

**Siyah Bant Research Reports 2013****Report I: Developments in Cultural Policy and Their Effects on Artistic Freedom of Expression, Ankara**

Established in 2011 Siyah Bant is a research platform that documents censorship in the arts across Turkey. The initial goal of this initiative was to identify and examine different modalities of censorship. To this end Siyah Bant has conceptualized censorship not just as the banning of artistic expression through legal means but included process of delegitimization, threats, pressure, targeting and hate speech directed at artists and arts institutions that foreclose or delimit the presentation and circulation of artworks. Among the actors that Siyah Bant has identified through site visits throughout Turkey are state institutions, political groups and parties, individuals who act as proxies of the state, neighborhood organizations, as well as actors more closely related to the art world in its narrower sense, such as arts and cultural organizations, curators, funding agencies and sponsors.

As censorship in the arts has been rarely reported in depth, we wanted to contribute to broader public knowledge of the different mechanisms with which freedom of the arts is undermined. We have also aimed to show that censorship in the arts violates both the guaranteed freedom of expression and the arts in the Turkish constitution as well as the international human rights agreements signed by Turkey where freedom of expressions is defined as an indispensable pillar of democracy. At the same time we found that stipulations with regard to ‘national security,’ Turkey’s anti-terror legislation as well as provisions concerning the public order are frequently employed to legitimize censorship and limitations of the freedom in the arts. These interventions are – for the most part – arbitrary and employed for political and ideological reasons, and often for seemingly contradictory ends. Especially the notion of societal sensitivities (*toplumsal hassasiyetler*) has been increasingly used to delimit freedom of arts by non-state and state actors alike. This line of reasoning has been mirrored by the Ministry of Culture and Tourism as vague conceptions of societal sensitivities along with that of “public morals” (*genel ahlak*) have been elevated above the state’s mandate and legally stipulated duty of supporting and protecting the arts as well as the artist.<sup>1</sup>

Apart from trying to raise awareness on censorship in the arts and artists’ rights, Siyah Bant has aimed to provide a platform to discuss different strategies in the fight against censorship. While legal activism has emerged as a possible field of mobilizing and organizing,<sup>2</sup> Siyah Bant has also pursued interviews with cultural policy officials as a way of holding the state accountable with regard to its mandate. This has also included following developments in official cultural policy over the past few years, especially as members of the

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<sup>1</sup> See Banu Karaca, “When Duty Calls...: Questions of Sensitivity and Responsibility in Light of the Tophane Events,” *Red Thread e-journal* (November 2011), <http://www.red-thread.org/en/article.asp?a=49>; Siyahbant (Istanbul, 2012) and Siyahbant, *Sanatta İfade Özgürlüğü, Sansür ve Hukuk* (Istanbul, 2013)

<sup>2</sup> Siyahbant, *Sanatta İfade Özgürlüğü, Sansür ve Hukuk* (Istanbul, 2013).

ruling Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) have taken an increasingly adversarial stance towards the arts. Prime Minister Erdoğan's scathing speech about theater workers in Kahramanmaraş in May 2012<sup>3</sup> as elitists who mock 'the people,' and former Minister of the Interior, İdris Naim Şahin's declaration of art as "the backyard of terrorism" in December 2011<sup>4</sup> are but two examples that have left their mark on the art world. Far from signifying mere political discourse, these interventions have paved the way for the current changes in theater funding and have drawn attention to the fact that artists who are engaged in the Kurdish rights struggle have long been charged under anti-terror legislation.

As part of our ongoing research on cultural policy practices that play a vital part in the formation of freedom of the arts and its limitations we conducted a research visit to the Ministry of Culture and Tourism in late October 2013. During this visit we had an opportunity to meet with representatives from the Department of Fine Arts, the Directorate for Cinema, the Directorate of Opera and Ballet as well as with the Directorate of Strategy Development. A meeting with the Minister of Culture and Tourism was requested but could not be scheduled, all questions that we addressed to his office with regard to new policy developments were delegated to the Directorate of Strategic Development. Overall Ministry representatives seemed hesitant to speak with us, yet agreed to our request when we stated that little to none information about the official policies of the Ministry is publicly available at the moment.

