to access information, while opposing media is left in the dark. The Turkish constitution guarantees freedom of expression, however, this freedom is constantly undermined by a myriad of legal barriers; namely Article 301, which restricts freedom of expression if it is believed to denigrate the Turkish nation. This paper will discuss how the silencing of the media and public discourse in Turkey is systematic. It will contribute to the Australian understanding of international journalism and freedom of expression, in a country where east meets west.

### Introduction

Soon after the Justice and Development Party's (AK Party) sweeping 2002 federal election victory, a methodical transformation of the practice of journalism in Turkey began (Reporters without Borders, 2008). This is not unusual. Frequently new governments tend to target the media – and journalists in particular – while attempting to establish their political, social and economic agenda.

The AK Party pledged to end corruption and voters expected a complete overhaul of the media system. It never came. In Turkish, 'ak' is loosely translated as 'pure', however, according to Freedom House, an independent non-governmental organisation tracking and "support[ing] the expansion of freedom in the world", the only media purification to take place since the advent of the Justice and Development Party, has been the 'purification' of the minute semblance of freedom of expression that previously existed (Freedom House, 2006).

The 34 percent parliamentary majority gained by the Justice and Development Party was unprecedented – a first for an Islamist political party in the secular nation of Turkey. The party's success was sealed with its re-election in 2007. It was returned with a parliamentary

majority of 46 percent (Kucuk, 2007). Since parliament elects the President, now both Prime Minister and President are AK Party members (Finkel, 2007).

However, Abdullah Gul's presidential candidacy was contested from the start. Mass demonstrations were sparked in Istanbul and Ankara, and the first round of voting was annulled. According to Andrew Finkel, a journalist who has been working in Turkey since the 1990s, the demonstrations were fuelled by the "weak and divided" opposition (Finkel, 2007). The AK Party does not owe its popularity to the economic forethought that has greatly improved Turkey's wealth, but rather to the "inability of preceding administrations to break a cycle of incompetence and corruption" (Ibid.). Nonetheless, Gul was elected as the 11th President of the Republic of Turkey.

#### **Historical Background**

Article 19 of the Universal Declaration of Human Rights (United Nations, 1948) states that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." It is evident that this article is not upheld in Turkey.

The silencing of the media and the lack of public discourse in Turkey is systemic. Journalistic enquiry has been stymied by the constitutional articles created following the 1923 demise of the multi-ethnic and multi-religious Ottoman Empire. Kemal Ataturk, having newly formed the Republic of Turkey, realised the media was essential to the social change required to ensure the new secular nation would not fall (Uysal, 2008). Restrictive constitutional articles were formed, and changes made to the country's institutional structure and cultural codes to bring forth an era of modernisation and secular nationalism. Importantly, religion was stripped of its public role (Uysal, 2009).

The late modern and post-modern eras brought fewer restrictions on the media, and for the most part, neither the government nor the military interfered with journalistic practice (Satana, 2008). The military has remained reluctant to interfere since. "The military does not overtly manipulate the media anymore. Instead, it occasionally explains itself to the media through dinners and social events," claims Satana, who describes this as a "courting of the media", one that involves covert manipulation when it comes to sensitive issues such as government policy (Ibid.).

The media was first used as a vehicle for social change to westernise Turkey after the collapse of the Ottoman Empire, however, this practice was not used widely again until the paranoia of communism swelled during the Cold War (Satana, 2008). The media has since become a tool for cultural transformation. As a result, in times of conflict the Turkish media tends to blatantly follow the official line of the government rather than setting its own agenda (Terzis, 2008), thereby allowing itself to become a device for political manipulation.

In a political environment better described as a "low intensity democracy", freedom of expression and journalistic practice are severely dented. While freedom of expression is guaranteed by Article 28 of the Turkish constitution (Satana, 2008), it is constantly undermined by a myriad of legal barriers, namely Article 301 (Freedom House, 2004). Article 301 restricts freedom of expression when it is believed to denigrate the Turkish nation, despite recent amendments (European Journalism Centre, 2008).

