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Illiberal Media and Popular Constitution-Making in Turkey

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1. Introduction

Popular constitution making, a process that allows for public participation as opposed to a handful of elites writing a fundamental social contract behind closed doors and imposing it on the rest of society, is tricky. It sounds like a noble idea in theory, but it is difficult to execute effectively, efficiently, and, most importantly, democratically. Even trickier are the roles of publicity and media in popular constitution making. What are the consequences of reporting during the drafting of a new constitution? In what ways could the media lend legitimacy to the process by informing the public and incorporating public opinion into the drafting of a constitution? Coupled with the rise of new media technologies, an ideal of participatory constitution making (and an active role for the media) may seem desirable, not to mention attainable, but there are myriad ways to participate, and basing a constitution on popular opinion could easily devolve into a majority of 50 percent plus one that imposes its will on the rest. The bare minimum, ideally, is to expect journalists to report on facts without bowing to political or economic pressures, but even that is easier said than done. For which audiences are these journalistic facts intended? For those leaders drafting the new constitution or the public at large?

These are not easy questions to answer empirically, not only because media and communications are often neglected in studies of constitution making, but also because the relationship between the two is hard to ascertain precisely. Popular constitution

making relies on the principle that the legitimacy of constitutions reflects the process by which they are drafted as much as their content. The media are expected to play a weighty and presumably unbiased role in linking and amplifying what happens during the process. But when some of the oldest and most resilient constitutions around the world were drafted, journalism was stridently partisan, and not at all an objective, even-handed intermediary.¹ The specific role of media in more contemporary examples of (popular) constitution making also varies significantly depending on the context in question.²

In liberal democracies, or those that aspire to become liberal-democratic, the media are expected to report without bias, keep the public informed, and put pressure on decision makers.³ In more autocratic regimes, the media usually function to signal the

¹Sociologist Michael Schudson documents that during the ratification of the U.S. Constitution in 1787–88, Federalists not only controlled the press, but also forced the papers that strove to report views on both sides to end their coverage. See Michael Schudson, “The Objectivity Norm in American Journalism,” *Journalism* 2, no. 2 (2001): 149–70.

²Nicole Stremlau, “Media, Participation and Constitution-Making in Ethiopia,” *Journal of African Law* 58, no. 2 (2014): 231–49.

³Michael Schudson, “How to Think Normatively about News and Democracy,” in *The Oxford Handbook of Political Communication*, ed. Kate Kenski and Kathleen Hall Jamieson (Oxford: Oxford University Press, 2014), available at

political power of elites to citizens while shaping the underlying belief structures and values of the public.⁴ Normative theories aside, in any political system, the media constitute a semi-autonomous institution whose positioning vis-à-vis the political and economic fields, not to mention their own internal dynamics, shape the news.⁵ On the one hand, the state tries to constrain the voices and viewpoints presented in the media by providing official narratives, regulating speech, and controlling the political economy of the news industry. On the other hand, commercial pressure shapes and limits the range of content and views in the media considerably.⁶ There are also historically established journalistic norms and practices that determine the autonomy of the profession and diversity of public narratives in a given country (e.g., the professionalization of

www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199793471.001.0001/oxfordhb-9780199793471-e-73 (accessed March 8, 2019).

⁴Haifeng Huang, “Propaganda as Signaling,” *Comparative Politics* 47, no. 4 (2015): 419–44.

⁵Pierre Bourdieu, *The Field of Cultural Production* (Cambridge: Polity, 1993).

⁶Edwin Baker, *Advertising and a Democratic Press* (Princeton: Princeton University Press, 1994).

journalism, public service orientation in reporting, limited interference from the state, and legal protections of speech, to name a few).⁷

What can we then learn about the media's role in popular constitution making from Turkey's 2011–2013 process? For one, this case demonstrates, yet again, how messy and complicated the role of media is in the process of democratization, especially when it comes to collectively agreeing upon the fundamental principles of a nationwide contract such as a constitution. Turkey has always been a so-called hybrid regime, one that combines democratic and authoritarian elements,⁸ but the regime of the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) represents a particular epoch in which political leaders not only have deliberately manipulated democratic institutions for their own gains, but also attempted to “create [their] own tutelage over democratic politics.”⁹ Even though Turkey's media system was far from perfect prior to the AKP's tenure, the consolidation of an illiberal media environment—one that purportedly has a plurality of news sources and viewpoints, but is also intimately tied to the government

⁷Daniel C. Hallin and Paolo Mancini, *Comparing Media Systems: Three Models of Media and Politics* (Cambridge: Cambridge University Press, 2004).

⁸Larry Diamond, “Thinking about Hybrid Regimes,” *Journal of Democracy* 13, no. 2 (2002): 21–35.

⁹Ertuğ Tomuş, “Reluctant Democratization: The Case of Justice and Development Party in Turkey,” *Constellations* 20, no. 2 (2013): 312–27, 314.

and restricted to binary narratives—distinguishes this era. The period from 2011 to 2013 substantiated, over and over again, the AKP’s tight control over media and its overall autocratic inclinations. If the attempt at popular constitution making evidences an anomaly in what is otherwise a traditional case of constitutional imposition, as Petersen and Yanaşmayan suggest in this volume, the Turkish press mediated this anomaly against the background of a rapidly degenerating media system.¹⁰

Turkey’s rare attempt to create an inclusive, participatory, consensus-driven political process with an illiberal media calls into question some of the taken-for-granted assumptions about the relationship between democracy and media, such as that transparency is key to democratic decision making, that diversity of viewpoints leads to better public debates, and that participatory processes are essentially more democratic. Rather than fundamentally challenging the significance of these principles (transparency, diversity, and participation), Turkey’s experience serves as a reminder that autocrats can easily appropriate democratic discourses and practices for their own ends, and the media are not powerful enough to be a bulwark against creeping authoritarianism.

Based on a combination of newspaper content analysis and institutional history, I identify three distinct phases in the 2011–2013 period when journalists in Turkey, already quite limited in their capacity to report news, tried to cover this ambitious democratic experiment and its failure. First, in the early days of the Constitutional Conciliation

¹⁰See Petersen and Yanaşmayan, Ch. 1 in this volume.

Commission (*Anayasa Uzlaşma Komisyonu*, AUK), the AUK's tight control over the public narrative seems to have taken on an undemocratic tone (especially in contrast to their stated commitment to an inclusive procedure), yet it resulted in a mostly neutral coverage that regularly emphasized the values of a democratic process. Second, when the AUK began to negotiate over how to draft the new constitution, the weakening of press control led to ostensibly more independent coverage of the new constitution, albeit in a way that simplified and polarized the debate over contested topics instead of inviting a multi-perspectival dialogue. Finally, as the AUK's work was derailed by failing to reach an agreement on key topics, the significance of which was the shift to a presidential system, the press coverage seemed to revert back to what it had already learned to do well in general, that is, to bifurcate the narrative as pro- or anti-AKP, or more precisely, as pro- or anti- the political leader, Recep Tayyip Erdoğan.¹¹

In the following, I first present a brief overview of how the AKP government has established a new media environment by suppressing liberal-critical voices, fortifying its own media bloc, and pushing its own narratives to shape the news agenda. Then I discuss how the AUK intended to break out of the polarized and repressed news cycles by instituting control over reporting on the new constitution. Finally, I examine how the

¹¹For a detailed discussion of the issues surrounding AKP's presidentialism proposal in this volume, see Petersen and Yanaşmayan, Ch. 1; Böcü and Petersen, Ch. 5; and Özsoy Boyunsuz, Ch. 7.

press coverage less inhibited by the AUK ended up promoting simpler and more divisive narratives. Toward the end of the constitution-making process, the highly polarized, illiberal media amplified the impasse the commission was already experiencing, and reduced the whole process to a debate over the AKP's proposal for a presidential system.

2. The Making of Illiberal Media in Turkey

Government pressure over media, self-censorship among journalists, tight alignment with state ideology, and political instrumentalization of the press have a long history in Turkey. During the AKP's single-party rule, however, not only have press-state relations, media ownership structures, and journalistic cultures transformed in myriad ways, but also the shift in political ideologies (from secular-nationalist to Islamist-nationalist) has challenged the existing rules and norms in the profession.¹² In this section, I first present a brief history of the media environment in Turkey prior to the AKP era, and then detail how the AKP government constructed a new, illiberal media system over the last fifteen years or so.