The new Minister of Culture and Tourism, Ömer Çelik, took his post on 24 January 2013. His first few months in office were marked by a striking silence on three issues in particular: the redevelopment of Taksim Square, the draft of the Turkish Arts Council law (*Türkiye Sanat Kurumu*, TÜSAK) that was leaked in the spring of 2013, and the discourses around funding projects that promote family values and public decency, especially in the discipline of cinema. This silence has contributed to the rumor mill running high in the art world, so much so that in November 2013 Ersin Antep asked in the daily *Radikal* "Will we have a Minister of Culture? (Bizim bir kültür bakanımız olacak mı?)." Antep suggested that many of the programs initiated under Çelik's predecessor, Ertuğul Günay, had been terminated, including most of the restitution efforts for cultural artifacts that the former Minister of Culture and Tourism had pursued. Çelik has been rumored to mainly work out of the Prime Minister's Office rather than tending to institution he is heading. The fact that no comprehensive overview over the programs carried out by the current administration has been made public has resulted in rumors running all the more rampant. Günay, had become increasingly vocal with regard to the redevelopment of Taksim (also known as the Taksim Pedestrianization Project, *Taksim Yayalaştırma Projesi*) – stating that the city was not in need of another shopping mall. Günay also argued that the plans for a mosque to be added on Taksim Square were ill conceived as was the reconstruction of the Ottoman Army Barracks (*Topçu Kışlası*) that was part of the original redevelopment plan. Being at the heart of Beyoğlu, Taksim Square encompasses the Monument to the Republic and the Atatürk Cultural Center (*Atatürk Kültür Merkezi*, AKM), which are both under the purview of the Ministry of Culture and Tourism.

Çelik maintained his silence for much of the debate, broken ever so briefly in his response to a parliamentary inquiry by Sezgin Tanrikulu in June 2013 when he confirmed

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<sup>3</sup> Siyahbant, "Başbakan Recep Tayyip Erdoğan'ın Kahramanmaraş Mitingi konuşması" (İstanbul, 2012), 52-53.

<sup>4</sup> Siyahbant, "Sevgili İçişleri Bakanımız, ne diyorsak tersinden anlayınız!" (İstanbul, 2012), 50-51.

that during the construction in and around Taksim 16 Armenian tombstones had been found along with remnants of an 18<sup>th</sup> century wall and parts of a drainage system dating to the same time period. Çelik also noted that archeological artifacts had been found in the larger area surrounding Siraserviler, Kazancı Yokuşu and on the Tarlabası side. During the Gezi protests of May-June 2013 Çelik neither took position on the plans for the redevelopment of Taksim, nor did he announce any further plans for the Atatürk Cultural Center although Prime Minister Erdoğan suggested a complete demolition of the AKM. Since mid-June of 2013 the AKM has been used by the riot police – permanently stationed upfront and using the building as a logistical center. The renovation which has left the Istanbul State Theater, Ballet and Opera without a permanent home was supposed to be concluded by 29 October 2013, but it seems that no work has been done for at least the past seven months. During our visit at the Ministry we were unable to attain any official statement about the future of the AKM. In July the First Administrative Court had already cancelled the *Topçu Kışlası* Project and the master plan for the redevelopment of Beyoğlu has been voided in December 2013 with the courts decision explicitly stating that the non-participatory manner with which the project was designed makes it untenable. From a cultural policy perspective the court's decision is notable in a second respect: it explicitly diagnoses a tension between touristic commodification of urban areas and the needs and rights of the inhabitants of these areas. What these two court decisions mean for the fate of the AKM as well as the already conducted construction in and around Taksim Square remains unclear as of the writing of this report.

