

UNDER THE SWORD OF DAMOCLES: FILM CENSORSHIP IN TURKEY

PELİN KIVRAK

Yale University, Ph.D. Candidate in Comparative Literature



GLOBAL RELATIONS FORUM YOUNG ACADEMICS PROGRAM POLICY PAPER SERIES No.7

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This paper, entitled "*Under the Sword of Damocles: Film Censorship in Turkey*," authored by Ms. Pelin Kıvrak as part of the *GRF Young Academics Program Policy Paper Series*. GRF thanks her for her contribution and commitment to this effort.

GRF convened the following group of distinguished members to evaluate and guide Ms. Pelin Kıvrak's paper:

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ABOUT THE AUTHOR

Ms. Pelin Kivrak received her B.A. degree in Literature from Harvard University in 2011 and is currently pursuing a Ph.D. in the Department of Comparative Literature at Yale University. Her dissertation examines the relationship of several late 20th century novelists and filmmakers from the Near East to the concepts of cosmopolitanism and hospitality. In addition to her academic work, Pelin has been part of the creative team at the Museum of Innocence in Istanbul and writes fiction of her own. Her first collection of short stories, *There is Possibility in Nothingness*, was released in Istanbul in November 2017.

Under the Sword of Damocles: Film Censorship in Turkey

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Abstract

Turkish cinema has always been perceived as closely linked to discussions about representing national identity, protecting family morals and maintaining social and cultural integrity. The film industry entered public life through private enterprise during the rule of Abdülhamid II in 1896 – a year after the Lumière brothers recorded the world’s first film footage in France. In 1903, the Sultan issued a “Cinema Regulation” to control screenings and domestic productions, which remained in effect until the formal establishment of the Republic in 1923. During the Republican Era, local governors and police officers began controlling and supervising cinema-related activities. In 1932, the Directive Concerning the Control of Cinema Films gave the authority to the Ministry of Internal Affairs, and the legislation remained in effect until 1986, when the Law on Cinema, Video and Musical Works shifted the controlling power to the Ministry of Culture and Tourism. In 2004, Turkey adopted a system of film classification as part of European Union accession negotiations. Even though cinema has never been made into a direct instrument of the government, after 1923, it became subject to a constantly changing system of government control.

This paper first looks at the history of film censorship in Turkey with an attempt to identify recurring patterns of censorship, especially during periods of more stringent regulations. The next section addresses the ways in which producers, scriptwriters, festival organizers and film critics developed reactionary measures and engaged in various forms of protest against film censorship. The paper then offers a comparative analysis of regulation patterns in Turkey against the backdrop of similar legal implementations of control and supervision in France.

Whether we examine cosmopolitanism as an Enlightenment legacy or focus on its reconfigurations associated with globalism and multiculturalism, we can best define it as a philosophy that acknowledges the notion of a common humanity. In her influential philosophical work on cosmopolitanism and nationalism, *Another Cosmopolitanism*, political philosopher Seyla Benhabib writes, “A fundamental challenge for our time is the construction of a jurisprudential theory able to reconcile the universality of human rights with the partiality of positive law.”¹ Indeed, man-made laws that are expected to sustain bounded communities often disregard the process through which the principles of human rights can be progressively incorporated into positive law. The conclusion of this paper focuses on a possible reconciliation between national policies and the rise of a global human rights culture by recommending a structure that privileges international norms of justice inspiring cosmopolitan values instead of nationalistic sentiments.

¹ Benhabib, Seyla, Jeremy Waldron, Robert Post, Bonnie Honig, and Will Kymlicka. *Another Cosmopolitanism*. New York: Oxford Univ. Press, 2010.