2.1 Turkey's Media System prior to 2002

¹²Ozan Aşık, "Politics, Power, and Performativity in the Newsroom: An Ethnography of Television Journalism in Turkey," *Media, Culture & Society* (2018), available at <https://doi.org/10.1177/0163443718799400> (accessed March 29, 2019).

The active participation of Turkey's journalists in political life dates back to the late nineteenth century.¹³ Such political engagement either resulted in highly intimate relations between the press and the government, or was repeatedly quashed if it was deemed too critical. Starting with the single-party years of the republican period (1923–45), many journalists joined the ranks of the Republican People's Party (*Cumhuriyet Halk Partisi*, CHP).¹⁴ *Cumhuriyet*, for example, now a left-of-center newspaper, was founded soon after the republic was established under the auspices of the CHP and Atatürk. Journalists who were close to the party propagated the modernizing reforms of the regime in their newspapers. Some news outlets and journalists were critical of the government, especially during the attempts to form a multi-party regime in the years before 1945, but a critical press was either shut down or quite limited by the laws regulating political opposition.

The post-1945 multi-party regime, especially the era of the Democratic Party (*Demokrat Parti*, DP), offered “both the carrot and the stick” to the press.¹⁵ On the one hand, a new Press Law was instituted in 1950 to recognize the freedom of the press and

¹³Metin Heper and Tanel Demirel, “The Press and the Consolidation of Democracy in Turkey,” *Middle Eastern Studies* 32, no. 2 (1996): 109–23.

¹⁴*Ibid.*

¹⁵Raşit Kaya and Barış Çakmur, “Politics and the Mass Media in Turkey,” *Turkish Studies* 11, no. 4 (2010): 521–37.

journalists' right to unionize. On the other hand, authoritarian clauses were added to enable the government to shut down publications and impose prison terms on journalists.¹⁶ Party officials continued establishing clientelistic relationships with media owners and individual journalists. The DP government also transformed public radio into a political apparatus that was used both to spread party propaganda and to silence critics.¹⁷

Immediately after the 1960 coup d'état brought down the DP government, the military seized power over the press. Yunus Emre and Burak Cop report that the mass media played a critical role during the 1961 constitutional referendum. In order to increase voter turnout and encourage massive support for the new constitution, the press regularly covered declarations of "yes" votes.¹⁸ In the 1960s and 1970s, Turkey's mass media started moving more toward television broadcasting, as the Turkish Radio and Broadcasting Corporation (*Türkiye Radyo Televizyon Kurumu*, TRT) quickly expanded across the country. Especially in the 1970s, every new government tried to seize control

¹⁶Kaya and Çakmur, "Politics and the Mass Media in Turkey."

¹⁷Cihat Göktepe, "1960 'Revolution' in Turkey and the British Policy Towards Turkey," *The Turkish Yearbook of International Relations* 30 (2000): 140–89.

¹⁸Yunus Emre and Burak Cop, "The 1961 Constitutional Referendum in Turkey," *Sociology of Islam* 3 (2015): 49–75.

of TRT, and, eventually, the next coup in 1980 brought TRT under the control of the military.¹⁹

Turkey's media system has traditionally been identified as a "polarized pluralistic model," a category that also includes countries such as France, Greece, Spain, Italy, and Portugal. Polarized pluralist media systems, in general, tend to have limited newspaper circulation, politicized media organizations (with links to political parties or with clear political leanings), and an under-professionalized journalistic workforce.²⁰ The post-coup liberalization of Turkey's economy in the 1980s enabled a range of new commercial actors to emerge (especially in broadcast),²¹ but journalism has been consistently

¹⁹Esra Elmas and Dilek Kurban, "The Case of Turkey," in *Media Policies and Regulatory Practices in a Selected Set of European Countries, the EU and the Council of Europe* (European Commission Report, 2010), 412–444, available at www.eliamep.gr/wp-content/uploads/2010/10/BIR.pdf (accessed March 4, 2019).

²⁰Hallin and Mancini, *Comparing Media Systems*; Esra Elmas and Dilek Kurban, "Communicating Democracy—Democratizing Communication: Media in Turkey: Legislation, Policies, Actors", in *TESEV Democratization Program Media Studies Series* –1 (2011) available at www.fes-tuerkei.org/media/pdf/Publikationen%20Archiv/Ortak%20Yay%C4%B1nlar/2011/2011%20Communicating%20Democracy.pdf (accessed March 8, 2019).

²¹Kaya and Çakmur, "Politics and the Mass Media in Turkey."

influenced by political parties²² and aligned with dominant state narratives.²³ As Ozan Aşık observes, “[T]he secularist consensus ... served as the primary entity defining what should be perceived as the public interest and common good” in the press up until the early 2000s.²⁴ Despite a proliferation of publications with various political orientations in the 1990s, Turkey’s mainstream media remained closely aligned with state ideology, a fact most significantly reflected in the coverage of Kurdish issues and the conflict with the Kurdistan's Workers Party (*Partiya Karkerên Kurdistan*, PKK) since 1983. Not only was the word “Kurdish” tacitly banned in the mainstream media until the 1990s, but many journalists who failed to follow this rule faced legal repercussions.²⁵ Even though

²²Salih Bayram, “Political Parallelism in the Turkish Press, a Historical Interpretation,” *Turkish Studies* 11, no. 4 (2010): 579–611.

²³Bilge Yeşil, “Press Censorship in Turkey: Networks of State Power, Commercial Pressures and Self-Censorship,” *Communication, Culture and Critique* 7, no. 2 (2014): 154–73.

²⁴Ozan Aşık, “The Fall of the Public and the Moral Contestation in the Journalistic Culture of Turkey,” *Middle East Journal of Culture and Communication* 10, (2017): 69–85.

²⁵Esra Ercan Bilgiç, *Vatan, Millet, Reyting: Televizyon Haberlerinde Milliyetçilik*. (İstanbul: Evrensel Basım Yayın, 2008); Faik Bulut, *Türk Basınında Kürtler* (İstanbul: Evrensel Basım Yayın, 2010.)

the AKP's early years seemed to have increased the visibility of Kurds in the media via the government's official recognition of Kurdishness as a distinct identity and the opening of a Kurdish-language television channel, the AKP government has continued cracking down on Kurdish cultural and political expression throughout its tenure.

2.2 The AKP Era (2002 onwards)

After the liberalization wave in the industry, particularly in the 1990s, Turkey's mainstream media became overwhelmed by a combination of clientelism—in which media owners relied on state resources to become competitive in non-media fields—and a corporatist structure—in which companies needed to cater to multiple audiences.²⁶ This existing system enabled the AKP government to tame the media landscape and even create its own AKP-friendly media bloc (sometimes referred to as *yandaş* [partisan/advocate] media). Murat Akser and Banu Baybars-Hawks, for example, argue that the AKP government controls what they call “media autocracy” through neoliberal

²⁶Christian Christensen, “Breaking the News: Concentration of Ownership, the Fall of Unions and Government Legislation in Turkey,” *Global Media and Communication* 3, no. 2 (2007): 179–99; Ali Çarkoglu, Lemi Baruh, and Kerem Yildirim, “Press-Party Parallelism and Polarization of News Media during an Election Campaign: The Case of the 2011 Turkish Elections,” *International Journal of Press/Politics* 19, no. 3 (2014): 295–317.

measures such as conglomerate pressure, judicial suppression, online banishment, surveillance defamation, and accreditation discrimination.²⁷ Bilge Yeşil suggests that the AKP exploited this historical and structural continuity in media–government relationships to cultivate the neoliberal authoritarian state of present-day Turkey.²⁸

The AKP’s early tenure, which overlapped with the aftermath of the 2001 economic crisis in the country, focused on realigning the extant corporatist–clientelist media environment with the interests of the party.²⁹ A couple of years after Recep Tayyip Erdoğan came to power, some of the bankrupt media companies were taken over by the Saving Deposit Insurance Fund (*Tasarruf Mevduatı Sigorta Fonu*, TMSF), a regulatory body under the prime minister’s office. Existing media moguls—the Doğan Group, for example—jumped on this opportunity to acquire new outlets, thereby strengthening their dominance in the industry. It was not unusual for the TMSF, however, to take over a media company only to hand it over to an AKP-friendly bidder. In 2007, the Ciner Group, which included the popular newspapers *Sabah* and *Takvim* and one of the most

²⁷Murat Akser and Banu Baybars-Hawks, “Media and Democracy in Turkey: Toward a Model of Neoliberal Media Autocracy,” *Middle East Journal of Culture and Communication* 5, no. 3 (2012): 302–21.