When in the spring of 2013 a draft of the TÜSAK (Turkish Arts Council) legislation was leaked, it further aggravated concerns that had already been raised in the previous year with the government signaling its intension to privatize the state theater system. The draft as it stands at the moment aims to restructure the entire arts funding system in Turkey by granting support on a project basis and by shifting decision-making powers to state appointed officials rather candidates representing artists' associations from respective disciplines.

Rengim Gökmen, Director of the Department of State Opera and Ballet, like other officials we meet, was unable to relay any news about the fate of the AKM, despite the organic connection that his department has with its Istanbul counterpart. Gökmen underlined that despite recent additions to concert halls in Istanbul, such as in the Zorlu Center (a shopping mall, residence and entertainment complex), Istanbul is in dire need of a large, central opera, ballet and theater stage. Gökmen stressed that the programming of the Directorate had stayed independent since its inception and that no signs to a contrary development exist at the moment.

Gökmen noted that he had not received any official communication about the TÜSAK draft that has generated heated discussions in the art world over the past few months. However, he also pointed out that funding on a project-basis would be inappropriate for institutions that have performance seasons as well as year-round rehearsal schedules such as theater, opera and ballet. While Gökmen, like many of his colleagues from the field of theater, supports a reform of the state theater-system, he emphatically argued that any such reform needs to take into account the artistic production practices of each discipline in order to be equitable and artistically viable. Gökmen remarked that he sees great danger in delegating opera and ballet to the private sector, as a mere reliance on market rationales is

detrimental to artistic autonomy and hence adversarial to the inner workings of art. Instead he suggested regular performance evaluations that would enable a “career system” within the state’s performing arts institutions, i.e. opening a path for professional advancement based on performance rather than the application of civil servants’ promotion criteria.

Gökmen expressed that within the current peace process art plays an exponent role with its capacity to create encounters and empathy. This topic came up repeatedly during our interviews with other officials as well, for instance by Directorate for the Fine Arts. Yet, these assertions tend to be rather general, although it is notable that cultural diversity and especially past cultural production by minorities is mentioned far more frequently and directly than during our visit in 2012. Asked for concrete examples, interfaith encounters and musical events are often referenced as well as a range of CDs that the Ministry of Culture and Tourism has produced focusing on the oeuvre of minority composers and lyricists. But as will be outlined in more detail in the second part of this report, these advances by the Ministry for Culture and Tourism are in stark contrast to the daily experiences of Kurdish artists and their working conditions, for instance.

Like Gökmen, Nihat Değirmenci, deputy director of the Department for Fine Arts responded that he “followed the TÜSAK debate from the press, as everyone else” and hence did not see himself able to give an assessment on the possible course of the draft and the impact it might have on the make-up of Turkey’s arts sector.

One of the most pressing issues over the past few decades has been the – to a large extent – ongoing exclusion of contemporary art from the funding and other activities from state support. While the Ministry still holds yearly competitions in painting and photography, there are no programs for visual arts in the boarder sense, no funding categories for individual artists or structural support for contemporary art institutions. Grievances over this omission have been voiced repeatedly over the past two decades, especially as contemporary art from Turkey has gained increasing international recognition. This lack is even more pronounced in the city of Ankara itself, where there is a remarkable shortage of non-commercial contemporary art spaces. Opened in 2010 the Cer Modern was to amend this lack, however, hopes tied to this space never really materialized (as was previously the case with the Çankaya Belediyesi Çağdaş Sanatlar Merkezi established in 1998<sup>5</sup>) as the space is managed as an event hall rented out for large-scale functions like weddings, for example, rather than a contemporary arts center. Independent arts initiatives, such as CAVA (Cinema Audio and Visual Arts) that have conducted workshops on the premises have voiced their discontent about the direction of Cer Modern or terminated their relationship to the space altogether. The Ministry, however, does not seem to share these concerns. Quite to the contrary, Cer Modern seems to be regarded as a successful model. At the same time there is an awareness that contemporary art should be included within the purview of the Ministry, but our inquiries over the past two years have been met with the reasoning that there are no legal precepts to do so at the moment. It could be argued, however, that rather than a missing legal framework it is missing practice that produces this asymmetry with regard to contemporary art.