1. Introduction

In the introduction to a book of essays on film censorship, British film critic and historian Guy Phelps writes, “In 1909 the cinema had been blamed for almost every social calamity of the preceding decade with the possible exception of the Boer War. Clergymen, police chiefs and right-thinking people everywhere inveighed against this venal form of entertainment which was available to the poor and illiterate.”¹ As Phelps reports, even though cinema entered the lives of the middle and lower classes as an object of entertainment, the new medium created confusion because of its hybrid genre and indefinable audience. Therefore, during the first half of the 20th century, totalitarian governments in Europe designed policies to manipulate the genre as an effective instrument of propaganda. With such manipulation emerged the need to closely control and censor films that were produced and circulated domestically. Yet, when we examine the history of film censorship and the progress of related legal implementations in Europe, we realize that the main ideological and nationalistic impulses of the early 20th century have today ceded their place to societal concerns about the well-being of children and youth. In developed countries and liberal democracies, post-Second World War supervision occurs at a level of film classification and auto-censorship, in order to assure the public that children and youth are not exposed to images of extreme violence, pornography or abuse. After the fall of the Berlin Wall in 1989 and with the spread of the Internet, the word “film censorship” lost its practical implications around the world. Instead of striking fear into the film industry, censorship took on a more abstract meaning and began to signify an important tension between an idealized adherence to universal human rights and national policies.

In Turkey, the history of film censorship is as complicated as the nation’s political history. While many European countries adopted more lenient stances towards censorship and implemented regulations to protect citizens and filmmakers in the second half of the 20th century, Turkey’s censorship regulations still put more emphasis on the conservation of the unity and the territorial integrity of the state. In this context, the meaning of the word “conservation” is two-fold: on the one hand, the censors intend to create and conserve an image – in its most literal sense – on which to build a strong national identity despite political turmoil. A good example would be an anecdote that a famous Turkish film director and art historian, Metin Erksan (1929-2012), once told in an interview. After Erksan’s debut film *Karanlık Dünya / Aşık Veysel’in Hayatı* (*The Dark World / Aşık Veysel’s Life*, 1953) was viewed by the censorship committee, the censors decided that a transition scene showing Anatolian fields of short crops with only a few wheat kernels on them should be replaced by another scene with several harvesters working on fertile soil.² On the other hand, the censors demand an image of the nation as centrally administered and nonnegotiable – a demand that might be seen as symbolically defeating the purpose of cinema, which, by its very definition, is made of multiple, moving images. These issues reached a more complex level when social realist cinema and documentary film techniques began to emerge in Turkey in the 1960s, with the ethos of censorship changing little over the decades that followed. Even to this day, Turkish censors in practice remain very much focused on an idealized national image, despite several successful attempts to re-organize existing regulations by following norms recommended by the EU in 2004.

¹ Phelps, Guy. *Film Censorship*. London: Gollancz, 1975.

² Baransel, Ege. “Metin Erksan Hakkında Derlediğimiz Birkaç Şey.” *Kare Sinema*, 1991. 18.

In the following chapters, this paper briefly outlines the progress and periods of stagnation concerning film control legislation and regulation in Turkey since 1923. It then considers several recent censorship incidents which have given rise to the establishment of *Siyah Bant (Black Bar)*, an initiative started by a group of academics and intellectuals in 2011 to research undocumented censorship incidents and protect freedom of artistic expression by rendering those incidents transparent.³ Commenting on the model implemented by the voluntary organization *Siyah Bant*, it concludes that (1) film supervision regulations in Turkey historically lacked a clear transition from government-induced censorship to auto-classification by voluntary organizations, and (2) new pieces of legislation and reconsideration of the existing law should take into account a new global politics centered on the spread of international norms of justice.

2. Brief History of Film Censorship in Turkey

The Ottoman film industry began to emerge through private enterprise during the rule of Abdülhamid II in 1896, a year after the Lumière brothers recorded the world's first film footage. The first films in the Ottoman court were short recordings of military training sessions for practical purposes. The earliest feature filmmakers sought to explore the possibilities of the medium to represent and disseminate Turkish local performing arts such as *orta oyunu* and shadow theater.⁴ As a result, cinema was first regarded as a foreign, side attraction to traditional performance art forms and was shown alongside them. The earliest known public film screenings took place in a beer hall (Salle Sponeck) in the Pera district of Istanbul in 1897. Occasional film screenings were popular among the frequent visitors to Pera, especially during Ramadan.⁵ In 1903, the Sultan issued a "Cinema Regulation" to control screenings and domestic productions, which remained in effect until 1923. According to this document, anyone who would be willing to pay ten thousand Ottoman liras could host movie screenings until the 35-year contract expired, but certain officers appointed by the Sultan would still inspect selected films.⁶ It is important to note that Article 16 of the Regulation focuses on the potential "benefit" of foreign films and warns the public that officers will not allow certain scenes if they decide there is nothing to be gained by them.⁷ Evidently, the Ottoman court categorized early films – both foreign and domestic – as either pure entertainment or educational recordings. Other articles of the Regulation outline practical matters regarding screenings and prohibit materials that could pose serious threats to public morality.