²⁸Bilge Yeşil, *Media in New Turkey: The Origins of an Authoritarian Neoliberal State* (Urbana: University of Illinois Press, 2016).

²⁹Çarkoglu et al, “Press-Party Parallelism and Polarization”; Yeşil, *Media in New Turkey*.

popular national TV channels, *ATV*, was sold to the sole bidder, Turkuvaz Media, owned by the Çalık Group, which was then run by Erdoğan's son-in-law Berat Albayrak.³⁰ There were brand new players, such as the Çalık, İpek-Koza, and Sancak groups, which entered the field of media to cozy up to the government. They were not shy about it, either—Sancak Holding's CEO, Ethem Sancak, openly admitted that it was his support for the AKP that led him into the media industry.³¹

The confiscation and sale of financially challenged companies to pro-AKP enterprises in the 2004–2008 period were not the only steps toward the making of a pro-AKP media environment.³² The incestuous ties between media companies and political elites were further solidified via public procurement contracts. Large holding companies with interests in construction, energy, transportation, finance, and tourism regarded media properties as “a levy that must be paid to ensure continued access to government

³⁰Nina Ognianova, Jean-Paul Marthoz, Robert Mahoney, Joel Simon, Özgür Öğret, Şafak Timur, and Nebahat Kübra Akalın, *Turkey's Press Freedom Crisis: The Dark Days of Jailing Journalists and Criminalizing Dissent* (Committee to Protect Journalists, 2012), available at <https://cpj.org/reports/Turkey2012.English.pdf> (accessed March 8, 2019).

³¹Yeşil, *Media in New Turkey*.

³²Ibid.

contracts.”³³ In order to continue benefitting from government bids and favors, media owners repeatedly interfered in editorial decisions and restricted criticism of the AKP government in the late 2000s.³⁴ In addition to these political-economic interventions, the early tenure of the AKP government also ushered in the appointment of new managers, editors, and pundits with clear pro-AKP views, despite the fact that most of them had no prior background in journalism.³⁵ It is important to note that all of these changes took place alongside the strengthening of a tightly networked group of media outlets following the Islamic preacher Fethullah Gülen, who at that time had a political-economic alliance with the AKP.

³³Susan Corke, Andrew Finkel, David J. Kramer, Carla Anne Robbins, and Nate Schenkkan, “Democracy in Crisis: Corruption, Media, and Power in Turkey,” *Freedom House Special Report* (2014), available at <https://freedomhouse.org/sites/default/files/Turkey%20Report%20-%202014-3-14.pdf> (accessed March 8, 2019).

³⁴Burcu Baykurt, “The Gezi Protests Have Shown the Rampant Institutional Bias in Turkey’s Media which Now Leaves Little Room for Facts,” *LSE Euromag Blog*, (July 10, 2013), available at <http://blogs.lse.ac.uk/euromagblog/2013/07/10/gezi-protest-media> (accessed March 8, 2019).

³⁵Yeşil, *Media in New Turkey*.

Media independence was further curtailed with the prosecution of several journalists under the Anti-Terror Law, part of two major political investigations known as Ergenekon (2007), a reference to an alleged shadow organization plotting against the government, and Balyoz (“Sledgehammer”) (2010), after the code-name of a purported coup plot.³⁶ Some journalists, accused of “collaborating with the Ergenekon organization,” were imprisoned even without trial. In addition to the chilling effect this had on reporters and media managers when it came to criticizing the AKP, the government’s regular wiretapping and raiding of news organizations undermined the privacy of reporters and discredited their professional standing in society.³⁷ The use of the Anti-Terror Law to prosecute journalists was not limited to the cases of Ergenekon and Balyoz. Since 2009 dozens of journalists and editors from the Kurdish media have been arrested on the grounds of membership in the Kurdistan Communities Union (*Kürdistan Topluluklar Birliği*, KCK), thereby routinely criminalizing reporting on Kurdish rights and criticism of the Turkish military.³⁸

In 2009 the AKP government struck an obvious blow against a critical media giant in the form of an exorbitant tax fine. After the Doğan Group’s flagship newspapers *Hürriyet* and *Milliyet* covered a German court case in which several Turkish citizens with

³⁶Yeşil, “Press Censorship in Turkey.”

³⁷Yeşil, *Media in New Turkey*.

³⁸*Ibid.*

ties to the AKP leadership were accused of misappropriating tens of millions of dollars from *Deniz Feneri*, a Turkish charity, Erdoğan first called for a boycott of the media company. The Doğan Group was then hit with a \$500 million tax fine, which was followed by an additional \$2.5 billion fine a few months later. The combined tax levy nearly equalled the company's total assets, thereby posing an existential threat to its survival. The Doğan Group immediately appealed the charges, while also taking measures to appease then-Prime Minister Erdoğan. The chairman of the company, Aydın Doğan, stepped down, followed by the resignation of Ertuğrul Özkök, the editor-in-chief of its flagship daily newspaper *Hürriyet*.³⁹ In 2010 and 2011, the company sacked some of the critical columnists from the mainstream papers *Hürriyet* and *Radikal*, and eventually sold two other newspapers, *Milliyet* and *Vatan*, to a holding company with strong ties to the government.⁴⁰

Following the AKP's election victory in 2011, the intimate relationship between media owners and the government, which depended on complicity, censorship, and outright control, became so obvious that it simply could not be denied. As Yeşil evocatively notes, loyal businessmen who have entered the media industry since 2004 "were not simply motivated by prospects of receiving favors from the government, but

³⁹David O'Byrne, "Turkish Media Mogul Resigns," *Financial Times* (December 31, 2009), 16.

⁴⁰Corke et al, "Democracy in Crisis"; Yeşil, *Media in New Turkey*.

they were also ‘doing favors for the government.’”⁴¹ Frequent defamation claims by politicians against journalists, along with increasing self-censorship or censorship by editors due to fears of repercussions, put major pressure on media coverage. A new wave of resignations and dismissals of critical voices from the mainstream media continued through 2011. Journalist Banu Güven, for example, was fired by the Doğuş-owned NTV in 2011 for her criticism of the AKP’s stance on the Kurdish issue.⁴² Following his dismissal from NTV in 2011, veteran journalist Can Dündar proclaimed the “dawn of a new era in Turkey’s media field” that was marked by a “widespread purge, a cleanup.”⁴³

According to Turkey-based Bianet (*Independent Communications Network*), 104 journalists were in jail in 2011.⁴⁴ By way of contrast, according to the Committee to

⁴¹Yeşil, *Media in New Turkey*, 106.

⁴²Ayse Buğra and Osman Savaşkan, *New Capitalism in Turkey: The Relationship between Politics, Religion and Business* (Cheltenham: Edward Elgar, 2014).

⁴³Yeşil, “Press Censorship in Turkey.”

⁴⁴Emel Gülcan, “Press Freedom Day with 95 Journalists Behind Bars!” *BIA Media Monitoring- News Center* (July 25, 2012), available at <https://bianet.org/english/freedom-of-expression/139915-press-freedom-day-with-95-journalists-behind-bars> (accessed March 8, 2019).

Protect Journalists, only 27 reporters were in jail at the end of 1998.⁴⁵ Reporters without Borders (RSF) ranked Turkey 148th out of 179 countries on its World Press Freedom Index, and cited 2011 as the year of “unprecedented arrests, massive phone taps ... and escalating judicial harassment of journalists,” all of which had created “a climate of intimidation in the media.”⁴⁶ That was a significant drop from the country’s ranking of 99th in 2002, the year RSF first published its index and the AKP came to power. As of 2018, Turkey had plummeted even further, ranking 157th in the World Press Freedom Index.⁴⁷

⁴⁵“Turkey: Criminal Prosecutions of Journalists,” *Committee to Protect Journalists* (1999), available at <https://cpj.org/reports/1999/05/turkeyreport.php> (accessed March 8, 2019).