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<sup>5</sup> Beral Madra, “Ankara çağdaş sanata çok uzak,” *Radikal Online*, 23 May 2009, [http://www.radikal.com.tr/yazarlar/beral\\_madra/ankara\\_cagdas\\_sanata\\_cok\\_uzak-937200](http://www.radikal.com.tr/yazarlar/beral_madra/ankara_cagdas_sanata_cok_uzak-937200); Ferhat Özgür, “Ankara’da tarihi bir fırsat,” *Radikal Online*, 30 May 2009, [http://www.radikal.com.tr/kultur/ankarada\\_bir\\_tarihi\\_firsat-938237](http://www.radikal.com.tr/kultur/ankarada_bir_tarihi_firsat-938237).

Within the field of cinema two issues have especially come to the fore over the past two years. Firstly, the rating system that has been increasingly employed to effectively limit the circulation of certain films by enforcing harsh age limits. There is, of course, an important and valid basis to age-limit provisions in Turkey as well as internationally in order to protect minors from potentially disturbing and harmful images. Yet debates have erupted about the ways in which these provision have been used to legitimize broader infringements on the freedom of expression that surpass the protection of minors,<sup>6</sup> especially since this rating is tied to the *eser işletme belgesi*, a certificate necessary for commercial distribution. Until recently this certificate was not required when films were intended for festival use, i.e. noncommercial screenings. While legal scholar Ulaş Karan argues that this procedure is indeed in accord with official regulations, the Ministry has decided to reinterpret the distribution provisions and make them requirements for festival films as well. Cases such as the film “Berivan” or “Dersim 38” that were deemed ineligible for distribution certificates have raised concerns that political preferences rather than the protection of minors are at stake. As during our last visit our inquiries with regard to the *eser işletme belgesi* have been consistently deflected by insisting on framing the issue in terms of technicalities and of the protection of minors rather than political sensitivities and preferences or pluralism. In addition, the Directorate of Cinema has consistently argued that its rating procedures present a harmonization measure with European Union standards and hence a necessity arising from European co-production agreements signed by the Turkish government in the early 2000s.

Secondly, in January 2012 Cem Erkul, director of the Cinema Department, announced that funding priorities would shift to “family films,”<sup>7</sup> leaving question marks as to what kind of movies would qualify as such and how the respective selection criteria employed by the award committees would be formulated. During our last visit these questions were once again deflected by noting that the composition of selection committees had not changed and that along with a representative from the Directorate those of the filmmakers’ associations were still present in the selection process. Yet, it was also made clear to us that “as a social welfare state” the cultural needs of society overall, rather than ‘niche interests,’ needed to be taken into consideration. It was emphasized that the Ministry does not aim to ‘just’ fund arthouse movies but sees it as part of its duty to fund potential blockbusters as well. This understanding notably diverges from the rationale of art funding in democratic settings, where state support is intended to help exactly the kind cultural production that would otherwise not be viable. Surely much of the discussions around cutting arts funding throughout the EU has been conducted with the same rationale, i.e. that under tightening economic conditions, market viability is increasingly conceptualized as fulfilling both cultural needs and evidencing worthiness of government support. It is likewise notable that the much-mentioned increase in international interest in cinema from Turkey has centered largely on small, independent films that have garnered awards at international festivals, rather than being box office hits. Yet the Directorate seems vindicated in its general practice by pointing to the rapid increase in national film production (e.g. while there were only nine local films in the 2002 screening cycle, this number went up to 62 in 2013). The Directorate

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<sup>6</sup> Majorie Heins, *Not in Front of the Children: “Indecency,” Censorship, and the Innocence of Youth* (New York: Hill and Wang, 2001).