³ "Siyah Bant Hakkında." Siyah Bant. May 26, 2011. <http://www.siyahbant.org/proje-hakkinda/>

⁴ A traditional form of improvised theater.

⁵ Arslan, Savaş. *Cinema in Turkey: A New Critical History*. New York: Oxford University Press, 2011.

⁶ "Memâlik-i Şahanede Sinematograf Temaşa Ettirilmesinin Şerâit-i İmtiyâziyyesi," accessed March 11, 2016. http://www.tsa.org.tr/yazi/yazidetay/14/ilk-sinema-nizamnamesi#_ftnref1.

⁷ The word "منافع" in Ottoman Turkish (Modern Turkish *fayda*) can be translated as both benefit and profit. Although the Regulation has many articles on the financial aspects of the screenings, the word in this particular clause indicates educational, cultural and spiritual gains.

2.1 The Period Between 1923 and Late 1940s

After the proclamation of the Republic, there initially was no central control mechanism for film production and screening in the country. In 1932, the Directive Concerning the Control of Cinema Films was released and the power to control film productions and screenings became centralized. This organization had a dual structure: Istanbul Censorship Commission and the Supreme Censorship Board in Ankara. Since most production and script-writing activities occurred in Istanbul at that time, a committee of five members at the Istanbul Commission was responsible for reviewing new scripts and films: a representative from the Ministry of Internal Affairs, a representative from the Turkish General Staff, a representative from the Ministry of National Defense, the Chief of Police and a police inspector. This structure demonstrates how film control has been regarded primarily as an internal public order issue. It further evidences (especially with the presence of a military representative in the committee) the government's perceived need to defend itself against the potential dangers of an artwork. Needless to say, policies against foreign propaganda during the interwar period and post-War of Independence nation-building regulations contributed to this defense-oriented stance. The board of controllers was particularly sensitive to antimilitarist or religious propaganda, insulting Turkishness, promotion of communist ideas and negative portrayals of family life and morals.⁸ If a particular scene was rejected by the censors in Istanbul, the producers retained the right to file an objection and take the case to the commission in Ankara. The Supreme Censorship Board in Ankara consisted of a representative from the Ministry of Internal Affairs, a representative from the Ministry of National Defense and a representative from the general staff.⁹ On July 19, 1939 another directive concerning films and movie scripts was released, and it gave further power to the police to control foreign films and their screenings.¹⁰ Despite these challenges, most films produced in Turkey during this period were either adaptations of novels that had already passed the censors or family dramas that were seen as educationally instrumental. The main difficulties for domestic producers of the time were financial problems in the industry and the lack of government subsidies to compensate for them.

2.2 The Yeşilçam Era

A tax decrease on domestic films in 1948 facilitated the burgeoning of Yeşilçam, the Hollywood of Turkish cinema. The Yeşilçam Era lasted until the 1970s and produced 250-350 films annually. The rise of Yeşilçam coincided with the Democrat Party's rise to power after the national elections of 1950. Until it was overthrown by a military coup on May 27, 1960, the Democrat Party's conservative ideology played an important role in the ways in which film censorship regulations were interpreted and applied. The Democrat Party did not issue a new law concerning film control, but it did manipulate existing legislation in order to curtail the spread of ideas that opposed the current regime. After the coup d'état in 1960, social realist films and

⁸ Alim Şerif Onaran, "Sinematografik Hürriyet," (PhD diss., University of Ankara, 1968).

⁹ Özön, Nijat. *Karagözden Sinemaya Türk Sineması ve Sorunları*. Cilt 1. Ankara: Kitle Yayınları, 1995. 50-59.