⁴⁶Reporters Sans Frontiers, “World Press Freedom Index 2011/2012” (2012), available at <https://rsf.org/en/world-press-freedom-index-20112012> (accessed March 8, 2019).

⁴⁷According to the U.S.-based Freedom House, Turkey’s freedom rating did not shift significantly from the 1990s to the late 2000s. For example, Freedom House ranked Turkey “partly free” in 1999 (before the AKP came to power) with a 4.5 freedom rating (on a scale of 1=best and 7=worst), whereas the country received an improved 3.0 rating in 2011 and was marked as “partly free” again. Turkey’s Freedom House ranking became significantly worse as of 2017, and the country was recognized as “not free” in 2018 with

In political journalism there is always a symbiotic relationship between journalists and politicians, but the terms and nature of this relationship vary across countries and time periods.⁴⁸ Ozan Aşık suggests that what distinguishes the AKP-era media environment is a significant departure from this “interest-based” relationship, which has a long and asymmetrical history in Turkey, into one with “kinship-like ties and organic solidarity with the AKP.”⁴⁹ Through political pressure, legal coercion, and economic incentives, the AKP has not only established several loyal media outlets, but also neutralized opposition media since the 2000s.⁵⁰ As the country became more polarized and the AKP tightened its control over the media starting in 2011, journalists in Turkey

a 5.5 rating. See <https://freedomhouse.org/report/freedom-world/2018/turkey> (accessed March 26, 2019).

⁴⁸Karin Wahl-Jorgensen, “The Production of Political Journalism: The Push and Pull of Power, Routines and Constraints,” in *The Handbook of Communication Sciences – Political Communication*, ed. Carsten Reinemann (New York: DeGruyter Mouton, 2014), 305–24.

⁴⁹Aşık, “The Fall of the Public,” 81.

⁵⁰Bilge Yeşil, “Authoritarian Turn or Continuity? Governance of Media through Capture and Discipline in the AKP Era,” *South European Society and Politics* 23, no. 2 (2018): 239–57.

began displaying strong allegiance to the AKP's Islamist-nationalist narratives at the expense of fair and balanced reporting.⁵¹

3. Publicity and Popular Constitution Making

By mid-2011 the AKP had won a landslide victory in the general elections, but lacked the constitutional mandate to unilaterally draft a new constitution. All political parties had pledged to a new constitution that should be democratic as well as civilian, and committed to joining the AKP in the new parliament to write a new constitution. The media were to play a crucial role in this process of drafting a new constitution in an inclusive, pluralistic, and positive manner, which would mark a radical departure from the country's already divided and AKP-dominated socio-cultural landscape.

At the time, the AKP was enjoying hegemony over the mainstream media, and the existing political criticism in Turkey's media environment was still orbiting around the narratives shaped by the party. As Ali Çarkoğlu and his colleagues demonstrate in the news coverage of the 2011 elections, opposition media failed to generate enough publicity for opposition political parties.⁵² In other words, news outlets critical of the AKP were not able to provide wide-ranging and effective alternative coverage of Turkey's politics at the time. That is, of course, not entirely the media's fault. As the

⁵¹Aşık, "The Fall of the Public."

⁵²Çarkoğlu et al., "Press-Party Parallelism and Polarization."

authors rightly acknowledge, the inability of the critical press to spotlight a more compelling opposition narrative was also due to the fact that no single opposition party was able to mobilize enough popular support to emerge as a viable alternative to the AKP. Nonetheless, this particular snapshot illustrates how ill equipped Turkey's critical media were in 2011 to cover such a complex and heated topic as the making of a new constitution.

In the following three sections, I explain how the media coverage of constitution making shifted from tightly controlled, yet relatively balanced and informative to less restrained but more partisan. In particular, the year 2013, which overlapped with the Gezi protests, corruption allegations against the AKP, and the dissolution of the AUK, marked a watershed in the history of Turkey's illiberal media. Not only did media control and censorship—and self-censorship—become undeniably visible post-2013, but they also took on outlandish proportions.

3.1. The AUK and the Media (October 2011–May 2012)

The AUK held its first meeting on October 19, 2011. The four political parties that were present in the Parliament at the time were each represented by three members, regardless of the seat distribution. Cemil Çiçek, then AKP MP and the president of the Parliament, was to chair the process. The AUK's decision-making process was based on the unanimity principle—a rare practice in a political system designed for majoritarianism. Çiçek echoed the value of seeking consensus on the opening day of the commission. “All

of us may have a different constitution in mind,” he said. “The tolerance and conciliation that a new constitution requires may help alleviate the cultural and political polarization that Turkey has long experienced.”⁵³ Çiçek’s emphasis on the significance of *how* the new constitution would be drafted (e.g., seeking consensus, based on tolerance and conciliation) was a welcome change in a country that was speeding toward an increasingly authoritarian state order. It also invited scrutiny from various actors, including the media, in order to hold the AUK accountable to these positive promises.

The AUK, however, began its tenure against the background of a new domestic crisis. A day before the first meeting, Kurdish militants clashed with the Turkish military, resulting in the killing of 24 soldiers.⁵⁴ In response, on October 20, 2011, Recep Tayyip Erdoğan convened a meeting with top media owners and editors to discuss the coverage of the Kurdish issue. Asking media executives not to “serve the aims of terror by

⁵³“Anayasadan Dönmek Yok,” *Milliyet* (October 20, 2011), available at <http://www.milliyet.com.tr/-anayasadan-donmek-yok--siyaset-1452739/> (accessed March 8, 2019).

⁵⁴Jonathon Burch, “Turkish Military Says Kills 49 Kurdish Militants” *Reuters*, (October 22, 2011), available at www.reuters.com/article/us-turkey-pkk/turkish-military-says-kills-49-kurdish-militants-idUSTRE79L0SE20111022?feedType=RSS&feedName=worldNews&rpc=22&sp=true (accessed March 8, 2019).

knowingly or unknowingly propagandizing,”⁵⁵ Erdoğan practically issued a “quasi gag order” on the coverage of the armed conflict between the PKK and the Turkish military.⁵⁶ Erdoğan’s message to the media might appear to be limited to this particular issue; however, his increased control over media, wrapped around a sensitive national security claim and an intimidating warning about “knowingly or unknowingly” spreading propaganda, had a chilling effect on editorial decisions beyond the issue of terror. In addition, it raised reasonable doubts about how sincere the AUK’s promise to draft a new constitution in an inclusive manner was in the context of an ongoing armed conflict and limited freedom of political expression in the media.

Ahead of Erdoğan’s meeting with the press, the AUK was already concerned with the extent of publicity about the commission’s work. In their very first decision, the members unanimously decided that the media should not be privy to conversations inside the meetings. Calling on everyone, including the media, to act “responsibly” during this new process, Çiçek asked reporters not to write “background” stories about the closed meetings, and added that he would be talking to the editors-in-chief of major newspapers about that. “The public should be informed about a constitution drafted in the name of the

⁵⁵Jay Cassano, “Turkey: Media Bares Its Anti-Kurdish Bias,” *Inter Press Service News Agency* (October 28, 2011), available at www.ipsnews.net/2011/10/turkey-media-bares-its-anti-kurdish-bias/ (accessed March 8, 2019).

⁵⁶Yeşil, *Media in New Turkey*, 136.

public,” Çiçek then acknowledged, but nonetheless reiterated his instruction that the media should only cover the official statements of the commission.⁵⁷ Çiçek was adamant about the participation of regular citizens, along with members of civil society organizations, in the process. He just did not want the press to be mediating between the AUK and the public. Soon the AUK launched a website—www.yenianayasa.gov.tr—not only to showcase previous constitutional documents, examples from other countries, and press coverage, but also to facilitate citizen feedback. The AUK also expressed the intention to use the website to poll public opinion regarding some of the articles of the new constitution once they were drafted.⁵⁸

Next, in early November 2011, the AUK convened a meeting at Dolmabahçe Palace with managers and editors from a wide range of news organizations. Cemil Çiçek, along with some AUK members from each party, asked the media to “support the work of the commission, encourage public participation, and advise in case of a deadlock.”⁵⁹

⁵⁷Ayşe Sayın, “Komisyonda İlk Uzlaşmazlık Başkanlıkta,” *Cumhuriyet* (October 20, 2011).