Now, almost a century on, the Justice and Development Party is again using Turkish media as a driving force for social change. However, rather than making amendments that would

strengthen freedom of expression, it is using constitutional articles to present itself as a liberal Islamic party (in response to the nationalist opposition's attempts to paint the AK Party as a group of fundamentalists) and is pushing the media and journalism to the margins of political discourse (Reporters without Borders, 2008; Uysal, 2008).

Prior to amendments made to the Turkish Penal Code, the Organisation for Security and Co-Operation in Europe (OSCE) published a review of the draft code in 2005. Miklos Haraszti, the Freedom of the Media Representative, noted 23 aspects of the code that were problematic to freedom of the press. Of these, only seven were amended before the new legal guidelines were passed (Christensen, 2007). Under the code it is now impossible for journalists to expose government corruption without risking prosecution. Even cartoonists can face imprisonment if their work is deemed to endanger "indivisibility of the state" – a hazy offence at best which is not further clarified. The new code contains no provisions for public interest or for the protection of journalists (Christensen, 2007). As a result, Turkey has acquired a reputation for imprisoning large numbers of journalists (Tunc, 2002). In 2005 alone, 157 journalists, publishers and human rights prosecutors were charged for expressing their ideas (Baris, 2006).

## **Theoretical Background**

The mass media is the arena where social concerns are either justified or dismissed (Uysal, 2009). Theoretically, as the independent fourth estate, the media should hold the other three estates – the judiciary, executive and parliament – accountable for their actions (Meadows, 2001). However, in Turkey, the theory of the fourth estate has become just that – a theory. This idealistic form of journalism is no longer practised, nor can it be, due to constitutional articles restricting inquiry into government actions. Most media outlets are merely a mouthpiece for the government; conveying the agenda it wants, and how it wants (Freedom House, 2008).

Agenda-setting theory indicates that while the media does not tell citizens what to think, it does influence what they think about. It assumes a two-step flow in mass communication: from a public relations machine to the media, and then from the media to the public (Mackey, 2001). The selection of news items, and the resulting agenda, will always be biased – not every story can be covered (Uysal, 2009). The presentation of news items is also biased. After all, emotions are what inspire our communication with the world (Angel & Gibbs, 2006), and though they should not, emotions also affect journalistic communication and the way news is framed, thus influencing public perception (Uysal, 2009).

Still, the media is a vital source of information for the masses, to the point where it modifies political preferences (Ross & Nightingale, 2003). Uysal (2008) claims that "Since we receive a large portion of our information through the media, the way information is presented can have a significant influence on our perceptions of the world". Consequently, new governments tend to target the media to initiate social change. Not surprisingly, positive political media coverage provokes a positive response towards a political party (Ross & Nightingale, 2003). In Turkey, by limiting journalistic inquiry into its actions, the Justice and Development Party ensures that its image and agendas are not tainted, regardless of whether the representation is truthful. The existence of an informed citizenry becomes nearly impossible.

Viewers believe prominent news stories are more important than other issues that do not gain as much attention. "Matters which are not reported, or which are reported briefly, tend to drop off the public 'agenda' and are forgotten by most people," claims Mackey (2000). However, the same message needs to be received from multiple sources before agenda-setting can be successful (Mackey, 2000). To this end, the media monopoly apparent in Turkey is vital to the

Justice and Development Party.

The domination of the Turkish media market by two key players, the Dogan and Sabah groups, further tightens the Justice and Development Party's hold on journalists, and increases the media's agenda setting capability by ensuring the same message is communicated to citizens (Christensen, 2007). The Dogan and Sabah groups, supporters of the federal government, control 70 percent of print and broadcast media in Turkey. Journalists laid off by either organisation find re-employment virtually impossible (Uysal, 2008). Also controlling publishing and distribution, these media moguls make the entry of new market competitors close to unfeasible (Uysal, 2009).

In this political environment, completely devoid of scrutiny and accountability, journalism and the media are divided into two opposing feudal factions: those that support the AK Party, and those that do not. It is a deeply partisan media and journalism environment. The media organisations and journalists who support the ruling party are able to access information, while opposing media tend to be left in the dark (Baris, 2006).

Opposing journalists are instead presented as the 'other' – an enemy. Media outlets have the power to suggest to their audiences that the 'other' threatens security, cannot be reasoned with, and requires elimination, a technique once used by the Nazi German media to influence public opinion towards the 'evil' Jewish people (Terzis, 2008). Although not nearly as extreme, the AK Party portrays the 'enemy' as a traitor deserving punishment with the help of a supportive media.