¹⁰ Ibid.

documentaries began to appear in Turkey, but the Constitution of 1961 did not introduce any changes to the already existing Directory of Film Control. Despite censorship incidents based on ideological content, the 1960s were regarded as the “Golden Age” of Turkish cinema, producing unforgettable artworks such as Metin Erksan’s *Acı Hayat (Bitter Life, 1962)*, Duygu Sağıroğlu’s *Bitmeyen Yol (The Never-Ending Road, 1965)*, and Feyzi Tuna’s *Yasak Sokaklar (Forbidden Streets, 1965)*. A good explanation for such expansion of the industry during times of political turmoil is the fact that, since its inception, Turkish cinema has always served as entertainment for families. Thus, melodramas and family tragedies have always been in popular demand. Yeşilçam accommodated government-induced censorship and practiced self-censorship in order to market its products to its customers.

By the late 1970s, the Turkish economy had reached the worst crisis in its history. The rise in inflation and unemployment led to a drastic decrease in the number of families who would regularly visit movie theaters. Moreover, color television and multiple TV channels were introduced in the 1980s, resulting in a general tendency for families to confine themselves to their living rooms. Consequently, filmmakers were inclined to produce erotic and folk music-themed melodramas for a predominantly male audience. Those films were the only continuous and successful attempts at gathering an audience. Even though it was unclear how these films passed the censors, two interrelated hypotheses seem relevant:

(1) the producers might have benefited from the political and financial upset and consequent gaps in control mechanisms by showing different copies in theaters after an acceptable version of the same film passed the censors, or (2) the censors might have intentionally allowed such films in order to distract the public’s attention from politics and ideology.¹¹

2.3 Post-Yeşilçam

In the 1960s and early 1970s there were several attempts by various filmmakers’ associations to establish sub-committees of film control that would consist entirely of civilians and follow a similar procedure to that of the British Board of Film Censors. These attempts prompted discussions about decreasing the number of representatives from the Ministry of Defense and the police force in the committees, and instead inviting more representatives from the newly established Ministry of Tourism and Publicity (1963).¹² However, such policy agendas were never made into actual legislation until the beginning of the 21st century. The major legislative change regarding film censorship in the 1970s took place in August 1977. This new law, entitled “Law Concerning the Inspection of Films and Film Scripts,” remained in effect until 1983 (even during the 12 September 1980 coup d’état) and imposed the most stringent rules on the film industry. The most striking part of the new legislation

¹¹ Abdurrahman Keskiner, a prominent Yeşilçam producer, explained in an interview a common script-writing mechanism to avoid the censors. He confessed that the scriptwriters would produce two different scripts for the same film. All Yeşilçam scripts to be sent to the censors for inspection would be written by a person in the Istanbul district of Kurtuluş, who knew exactly how to avoid dialogues and scenes that would be censored. These scripts were sometimes entirely different than the actual films that were shot in the studios. There were so many similar films that the censors would not even notice which script was for which film. Evren, Burçak. *Apo Gardaş Abdurrahman Keskiner*. Adana: Ulusoy Matbaacılık, 2012. 156.

¹² Korkmaz, Asiye. *Türk Sineması ve Devlet*. Istanbul: Eksen Matbaası, 1999. 59.

was the article that required producers to send all of their copies to the censors for inspection, which meant that if the committee deemed necessary, it could destroy all the copies on site. Atilla Dorsay, a prominent film critic, condemned the 1977 legislation in an article that he wrote for *Cumhuriyet* newspaper. Dorsay remarked that the requirements forcing filmmakers to bring all the reels to the censors, as well as mandating the presence of a police officer at all shootings, were “sheer fascist exploits.” He further emphasized the absence of representatives from the film industry in any of the censorship committees and criticized the language of the legislation as inviting “open-ended” interpretations that would be manipulated by the “unfortunate coalition government.”¹³