<sup>7</sup> See “‘Malkoçoğlu desteğine’ sinemacı kazan kaldırdı”, *Radikal Online*, 22 January 2012, [http://www.radikal.com.tr/kultur/malkocoglu\\_destegine\\_sinemaci\\_kazan\\_kaldirdi-1076372](http://www.radikal.com.tr/kultur/malkocoglu_destegine_sinemaci_kazan_kaldirdi-1076372).

has also indicated that it wants to extent incentives for foreign film productions in Turkey, not least by co-financing such productions.

Recent news that the Ministry will retract funding from films rated suitable for age 18 and above have increased concerns in the film sector about how age restrictions might be further instrumentalized for political purposes.<sup>8</sup> It is very likely that this new guideline will further the precarious economic standing of independent filmmakers and engender self-censorship due to the fear of loosing much sought after public funding. This regulation will also allow the Directorate to intervene into decisions of final cuts, in order to meet age restrictions eligible for this funding, rather than making decisions based on the artistic integrity of a given work.

The Cinema Directorate stresses that they are concerned with the art of the moving image overall. However, they do not advocate on behalf of filmmakers who regularly face onslaughts on the integrity of their work through unauthorized edits of their film when sold to TV stations, be it to make room for commercials or to make movies eligible for certain time slots. At times this practice serves to circumvent age restrictions, at others to adhere to real or imagined notions of public decency, especially when it comes to content that diverges from hetero-normative presets. The Directorate relegates such responsibilities to the TV channels themselves as well as to RTÜK (*Radyo ve Televizyon Üst Kurulu*, the Radio and Television Supreme Council that monitors and regulates radio and television broadcasts), with the exception of age restrictions that need to be heeded by the channels.

The Office for Strategic Development (Strateji Geliştirme Başkanlığı) has recently completed the National Cultural Policy Review and has been responsible for developing new policy objectives and visions. We had a chance to meet with Mahmut Evkuran, the Director for Strategic Development. While Evkuran admitted that cultural policy objectives have not been communicated clearly by the Ministry to the general public as well as the arts community, he seemed at a loss why the TÜSAK draft has induced this amount of panic and rumors, especially since discussions about these kinds of reforms stretch back to the early 1990s. He repeatedly stated that all artists' association will be informed and consulted and that the draft is still at an early stage. It remains unclear, however, when further amendments to the draft will be made and how such consultations, if at all, will be conducted. As in the area of cinema Evkuran stressed that examples from the EU were being evaluated in the assemblage of the TÜSAK proposal.

Asked about the striking lack of support for contemporary art which garnering increased international attention over the past 20 years has by default served as a vehicle for cultural diplomacy, Evkuran conceded that this part of the arts sector indeed was “incredibly dynamic” and that “one has to think about how to embrace this dynamism” both institutionally and legally. Rehabilitation and restoration of cultural heritage were identified as the primary goals of the Ministry. He himself seemed to define cultural diplomacy in terms of restitution of cultural artifacts to Turkey however, and was more concerned with integrating the ‘traditional arts’ within the purview of official cultural policy. While Evkuran is correct in that traditional arts have been largely left out of art history curricula in Turkey and tended to mainly by civil society and nonprofit organizations, this does not necessarily mean that this inclusion has to be conducted in lieu of funding contemporary artistic production.

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<sup>8</sup> “Tiyatrodan sonra sinemaya da ahlak kriteri geldi,” *Radikal Online*, 25 December 2013, [http://www.radikal.com.tr/kultur/tyatrodan\\_sonra\\_sinemaya\\_da\\_ahlak\\_kriteri\\_geldi-1167945](http://www.radikal.com.tr/kultur/tyatrodan_sonra_sinemaya_da_ahlak_kriteri_geldi-1167945).