### **Facts versus Opinions**

Unlike international print media, Turkish print media provides substantial scope to columnists. A reader's thought processes can be influenced by a single journalist, and so the space is dominated by columns rather than purely factual news items (Cantek, 2007). In any given newspaper, almost every page includes an opinion piece on a wide range of topics (Uysal, 2009).

The Vatan (Citizen) and Zaman (Time) newspapers belong to opposing media factions. Described as politically neutral, Vatan has become popular for publishing articles on controversial issues in Turkey. Zaman, on the other hand, has earned a reputation for being political and ideological. Media members and citizens who do not support the Justice and Development Party view publications such as Zaman as a threat to Turkey's secular identity (Cantek, 2007).

In early 2009 an opinion piece titled, "Turkey's turn from the West or another smear campaign?", was published in Zaman. It was journalist Mehmet Kalyoncu's response to a Washington Post article, "Turkey's Turn from the West", by Soner Cagaptay, the latter of whom claimed that Turkey's foreign policies were no longer pro-western. The articles were published soon after Turkish Prime Minister Recep Tayyip Erdogan accused Israel's President Shimon Peres of "killing people" (Kalyoncu, 2009).

Kalyoncu attempts to devalue Cagaptay's article by referring to his post at the head of the Turkish Research Program at the Washington Institute for Near East Policy, which is known for its alleged pro-Israel tendencies. In the article he writes, "Cagaptay's op-ed piece in the Washington Post seems like a hastily written diatribe against the AK Party government produced in retaliation for Israel President Peres' humiliation at the Davos panel" (2009). Noticeably he does not criticise AK Party actions.

Ruhat Mengi, a columnist at Vatan, takes a different stance towards the AK Party in an opinion piece titled, "Free Media and Regime Media". Mengi's first words are: "As you all know a large majority of the Turkish media is now in the hands of names that are 'very close' to the party in power. There's no need for research to be aware of this, all you have to do is open the pages of the newspapers and look at the stories and opinions being printed" (Mengi, 2008).

In making this statement Mengi has no qualms about expressing her distaste for the AK Party's attitude towards freedom of expression, however, she does not attack the party but rather the journalists who allow the Government's 'courting' process. She criticises them for "weakening the fourth estate" and undermining the journalism profession by not publishing "truthful and unbiased articles" (Mengi, 2008).

Furthermore, according to Mengi, the journalists she refers to as "AK Party media" are not only presenting journalists who don't blatantly follow the AK Party's line as the "other", they are also handing out labels such as "opposition supporter" (Mengi, 2008). The use of labels in politics is not uncommon. In Turkey, Erdogan has labelled the 'other' as "fascists" and "un-Turkish" (Mengi, 2008). Angel and Gibbs (2006) compare the labels used in politics to those used by commercial brands. Political leaders must find someone to blame, add Angel and Gibbs (2006), explaining: "[N]egative displays are taken more seriously than positive displays" (2006). By assigning blame "AK Party media" creates an "enemy" only Prime Minister Erdogan can protect the state against, presenting him as a constantly vigilant leader.

For a brief moment in early 2008, the 'other' thought its message would be heard. At the time, Lighthouse, a Turkish charity operating in Germany and allegedly linked to the Justice and Development Party, was found to be misusing funds. While the heads of the company were prosecuted, the proceedings found that other guilty parties were residing in Turkey where the court had no jurisdiction. Despite the facts, no investigation was opened in Turkey. When questioned by the media, Justice Minister Mehmet Ali Sahin said, "What a charity does in another country is none of our concern." Erdogan had no comment, despite his previous election promise to end corruption (Mengi, 2008).

During the Lighthouse scandal, the 'other' thought it could describe Erdogan using terms such as "untrustworthy" and even "criminal". But these labelling representations were short-lived, as was the negative media coverage the Justice and Development Party received. Given the legal barriers that now prevent media investigations into government decisions, this was the only probable outcome. Indeed, until the Dogan and Sabah groups stop supporting the AK Party, the use of such descriptors will not touch Erdogan's image.