In 1983, the legislation was revised and reissued according to the ideology of the oppressive post-coup government. Under the section entitled “Objective,” the main goal of the regulation was described as “prohibiting the production and public screening of films that would jeopardize the safety of citizens and policies of the government, offend nationalistic sentiments and qualify as detrimental to morals.”¹⁴ When ANAP (The Motherland Party), a center-right neoliberal party, came to power after the elections in 1983, the government began paying closer attention to the concerns and needs of the film industry and passed a new law in 1986: the Law on Cinema, Video and Musical Works. The Minister of Culture and Tourism at the time, Mükerrer Taşçıoğlu, made an important statement about how this new legislation would separate the notion of supervision from that of police intervention and censorship.¹⁵ The new law introduced sub-commissions that would act as proto-supervision units. These commissions would include two representatives from the Ministry of Culture and a representative from the film industry. The films would be sent to a higher Supervision Committee if the sub-commission required it. This Supervision Committee would also include representatives from voluntary professional organizations and film producers, in addition to bureaucrats. However, despite these changes in the structure and the names of the committees, the law remained as focused as before on the protection of the State and an image of national unity. The content of the law underwent a reform in 2004, when the Legislation on the Assessment and Categorization of Films was passed as part of European Union accession negotiations. The new legislation declared that the objective of the revisions was “to ensure that individuals and the society benefit from what cinema art has to offer” and “to provide support for every aspect of the industry.”¹⁶ Such a drastic turn from the state to the public and from securing abstract ideologies to protecting the individual is noteworthy. In addition, a rating and labeling system based on age restrictions was implemented according to the standards recommended and utilized by other EU members. This new legislation asserted that foreign films that were imported for festivals, special art events and competitions would be monitored and rated by the organization committees of these events, unless they were to circulate as merchandise.¹⁷ Still, the past ten years have witnessed several nationwide conflicts on this topic that eventually became subject to international debates about freedom of speech in Turkey.

¹³ Dorsay, Atilla. “Faşist Sansüre Karşı Duralım.” *Cumhuriyet*, October 7, 1977.

¹⁴ “Filmlerin ve Film Senaryolarının Denetlenmesine Dair Tüzüğü Yürürlüğe Koyan Bakanlar Kurulu Kararı.” *Resmi Gazete*, December 2, 1983. 5-10.

¹⁵ “Sansür Yerine Denetim.” *Cumhuriyet*, October 17, 1986.

¹⁶ “Sinema Filmlerinin Değerlendirilmesi ve Sınıflandırılması ile Desteklenmesi Hakkında Kanun.” *Resmi Gazete*, July, 21, 2004.

¹⁷ Ibid.

In 2014, Reyan Tuvi's documentary *Yeryüzü Aşkın Yüzü Oluncaya Dek (Until the Earth's Face Becomes Love's Face)* was removed from the regular program of the 51st Antalya Golden Orange Festival by the festival organization committee, on the grounds that the documentary, which was about the 2013 Gezi protests, could violate Article 125 (attacking the reputation of another via insults) and 299 (insulting the president) of the Turkish Penal Code. Thirteen out of fifteen participants who were scheduled to show their works in the documentary section withdrew their films to protest the incident, and their collective action resulted in the festival committee's ultimate decision to cancel the category. No formal decision was issued by the Assessment and Categorization Committee against the showing of the film, and the film was removed by the festival organization committee based on the evaluation that it included dialogue and subtitles that would be held against the producers under the Penal Code; not under the festival film classification requirements of the 2004 legislation.¹⁸ Since, according to the same Penal Code, individuals who felt insulted or threatened by a public claim had the right to take their grievance to the courts, the festival committee's decision was seen as unnecessarily *preventive* and *self-censoring*; and the discussion turned into a deeper debate about whether preventing harm to an individual could be regarded as a valid reason to put restraints on the liberties of other individuals, mainly the right to collective spectatorship.

In 2015, dozens of Turkish and international filmmakers withdrew their works from the Istanbul International Film Festival in protest over the removal of a documentary from the program by the Ministry of Culture. *Bakur (North)* was the first documentary set in the camps of the PKK (Kurdistan Workers' Party) in Turkey. The film had been scheduled in the program of the 34th Istanbul International Film Festival but the festival administration canceled the screening upon receiving a letter from the Ministry of Culture and Tourism on the same day.¹⁹ The letter reminded the festival committee about the absence of a registration document for *Bakur*, but it did not directly censor the screening, nor did it indicate any restrictions. However, according to the interviews with festival employees, police officers came to inspect the venue before the scheduled screening and advised the organizers against screening the documentary "for security reasons."²⁰ After the incident, all long feature filmmakers and the entire jury withdrew from the festival. According to a report published by the research organization *Siyah Bant*, the ambiguity about the registration document requirement created grey areas out of which emerged indirect or self-censorship at various festival screenings since 2004.²¹ The most recent of these incidents that the report did not cover occurred in February 2017 at the !f Istanbul Independent Film Festival. A short film entitled *The Last Schnitzel*, which takes place in a fictional country in the distant future, applied for an Official Registration Certificate at the Istanbul Copyright and Cinema Office in accordance with the legal obligations.