⁵⁸For a detailed discussion of the role of civil society in the constitution-making process, see McGrath, Ch. 3, in this volume.

⁵⁹“Anayasa için Basın Katkı Versin,” *Radikal* (November 4, 2011), available at www.tbmm.gov.tr/develop/owa/gazete_haberleri.haber_detay?pkayit_no=1352773 (accessed March 8, 2019).

There were reportedly thirty-three newspapers (including minority papers), five news agencies, three magazines, two foreign newspapers, and thirty-one broadcast channels from a variety of political positions in the room. There were also, however, some notable omissions, such as the leftist pro-Kurdish publication *Özgür Gündem*, the Kurdish news sources *Dicle Press Agency* and *Azadiya Welat*, the Greek news source *İho*, and the Armenian outlet *Marmara*.⁶⁰

After these initial meetings, the AUK kicked off a consultative process that lasted from October 2011 to April 2012 to capture the wide range of concerns and recommendations regarding the new constitution. They announced a series of meetings with a variety of organizations, including universities, unions, political parties, think tanks, and provincial bar associations. Nearly 10,000 citizens reportedly sent their recommendations to the AUK.⁶¹ This rare process of listening to different interested parties by all members of the Parliament was perceived to be a positive step toward the making of a new constitution. Yet it was soon clouded by the AUK's decision not to

⁶⁰Ferhat Kentel, Levent Koker, Mehmet Ucum, and Özge Genç, “Yeni Anayasa Sürecini İzleme Raporu Şubat 2012–Haziran 2012,” *Türkiye Ekonomik ve Sosyal Etüdler Vakfı Demokratikleşme Programı* (2012), available at http://t24.com.tr/media/editorials/files/Anayasaizleme2_08_10_12.pdf (accessed March 8, 2019).

⁶¹Ibid.

publish the views and suggestions collected from different organizations. Dubbed the “secrecy rule” by some monitors of the process, the AUK members defended their decision on the basis of protecting these groups and preventing further conflict and polarization over the recommendations.⁶²

The assumption motivating the virtue of publicity in any political process is not only to hold powerful institutions accountable, but also to create a more effective, responsive, and democratic regulatory process. In the case of political decision-making, however, sunlight may not always be the best disinfectant, *pace* U.S. Supreme Court Justice Louis Brandeis. Jon Elster, for example, suggests that while public deliberations may help avoid “open logrolling or horsetrading” and encourage arguments in favor of the common good, they can also push decision makers to adopt “rigid, inflexible positions as a pre-commitment device,” since it is harder to walk back public statements than those expressed in closed meetings.⁶³ In that sense, the AUK’s effort to set limitations on the media, dictate what was newsworthy, and operate in outright secrecy

⁶²Ibid.

⁶³Jon Elster, “Constitution-Making in Eastern Europe: Rebuilding the Boat in the Open Sea,” *Public Administration* 71, no. 1-2 (1993): 169–217, 181. See also Jon Elster, “The Optimal Design of a Constituent Assembly,” in *Collective Wisdom Principles and Mechanisms*, ed. Helène Landemore and Jon Elster (Cambridge: Cambridge University Press, 2012), 163–66.

seemed to be a genuine attempt to shield the commission from the potentially corrosive pressure of public opinion. The AUK tried to make up for this democratic deficit by using the website as a presumably open way to solicit citizen feedback. That was, however, a highly unsatisfactory substitute for transparency, as the AUK was still at the helm, deciding what went online or not about the consultations and moderating the online discussions.

What did the news coverage look like when the AUK was tightly controlling the public narrative about the new constitution? A content analysis of newspaper reports from the period between October 19, 2011 and February 2012 shows that the coverage predominantly focused on Chairman Cemil Çiçek's statements and the day-to-day work of the AUK.⁶⁴ That is perhaps not surprising given the significance of a new constitution, the radical method of striving to draft it based on consensus and consultation with a wide range of organizations, and Çiçek's own commitment to making sure that the media acted "responsibly" in this process. The coverage was not always sympathetic. The opposition media criticized the AUK's decision to keep the meetings closed, with articles bearing titles such as "The Civilian Constitution is Behind Closed Doors" and "The Commission's First Disagreement is about the Chairman" (both in *Cumhuriyet*) and

⁶⁴Kentel et al., "Yeni Anayasa Sürecini İzleme Raporu."

“What Would Happen if Obama Convened Media Representatives?” (in *Habertürk*).⁶⁵

Nonetheless, most papers followed the instructions of the AUK, and there was little coverage of the organizations and groups that provided recommendations.

In hindsight, given Turkey’s polarized political environment at the time and the already existing pressure on mainstream media, the AUK’s aversion to full transparency makes sense. Even in more liberal democratic contexts, full transparency in government can sometimes do more harm than the democratic good it promises to deliver. More openness may expose decision-makers to powerful and potentially malevolent authorities or interest groups, thereby inhibiting honest deliberations.⁶⁶ The glare of publicity may

⁶⁵“Sivil Anayasa Kapalı Kapılar Ardında,” *Cumhuriyet* (October 24, 2011), available at www.cumhuriyetarsivi.com/katalog/192/sayfa/2011/10/24/5.xhtml (accessed March 8, 2019); “Komisyonda İlk Uzlaşmazlık Başkanlıkta,” *Cumhuriyet* (October 20, 2011), available at

www.tbmm.gov.tr/develop/owa/gazete_haberleri.haber_detay?pkayit_no=1348251

(accessed March 8, 2019); “Obama Medya Temsilcilerini Toplasa Nasıl Olur?”

Habertürk (October 27, 2011).

⁶⁶Michael Schudson, *The Rise of the Right to Know: Politics and the Culture of Transparency, 1945-1975* (Cambridge, MA: The Belknap Press of Harvard University Press, 2015).

make it difficult for decision makers to negotiate with each other in candid and creative ways, especially in political climates marked by drastic partisanship. David Stasavage offers a game-theoretic justification for limiting transparency, suggesting that open deliberation has the potential to lead to mass polarization instead of consensus.⁶⁷ Restricting the work of the media through open warnings, one-on-one meetings, and withholding internal documents may appear somewhat overbearing even for Turkey, where some of those practices had become rather normalized by that time. Nonetheless, the early coverage of the AUK seemed to be more measured and informative, especially in contrast to the coverage of the commission's work in late 2012 and 2013. The limited autonomy of reporters resulted in relatively fewer and shorter stories about the new constitution, but the reports that were published gave the impression of a more consistent narrative across various media outlets. As the AUK professed a commitment to working with civil society organizations and soliciting citizen feedback, the mainstream media's regular reporting on the historical significance of making a democratic constitution and detailed information about the process was just the kind of publicity that the commission needed at the time.

3.2. The AUK Starts Drafting a New Constitution (June–December 2012)

⁶⁷David Stasavage, "Polarization and Publicity: Rethinking the Benefits of Deliberative Democracy," *Journal of Politics* 69, no. 1 (2007): 59–72.

The drafting of the new constitution began in May 2012. By June 2012 there was already not only more media coverage of the commission,⁶⁸ but also a change in the way the media covered the AUK.⁶⁹ While still driven by the work of the AUK and voices of the commission members (as opposed to civil society actors or minority voices), the media began to report on the progress of discussions in the commission. For example, the Gülen-affiliated *Zaman* newspaper, tightly aligned with the AKP government at the time, covered the AUK under the special rubric “Constitutional Diary.”⁷⁰ In the beginning, the mainstream media remained loyal to the reporting conventions set out by the AUK, even when initial disagreements inside the commission flared up. Still reporting on the basis of the official statements put out by the AUK members, newspapers highlighted the content of debates rather than polarizing narratives, thereby providing “more neutral, informative, and even positive views.”⁷¹

⁶⁸Kentel et al., “Yeni Anayasa Sürecini İzleme Raporu.”