When asked about the state of freedom of expression and censorship in Turkey, Evkuran emphasized many of the aspects that were part of the recent “democracy package” announced by the government in October 2013, such as restitution of the estate surrounding Mor Gabriel and the freedom to wear a headscarf in public service and public institutions. He noted that other minority properties would also be returned, although he conceded that decisions would be made on a case-by-case basis. Evkuran gave much emphasis to the appropriation of certain works of Kurdish literature such as *Mem û Zîn*, an edition of which was printed by the Ministry in 2012, and the oeuvre of film director Yılmaz Güney. The Ministry has prepared a disk set of all his films, many of which were banned in Turkey during his lifetime. Evkuran also highlighted the Presidential Honor posthumously accorded to Ahmet Kaya; although as he himself noted this initiative was taken by President Abdullah Gül rather than the Ministry itself. Much emphasis was given to the entire protocol of the Ministry of Culture and Tourism as well as other government officials attending the Kurdish language performance of *Hamlet* in Ankara in November 2012. Yet Evkuran failed to point out that this production was actually performed by the Diyarbakir Municipal Theater, which has staged plays in Kurdish throughout the past decade and often under threats and continual harassment by Turkish security forces. While his examples surely present steps towards acknowledging minority cultural production and heritage, a vast asymmetry between these showcases and daily practices remains (see Part II of this report). This also became clear when Evkuran pointed to the ‘legalization of the Kurdish language’ and the freedom to take on Kurdish names both on an individual basis and in the case of place names. Given the fact that education in Kurdish is still not available within the public school system, this assessment seems overly positive. This became even clearer when we asked Evkuran about the governors who banned Kurdish language events or film screenings with political content. According to Evkuran these instances mark reflexes of the “old order” of Turkey and that these kinds of asymmetries are to be expected. He also added that at times security concerns voiced by authorities might be valid.

It has become somewhat commonplace to argue amongst cultural policy officials in Turkey that the Ministry of Culture and Tourism does not actually follow changing political trends but has been on more or less the same path since its inception. Yet, the above shows that changing political discourses have actual implications for cultural policy formations. However, this is not to argue that all in the Ministry present homogeneous takes on different issues. Asked about the increasing discourses about “conservative art” (*muhafazakar sanat*), for example, some noted that the combination of “conservative” and “art” presents a misnomer as art per definition is progressive and thus responsible for pushing existing boundaries and exploring new grounds. Many admitted that these kinds of questions may very well be an issue of politics, but less for artistic practice and production; although it was also noted that these and other topics should be open to discussion. The same holds true for the much-used notion of ‘societal sensitivities.’ Some acknowledged that such possible sensitivities needed taken into account, but emphasized that they did not feel restricted in the programming of their departments and stressed the pioneering character of art as opening up new, hitherto unexplored spaces.

When asked about the critique of the elitism of the artistic establishment and especially the state theater system that has been launched by the governing AKP over the past few

years, it was often noted that politicians were free to express admiration or discontent with the state of the arts or certain artworks. A common argument was that these kinds of reactions should be read as a sign that art is noticed and noticeable, and hence a positive sign in itself.

Apart from the structural issues that arise from subsuming culture and tourism, and hence two policy areas that have quite different goal orientations, as many in the Ministry too admit, under the same administrative unit, the Ministry still fails to exhibit an active advocacy for artists as is required by Articles 27 and 64 of the Constitution. Together these articles not only guarantee freedom of expression in the arts but also hold the state responsible in supporting the arts and artists. There also remains a disconnect between the ideals of cultural policy in liberal democracies and practices in the Turkish context emerged in officials' disconcertedness about artists who are in the state theater system, but vocal about criticizing the government, as for instance, during the recent Gezi protests. While this is surely a contentious issue everywhere, receiving government fund should not foreclose the possibility of critiquing government policies.

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