¹⁸ Başyigit, Veli. "Türkiye'de Film Festivalleri ve Sanatta İfade Özgürlüğü." Siyah Bant. June 3, 2016. http://www.siyahbant.org/wp-content/uploads/2012/01/SiyahBant_Rapor_Film-Festivalleri_2016.pdf.

¹⁹ Ibid., 4.

²⁰ Ibid., 16.

²¹ Ibid., 14-18.

The producers received a response a week before the screening date from the Assessment and Categorization Committee. The report requested that the producers delete some scenes from the movie and resubmit the revised version for approval. The producers refused to compromise the totality of their work and instead withdrew the film from the festival.²²

These incidents demonstrate that the main concern for the censors and regulation committees in 21st century Turkey remains the protection of the government, its officials and its ideology. More importantly, these enforcements do not only account for a disconcerting lack of transparency in policy-making; they also inflict upon the filmmakers, as well as the public, the inevitable acceptance of self-censorship. The fact that Turkey was not able to shake off the early republican fears of internal and external danger to the state even in the 21st century might have well-rooted political and historical dimensions. Yet from the standpoint of universal rights, the emphasis should lie on promoting freedom of expression and the collective right to spectatorship.

3. Resistance

Since the early 1950s there have been several collective actions to condemn government intervention and censorship in Turkey. Most of these attempts continuously underlined the inefficiency and verbal ambiguity of the existing laws and called for thorough revisions.²³

Siyah Bant is a recent initiative started by a group of academics and intellectuals to fight censorship, but more importantly, to document every case that the mainstream press does not (or is not allowed to) report. Thus, their website, which is the only outlet they use, presents various undocumented cases of indirect censorship that took place through bullying, alienating or assaulting artists and producers. For example, one of the most recent case reports is about the removal of Ahmet Güneştekin's artwork from the entrance of a shopping mall upon receiving negative reactions from the public in the Ataköy district of Istanbul. Another section lists all the arts events, including large-scale biennales and festivals that are canceled without providing the public with detailed information. *Siyah Bant* only focuses on post-2000 incidents, but they welcome research and academic articles on any aspect of censorship in Turkey. The website does not make any conclusive remarks as to whether these incidents can be categorized under "censorship"; it only aims to increase awareness and transparency about freedom of expression and freedom of speech. In the "About" section of the website, they describe their interpretation of censorship in Turkey in the 21st century as follows:

While freedom of expression, international human rights conventions and the constitution of Turkey are democratically indispensable conditions, restrictions are imposed and censorship practices are legitimized by claiming the protection of national security and public order. Because of the verbal ambiguity of the regulations, their interpretation depends on the ideological preferences of the practitioners, which lead to arbitrarily occurring censorship incidents.

²² "Haluk Bilginer'in Filmine 'Başkanlık' Sansürü." *Evrensel*. February 16, 2017. <https://www.evrensel.net/haber/308482/haluk-biginer-in-filmine-baskanlik-sansuru>.

²³ On July 5, 1960, the Domestic Film Producers Society, the Society of Filmmakers and the Cinema Workers and Turkish Film Producers Society issued a comprehensive evaluation report. The report had important recommendations including faster inspection periods, inclusion of film professionals in the committees and the shifting of the central power from the Ministry of Internal Affairs to another institution. Korkmaz, Asiye. *Türk Sineması ve Devlet* 45-55.

As can be gathered from their statement, *Siyah Bant*, as a voluntary organization, stresses the problematic nature of the subjective interpretation of existing regulations. Under the given circumstances, their focus on incidents of indirect or self-censorship is effective from the perspective of raising awareness. Yet creating awareness among law-abiding citizens does not necessarily result in the reconsideration of legislation by lawmakers. “What can be done to protect the individual’s rights when the national law contradicts the humanistic norms of justice?” still remains a question that needs to be addressed by referring to a supranational legislative model. For a comparative analysis, we shall now turn to how rating and categorization systems are administered and supervised in a country where the most recent classification regulations are similar to those of Turkey: France.