⁶⁹Ceren Sözeri, “Yeni Anayasa Yapım Sürecinde Basın - Ocak 2013-Temmuz 2013” *Türkiye Ekonomik ve Sosyal Etüdler Vakfı Demokratikleşme Programı* (2013), available at http://tesev.org.tr/wp-content/uploads/2015/11/Yeni_Anayasa_Yapim_Surecinde_Basin_Ocak_Temmuz_2013.pdf (accessed March 8, 2019).

⁷⁰Sözeri, “Yeni Anayasa Yapım Sürecinde Basın.”

⁷¹Kentel et al., “Yeni Anayasa Sürecini İzleme Raporu,” 25.

In July 2012, for example, the commission took a break from regular meetings due to a deadlock over two issues—the right to education in one’s mother tongue and inclusion of sexual orientation in the text of the article on equality, both of which were proposed by the Peace and Democracy Party (*Barış ve Demokrasi Partisi*, BDP). The ideological orientations of newspapers shaped the headlines; nonetheless, all papers gave voice to political parties in equal measure in their stories. *Zaman*, for example, reported the impasse in an article titled “BDP Presses the Brake on Constitutional Drafting,”⁷² but despite blaming the BDP for stalling the commission’s work in the title, the story then extensively and soberly covered the BDP’s complaint that the party’s considerations were not taken into account during internal discussions. It also covered Cemil Çiçek’s and other commission members’ responses, along with updating the readers about the overall progress of the commission. *Cumhuriyet*, which is highly critical of AKP, broke the same news under the headline “A Break on the Crisis of Mother Tongue,”⁷³ and led the story with a quote from BDP’s Hasip Kaplan: “We will reveal who gets in the way of the process, but it will never be us who obstructs the process,” thereby demonstrating that BDP’s critical stance in the commission did not intend to hinder the process. Similar to *Zaman*’s story, *Cumhuriyet*’s version highlighted the critical voices on the commission, such as members of the CHP and BDP, as well as Cemil Çiçek. Despite the fact that the

⁷² Habib Güler, “Anayasa Çalışmalarına ‘BDP’ Freni,” *Zaman* (July 11, 2012).

⁷³ “Anadil Krizine Mola,” *Cumhuriyet* (July 11, 2012).

commission postponed its deliberations for a few weeks, newspapers did not escalate the severity of the situation. “A Break on the New Constitution,” *Akşam* reported, and highlighted quotes from each party representative.⁷⁴ “Mother Tongue Postponed in the Constitution,” the liberal paper *Taraf* announced, while dedicating the rest of the story to the clauses that the commission had completed drafting to that point.⁷⁵

This balanced and careful tone started shifting, however, as internal disagreements over specific articles continued into late 2012. At some point, reporters stopped following the AUK’s earlier instruction not to cover the closed meetings or provide background stories. Even in countries where there is more press freedom, the media usually “patrol the boundaries of culture and keep discord within conventional bounds,”⁷⁶ and it is only when there is disagreement among elites that reporters deviate from dominant frames.⁷⁷ The Turkish media were much less experienced in taking a proactive, critical role that goes beyond the official frame of any story. When the AUK

⁷⁴“Yeni Anayasada Mola,” *Akşam* (July 11, 2012).

⁷⁵“Anayasada Anadil Ertelemede,” *Taraf* (July 2, 2012).

⁷⁶Robert Entman, “Cascading Activation: Contesting the White House's Frame after 9/11,” *Political Communication* 20, no. 4 (2003): 415–32, 428.

⁷⁷Daniel Hallin, *The “Uncensored” War* (New York: Oxford University Press, 1986); Lance Bennett, “Toward a Theory of Press-State Relations in the United States,” *Journal of Communication* 40, no. 2 (1990): 103–25.

stopped presenting a united front, media coverage started splintering and rendering the public narrative in line with the various outlets' ideological loyalties.⁷⁸ In other words, pro-government and opposition media chose which of the AUK's proceedings to cover on the basis of their political leanings, limited their sources to those who agreed with the views of the outlet, and framed the actual negotiations in a highly biased manner, again, in support of their political stance.⁷⁹

Take what happened in September 2012, when the commission weathered another predicament over constitutional secularism, which secures freedom of religious expression and conscience.⁸⁰ *Cumhuriyet* chose to cover this debate with the exaggerated headline "Open Door for Sharia," and narrowed the overall discussion to the issue of state secularism, that is, the principle that a state does not govern according to religious laws.⁸¹ Pro-AKP *Sabah*, in contrast, reported on the same day, "Atheists are in the New

⁷⁸See Böcü and Petersen, Ch. 5 in this volume.

⁷⁹Sözeri, "Yeni Anayasa Yapım Sürecinde Basın."

⁸⁰Zeynep Yanaşmayan, "Oppositional Usages of Europeanization in Turkish Constitution-Making: Discussions on Religious Freedom," *Turkish Studies*. 18, no. 4 (2017): 644–664.

⁸¹Ayşe Sayın, "Şeriata Açık Kapı," *Cumhuriyet* (September 12, 2012), available at: www.tbmm.gov.tr/develop/owa/gazete_haberleri.haber_detay?pkayit_no=1433131 (accessed March 8, 2019).

Constitution,” and summed up the complicated discussion about religious freedom with reference to only one of the settled terms among commission members, the one that recognized the right not to believe.⁸² Relatively more moderate *Akşam* headlined their story “Agreement on the Constitutional Guarantee for Atheists,” but then covered the whole debate over freedom of religion and conscience, especially regarding the impasse between the AKP and the CHP over the redefinition of secularism.⁸³

Popular constitution making could have been a significant step toward democratization in Turkey, but it also offered a rare opportunity for Turkey’s media, however repressed it was at the time, to report on a parliamentary commission that purportedly operated on the principle of consensus seeking and not one of deep polarization. Civil society organizations that monitored the constitution-making process expected this moment to be a “significant turning point” for the media to take on a more active role, and overall seemed disappointed with the fact that the press merely “reflect[ed] views, rather than endeavoring to provide guidance, contribute to the debate, and offer information.”⁸⁴ Ideally, journalists should of course help people connect the dots, offer explanations, and give voice to multiple perspectives. Informative, multi-

⁸²Zübeyde Yalçın, “Ateistler Yeni Anayasada,” *Sabah* (September 12, 2012).

⁸³Ebru Toktar Çekiç, “Ateistlere Anayasal Güvencede Uzlaşma,” *Akşam* (September 12, 2012).

⁸⁴Kentel et al., “Yeni Anayasa Sürecini İzleme Raporu.”

perspectival, and critical media have the potential to expose the public to competing interpretations, thereby encouraging citizens to think about the political situation in more complex and original ways.⁸⁵

Civil society's expectations of the media, however, may have been unrealistic. Not only did they overlook the immense pressure that was looming over Turkey's media industry, but also the fact that journalists, even in more liberal contexts, rarely attempt to influence outcomes. Rather, reporters try to protect and advance their careers in line with what they imagine to be the ideal role ascribed to them, whether as independent watchdogs in a relatively liberal context or as guardians of the unity of the country in a more illiberal environment.⁸⁶ Between 2011 and 2013, the ideal roles Turkey's media took upon themselves were in flux, and there was still some room for negotiation and editorial discretion inside newsrooms. The AUK's initial meetings with members of civil society and attempts to control coverage through official statements offered journalists an opportunity to practice the profession in a way they had not had much of a chance to do

⁸⁵Herb Gans, *Deciding What's News: A Study of CSB Evening News, NBC Nightly News, Newsweek, and Time* (New York: Vintage Books, 1980); Mauro Porto, "Frame Diversity and Citizen Competence," *Critical Studies in Media Communication* 2, no. 4 (2007): 303–321, 312.

⁸⁶Scott L. Althaus, "When News Norms Collide, Follow the Lead: New Evidence for Press Independence," *Political Communication* 20, no. 4 (2003): 381–414.

lately, that is, more independently. Most newspapers, in response, managed to cover only what was happening (as opposed to providing interpretations and background stories of events), give voice to each political party in equal measure, and report on conflicts in a balanced manner, albeit for a short period of time. Once the commission's unity began to shatter, journalists' accounts of the new constitution mirrored the news coverage of other subjects: conflicting, not to mention polarizing, stories.