The media monopoly does not stop with the private broadcasters. The state-owned TRT (Turkish Radio and Television) channels are also a "forum for parliamentary protocol" (Bek, 2004). News broadcasts primarily report on AK Party activities. The formulaic broadcasts only cover the 'who' and 'where' without discussion or criticism. "Protecting the state takes precedence over the citizen's right to information," argues Bek (2004).

And yet despite this distrust-promoting media landscape, quality journalism is still being conducted in Turkey, claims Bayraktaroglu. Programs such as Siyaset Meydani (translated as Debate Arena) choose a popular topic to discuss each week. Experts from relevant areas are invited to participate and express their views. The topics are not always political, but they are always thoroughly researched. Viewers can also contribute by calling in or sending an email (Bayraktaroglu, 2002).

Siyaset Meydani was created in the 1990s when Turkish media was described as "competitive

and vibrant" (Christensen, 2007). Nuri Colakoglu, head of Broadcast and Print Media at the Dogan Media Group, disagrees with such assessments, claiming Turkey's media has become a role model for the Middle East. "Today the media are careful watchers of the ruling power," he argues. Despite the AK Party's Islamic connections, Colakoglu maintains that the Federal Government embraces a pro-western attitude with regard to freedom of expression (Unver, 2004).

One example of this westernised attitude is the system of checks and balances set up when the Radio Television Supreme Council (RTUK) was created. Established in 1993, RTUK is responsible for regulating private broadcasting and controlling program quality in accordance with the constitution (Bayraktaroglu, 2002). Penalties in the form of programme and channel suspensions can be handed out for breaches. However, most penalties target programmes "which are against the state", raising questions about RTUK's supposed impartiality (Bek, 2004). In recent years, RTUK's council members have also received criticism because of their political affiliations (Baris, 2006).

The law governing RTUK's channel suspension policy was softened in 2002 due to the international and domestic criticism it attracted. Presently RTUK is more likely to hand out programme suspensions. But while the law has been softened, the number of warnings and program suspensions has increased during the Justice and Development Party's time in government. Between 2002 and 2005 there was an increase from 118 warnings to 975 (Baris, 2006).

#### **Journalism and Media under Attack: The Casualties**

If the Turkish media continues advancing as it has since the advent of the Justice and Development Party, it risks remaining stifled, resulting in the country becoming a "low intensity democracy" far from the free democracy Ataturk idealised when he said: "We are going to advance our country to the level of the most civilized and prosperous countries." (Ataturk, 2006)

It took the death of Duygu Asena for journalists to speak out against the government. The journalist and women's right activist died from cancer in 2006. Her death reminded journalists of the lifetime battle she fought against media restrictions (Uysal, 2009). Journalists first criticised the Directorate of Religious Affairs for not being pro-active on women's rights. The media then turned to the Justice and Development Party accusing them of ignoring honour killings and associating women's rights with the entitlement to wear a headscarf (a practice not allowed in schools and other government buildings since the establishment of the Turkish Republic).

The government was also accused of being unconcerned with other social issues women face, such as high levels of unemployment (Uysal, 2009). Turkey is not a dictatorship. When deemed necessary the media can produce high-quality debates. Nonetheless, government criticism eventually died down. It was not spurred again till the death of Hrant Dink in 2007. A national extremist shot Dink in front of the Istanbul offices of Agos, the Turkish-Armenian newspaper he edited. Dink had been accused of "insulting the Turkish identity" the previous year and was handed a six-month suspended sentence, which at the time left many questioning the AK Party's claimed commitment to freedom of expression (Christensen, 2007).

It was assumed Dink's death would ignite the period of reflection his sentence never triggered. It did but only briefly. Journalistic practice was considered, and the weakness of journalists against the state was discussed, but two years later, nothing has really changed. Journalists

are still being bound and gagged by constitutional articles.

Turkish media has been the topic of heated debate since Turkey's bid to become a member of the European Union. As a country "caught in an intellectual and theoretical 'no-man's land'", (Christensen, 2007) it is essential that the laws governing Turkey's media practices are reviewed. If the Justice and Development Party desire to posses the pro-western attitude it already claims to embrace, then its first act should be re-reviewing the penal code and including provision for public interest and the protection of journalists.

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