4. Comparisons: France and Turkey

The history of film censorship and supervision in France has also been largely determined by the political climate, propaganda events and concerns about protecting minors since the early 20th century. Albeit a more lenient model based on classification, the current legal structure concerning film regulation in France resembles that of Turkey. A Committee of 25 members including representatives from several ministries, representatives from the film industry, members who professionally represent issues about children and youth, members aged between 18-25, representatives for the disabled and representatives from related NGOs approve all the films to be shown in the country.²⁴ Before this main Committee, a sub-committee of six members previews the films and drafts reports that include classification recommendations. If a film is classified as suitable for the general public and if the Culture Minister approves, it does not need to be viewed by the Committee. If the sub-committee decides that a film needs to be classified in a category other than for the general public, then the Committee views the work to rate it for one of the other age categories. The final decision has to be viewed and approved by the Culture Minister based on these recommendations. Protection of youth against perceived threats to morality has been a major concern of the Committee since its inception. In France, existing regulations are interpreted in the light of the viral prevalence of films and videos of all categories of violence and sexuality. Thus, the liberal state recognizes the feasibility of public access to materials that might be morally detrimental and ideologically diverse. It therefore acts as an organ to supplement the individual’s reasoning process to determine whether a film’s content could disturb or harm them or their children. To summarize, the objective is not to protect some entity that ranks higher than the citizens by taking away the citizens’ rights, but to facilitate the citizens’ decision-making process.

5. Conclusion

In an age when the word “access” takes on multiple meanings; when Iranian film director Jafar Panahi, who is banned from filmmaking in his country, smuggles his documentary from Tehran to Cannes in a flash drive hidden inside a birthday cake;

²⁴ "The CNC's Responsibilities," Centre National de la Cinématographie. Accessed March 2016. www.cnc.fr.

the pressing urge to draw attention to film censorship in Turkey is symptomatic of the nation's strict liberal nationalist policies. With this approach, freedom of expression and the individual's right to spectatorship become problematically subservient to an abstract national identity, meaning that one should watch and express what lawmakers deem good for one's fellow citizens. Therefore, the problem is no longer centered on the question of "who should have the right to see or show films," but rather on a question of what it is that an individual or a group does not want others to see – which is all the more provocative, since an individual who is not given the right to spectatorship by a government might easily have access to the same artwork elsewhere.

In her influential philosophical work on cosmopolitanism and nationalism, *Another Cosmopolitanism*, political philosopher Seyla Benhabib writes, "A fundamental challenge for our time is the construction of a jurisprudential theory able to reconcile the universality of human rights with the partiality of positive law."²⁵ Indeed, man-made national laws that must be authoritative in their appeal to the sustainability of bounded communities often disregard the process through which the principles of human rights can be progressively incorporated into positive law. As a result, *governments* make legislation, but *democratic regimes* push against it when times change, ideally creating a dynamic process of revision. This study demonstrates that the primary issue for film censorship in Turkey is precisely the absence of such a process of resonance and revision.

Individuals who are trapped in democracies in which lawmakers "place love of country ahead of love for mankind" should be able to appeal to supranational institutions to transcend liberal nationhood.²⁶ Thus, this paper recommends the establishment of an Advisory Committee as part of the Council of Europe with the prerogative to act as a "soft" controlling force for all film screenings at international film festivals. The Council of Europe, currently consisting of 47 members and 5 observer states, sets its primary value as "advocating freedom of expression and of media, freedom of assembly, equality, and the protection of minorities."²⁷ The proposed committee will serve more effectively if it is established as part of the Council's Eurimages Fund, a cultural support fund that was established in 1989 to promote independent filmmaking and encourage cooperation between professionals in different countries. Eurimages is responsible for three support programs for co-production, distribution and exhibition. Both distribution and exhibition support schemes are especially important for Turkey, since it is one of the member states that do not have access to support from the Council's main financial sources in these areas.