Toward the end of 2012, media coverage of the AUK started to focus on the commission's timeline, along with a critical interrogation of the durability of the overall process as political disagreements persisted. In early November 2012, Recep Tayyip Erdoğan announced that he was losing hope for a new constitution. This not only received wide coverage, but also validated negative assessments of the odds of the commission's ultimate success in drafting a new constitution.⁸⁷ Erdoğan's statement also invited responses from leaders of other political parties, thereby shifting media attention from members of the AUK to outsiders. Once the AKP proposed drafting the clauses on the executive body in order to constitutionalize a presidential system, both the inner dynamics of the commission and the overall coverage of the new constitution changed drastically.

⁸⁷Önder Yılmaz, "'Ümidim Azalıyor' Yankı Yarattı," *Milliyet* (November 3, 2012).

3.3. The AUK Fails as Turkey's Media Scene Further Deteriorates (January–December 2013)

Starting in early 2013, when the AUK's internal unity continued to disintegrate from disagreements and quarrels, the readers of pro-AKP and opposition media were regaled with polarizing interpretations of the AUK's discussions and widely divergent expert opinions. One thing, however, united the coverage of the AKP-friendly and opposition press: Erdoğan's pronouncements, which became ever more prominent in the debate on the new constitution in early 2013. After he signaled the possibility of a constitutional referendum on the work of the AUK, which had already fallen behind schedule in completing a draft constitution, Erdoğan published an op-ed in AKP-friendly *Sabah* in February 2013. The title read "A New Constitution for a New Turkey," and the then-prime minister reiterated his party's commitment to a more democratic constitution and proclaimed that the AKP would not be "the party that leaves the table."⁸⁸ Despite this reassurance, word of the AKP's intention to unilaterally draft a new constitution began to spread (see, for example, "Constitution Draft Will Be Rewritten"),⁸⁹ and the news media's focus soon shifted to openly questioning how much longer the AUK could survive, as signaled by headlines such as "Judgment Day for the Constitution," "The Ball

⁸⁸Recep Tayyip Erdoğan, "Yeni Bir Türkiye için Yeni Bir Anayasa," *Sabah* (February 11, 2013).

⁸⁹"Anayasa Taslağı Yeniden Yazılacak," *Yeni Şafak* (February 11, 2013).

is in the Court of Political Parties,” and “There is No Point in Staying at the Table without Progress.”⁹⁰

In the following few months, while the commission’s work slowed down, media coverage shifted to a variety of debates spurred by external actors—politicians, party leaders, and legal experts—with rare mention of commission members or of Cemil Çiçek. Speculation about what would happen if the AUK could not finish drafting the new constitution started circulating (“AKP’s Plan B is to ‘settle’ with CHP,” “A Transition Constitution is on the Agenda,” “Semi-Presidency with a Mini Package”).⁹¹ And even when the AUK tried to pick up the pace of its work in May 2013, party representatives outside the commission openly expressed their doubts about its future in a manner intended to polarize. Media coverage, in line with the political leanings of the various newspapers, followed suit. “CHP Wants the Commission to Continue to Derail the New Constitution,” headlined the pro-AKP, Gülen-affiliated *Zaman* in early May in a story

⁹⁰“Anayasada Kader Günü,” *Radikal* (April 1, 2013); “Topu Partilere Attı,” *Cumhuriyet* (April 2, 2013); Nevin Bilgin, “İlerleme Olmazsa Masada Oturmanın Anlamı Yok,” *Star* (April 10, 2013).

⁹¹Önder Yılmaz, “AKP’nin B Planı CHP İle ‘Uzlaşmak,’” *Milliyet* (March 31, 2013); Erdem Gül, “Geçiş Anayasası Formülü Gündemde,” *Cumhuriyet* (April 23, 2013); Zübeyde Yalçın, “Mini Paketle Yarı Başkanlık,” *Sabah* (May 21, 2013).

about whether or not the AUK would continue its work.⁹² “AKP Knocks Down the Table” announced the opposition paper *Cumhuriyet* in a story about how the parties were blaming each other for the delay in the drafting of the new constitution.⁹³

As if the current political climate were not divisive enough, what started as a couple dozen activists occupying Istanbul’s Gezi Park in late May 2013 turned into a wave of anti-government protests across the country. The Gezi protests became a critical moment in pushing Turkey’s media into the spotlight. In its early days, the protests were either painted by pro-government media organizations as the work of a Western conspiracy or completely ignored by mainstream media. The now widely remembered breaking point was when the local CNN affiliate *CNN Türk* chose to show a documentary about penguins at the peak of the protests, while *CNN International* covered the protests as major breaking news from Turkey. The penguin thus became a symbol of media cowardice, while dozens of protestors organized sit-ins outside news organizations where they chanted “sell-out media,” waved money at the media buildings, and circulated a popular hashtag on Twitter (*#korkakmedya*—“coward media”) to express their discontent.⁹⁴

⁹²“CHP, Anayasa Yaptırmamak İçin Komisyonun Devamını İstiyor,” *Zaman* (May 7, 2013).

⁹³Erdem Gül, “AKP Masayı Dağıtıyor,” *Cumhuriyet* (May 2, 2013).

⁹⁴Burcu Baykurt, “The Gezi Protests.”

Many reporters and editors lost their jobs in the wake of Gezi. The Turkish Journalists' Union revealed that 59 journalists were sacked or forced to resign due to their coverage of the protests, while some reporters cited much higher numbers.⁹⁵ *NTV Tarih*, a history magazine owned by NTV, was shut down and its entire staff was fired after the magazine prepared to launch a special "Gezi" issue. Even after the protests waned, firings of journalists continued. In November 2013, TRT fired two employees who voiced their support for Gezi on Twitter.⁹⁶ In December 2013, leaks of telephone conversations of top AKP government officials resulted in a corruption scandal, with the arrests of several public officials and businesspeople. The investigations eventually caused the notorious fallout between the AKP and the Gülen movement, which was widely believed to have instigated the probe. The scandal not only stoked further polarization in media coverage, but also revealed the bluntness of the government's control over the media. In one of the wiretapped leaks, then-Prime Minister Erdoğan was heard to order an executive of

⁹⁵"59 Journalists Fired in the Wake of Gezi Protests, 40 Still Behind Bars: CPJ," *Hurriyet Daily News* (February 13, 2014), available at www.hurriyetdailynews.com/59-journalists-fired-in-the-wake-of-gezi-protests-40-still-behind-bars-cpj-62430 (accessed March 8, 2019).

⁹⁶Mehmet Bilber, "TRT Gezi'ye Faturayı Kesti: 2 Kişi Kovuldu," *Radikal* (November 14, 2013), available at www.radikal.com.tr/turkiye/trt-geziye-faturayi-kesti-2-kisi-kovuldu-1160841/ (accessed March 8, 2019).

Habertürk to remove content at the height of the Gezi protests. In response, the editor-in-chief of *Habertürk* daily, Fatih Altaylı, acknowledged the intimidation reporters faced from government pressure. “The honor of journalism is being trampled on,” he said. “Instructions rain down every day from various places. Can you write what you want? Everybody is afraid.”⁹⁷ Between the Gezi Park protests and the December 2013 corruption scandal, the AUK, for all intents and purposes, collapsed, especially once the AKP members—including the chairman, Cemil Çiçek—stopped attending the meetings in November 2013.

The Gezi protests and corruption allegations not only demonstrated the AKP’s heavy-handed control over the press, but also pushed the government, especially then-Prime Minister Erdoğan, to declare an open war against critical journalism and social media. In the run-up to Turkey’s local elections in 2014, he threatened at a rally to “wipe out Twitter.” Immediately after his speech, Twitter was blocked for two weeks by a court order.⁹⁸ When the Constitutional Court ruled that the ban on Twitter violated freedom of

⁹⁷Nick Tattersall and Ece Toksabay, “Turkish Editor Hits out at Media Coercion Under Erdogan,” *Reuters* (February 11, 2014), available at www.reuters.com/article/us-turkey/turkish-editor-hits-out-at-media-coercion-under-erdogan-idUSBREA1A1I120140211 (accessed March 8, 2019).

⁹⁸Burcu Baykurt, “Turkey’s Twitter Ban is Easily Bypassed, But There are No Easy Answers to Erdoğan’s Abuse of Power,” *LSE Euorpp Blog* (March 24, 2014), available at

expression, Erdoğan begrudgingly acknowledged that they had to follow the ruling, but he did not respect the Court's decision. The following year AKP could not win a parliamentary majority in the June 2015 general elections, and a two-year-old ceasefire between Turkey and the PKK collapsed in July. Amid the intensifying political crisis, the censorship of news outlets reached a whole new level. Turkey's now-defunct Telecommunications and Communications Authority (*Telekomünikasyon İletişim Başkanlığı*, TİB) blocked nearly 100 Kurdish websites, most of which were news outlets, on the grounds that they were spreading terrorist propaganda.⁹⁹ The daily *Hürriyet* faced a legal investigation for publishing photos of dead soldiers and an interview with an alleged PKK militant. An angry mob attacked the *Hürriyet* offices a couple of weeks later, accusing the paper of misquoting Erdoğan. The heightened nationalist sentiment afforded the AKP a clear majority in the snap elections of late 2015, and also enabled effective criminalization of journalism that does not toe the line of the government's narrative.

<http://blogs.lse.ac.uk/europpblog/2014/03/24/turkeys-twitter-ban-is-easily-sidestepped-but-there-are-no-easy-answers-to-erdogans-abuse-of-power/> (accessed March 8, 2019).

⁹⁹Burcu Baykurt, "Once a Safe Haven, Turkey Tightens Grip on Foreign Journalists," *Columbia Journalism Review* (September 23, 2015), available at www.cjr.org/analysis/once_a_safe_haven_turkey_tightens_grip_on_foreign_journalists.php (accessed March 8, 2019).

A failed coup attempt and a series of terror attacks in 2016 resulted in a massive purge of public employees, members of civil society, and academics accused of having connections to terror groups such as Fethullah Gülen's network and PKK. A total of 131 media outlets were shut down due to alleged links to the Fethullahist Terrorist Organization (*Fetullahçı Terör Örgütü*, FETÖ).¹⁰⁰ Instituting a state of emergency for two years after the coup attempt, the government was able to rule by decree and shut down newspapers, detain or charge critical journalists and media owners, restrict access to official meetings, and ban reporting of certain issues by official decree. Facebook, Twitter, YouTube, and other social media services were briefly blocked or throttled on multiple occasions.

It was against this backdrop that Turkey held a referendum in April 2017 on several proposed amendments to the 1982 Constitution, most of which granted sweeping new powers to the president, thereby changing the country from a parliamentary democracy to a hyper-presidential system. In the run-up to the referendum, the “Yes”

¹⁰⁰“Over 100 Media Outlets Shut Down over Turkey’s Failed Coup Attempt,” *Hürriyet Daily News* (July 26, 2016), available at www.hurriyetdailynews.com/over-100-media-outlets-shut-down-over-turkeys-failed-coup-attempt--102178 (accessed March 8, 2019).

campaign received disproportionately wide and positive coverage across the media, while the “No” campaigners were repeatedly slandered and censored.¹⁰¹

In early 2018 one of the major media companies in the country, Doğan Media Group, which owned *Hürriyet*, was sold to the AKP-friendly Demirören Group.¹⁰² According to Erol Önderoğlu, a Turkish representative of Reporters Without Borders, this sale ensured that the government would now control “more than 85 percent of national mainstream media.”¹⁰³ While there is still a bit of space for critical voices, these few publications are struggling financially and reporting under the routine threat—and reality—of prosecution. Turkey has submitted more legal requests to remove content or

¹⁰¹Ece Algan, “Media in Turkey Before, During and After the Referendum,” *Open Democracy* (June 2, 2017), available at www.opendemocracy.net/ece-algan/media-in-turkey-before-during-and-after-referendum (accessed March 8, 2019).

¹⁰²Daren Butler and Ece Toksabay, “Sale of Dogan Set to Tighten Erdogan's Grip over Turkish Media,” *Reuters* (March 22, 2018), available at www.reuters.com/article/us-dogan-holding-m-a-demiroren/sale-of-dogan-set-to-tighten-erdogans-grip-over-turkish-media-idUSKBN1GY0EL (accessed March 8, 2019).

¹⁰³Zia Weise, “How Did Things Get So Bad for Turkey’s Journalists?” *The Atlantic* (August 23, 2018), available at www.theatlantic.com/international/archive/2018/08/destroying-free-press-erdogan-turkey/568402/ (accessed March 8, 2019).

withhold accounts on Twitter since 2014 than any other country, according to Twitter's annual transparency report.¹⁰⁴ The government also passed new laws in 2018 to control and curb content on the internet, to which many in the country now turn in order to follow critical reporting.¹⁰⁵

4. Conclusions

“Journalists as a species, whether working in democracies or in autocratic states,” suggests media sociologist Michael Schudson, “aspire to independent reporting and commentary on current affairs.”¹⁰⁶ Reporters in Turkey's illiberal media environment—predicated upon clientelistic relations, political instrumentalization, and (self-) censorship—discovered a short-lived opportunity to enjoy somewhat independent reporting and commentary in late 2011 and early 2012, when the AUK embarked on writing a new constitution. Ironically, journalists were able briefly to indulge solely in documenting facts, covering all sides of a political disagreement, and offering an even-handed framing of events because the commission, chiefly its chairman Cemil Çiçek, set

¹⁰⁴See <https://transparency.twitter.com/en/countries/tr.html> (accessed March 26, 2019).

¹⁰⁵“Turkey's Government Takes New Powers to Censor the Internet,” *The Economist* (May 24, 2018), available at www.economist.com/europe/2018/05/24/turkeys-government-takes-new-powers-to-censor-the-internet (accessed March 8, 2019).

¹⁰⁶Michael Schudson, *Why Journalism Still Matters* (Cambridge: Polity Press, 2018), 6.

the ground rules for covering this process firmly from the outset. The limited transparency of the commission, along with its controlling attitude toward the press, may seem to contradict the original spirit of the AUK, which intended to be democratic and inclusive. Yet the commission's attempt to police the boundaries of journalistic work by putting together a media advisory council, routinely convening with editors and reporters, and sufficiently supplying the media with enough narratives about the terms of the debate inside the AUK enabled Turkey's mainstream media to offer the basic form of accountability in democratic politics: reporting on facts in a straightforward and balanced manner.

The significance of the AUK's check on media coverage became clearer when the narrative of popular constitution making drastically changed between the end of 2012 and November 2013, when the commission was effectively dissolved. The partisan fragmentation of the media landscape, along with increasing government pressure, resulted in highly polarizing and, in some cases, conflicting news stories about the constitutional debates. As more political voices outside of the AUK, especially top party officials and then-Prime Minister Erdoğan, began to comment on specific articles, the coverage became more divisive, and complex debates were reduced to ideologically driven sound bites. In more independent media environments, when government officials are less unified in their views on public issues, journalists use these disagreements to offer a variety of differentiated opinions and analyses of political decision-making processes. Yet in Turkey's illiberal media environment, which markedly deteriorated

from 2013 onward, the inter-elite conflict over the new constitution greatly limited the work of journalists, who had to walk a very careful line as the AKP government's practices reached new levels of authoritarianism around the same time.

This analysis of Turkey's attempt at popular constitution making and the media's limited role in the process calls into question the inherent normative value of some of the deeply held assumptions about liberal democratic processes, transparency, the media, and publicity. First, as the AUK's control over the media narrative at the beginning of the constitution making indicates, limited transparency may lead to more informative and fair coverage of political discussions. Second, more voices in public debates do not automatically translate into multi-perspectival news coverage, especially when reporters operate in an illiberal, polarizing media environment. Third, attempts to include citizen feedback and civil society input in political processes, especially via media publicity, risk disintegrating into a series of opposing monologues motivated by different political agendas instead of generating a popular dialogue and a back-and-forth negotiation of competing ideas. Rather than rejecting the value of transparency, diversity, or participation in popular constitution making as mediated by journalism, Turkey's case underscores that, without the backing of formal, independent institutions and the rule of law, these ideals are not infallibly a democratizing influence. As Walter Lippman famously asserted, "The press is no substitute for institutions."¹⁰⁷

¹⁰⁷Walter Lippman, *Public Opinion* (New York: Free Press, 1922), 229.