The main goal of the committee under Eurimages would be to support filmmakers whose works were directly or indirectly censored by national or local authorities at international film festivals. This Advisory Committee would furthermore work to

²⁵ Benhabib, Seyla, Jeremy Waldron, Robert Post, Bonnie Honig, and Will Kymlicka. *Another Cosmopolitanism*. New York: Oxford University Press, 2010. 3.

²⁶ *Ibid.*, 17.

²⁷ "Values: Human Rights, Democracy, Rule of Law," *Council of Europe: Eurimages*, <http://www.coe.int/en/web/about-us/values>.

find or create other international outlets where those works could be displayed and/or distributed. The current national representatives of Turkey at the Eurimages Fund are consultants who are affiliated with the Turkish Radio and Television Corporation (TRT), the national public broadcaster of Turkey.²⁸ Alternatively, the Advisory Committee would consist of representatives from member states who are elected from among non-governmental consultants and/or nonpartisan academic or legal experts.

The Advisory Committee will recognize that member nations have not reached (and might never reach) a consensus on the possible content of international norms of justice because of their national, religious and moral differences. Yet, forming such a supranational Advisory Committee where issues related to freedom of speech would be researched and discussed by paying close attention to the local circumstances that gave rise to them is itself a step towards understanding what international rights might entail in today's world.

The Advisory Committee will also:

- i) intensify the effectiveness of networks among filmmakers and festival participants (including the audience) in member states;
- ii) issue detailed reports of any local censorship incident during festivals or regular film screenings with the help of local research organizations such as *Siyah Bant*;
- iii) create additional funding to generate public discussion forums on censorship at the sites of international film festivals by establishing a transnational fund that would accept donations from non-governmental sponsors only;
- iv) provide advising to enhance the entrenchment of human rights and freedom of expression in the making of regional and national policies regarding film censorship, and
- v) create a permanent shift from local police control at international film festivals to self-regulating supervision by the appointed, nonpartisan members of the Advisory Committee in the long run.

Cosmopolitan norms of justice maintain that there needs to be “an acknowledgment of some notion of common humanity that translates ethically into an idea of shared or common moral duties toward others.”²⁹ If authorities believe in the power of art, and fear that it could do evil to other human beings, then it is not the films, but this notion of common humanity that they condemn when they censor, because art inevitably appeals to a common notion of humanity. A good policy, therefore, should not only address the issue of granting access to an artwork, but also acknowledge the shared moral duties that any artwork might reveal to its audience.

²⁸ “National Representatives.” Eurimages – European Cinema Support Fund. http://www.coe.int/t/dg4/eurimages/About/NationalRepresentatives_en.asp?country=Turkey.

²⁹ Held, David, and Garrett Wallace. Brown. *The Cosmopolitanism Reader*. Cambridge: Polity Press, 2015. 1.

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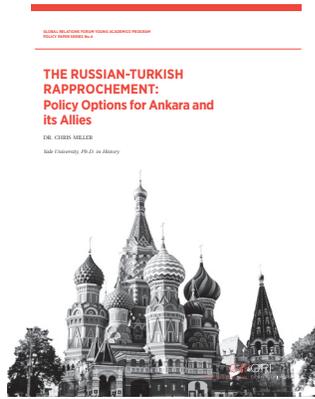
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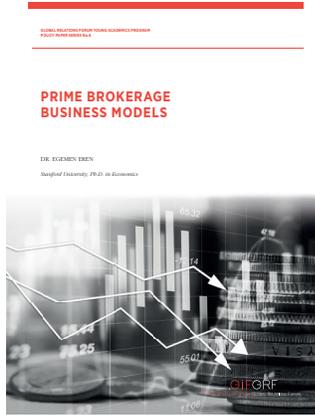
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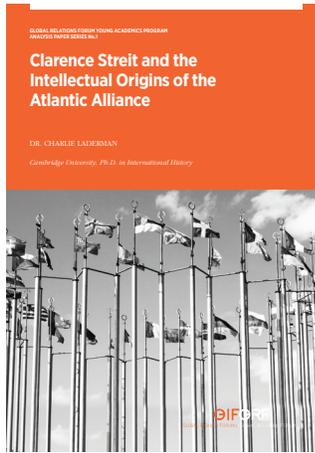


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